

REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 12 MARCH 2020

SCOTLAND'S LOW EMISSION ZONES: CONSULTATION ON REGULATIONS AND GUIDANCE

1 Reason for Report / Summary

- 1.1 This report details Aberdeenshire Council's response to the consultation on regulations and guidance for Scotland's Low Emission Zones (LEZ).

2 Recommendations

The Committee is recommended to:

- 2.1 Acknowledge Aberdeenshire Council's response submitted under delegated powers and following consultation.**

3 Purpose and Decision Making Route

- 3.1 The Scottish Government is supporting local authorities to introduce Low Emission Zones into the four biggest Scottish cities by 2020. Through the Transport (Scotland) Act 2019, the legislation provides the framework to create nationally consistent LEZs. A ruleset must now be established around substantive issues such as emission standards, exemptions, the enforcement regime and the setting of penalty charges.

4 Discussion

- 4.1 The [consultation](#) gave the opportunity to make comment on the possible challenges and impacts of introducing Low Emission Zones.
- 4.2 As this consultation was relevant to several services across the council, it was decided that officers' views would be collated by the Corporate Policy and Strategic Community Planning Team. The questions were emailed on 9th January 2020, with a deadline of 5th February 2020. Responses were collated prior to the submission closing date of 24th February 2020.
- 4.3 Responses were received from the council's Sustainability and Climate Change team, Transportation team, and Finance team. The collated response is shown in **Appendix 1**.
- 4.4 As specified by the Scheme of Governance, due to the timelines of Infrastructure Services Committee meetings, the draft response, which had been approved by the Head of Service (Transportation), was sent to

the Chair, Vice Chair, and main Opposition Spokesperson of Infrastructure Services Committee for review and approval. The response was approved for submission by both Vice Chair and Director of Business Services via delegated powers and submitted on the response deadline of 24th February 2020.

- 4.5 In summary, Aberdeenshire Council highlighted concerns that polluting vehicles shouldn't just be moved, along with the emissions problem to those areas just outside of the LEZ and that the cost of changing vehicles to being compliant for the LEZ shouldn't be passed on unfairly e.g. to bus passengers. Views were also given on exempt vehicles and the penalty charge structure.

5 Council Priorities, Implications and Risk

- 5.1 This report is most relevant to the following two Council Priorities:

- Protect our special environment, including tackling climate change by reducing greenhouse gas emissions
- Have the best possible transport and digital links across our communities

- 5.2 The table below shows whether risks and implications apply if the recommendation is agreed.

Subject	Yes	No	N/A
Financial		x	
Staffing		x	
Equalities		x	
Fairer Scotland Duty		x	
Town Centre First		x	
Sustainability		x	
Children and Young People's Rights and Wellbeing		x	

- 5.3 An equality impact assessment is not required because this is a response to a consultation and does not have a differential impact on any of the protected characteristics.

- 5.4 The following risks have been identified as relevant to this matter on a Corporate Level:

ACORP002

Changes in government policy, legislation and regulation - this is controlled through COSLA membership, SOLACE membership and membership of professional bodies at both corporate & individual level.

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 Infrastructure Services Committee are able to note this report in terms of Section F3.2 of Part 2 A - List of Committee Powers in the Scheme of Governance.

Chief Officers can submit a Council response to an external consultation on any policy matter, according to Section A22 of the List of Officers Powers in Part 2B of the Scheme of Governance, where the timescale for responding does not permit an opportunity for approval by the appropriate policy committee.

Any response submitted under this delegated power shall be made following consultation with the Chair and Vice Chair and main Opposition Spokesperson of the appropriate policy committee, where possible, and must be reported to the next committee meeting.

Stephen Archer
Director of Infrastructure Services

Report prepared by: Erin Wood, Policy Officer, Corporate Policy and Community Planning Team, 24th February 2020

List of Appendices

Appendix 1 – Aberdeenshire Council Response

APPENDIX 1

ABERDEENSHIRE COUNCIL'S RESPONSE TO "SCOTLAND'S LOW EMISSION ZONES – CONSULTATION ON REGULATIONS AND GUIDANCE" February 2020

1: Do you agree with the proposed present-day emission standards for Scottish LEZs? If not, why not?

Yes, general agreement

2: What are your views on Scotland making a transformative shift to zero or ultra-low emission city centres by 2030? Please be as specific as possible in your reasoning.

We agree in principle with this ambitious vision. In order to create the necessary behaviour shift required to reach Scottish Climate Change targets then initiatives like this would be important. Decisions would have to ensure that the movement of more polluting vehicles does not shift into areas outwith the 'city centre' boundary increasing social deprivation and merely moving the problem somewhere else. In order to not 'cut-off' city centres investment would be required in zero or ultra-low emission public transport that would improve the city centre experience for most.

Achieving this target is dependent on market availability of sustainable, fit-for-purpose vehicles that are comparable to diesel in cost and usability.

Difficulties may arise in the case of buses/coaches given the normal 'life-cycle' of such vehicles and, therefore, it is imperative that future emission standards are agreed at the earliest opportunity and that account is taken of the impact of current/short term vehicle investment strategies.

The shift requires to be made, but need to be conscious of barriers, especially cost.

3: Which of the proposed national LEZ exemptions do you agree with? Please be as specific as possible in your reasoning.

Emergency vehicles - all until comparable vehicle to diesel/petrol are available
Military vehicles - All specialist but alternatives should be considered for these vehicles doing short journeys between bases.

Historic vehicles - Possibly difficult to retrofit compliant engines/systems and would destroy vehicle heritage

Vehicles for disabled people

4: Are there any other LEZ exemptions you would propose? If so, what should these exemptions be and why?

No. It is imperative that the number of exempt vehicles are minimised in order to achieve the necessary benefits.

5: Do you agree with the proposed base level and subsequent tiers of penalty charges for each vehicle type as outlined in Table 5? Please explain your answer.

The penalty charges have to be high enough for businesses to not see it as a cheaper approach to changing their fleet completely. One way to approach this would be to include a steep penalty for repeat offenders.

A suitable grace period is required for compliant vehicles to become available and cost effective in the bus/coach/large goods vehicle sector.
A penalty charge regime, based on a surcharge model, would appear sensible providing a fairer and potentially more effective methodology than that outlined in table 3.

6: Which surcharge 'curve' in Figure 1 represents the best approach to designing a surcharge?

Graph 2 received the most support from council officers.
It is felt to be a fair methodology and the proposal would appear to have to benefits in terms of both deterrence and in terms of communicating to the public the penalties of non-compliance.

7: How should the surcharge approach be applied in order to discourage non-compliant vehicles from driving within a LEZ?

Suggestions include:

- Penalty Charge Notices should increase by 50% for each contravention with no time period i.e. the 28 day period
- Tiered with a steep rise based on frequency of non-compliance

8: How many days should lapse before a registered keeper of a vehicle returns to the base tier of the penalty charge?

The general consensus is that the proposed 28 day rule commencing on the issue of the first Penalty Charge Notice would appear reasonable.
However, there was comment that if you really want behaviour change it should be the same as penalty points on a driving license, so at least 1 year.

9: Do you agree with the general principles of the LEZ enforcement regime? If not, why not?

Generally agree, but the following statements made:

- We need to make sure that the technology involved is energy efficient and future proof therefore not contradicting action on climate change mitigation and adaptation.
- The issuing of a Penalty Charge Notice should be within 14 days not 28
- Understanding that difficulties have arisen in the London LEZ in relation to coaches which have been retrofitted to meet Euro VI emission standards - it would seem imperative that a robust database of vehicles is used as the basis of the enforcement regime.

10: What are your views on the proposed list of 'other persons' that local authorities must consult with on their LEZ plans?

The list seems to be fair and representative and the proposals appear robust in regard to consultees.

11: If a LEZ scheme review was undertaken, what elements would you expect the review to investigate and how would the review ensure transparency and accountability?

Suggestions as follows:

Number of contraventions during the period of the review.

Reduction in contraventions since introduction of LEZ and trend figures.

Reduction in emissions in the LEZ along with improved air quality figures.
Traffic reduction figures since introduction.
Change in vehicle type entering LEZ.
Have emission levels risen in neighbouring areas?
Does the LEZ need expanding?

12: What secondary objectives should be created for LEZ schemes? Please be as specific as possible in your reasoning.

Suggestions as follows:

Modal shift - removing vehicles from our town and city centres

Congestion - support the reduction of traffic

Promote zero emission public transport only in LEZs

Availability of public transport - both in terms of cost and location

In terms of the listed secondary objective guidance "Support the introduction of bus prioritisation measures..." should be widened to include any measures which encourage the use of bus services and not be restricted to bus lanes/bus gates/traffic light priority/etc e.g. Park and Ride schemes may be effective.

13: Do you agree with the steps outlined in Figure 2 for enabling a LEZ scheme to come into effect? If not, why not?

Yes, very comprehensive and allows for consultation and review by appropriate stakeholders, however, under the flow-chart if a scheme re-design is required there is no allowance for further consultation - if the scheme re-design is significant this could undermine public and stakeholder acceptance.

14: How can local authorities maximise the technological opportunities available from the deployment of approved devices?

Suggestions below:

- The technology developed and used should definitely be multifunctional to maximise energy efficiency opportunities.
- Air quality monitoring
- Traffic flow congestion
- Vehicle category entering LEZ e.g. bus, LGV, ULEV
- By working with industry to ensure maximum is gained from the new technology in terms of usage and lifespan of tech.

15: What positive or negative impacts do you think the LEZ proposals outlined within this consultation may have on:

(a) particular groups of people, with particular reference to 'protected characteristics'

Impacts as follows:

There are probably lots of examples of individuals who will be impacted by this scheme. One example would be delivery roles which may be contracted, for example a man and a van and how the cost burden could impact their business and understanding if they fall under the categories mentioned above. There is a possible negative impact on disabled groups. By restricting ability to travel in the areas if non-compliant vehicles are available, bus/taxi fares may be increased.

From a public transport perspective, the implementation of an LEZ is likely to have a neutral or positive impact on protected groups, but with one potential exception being if bus fares rise in order to recoup investment in new or upgraded vehicles. Such a scenario would also impact negatively on people facing socioeconomic disadvantage. The implementation of an LEZ may also result in bus operators redeploing vehicles to services which operate wholly outwith the LEZ, to the detriment of protected groups and others in these areas, through a reduction in vehicle quality and potentially increased vehicle emissions in these areas.

Health benefits should be the main positive impact.

16: Do you think the LEZ proposals outlined within this consultation are likely to increase, reduce or maintain the costs and burdens placed on business sectors? Please be as specific as possible in your reasoning.

There will definitely be initial cost increases and so there should be support and incentives made available to get businesses engaged in the opportunities. Costs to local business may initially increase if delivery companies pass on the cost of penalty charge notices until they have compliant vehicles.

Local authorities will be faced with set up costs although funding and income from the penalty charge notices may offset some of this.

17: What impacts do you think the LEZ proposals outlined within this consultation may have on the personal data and privacy of individuals?

Personal data including:

- Name & address, bank details if payment of penalty charge notice on-line
- Travel/journey data

18: Do you think the LEZ proposals outlined within this consultation are likely to have an impact on the environment? If so, which ones and how? Please be as specific as possible in your reasoning.

There should, in theory, be a positive impact on the environment in terms of both reducing harmful vehicle emissions and, through the introduction of more modern vehicles, a reduction in fuel consumption, but again the programme needs to ensure that it does not simply push the problem somewhere else.

An improvement in air quality in the towns and cities should be achieved but need to ensure the pollution does not just move from one area to another which could have a negative effect on residential streets.

To achieve significant benefits it is, however, imperative that LEZs encompass all types of vehicle and not just buses/coaches, given that overall buses/coaches do not represent the greatest 'polluters' when compared to cars, vans and HGVs. Buses also provide a potential 'solution'.

19: Do you have any other comments that you would like to add on the Scottish Government's LEZ proposals outlined within this consultation?

No other comment.