

Friends of the Earth Scotland is Scotland's leading environmental campaigning organisation. We are an independent Scottish charity with a network of thousands of supporters and active local groups across Scotland, as well as part of the largest grassroots environmental network in the world, uniting over 2 million supporters, 73 national member groups, and some 5,000 local activist groups. More information can be found at www.foe.scot.

Key points

Friends of the Earth Scotland is calling for MSPs to support the Transport Bill, acknowledging the potential it has to cut air pollution and improve health in Scotland.

However, at later stages the Bill should be strengthened to include:

- A clear objective for low emission zones, recognising that LEZ are essential public health interventions
- Shorter grace periods for low emission zones, and an improved balance of powers between central and local government – creating national consistency with local flexibility
- Powers for local authorities to run bus companies on competitive routes
- Other powers which will improve transport and reduce emissions - such as the workplace parking levy

The need to improve our air quality

Scotland's transport sector is our leading contributor to both greenhouse gas emissions¹ and air pollution.² With the right amendments, the Transport (Scotland) Bill provides the opportunity to improve air quality while delivering the benefits of a modal shift from the car to public transport, and walking and cycling.

This would simultaneously increase our efforts to deliver on the Paris Agreement, while tackling one of our greatest public health challenges – air pollution, which is primarily from transport and is responsible for **the early deaths of 2,500 people in Scotland each year**.³

We welcome the REC committee highlighting in the stage one report that *“there is an urgent need to address the environmental issues around poor air quality given their impact on public health.”* In January 2019, Friends of the Earth Scotland research revealed **that 7**

¹ <https://www.gov.scot/publications/scottish-greenhouse-gas-emissions-2016/pages/3/>

² Scottish Government, “Scottish Greenhouse Gas Emissions 2016” (Published June 2018), <https://www.gov.scot/Publications/2018/06/6601>

³ <https://foe.scot/press-release/new-research-means-2500-deaths-a-year-in-scotland-are-from-air-pollution/>

sites in Scotland are still exceeding air quality legal limits, nearly ten years after the limits were implemented⁴⁵.

We need to change the way we travel, making it easier for people to use sustainable forms of transport.

Low Emission Zones

Shorter ‘grace periods’

Throughout the Bill's lifetime, Friends of the Earth Scotland has consistently argued that the ‘grace periods’ set out in the Bill are too long. Allowing 2-6 years of delay until a LEZ comes into effect means 2-6 more years of pollution for people living in Scotland, and condemns us to **failing in our previous goal** of having LEZs in Scotland's four largest cities by 2020.

These concerns about the long implementation periods have only been intensified by the delays the Bill has already faced, and the proposed further delays at stage two. If the Bill comes into effect in 2020, and a LEZ is introduced

⁴ <https://foe.scot/scotlands-most-polluted-streets-in-2018/>

⁵ Page 30/44. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0050&qid=1455033222658&from=EN>

with a 6 year 'grace period', by the time it is in effect in 2026 it would only affect petrol cars which were over 22 years, and diesel cars which were 12 years or older. The proposed timescales raise serious questions about what, if any, impact the LEZ legislation would have that wouldn't take place with natural turnover of the national fleet.

Given 2,500 people die early in Scotland each year from air pollution, this health crisis needs faster action.

Friends of the Earth Scotland encourages MSPs to support moves to remove the minimum 'grace period', and shorten the maximum 'grace period'.

National standards with local flexibility

To effectively tackle air pollution, and improve public health, the Bill must deliver low emission zones which are consistent enough to be widely understood, whilst also giving local authorities enough flexibility to meet local needs.

The REC committee are right, in the stage one report, to call for "*a national minimum technical emissions standard for vehicles which can enter a LEZ.*" However, it's crucial that this is explicitly a **minimum** standard - giving local authorities the power to go beyond these standards in areas where air quality is particularly dangerous. Setting minimum standards nationally would enable local authorities to create targeted schemes like London's "ultra-low emission zone", to tackle pollution hot spots, whilst maintaining national consistency.

Friends of the Earth Scotland encourage MSPs to support amendments at stage two which create minimum national standards while giving local authorities the powers to go beyond this to tackle specific air pollution problems.

Other considerations

The current list of mandatory consultees for the establishment of a LEZ is skewed disproportionately towards motorists.

LEZs are a public health intervention, and must be implemented as such. This means including our NHS, patient groups,

and community groups in the development of the zones, as well as other road users such as cyclists and pedestrians as consultees on the face of the Bill. We would encourage MSPs to support amendments addressing this imbalance.

Given the wide-ranging they can have, there is a need for LEZs to have a legislated aim. Recognising the health crisis that air pollution presents, the Bill should make clear that LEZs exist to deliver 'continual improvements in air quality'. This would ensure that, as opposed to any hard objective like legal compliance, we continually strive to reduce pollution - recognising that **there is no safe level of exposure to PM2.5**⁶, particularly for the elderly, children, and those with existing health conditions.

As LEZ policy spans local and national government, to avoid LEZs becoming politicised powers to review the performance of a scheme should lie with an independent body like the Scottish Environmental Protection Agency, rather than local or national government. This is similar to the LAQM approach under the Environment Act section 85.

As Scotland's car fleet changes, particularly as we approach the Government's commitment to **removing the need for fossil fuels vehicles by 2032**, it would be sensible to legislate for a periodic review of emissions standards in the Bill, to ensure only the cleanest vehicles are entering LEZs.

We would encourage MSPs to support amendments addressing the above issues.

Expanding local authority bus ownership

Improving Scotland's bus network will deliver improvements across a number of policy areas - opening up economic opportunities for people on low incomes, tackling the effects of transport pollution

⁶ <https://www.nhs.uk/news/lifestyle-and-exercise/safe-levels-of-air-pollution-could-still-be-harmful/>

on health, and reducing greenhouse gas emissions.

Under the current model of largely private ownership, the bus network has become patchy, expensive, and only adequately serves the busiest of routes, leaving many people with no public transport options. Local authority ownership has potential to provide a solution to this - meaning profits are reinvested in improving the service.

As it stands, however, the Bill sets local authorities up for failure by only allowing them to run routes which private operators have deemed unworkable. We welcome the stage one report's recommendation to change this by amending the Bill to provide "*greater flexibility to local authorities in their ability to provide local bus services*". Revenue from these routes could then subsidise less lucrative routes, providing a joined-up network, or be put into improving the emissions standards on any buses.

Friends of the Earth Scotland would encourage MSPs to support amendments which allow the full municipal ownership of bus companies by local authorities.

Workplace Parking Levy

Friends of the Earth Scotland has a long history of campaigning for a Workplace Parking Levy, giving Scottish councils access to the same powers that councils in the rest of the UK have. Introducing a WPL would be good news for city councils who want to reduce congestion, tackle air pollution, and raise funds for sustainable transport options.

If the proposed amendment mirrors the UK Government's enabling legislation⁷ - which has proved a huge success in Nottingham⁸ - then many of the myths and misconceptions about this policy can be addressed. The legislation gives councils a wide range of levers in introducing the

policy, taking into account area of the city, hours of operation, and vehicles included.

Friends of the Earth Scotland has produced a full briefing on the benefits of the workplace parking levy⁹, and would encourage MSPs to engage in constructive dialogue in order to support a WPL amendment at stage two.

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<https://www.legislation.gov.uk/ukpga/2000/38/part/II/chapter/II>

⁸ <https://bettertransport.org.uk/blog/better-transport/winning-policy-nottinghams-workplace-parking-levy>

⁹ <https://foe.scot/resource/workplace-parking-levies-briefing-feb-2019/>