

Improving the Transport Bill

A stage 2 briefing by Friends of the Earth
Scotland

3rd June 2019



Friends of the Earth Scotland supports the aims of the Transport Bill, particularly the ambition to cut air pollution, in turn improving health and reducing greenhouse gas emissions.

Air pollution causes 2,500 early deaths in Scotland each year¹. In January 2019, Friends of the Earth Scotland found 6 test sites in Scotland² where air pollution levels breached legal limits, and more sites with dangerously high levels of pollution.

Breathing in toxic fumes increases the risk of having a heart attack, stroke, or cancer. Vulnerable groups, such as children and the elderly, are at higher risk. Studies have shown a link between exposure to nitrogen dioxide and children's lung development. Air pollution can also cause developing foetuses to fail to grow to their full potential³.

Transport is the Scotland's largest source of greenhouse gas emissions⁴, with emissions unchanged since 1990⁵. Given Scotland's proposed new targets to reduce emissions to net zero by 2045 and reduce emissions by 70% by 2030⁶, it's clear we need urgent action on transport.

The Transport Bill should provide near-term improvements to health in Scotland, while supporting long-term modal shift. To achieve these aims, the Bill needs to make the amendments as set out below.

In brief: For the reasons set out in this briefing, FoES encourages committee members to vote, in the order they'll be voted:

For amendments:

220
43,
44, 45, 46, 47, 48, 192, 193, 194, 195, 196, 197
201,
224, 225
53, 54, 55
58
60
206, 209
227
212
65
228, 229
67 (or, if this falls, 68)
253, 254

Against amendments:

32
34
2
30, 31
186, 187
35, 36, 37, 38, 191, 198
199, 200
49, 50
51, 52
226
203
3
205
62

¹ <https://foe.scot/press-release/new-research-means-2500-deaths-a-year-in-scotland-are-from-air-pollution/>

² <https://foe.scot/scotlands-most-polluted-streets-in-2018/>

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

⁴ <https://www.transport.gov.scot/media/44207/sct01193326941.pdf>

⁵ <https://www.transport.gov.scot/media/44207/sct01193326941.pdf> P.221

⁶ <https://www.gov.scot/news/climate-change-action-1/>

Section 1: Low Emission Zones

Grace periods which tackle the urgent health threat of air pollution

Friends of the Earth Scotland encourages committee members to

- Vote **for** amendments 53, 54, and 55

2,500 people die early in Scotland each year from air pollution⁷, and the transport sector continues to be Scotland's highest emitter of greenhouse gases⁸. This is a health crisis that needs faster action, and a key part of our climate change plans.

Waiting up to 6 years for a LEZ to come into effect, as the Bill proposes, means up to 6 more years of pollution for people living in Scotland, and 6 years of unchanged transport emissions. Not only does this do nothing to contribute to our new climate change targets, but it condemns us to failing in our previous goal of having LEZs in Scotland's four largest cities by 2020.

Concerns about the long implementation periods have only been intensified by the delays the Bill has already faced. A 6-year grace period would see a LEZ come into effect in 2026, which would only affect petrol cars which were 22 years or older, and diesel cars which were 12 years or older. The current proposed timescales raise serious questions about how effective a LEZ will be if delayed so significantly, and what they will achieve that natural fleet turnover wouldn't.

Friends of the Earth Scotland would encourage committee members to **vote for amendment 53**, which would give councils greater flexibility to decide when their LEZ came into effect. This is particularly relevant given the delays that the Bill has faced, and the progress already made in a number of Scotland's cities.

Friends of the Earth Scotland would encourage committee members to **vote for amendments 54 and 55**, which would ensure the numerous benefits of LEZs, particularly health benefits, are realised sooner. Even with a 4 year grace period, by the time a LEZ is fully implemented, only petrol cars at least 20 years old, or diesel cars at least a decade old, would be restricted.

Safeguarding LEZs from politicisation

Friends of the Earth Scotland encourages committee members to

- Vote **against** amendments 35 to 38, 186, 187, 191, 198, 199 and 200

As a significant health and environmental intervention, which has a wide reaching long-term objective, it's important to maintain a level of consistency in low emission zones. The Bill as written provides this by requiring ministerial scrutiny over decisions to create, amend, and revoke low emission zones - meaning two layers of democratic oversight underpinning every LEZ.

⁷ <https://foe.scot/press-release/new-research-means-2500-deaths-a-year-in-scotland-are-from-air-pollution/>

⁸ <https://www.gov.scot/publications/scottish-greenhouse-gas-emissions-2016/pages/3/>

To provide continued consistency of LEZ between political changes, we would encourage members to vote **against amendments 35 to 38 (inclusive), 191, and 198**, which remove a layer of democratic oversight of LEZs. There is a risk that without oversight, these powers could be misused to water down or 'switch off' LEZs for political reasons, endangering people's health. We also encourage members to vote **against amendments 186, 187, 199, and 200** which would create confusion and inconsistency in the application of penalties. We need to ensure clarity and consistency on how penalties are collected, how much they are, and what the money can be spent on.

A clear purpose for low emission zones

Friends of the Earth Scotland encourages committee members to

- Vote **for amendment 201, 220, and 224**
- Vote **against amendment 32**

The purpose of low emission zones must be to improve the air we breathe. Currently, LEZs are intended to achieve legal compliance; a timid, wasteful, and bureaucratic purpose for what is a crucial public health measure. There is no safe level of exposure to air pollution, even within 'legal limits'⁹.

Friends of the Earth Scotland encourages committee members to **vote against amendment 32**. While we welcome the spirit of this amendment and the stated purpose of reducing nitrogen dioxide, by specifying only Particulate Matter 2.5 this purpose would not include larger particulates such as Particulate Matter 10. PM10 is one of the most harmful pollutants emitted by transport. It has devastating health impacts¹⁰¹¹ - which have led to the monitoring of PM10 levels across Scotland, with legal limit values set nationally. Not including PM10 in low emission zones represents a step backwards, and risks making zones ineffective¹²¹³. By specifying particular pollutants, the purpose is also not future-proofed against new vehicle technologies, which may have unanticipated emissions.

Friends of the Earth Scotland encourages committee members to **vote for amendment 220**. This makes clear that the purpose of any LEZ is to improve air quality, beyond merely adhering to legal limits. This would make the LEZ more than a box-ticking exercise, with zones striving to continually improve the health of people who live and work in zones. Members should also **vote for amendment 224** - to ensure that young people, who are particularly vulnerable to the health impacts of air pollution¹⁴, are given special protection from pollution.

We also encourage members to **vote for amendment 201** which would ensure the effective implementation of the stated purposes and objectives of LEZs.

Statutory consultees are not representative of people impacted by poor air quality

⁹ <https://www.nhs.uk/news/lifestyle-and-exercise/safe-levels-of-air-pollution-could-still-be-harmful/>

¹⁰ https://www.understandingglasgow.com/indicators/environment/air_quality/pm10/scottish_cities

¹¹ http://www.scottishairquality.scot/latest/index?site_id=EK

¹² http://www.euro.who.int/_data/assets/pdf_file/0006/189051/Health-effects-of-particulate-matter-final-Eng.pdf

¹³ http://www.scottishairquality.scot/assets/documents/technical%20reports/pm2.5-pm10ratio_29Mar2016-FINAL_Version_Approved.pdf

¹⁴ <https://www.blf.org.uk/support-for-you/risks-to-childrens-lungs/air-pollution>

Friends of the Earth Scotland encourages committee members to

- Vote **for amendments 44-48, and 192-197**

As currently drafted, the Bill mandates councils to consult only with industries and motorists on low emission zones, and not other transport users or those who are particularly impacted by air pollution. LEZs are a public health intervention, and should be consulted upon as such. To ensure that the LEZs have the maximum positive impact on public health and the transport system, the list of consultees on the face of the Bill should be expanded to give other road users and people with expertise on the health impacts equal footing to motorists and industry.

Friends of the Earth Scotland encourages committee members to **back amendments 44 to 48 (inclusive), and 192-197 (inclusive)**, which would give road users and health experts equal say.

Empowering councils to tackle local problems

Friends of the Earth Scotland encourages committee members to:

- Vote **for amendment 225**

In 2018, Friends of the Earth Scotland research found the most polluted streets in Scotland were in Dundee, Edinburgh, and Glasgow¹⁵, as a result of different transport challenges in each city. However, by restricting LEZs to only apply emissions standards set at a national level, councils are not enabled to use powers in the Bill to tackle these hyper-localised pollution problems. In London, we've seen the success possible by introducing ultra low emission zones within a wider LEZ model, whilst securing high levels of public buy-in and compliance¹⁶. Scottish councils should be given the option, if they wish, to apply a similar stricter-standard LEZ in a much smaller geographic area with significant levels of pollution. If used in a targeted way, this could have significant positive impact on public health without impacting the consistency of LEZs.

Friends of the Earth Scotland encourages committee members to **vote for amendment 225**. By requiring ministerial approval to go beyond the minimum, this amendment ensures consistency is retained except in limited, exceptional, circumstances.

Greater consistency, creating more effective LEZs

Friends of the Earth Scotland encourages committee members to

- Vote **against amendments, 2, 3, 30, 31, 34, 49-52 (inclusive), and 226**

For low emission zones to achieve their full potential in improving health in Scotland, it's important that the list of exemptions is kept as simple as possible. Not only will this help ensure easy public understanding and give drivers clarity, but it also stops more polluting vehicles entering streets. This means the wider public health isn't negatively impacted in the interest of individual vehicle users.

¹⁵ <https://foe.scot/scotlands-most-polluted-streets-in-2018/>

¹⁶ <https://www.theguardian.com/uk-news/2019/may/16/ulez-cuts-number-of-worst-polluting-cars-in-central-london>

Given that the expected emissions standards may only apply to vehicles over 22 years (petrol) and 12 years (diesel) old, it's not unreasonable to expect that journeys that have a legitimate need to enter a low emission zone will be able to be made by a vehicle meeting those standards. Where an exemption becomes necessary - exemptions can be set nationally under existing provisions in the Bill, such as Section 1, subsection (4) (b).

To ensure clean air for Scotland's residents and to create clarity for all road users, Friends of the Earth Scotland encourages MSPs to vote **against amendments 2, 3, 30, 31, 34, and 226**. We also encourage members to vote **against amendments 49-52**, which would not only create unacceptably high levels of inconsistency, but risks seeing the impact of LEZs watered down at a local level. We believe the current provision of the Bill, setting exemptions at a national level, is the most effective way to achieve the LEZ objectives.

Limiting suspension of LEZs

Friends of the Earth Scotland encourages committee members to

- Vote **for amendment 206 and 60**
- Vote **against amendment 62, 203 and 205**

The Bill currently contains a misplaced power - giving local authorities the power to suspend low emission zones for 'events of national importance'. It is counterintuitive to determine national importance at a local level. Alongside this contradiction, events of national importance, such as sporting events or cultural festivals, bring more people into an area and their health should be protected. In these instances, a low emission zone becomes *more important* for public health given the increased volume of people inside the LEZ area. Suspension of a Zone during these events would expose many more people to dangerous levels of air pollution.

For this reason, we encourage committee members to **vote for amendment 206**, but **vote against amendment 62** ensuring LEZs remain in place during significant events. We also encourage members to **vote for amendment 60** which, if powers to suspend LEZs are kept, would require approval by Ministers. This ensures events are of genuine national importance and there is a legitimate benefit to suspension.

Given the severity of the health consequences of air pollution, which the low emission zones are trying to address, we encourage committee members to **vote against amendment 203 and 205**. These would introduce the power to suspend a low emission zone indefinitely, potentially without reason - opening streets up to high-polluting vehicles again. This would not be acceptable in any other health intervention, and LEZs should be no exception.

Additional improvements to LEZs

Friends of the Earth Scotland encourages committee members to

- Vote **for amendment 43, 58, 60, 65, 209, 212, 227, 228, 229, 253, and 254**

There are a number of additional technical amendments that would significantly improve the impact of low emission zones.

Review of LEZs

While the Bill gives powers to Ministers to carry out a review of a low emission zone, the Bill does not include an expectation, or even a power, for local authorities to review the

effectiveness of their low emission zone. This is a worrying oversight for such a necessary public health intervention. Friends of the Earth Scotland would encourage committee members to **vote for amendments 65 and 212**, which would empower councils to regularly review the impact of their low emission zone.

A safeguard against illegal levels of pollution

In January this year, Friends of the Earth Scotland's research¹⁷ found 6 road-side test sites in Scotland where air pollution levels breached legal limits, and more sites with dangerously high levels of pollution. Without an intervention, the pollution in these areas remains a significant public health risk. However, as it stands, there is no obligation for local authorities to introduce a LEZ where there is illegal levels of air pollution, despite this being a logical solution. We encourage committee members to **vote for amendment 43**, which would introduce an obligation for local authorities to introduce a LEZ to tackle illegal levels of pollution.

24 hour LEZ

Currently, the Bill gives local authorities flexibility over LEZ operation hours. However, pollution is a 24/7 problem. Pollution emitted outside potential LEZ hours could still be present during the LEZ operation hours - which would undermine the core purpose of the LEZ. This also opens the door to different local authorities having different hours of operation, creating confusion for drivers and businesses. Therefore, to ensure well-functioning LEZs, committee members should **vote for amendment 58**.

Use of penalties

We would hope that as few people as possible contravene the low emission zone restrictions, and therefore few penalties are incurred. However, in those instances where revenue is raised through penalties - it's important this money is redirected straight into funding sustainable transport and air pollution reduction measures. The current equivocal wording in the Bill, of using funds to 'directly or indirectly' facilitate the schemes' objectives, leaves room for the misuse of this funding.

We encourage members of the committee to **vote for amendment 227**, which would remove the scope for funds to be used on anything but directly supporting the LEZ objectives, and **vote for amendment 209** which would ensure funds are used for cleaner, greener transport.

Low Emission Vehicle support

Developing fair access to low emission vehicles has a significant role to play in securing public buy in to low emission zones, and general improvement of air quality. Friends of the Earth Scotland encourages committee members to vote for **amendments 228 and 253**, which would support people to transition to cleaner modes of transport.

Consolidation hubs

The topic of deliveries within low emission zones played a significant role in the evidence session heard by committee, particularly around 'final mile' deliveries. Consolidation hubs are a proven successful solution, and are in place in many cities across Europe¹⁸¹⁹. These

¹⁷ <https://foe.scot/scotlands-most-polluted-streets-in-2018/>

¹⁸ <https://www.lloydsloadinglist.com/freight-directory/news/Paris-issues-tender-to-develop-five-urban-logistics-hubs/66995.htm#.XPTpktNKii4>

¹⁹ <https://motortransport.co.uk/blog/2019/04/29/hammersmith-consolidation-hub-will-reduce-freight-journeys-says-tfl/>

enable heavier, highly-emitting vehicles - which can be harder or more costly to replace with low-emission equivalents - to be complemented by cleaner alternatives in city centres. We would encourage MSPs to **vote for amendments 229 and 254** to extend the benefits of consolidation hubs to Scotland.

Section 2: Buses

Friends of the Earth Scotland encourages committee members to

- Vote **for amendment 67** or, if it falls, **amendment 68**.

Public ownership of Buses

Giving local authorities an opportunity to run services where there is an 'unmet transport need' is impractical and unaffordable. Councils do not have excess revenue to subsidise unprofitable routes. Councils must be given genuine powers to run services wherever they wish, using revenue from busier routes to subsidise the less profitable sections of a comprehensive network²⁰²¹.

We urge members of the committee to **vote for amendment 67** to achieve this step-change in our public transport system. It would gift local authorities the broadest possible powers to run a bus company that is accountable, affordable, and accessible. **Amendment 68** would, with some procedural restrictions, also give local authorities this opportunity.

For more information, contact:

Gavin Thomson
FoES Air Pollution Campaigner
gthomson@foe.scot | 0131 243 2714

Fergus Boden
FoES Parliamentary Officer
fboden@foe.scot | 0131 243 2721

²⁰ <https://www.commonspace.scot/articles/12982/majority-scots-back-public-ownership-bus-services-new-poll-finds>

²¹ <https://www.scotsman.com/news-2-15012/transport/call-for-glasgow-buses-to-be-taken-into-public-ownership-1-4630490>