

Scotland's Low Emission Zones: Consultation on Regulations and Guidance

Consultation here: <https://www.transport.gov.scot/consultation/scotlands-low-emission-zones-consultation-on-regulations-and-guidance/>

Draft regs here: <https://www.transport.gov.scot/media/46548/scotland-s-low-emission-zones-consultation-on-regulations-and-guidance.pdf>

Transport Act here: <http://www.legislation.gov.uk/asp/2019/17/contents/enacted>

Friends of the Earth Scotland's response to the consultation.

Deadline for responses - 23:59 24 February 2020.

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

Yes. We agree with these emission standards, provided that the Scottish Government has a plan for increasing these standards over time to deliver an ambition of banning fossil fuel vehicles from city centres by 2030. The proposed emission standards will still, due to the lengthy grace periods, allow 20-year-old petrol cars to drive into Scotland's city centres at the time they are implemented. So the current LEZ provisions should only be viewed as a starting point.

To take City of Edinburgh Council's LEZ proposals, as an example. Euro 6 diesel and Euro 4 petrol private cars would be restricted from the Old Town starting in 2025. This means a petrol car can be up to 21 years old, a diesel car up to 10, to drive anywhere in the city. For climate targets at a municipal and national level, and to address Section 14(4)(b) of the Transport Act, this is clearly insufficient.

<http://www.legislation.gov.uk/asp/2019/17/contents/enacted>

Nor would it sufficiently address air quality illegal exceedances. Modelling for these minimum emission standards shows that Dundee City Council's proposed LEZ will not halt illegal breaches of NO₂. This is explained in section 4.8 of the Community Safety and Public Protection Committee's report of 20.09.19.

<https://www.dundee.gov.uk/reports/agendas/cspp300919ag.pdf>

Working with local authorities, the Government must have a plan for incrementally increasing the minimum emission standards through the 2020s, to ensure LEZs are fit for purpose for climate and air quality.

1b. 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.

The Climate Change Act commits Scotland to achieving a 75% reduction of greenhouse gas (GHG) emissions on 1990 levels by 2030. Meanwhile, road transport GHG emissions are actually up on 1990 levels. This fact, in itself, means we need significant transport interventions in Scotland over the next ten years, beginning immediately.

The political commitments to “phase out the need for” petrol and diesel vehicles by 2032 for all road users, and 2025 for the public sector, were welcome, but have yet to be supported by significant policy. Given that commercial operators and public bodies often make procurement decisions on long timelines, this policy vacuum will create huge problems down the road.

Zero emission city centres by 2030 is an admirable and necessary goal to achieve the commitments in the Climate Change Act, alongside the political commitments on GHG emission reduction made by Glasgow and Edinburgh council administrations. The architecture of LEZs is the best way of enforcing zero-emission city centres; the minimum emission standard can be set to EV-only by 2030, the automatic numberplate recognition cameras can scan each vehicle and, through the DVLA database, identify if the vehicle is using diesel or petrol. In this way, LEZs as an air quality tool can become a climate emission reduction tool.

Rome is banning diesel cars from 2024. Athens and Paris will remove diesel cars and vans from their cities by 2025. Meanwhile, a huge coalition of cities around the world have pledged to introduce electric-only bus fleets by 2025, and remove fossil fuel vehicles by 2030. Many of these cities compete directly with Scotland’s cities for tourism and investment.

There are nearly 3 million fossil-fuelled cars in Scotland. This is an exceptionally large number of private vehicles, and it will be logistically impossible to quickly replace every one with an electric vehicle (EV) even if we wanted to, which we shouldn’t. Key to zero emission city centres is denormalising car ownership, no matter how they are powered. This means, beyond LEZs, broader changes to transport such as expanding eligibility for free bus travel, no new trunk roads, car free zones around schools, year-on-year increases in active travel infrastructure spending, and bus prioritisation measures.

2a. Which of the proposed national LEZ exemptions do you agree with? Please be as specific as possible in your reasoning.

We agree with the exemptions for emergency vehicles. Often these are specialised vehicles which can not easily be retrofitted.

Vehicles registered as being used by disabled people or those registered in the blue badge scheme must also be exempt. Some people with disabilities will have specific needs that not all vehicles can provide so changing or upgrading a vehicle may prove difficult, although funding should be made available for this where it is practicable. People with disabilities also face significant barriers in accessing public transport to city centres. While we must work to ensure our public transport network is genuinely accessible and affordable to all, we must also ensure that people with disabilities are not restricted in the meantime.

We would strongly oppose the exemptions for historic vehicles and showman vehicles.

Historic vehicles.

Generally speaking, the older the vehicle, the more polluting it is. Therefore, the very oldest vehicles will be the most polluting. While there might be very few of these oldest vehicles on our roads, there will be a disproportionate amount of harmful pollutants emitted by them. They are likely to be owned by the wealthiest drivers, who are generally less at risk of the health conditions caused by air pollution, and often used as a recreational activity rather than a transport necessity. Richer people should not be allowed to poison the air of poorer people because their hobby car is more expensive. This would be an injustice which would undermine the LEZ schemes while delaying the transition we need to make away from all fossil fuel vehicles.

Showman vehicles.

These vehicles do not have a legal classification. The activities they are described as undertaking cannot be verified. This exemption would allow any non-compliant vehicle to contravene zone restrictions, by claiming to be a showman vehicle or claiming to carry domestic animals.

This exemption, unless strengthened and made more specific with reference to existing vehicle classifications and traffic law, would undermine the entire project. We urge the Scottish Government to remove this exemption.

2b. Are there any other LEZ exemptions you would propose? If so, what should these exemptions be and why?

3a. 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.

Yes. The base level is appropriate as it is equivalent to other breaches of traffic legislation, such as a parking fine. The subsequent tiers are appropriate to discourage persistent non-compliance, particularly for any businesses which might simply 'price in' the cost of any fine and pass on to the end customers.

3b. Which surcharge 'curve' in Figure 1 represents the best approach to designing a surcharge?

Graph 3 represents the best approach to designing a surcharge. As outlined above, the design must discourage persistent non-compliance while providing clarity for all road users.

Graph 2 allows users a repeated number of offences before increasing the tariff, which undermines the zone.

Graph 4, in effect frontloading the increase in fines, would disproportionately harm users unfamiliar with the scheme or unaware of their contravention.

Graph 1 allows up to 15 contraventions before moving on to only the second tier. This would allow users to, as described above, 'price in' the fines of non-compliance for up to 15 times before the fines began increasing more sharply.

3c. How should the surcharge approach be applied in order to discourage non-compliant vehicles from driving within a LEZ?

3d. How many days should lapse before a registered keeper of a vehicle returns to the base tier of the penalty charge?

This penalty charge system should be within one year from the date of issue of the first penalty charge notice. 365 days.

The Government's current proposal - 28 days - would allow, if not encourage, one journey a month in a non-compliant and highly polluting vehicle.

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

Yes

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

Since the first publication of the Transport Bill, we have had concerns that the list of mandatory consultees excludes those who the scheme should help the most:

- Those with pre-existing health conditions exacerbated by air pollution, such as respiratory condition patient groups.
- Young people and elderly people, especially those who are regular pedestrians in city centres.
- New parents, especially those who live near main roads. For example, through parent-and-toddler groups.
- Other road users, such as cyclists and pedestrians.

Prioritising the views of car drivers and businesses over pedestrians and patients is the imbalance that has led to our inefficient, unhealthy, destructive transport system in the first place.

6. 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?

Any review of a Low Emission Zone scheme should investigate:

- Levels of PM2.5, PM10, and NO2 in the zone, around the perimeter, and on arterial routes connecting the zone. In other words, is the zone improving air quality overall?
- Assessment of wider objectives which can be set by the local authority.
- % of non-compliant vehicles as part of overall traffic, compared to all other LEZ schemes.
- How the money from penalties paid has thus far been spent, or allocated.

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

LEZ schemes must have secondary objectives that aim for:

- An increase in modal shift away from cars, regardless of engine type. This would be measured by an ongoing year-on-year increase in the number of active travel and public transport journeys within the zone area, alongside a corresponding decrease in the number of private car journeys made in the same area.
- This should be accompanied by a reallocation of space, meaning a secondary objective to expand the area's active travel infrastructure and reduction in on-street car parking spaces when compared with the area before the zone was implemented.

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

Yes

9. How can local authorities maximise the technological opportunities available from the deployment of approved devices?

As stated in answer to question 1b, technology used to enforce LEZs has potential to support a ban on fossil fuel vehicles in city centres. This is a goal the Scottish Government is investigating, and has already been set in a number of cities across the world. In effect, the same technology could be used with minimum emissions standards set to restrict fossil fuel vehicles in the same way that LEZs will be used to restrict, initially, Euro 6 diesel and Euro 4 petrol vehicles.

10. 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' listed above

(b) the very young and old

(c) people facing socioeconomic disadvantages

a) Air pollution exacerbates inequality, and disproportionately harms marginalised groups such as those on low incomes and people from ethnic minorities. These groups are also excluded from our current car-centric transport system, which favours those most likely to own a car (higher income, white men). LEZs, as part of an attempt to change our transport system, and our towns and cities to prioritise people over cars, will have a positive impact for many groups with protected characteristics.

b) The very young and elderly are the two groups most harmed by air pollution. If a LEZ scheme is successfully improving air quality, these two groups will benefit the most.

c) People facing socioeconomic disadvantage must be supported by Government and local authorities to ameliorate transport poverty. The balance of public transport costs must be such that those facing socioeconomic disadvantage benefit from transport policy decisions. The aim must be to make sustainable transport ever more affordable and accessible.

11. 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.

The car-centric transport system is clearly inefficient for our city centres, when space is at a premium. Competitor cities across Europe are pedestrianising and excluding all fossil fuel vehicles, while Scottish cities are being left behind. So there are a number of competitive disadvantages to our current transport system, along with the health burden of air pollution.

It's clear that small businesses based in the city centre will require support from government to change processes, including for deliveries. Alternative options for this do exist - either through freight consolidation hubs, or investing in shared clean delivery infrastructure.

It should further be noted that the £8million/year funding received by the bus industry to retrofit their vehicles, alongside the Green Bus Fund which enables them to buy newer vehicles, should set the standard for the support all industries, particularly those with high vehicle emissions, receive from Government.

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

The data security concerns from these proposals will mirror those present for existing traffic penalty systems, such as parking fines, as it involves accessing people's data through the DVLA.

13. Do you think the LEZ proposals outlined within this consultation are like to have an impact on the environment?

If so, which ones and how? Please be as specific as possible in your reasoning.

For a meaningful impact on the environment, the LEZ proposals must set out how LEZs will ultimately transform into zero emission zones by 2030. This is how we will achieve the necessary greenhouse gas emission reductions, to protect the environment.

A reduction in air pollution will be beneficial for the natural environment and the built environment, but the primary benefit will be to human health.

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