

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

SEStran Response

**1a Do you agree with the proposed present-day emission standards for Scottish LEZs?**

**If not, why not?**

SEStran agrees with present-day emission standards but acknowledges the likely introduction of stricter emission standards in the future. There's a need for bus operators to be informed of these intentions now, and allow them to plan for this shift (i.e. a higher standard than euro 6 by 2030) and make informed investment decisions, which take into account the lifespan of a bus fleet.

Furthermore, SEStran believes that, in principle, Scotland's LEZs should apply to motorcycles, mopeds, motorised tricycles and quadricycles just like any other motorised vehicles. While the emissions share might be negligible given their small number on the roads, these vehicles do contribute to air pollution and should therefore be held to an equivalent emissions standard, and not seen as an alternative mode for current car users. SEStran believes these vehicles should only be scoped out of an LEZ scheme if there is a robust justification for their exclusion, rather than the other way around where they are excluded, unless there is a robust justification for their inclusion in a LEZ scheme.

**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.**

SEStran is supportive of the ambition to make a transformative shift towards zero or ultra-low emission city centres by 2030. This is in line with the international and national objectives and urgency to tackle climate change and improve air quality. With the toughest climate law worldwide now in place, Scotland is taking the lead in tackling climate change and setting ambitious emission reduction targets.

As the Scottish Government has committed to be carbon neutral by 2045, the ambition for cities to take the lead to be zero or ultra-low emission by 2030 is positive. It is important, however, to consider what zero or ultra-low emission city centres look like, and how it will have an impact on our communities and various aspects of society. Such an ambition requires a detailed roadmap and clear investment plan to prepare to allow for a smooth transition over this 10-year period. In the end, a transformative shift can only be sustainable if it is achieved in a fair manner, and includes all communities and aspects of our society.

SEStran considers that a detailed roadmap for LEZs must take into account that cities depend upon a far wider region for workforce. LEZs will have a disproportionately negative impact on outlying

communities where those who are least likely to be able to afford city centre house prices, are also most likely to be car reliant given regional rural public transport options into cities are less frequent, more expensive and less reliable. This means that a roadmap must plan and provide for the implementation of a wide range of complementary measures across Scotland's regions surrounding cities where LEZs are being implemented.

SEStran, in partnership with City of Edinburgh Council, has established a regional LEZ working group involving all SEStran partner councils, to explore and understand implications of the LEZ and identify potential mitigators and it is likely these will require investment.

Similarly, the rewrite of the SEStran Regional Transport Strategy will include focus on ensuring that appropriate interventions and affordable, accessible transport options are available for those needing to commute or travel regularly into the City / proposed LEZ area.

Moreover, there is a need to consider what the zero emission scenarios looks like, and how this compares to ultra-low emission scenarios? The transport sector currently contributes most to GHG emissions in Scotland. Significant change will be needed if ultra-low emission city centres are to be achieved, let alone zero emission city centres. These scenarios must be considered to inform decision-making and the adoption of the right policies today, in order to achieve these objectives.

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

SEStran is supportive of the proposed exemptions.

SEStran recognises the challenges of administering the exemption of blue badge holders in the LEZ scheme, given the fact that the blue badge 'travels' with the person who holds the card, and not with the vehicle itself. SEStran proposes blue-badge holders should not automatically be exempt from the LEZ scheme, but should be able to apply for a temporary exemption (either in advance or retrospectively) – allowing the vehicle they travel with to be exempt from the LEZ scheme on the specific day/period for which the exemption has been applied.

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

No other exemptions proposed.

**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.**

SEStran agrees that the penalty charge should be consistent across Scotland. SEStran also supports the proposed base level and subsequent tiers of penalty charges for different vehicle types. The base level and surcharge tiers would need to be reasonable to deter people from driving into the LEZ with a non-compliant vehicle. SEStran also recognises the importance of having a penalty charge and surcharge system that is not overly complex, allowing people to understand the charges they will face if they do not comply with the LEZ scheme.

SEStran recognises that the proposed penalty regime is complex, and potentially poses challenges for Local Authorities to administer and confusion for the general public around the height of the penalty for multiple contraventions and different vehicle types. Furthermore, this regime can become particularly challenging when a contravention gets challenged, or when an exemption is applied for retrospectively. A more simplified charging regime might be more favourable. Furthermore, it is proposed that the effectiveness of the charging regime is subject to review as discussed in question 6 as well.

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

Subject to the views expressed in 3a above, either graph 1 or 2 would be most appropriate and fair. It must be borne in mind that multiple contraventions might occur before a person becomes aware of the first contravention (due to the delay in administering the charge for the contravention, and the potentially continued driving into the zone with a non-compliant vehicle).

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

Subject to the views expressed in 3a above, the tiered surcharge would need to go up and down as appropriate after time.

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

Subject to the views expressed in 3a above, SEStran believes a reasonable number of days should lapse, taking into account the time involved in administering a charge and for a person to become aware of the first contravention.

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

SEStran acknowledges the need to properly enforce LEZs in order for these schemes to be effective. However, SEStran also recognises the costs associated with enforcement, which are likely to be significant. It is therefore key that any LEZ regime is kept under continuous review, to balance the costs against its benefits and overall objectives, i.e. improved air quality. SEStran recognises that a proper balance must be sought between enforcing LEZ schemes and investing in measures that seek

to reduce the overall number of vehicles on Scotland's roads and support society to make the necessary shift towards more sustainable transport.

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

SEStran proposes that Local Authorities must be required to consult with Regional Transport Partnerships and the neighbouring authorities, to identify and address regional implications of any proposed LEZ scheme. In general, SEStran believes that consultation around an LEZ scheme should not be limited to stakeholders within the local authority in which the scheme will be implemented, but should look at the wider implications in the region, and involve regional engagement with appropriate stakeholders.

**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?**

Similarly to the response in question 4, SEStran believes any LEZ scheme should be continuously reviewed against its ultimate objective of improving air quality. It is also essential that the LEZ scheme meets and respects other environmental and social objectives, such as the objective to reduce CO2 emissions, and improve equality and social inclusion.

Proposed elements of LEZ review:

- Overall objectives of LEZ scheme
- Current performance of scheme against its objectives
- Emissions standards
- Charging regime
- Wider implications in the region and neighbouring authorities
- Appropriateness of support measures (e.g. availability and uptake of support funding for retrofits/upgrades, investment in sustainable transport alternatives, etc.)
- Communication plan/strategy

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

The overall objective of the LEZ must be to improve the quality of life. As part of this objective, an LEZ must seek to improve the air quality in line with national air quality objectives within the zone, but also outside the zone. Any negative effects on the air quality just outside an LEZ zone should, for example, be avoided where possible or mitigated.

Furthermore, an LEZ should be viewed as a tool as part of a wider strategy to improve air quality and reduce number of vehicles on the roads, in order to improve the overall quality of life. A study in the

Netherlands on the effectiveness of LEZs has shown that not only the vehicle standard, but also a general reduction in the number of vehicles, is key if the ambient air quality is to be improved.<sup>1</sup>

Secondary objectives:

- Align with the climate change agenda and contribute to achieving net-zero emissions by 2045 and interim targets as set out in the Climate Change (Scotland) Act 2019. This means contributing to decarbonising transport in alignment with the Climate Change Plan 2018, and to reducing transport emissions by at least 37% between 2018 and 2032.<sup>2</sup>
- Align with the National Transport Strategy and transport hierarchy.
- Promote equality and social inclusion

There is limited opportunity for significant reduction in congestion from LEZs. Therefore, there are limited secondary objectives that can be applied to the scheme.

However, there are pressing issues aligned to congestion, such as the need for reallocation of road space into cities to facilitate improved public transport operation.

The LEZs will require complementary overall traffic reduction measures to achieve wider social benefit and greater modal shift onto public transport.

**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, appropriate checks must be in place and final approval from Scottish Ministers is required before a Local Authority can proceed with putting an LEZ in place. As part of this approval, it must be ensured that the regional implications are considered and addressed. Appropriate regional engagement with the relevant Regional Transport Partnership and neighbouring local authorities must be a prerequisite of any LEZ being developed and considered for approval by Scottish Ministers.

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

Automatic Number Plate Recognition, supported by real time operational traffic management systems on the perimeter of LE areas may provide some opportunities to add value for real time traffic management information and routing, especially on congested corridors into cities.

---

<sup>1</sup> "With the exception of one urban street where traffic flows were drastically reduced, the local traffic policies including LEZ were too modest to produce significant decreases in traffic-related air pollution concentrations" in Boogaard et al. (2012) 'Impact of low emission zones and local traffic policies on ambient air pollution concentrations' (435 Science of The Total Environment 132), available at: <https://doi.org/10.1016/j.scitotenv.2012.06.089>.

<sup>2</sup> This target is likely to increase as the Climate Change Plan is currently being updated to reflect the new target of net-zero emissions by 2045 as introduced by the Climate Change (Scotland) Act 2019.

- 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**

Given the fact that buses are included in the LEZ scheme, there is a risk that this additional cost for operators will push up bus fares. This might have a negative impact particularly on those who are at risk of transport poverty – as buses often provide basic accessibility for certain groups of the population, including for example low income groups, disabled people, parents and carers. Moreover, lower income groups often do not have the financial means to make alternative transport choices, such as upgrading to a compliant vehicle. This might negatively impact their ability to access education, employment, health, and other opportunities.

While support funding has been made available for bus operators for retrofits, this might not be sufficient to avoid an increase in the operating costs for bus operators, and an increase in bus fares, which would particularly affect those who are dependent on the bus as their main (or only) mode of transport. Given the Government's desire to reduce inequalities, LEZs must be implemented alongside a wider investment plan to increase transport alternatives, such as park and rides, car clubs and other forms of shared mobility, and public transport, including appropriate infrastructure and priority to improve reliability and experience.

- 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**

SEStran believes the LEZ proposals are likely to increase the costs for businesses to operate, as they might need to invest in a cleaner fleet to comply with the LEZ standards. In the long term, however, the operating costs of a cleaner fleet might benefit the business (e.g. electric vehicles often have a higher purchasing price but lower operating costs).

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

The implications would be similar to other decriminalised enforcement mechanisms, such as bus lane enforcement.

- 13 **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.**

Generally, SEStran believes the LEZ proposals will result in cleaner air within the zone, which is beneficial for the environment and improves the quality of life. It is essential however, that any displacement as a result of an LEZ boundary, does not worsen the air quality in the outlying streets/area. Appropriate traffic management must be put in place to mitigate any potentially negative impacts on the environment.

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

No comment.

**SEStran response**  
**26 February 2020**