

## **Response to the consultation on Building Low Emission Zones for Scotland**

**by Scottish Environment LINK**

**Date: 30 November 2017**



### **Summary**

Air Pollution in many densely populated parts of Scotland is breaking European legal limits as well as Scottish statutory standards, posing a significant threat to public health. The main source of urban air pollution, transport, is also now the dominant cause of Scotland's climate emissions. Low Emission Zones (LEZs) are a welcome development, which if implemented correctly, present a possibility to improve urban air quality and reduce carbon dioxide from the transport sector. The issue now is not when and where LEZs will be introduced, but *how*.

LINK is calling for ambitious and bold Low Emission Zones which create a strong legacy for clean air and thriving urban centres.

### **Scottish Environment LINK**

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies<sup>1</sup> representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment.

Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits.

LINK is pleased to be represented on the Cleaner Air for Scotland Governance Group.

LINK members welcome the opportunity to comment on this consultation.

---

<sup>1</sup> For a list of our membership, see <http://www.scotlink.org/about/link-member-organisations/>

### Introduction

LINK's understanding of sustainable development tells us that the success of a society can only be measured by weighing up and balancing all of the economic, social and environmental factors and their impacts on people and the planet on which we live. We continue to highlight the connections between environmental issues and the social justice agenda, and as part of our response to the Scottish Government's Fairer Scotland plan in 2016, LINK members made the following pledge:

LINK does not see environment in isolation from other policy areas but as an interconnected part of a whole; .... LINK will work to make sure environment delivers for social justice, and anticipates that those working on other key areas of public policy will reciprocate.

While many of our member organisations have long been involved in the campaign for stronger steps to tackle climate change, including legislation and other policy mechanisms, it is also important to recognise the dimension of environmental injustice when addressing aspects of climate change. We are pleased that the government is acting to reduce harmful emissions in the most polluted parts of our cities, and which will disproportionately benefit the most vulnerable in our society. We believe that this current consultation on the design of Low Emissions Zones is an important step through which environmental perspectives are recognised as being fundamental to improving the lives of all people in Scotland but in particular helping to address health and social inequalities. It is our hope that the measures included to bring about improvements in air quality will encourage a culture and behaviour change in the way we travel around our urban areas, leading to a modal shift to more active forms of transport with improvements to health and wellbeing and an improved quality of life for all.

### Answers to specific consultation questions

**1 Do you support the principle of LEZs to help improve Scottish air quality? Please be as specific as possible in your reasoning.**

We support the principle of LEZs to help improve Scottish air quality, because we know air pollution poses a significant threat to public health in Scotland, shortening people's life expectancies and reducing health outcomes.

However, LEZs can be introduced in a number of ways with varying levels of success depending on the level of ambition and commitment - to have LEZs is not enough in itself. We want to see LEZs which deliver the strongest possible improvements in air quality, as quickly as possible.

What this means is that for LEZs to be a success in Scotland, the Scottish Government needs to commit funds to the bus sector, and to Councils. The Government needs to provide clarity that Low Emission Zones will place emissions requirements on cars, taxis, HDVs and LDVs and not just buses, and to set out an ambitious timetable for this. Number plate recognition technology would be preferable to assist higher compliance levels and to inspire public confidence, and therefore support. Low Emission Zones must be coupled with increased investment for walking and cycling and improvements in public transport, particularly in the bus sector.

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899). LINK is core funded by Membership Subscriptions and by grants from Scottish Natural Heritage, Scottish Government and Charitable Trusts.

Registered office: 2 Grosvenor House, Shore Road, Perth PH2 8BD, T. 01738 630804, [information@scotlink.org](mailto:information@scotlink.org)  
Advocacy office: Dolphin House, Hunter Square, Edinburgh, EH1 1QW, T. 0131 225 4345, [advocacy@scotlink.org](mailto:advocacy@scotlink.org)

LEZs will play an increasingly important role in the delivery of the Scottish Government's ambition to phase out the need for petrol and diesel by 2032.<sup>2</sup>

### **2 Do you agree that the primary objective of LEZs should be to support the achievement of Scottish Air Quality Objectives? If not, why not?**

The objective of LEZs should be to support the achievement of Scottish Air Quality Objectives, but LEZs should also ensure compliance with European air quality legal limits and WHO air quality guidelines in all outdoor places where people spend time (i.e. retail, residential, industrial and business areas alike).

### **3a Do you agree with the proposed minimum mandatory Euro emission criteria for Scottish LEZs?**

We agree with the proposed minimum mandatory Euro emission standards but request that ambitious timeframes be attached. The timeframes need to be ambitious, but practicable.

In our view, emissions restrictions in Glasgow should commence in 2018 on buses, vans, and lorries, and in 2020 for taxis and private cars.

In the three other major cities, emissions restrictions could apply to buses, vans, lorries and taxis from 2020, and for private cars from 2022.

It would also be useful for the Scottish Government to set out a vision for when cities will become "zero emissions zones", as is being planned in Oxford. The Scottish Government's recent commitment to phasing out the need for petrol and diesel vans and cars by 2032 could see Low Emission Zones becoming a focal point to support delivery.

### **3b Do you agree with the proposal to use the NMF modelling in tandem with the NLEF appraisal to identify the vehicle types for inclusion within a LEZ?**

The NMF modelling has been useful, but it must be further enabled to model all available transport modes (the consultation only shows results for buses).

The NLEF appraisal process is opaque, behind schedule, and incomplete and risks slowing down progress towards LEZs. In our view, it should be set aside.

### **3c Should emission sources from construction machinery and/or large or small van refrigerated units be included in the LEZ scope, and if so should their inclusion be immediate or after a period of time?**

Yes, they should be included from the outset.

---

<sup>2</sup> The First Minister stated in announcing the 2017 Programme for Government: "Our aim is for new petrol and diesel cars and vans to be phased out in Scotland by 2032 - the end of the period covered by our new Climate Change Plan and eight years ahead of the target set by the UK government."

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899). LINK is core funded by Membership Subscriptions and by grants from Scottish Natural Heritage, Scottish Government and Charitable Trusts.

**4 What are your views on adopting a national road access restriction scheme for LEZs across different classes of vehicles?**

Each LEZ should be set up as a Road Access Restriction Scheme. Fines should be set at a level which is high enough to discourage repeated breaches, otherwise bus or lorry operators, or wealthy car drivers, may decide paying the fine is just the cost of doing business with their existing non-compliant vehicle.

As set out above, LEZs should apply restrictions to all vehicle classes, not just buses.

We would also be supportive of congestion charging.

**5 What are your views on the proposed LEZ hours of operation, in particular whether local authorities should be able to decide on LEZ hours of operation for their own LEZs?**

Low Emission Zones should operate 24 hours a day, every day of the year.

**6 What are your views on Automatic Number Plate Recognition enforcement of LEZs?**

We support ANPR for LEZ enforcement because it would be likely to lead to higher levels of compliance, and thereby to engender public confidence. The same infrastructure could be used to apply a congestion charge further down the line, which we would also support.

**7a What exemptions should be applied to allow LEZs to operate robustly? Please be as specific as possible in your reasoning.**

Vehicles that have a disabled or disabled passenger vehicle tax class and blue badge holders, as well as residents living within LEZs, should not be exempt from restrictions - but should be allowed longer to comply.

**7b Should exemptions be consistent across all Scottish local authorities?**

Yes.

**8 What are your views on LEZ lead-in times and sunset periods for vehicle types shown in Table 2?**

The lead-in times and sunset periods as set out in Table 2 are potentially confusing to the public.

Councils should declare that LEZs will be operational by the dates set out by the Scottish Government (as Glasgow City Council has done for 2018), and then set out which vehicles will be restricted by which subsequent dates.

The implication of the term “lead-in time” is that the LEZ is declared, but is not enforced or operational. We do not support this proposal. LEZs should be operational and enforceable from the

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899). LINK is core funded by Membership Subscriptions and by grants from Scottish Natural Heritage, Scottish Government and Charitable Trusts.

Registered office: 2 Grosvenor House, Shore Road, Perth PH2 8BD, T. 01738 630804, [information@scotlink.org](mailto:information@scotlink.org)  
Advocacy office: Dolphin House, Hunter Square, Edinburgh, EH1 1QW, T. 0131 225 4345, [advocacy@scotlink.org](mailto:advocacy@scotlink.org)

dates set out by the First Minister: 2018 in Glasgow and 2020 in the three other cities for the initial vehicle classes (buses, vans and lorries), with cars to be included two years later.

We do support the suggestion of sunset periods, but only for blue badge holders, vehicles used by disabled passengers or drivers, and residents within the boundaries of LEZs. We understand, as in London, that a phased introduction for local residents may achieve higher degrees of acceptance and compliance and therefore deliver the intended outcomes for the LEZ more rapidly and effectively. Sunset periods should not apply to fleet operators.

### **9 What are your views about retrofitting technology and an Engine Retrofitting Centre to upgrade commercial vehicles to cleaner engines, in order to meet the minimum mandatory Euro emission criteria for Scottish LEZs?**

We support engine retrofitting, where possible, because it is cheaper and more sustainable than scrappage. We take the view that an Engine Retrofitting Centre, with the right design, gives an opportunity to support a low carbon workforce.

### **10 How can the Scottish Government best target any funding to support implementation?**

The Scottish Government should target Green Bus Funding to fleets operating in areas which will require LEZs, but it should also make new funds available to buses to contribute towards the costs of retrofits. It must also support Councils financially to set up the infrastructure required to create LEZs (signage and cameras) and fund local authority LEZ communications strategies.

There must be disincentives to ensure that any legacy dirtier bus fleets are not moved into peripheral areas surrounding LEZs.

### **11 What criteria should the Scottish Government use to measure and assess LEZ effectiveness?**

The following criteria should be considered for measuring LEZ effectiveness:

- (1) data from the national, and local authority, air pollution monitoring networks to assess progress (LEZs should accelerate improvements in air quality in urban centres and should not result in deteriorations of air quality outwith the LEZs);
- (2) statistics around contributions of the transport sector to key air pollutants in Scotland and CO<sub>2</sub> as reported in Chapter 13 of the Transport Statistics;
- (3) statistics around transport mode as reported in Chapter 5 of the annual transport statistics, including percentages of people travelling regularly by car/public transport/bike/ walking in cities (LEZs should be coupled with measures to bring about modal shift);
- (4) re-modelling of LEZs air quality, *post-hoc*, when new real-world traffic data become available.

### **12 What information should the Scottish Government provide to vehicle owners before a LEZ is put in place, during a lead-in time and once LEZ enforcement starts?**

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899). LINK is core funded by Membership Subscriptions and by grants from Scottish Natural Heritage, Scottish Government and Charitable Trusts.

Registered office: 2 Grosvenor House, Shore Road, Perth PH2 8BD, T. 01738 630804, [information@scotlink.org](mailto:information@scotlink.org)  
Advocacy office: Dolphin House, Hunter Square, Edinburgh, EH1 1QW, T. 0131 225 4345, [advocacy@scotlink.org](mailto:advocacy@scotlink.org)

Right now, the Scottish Government should be running an effective communications strategy on the principal and co-benefits of LEZs.

Once Councils have announced their intentions, about which vehicles will be impacted and by when, Government should run consultations and also run high profile communications campaigns about which vehicles are affected, where, and from what dates.

Once LEZ enforcement starts, Councils should continue this work to encourage maximum compliance and avoid confusion.

### **13 What actions should local or central government consider in tandem with LEZs to address air pollution?**

Low Emission Zones are just one part of the solution to air pollution. The Government should also assist people who drive private cars to change behaviours, wherever possible, by supporting more sustainable transport modes. In the case of cycling and walking, it must continue to increase investment in walking and cycling paths. In the case of buses, it must re-regulate to enable Councils to have greater controls over the bus sector. It should also consider measures to dissuade unnecessary car usage, including by enabling councils to implement premises parking levies. Councils should also consider introducing congestion charges.

The Government's policy on air pollution should be about fewer, not just newer, vehicles. This would not only tackle air pollution, but would also help Scotland to tackle carbon emissions from the transport sector which have remained undiminished for 25 years. It would also promote social equality by supporting the many households in Scotland who are unable to afford a car and would make our urban areas more pleasant and attractive places to invest in, create businesses in, visit, shop, and enjoy.

Importantly, the local and central governments can encourage the development of green infrastructure, such as more street trees, especially in Scotland's biggest cities. Air pollution can effectively be mitigated by trees and woodlands. A 2017 study commissioned by ONS shows that in 2015 woodlands' annual value of pollution capture accounts for more than £700 million<sup>3</sup>. Therefore, to tackle air pollution, the Scottish Government should strive to meet its ambitious tree planting targets, as set out in the draft climate change plan<sup>4</sup>.

### **14 How can LEZs help to tackle climate change, by reducing CO<sub>2</sub> emissions in tandem with air pollution emissions?**

LEZs, if coupled with measures to bring about modal shift, will lead to a reduction of carbon emission from the transport sector.

---

<sup>3</sup> Office for National Statistics (2017), The UK environment – fighting pollution, improving our health and saving us money. Available at:

<https://www.ons.gov.uk/economy/environmentalaccounts/articles/theukenvironmentfightingpollutionimprovingourhealthandsavingusmoney/2017-10-02#toc>.

<sup>4</sup> Scottish Government (2017), Draft Climate Change Plan: The draft third report on policies and proposals 2017-2032.

Available at: <http://www.gov.scot/Resource/0051/00513102.pdf>.

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899). LINK is core funded by Membership Subscriptions and by grants from Scottish Natural Heritage, Scottish Government and Charitable Trusts.

Additionally, the Government and local authorities should now be thinking about how and when to make LEZs require that all motorised vehicles become zero emission. This is particularly important in the context of the Government's new commitment to phasing out the need for diesel and petrol vehicles by 2032.

### **15 What measures (including LEZs) would make a difference in addressing both road congestion and air pollution emissions at the same time?**

The above measures: funding for active travel, better regulation of the buses, and measures to dissuade unnecessary car usage including congestion charging, will help to address road congestion in addition to air pollution.

Increasing road capacity is often presented as an immediate solution to congestion - but we disagree that this is always the best choice. Increased road capacity essentially facilitates driving and puts more sustainable modes at a greater disadvantage; it is a double-edged sword.

### **16 Do you have any other comments that you would like to add on the Scottish Government's proposals for LEZs**

We strongly advocate that the introduction of LEZs is used as an opportunity, through the Government's recommended Placemaking approach, to create urban spaces with higher amenity and that are safer, including recreational space, active travel corridors, green infrastructure and social areas. There is the potential to co-deliver on climate change mitigation and adaptation needs.

### **17 What impacts do you think LEZs may have on particular groups of people, with particular reference to the 'protected characteristics' listed in paragraph 5.2? Please be as specific as possible in your reasoning.**

Low Emission Zones have the potential to help particular groups with protected characteristics, especially people with disabilities, pregnant mothers, young children and the elderly. These are groups who are disproportionately impacted by air pollution, so stand to gain the most through improvements in air quality.

### **18 Do you think the LEZ proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector? Please be as specific as possible in your reasoning.**

The initial set-up costs may appear substantial, but are relatively insignificant when considered in the context of the overall Scottish transport budget, and when considered in light of the fact that air pollution costs the Scottish economy an estimated £1.1 billion per year.<sup>5</sup>

---

<sup>5</sup> Extrapolated from a Defra assessment that air pollution costs the UK economy as a whole £16bn per year, based on 29,000 UK- wide deaths from air pollution – Defra, 10 May 2013, *Impact pathway guidance for valuing changes in air quality*. <https://www.gov.uk/government/publications/air-quality-impact-pathway-guidance>

## LINK Consultation Response

We also note that the High Court has made it very clear in *ClientEarth v Defra* that cost should be no barrier to delivering the legal obligation of EU-compliant air quality.

There will, of course, be financial gains through reduced costs of ill-health and the expectation of revitalised urban centres becoming more pleasant places in which to spend both time and money.

**19 What impacts do you think LEZs may have on the privacy of individuals? Please be as specific as possible in your reasoning.**

To preserve individuals' privacy, ANPR technology will need to be managed to ensure that, as in the case of London, data relating to non-compliant vehicle owners is deleted as soon as they have paid their fines.

**20 Are there any likely impacts the proposals contained in this consultation may have upon the environment? Please be as specific as possible in your reasoning.**

LEZs, if delivered properly, have the potential to be hugely beneficial to our environment, by reducing the local impact of air pollutants which damage buildings and vegetation and by reducing the pollutant load of urban surface water run-off. They will also reduce the impact of long-range transport of pollutants and precursors of ozone which cause significant damage to crops, natural vegetation and conservation sites. LEZs will also support Scotland in the long-overdue reduction in carbon emissions from the transport sector.

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899). LINK is core funded by Membership Subscriptions and by grants from Scottish Natural Heritage, Scottish Government and Charitable Trusts.

Registered office: 2 Grosvenor House, Shore Road, Perth PH2 8BD, T. 01738 630804, [information@scotlink.org](mailto:information@scotlink.org)  
Advocacy office: Dolphin House, Hunter Square, Edinburgh, EH1 1QW, T. 0131 225 4345, [advocacy@scotlink.org](mailto:advocacy@scotlink.org)



## LINK Consultation Response

**This response was compiled on behalf of LINK and is supported by the following member bodies:**

Badenoch & Strathspey Conservation Society  
Cairngorms Campaign  
Friends of the Earth Scotland  
Froglife  
North East Mountain Trust  
Nourish Scotland  
Rambles Scotland  
RSPB Scotland  
Scottish Badgers  
Scottish Wildlife Trust  
Soil Association Scotland  
Scottish Wild Land Group  
Woodland Trust Scotland  
WWF Scotland

This response is also supported by Paths for All, a LINK Organisational Supporter.

### **For more information contact:**

Daphne Vlastari, Advocacy Manager, Email: [daphne@scotlink.org](mailto:daphne@scotlink.org)  
Scottish Environment LINK, 4 Hunter Square, Edinburgh EH1 1QW, Tel: 0131 225 4345  
[www.scotlink.org](http://www.scotlink.org)  
[www.savescottishseas.org](http://www.savescottishseas.org)

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899). LINK is core funded by Membership Subscriptions and by grants from Scottish Natural Heritage, Scottish Government and Charitable Trusts.

Registered office: 2 Grosvenor House, Shore Road, Perth PH2 8BD, T. 01738 630804, [information@scotlink.org](mailto:information@scotlink.org)  
Advocacy office: Dolphin House, Hunter Square, Edinburgh, EH1 1QW, T. 0131 225 4345, [advocacy@scotlink.org](mailto:advocacy@scotlink.org)