

REPORT TO: COMMUNITY SAFETY & PUBLIC PROTECTION COMMITTEE – 13 NOVEMBER 2017

REPORT ON: NATIONAL LOW EMISSION FRAMEWORK OPTIONS:LEZ STATUS UPDATE

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES AND EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 352-2017

1.0 PURPOSE OF REPORT

- 1.1 To provide information to the Committee as instructed (Reference Article III of the Community Safety and Public protection Committee of 21st August 2017) on “the process and implications for Dundee City Council seeking the status of Scotland's first Low Emission Zone (LEZ)”.

2.0 RECOMMENDATION

- 2.1 It is recommended that Committee note the content of this report and remit the Executive Director of Neighbourhood Services and the Executive Director of City Development to take forward the actions detailed in section 4.4 of this report.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4.0 MAIN TEXT

4.1 Cleaner Air for Scotland: The Road to a Healthier Future (CAFS): Early Adopter

- 4.1.1 The Scottish Government acknowledges that local authorities are meeting their statutory responsibilities in actively working towards achieving air quality standards. However, across many areas of Scotland including Dundee the rate of progress needs to increase if the Scottish Government's stated aim of meeting the air quality standards by 2020 is to be met. The Scottish Government intend to achieve this through the application of a National Low Emission Frame (NLEF) in conjunction with a National Modelling Framework (NMF) and completion of a range of cross government policy actions. They are currently working with a number of partners, however local authorities are a key stakeholder in the delivery of the necessary air quality improvements.
- 4.1.2 The Scottish Government's Programme for Government 2016-17 underpinned the CAFS commitment to improve air quality, by stating “that with the help from local authorities, we will identify and put in place the first LEZ by 2018, creating a legacy on which other areas can build”. As explained in the earlier report (Ref 251/2017) work has been progressing across the four main cities to develop a National Modelling Framework for each city. Through this collaborative approach Glasgow has been identified as the first of the four cities to take forward the LEZ implementation process.
- 4.1.3 The 2017/18 Programme for Government sets out an increased ambition to address transport related emissions; in particular establishing LEZs in the other three main cities by 2020, including Dundee. The Scottish Government launched "Building Scotland's Low Emission Zones Framework-A Consultation" on the 6 September. This sets out the proposed arrangements and options to deliver consistent, well-designed and managed LEZs in 2018 and beyond. The proposed response for this consultation is the subject of a separate committee report.

4.2 NMF and NLEF Implementation Process

4.2.1 The NMF and NLEF process aims to provide a nationally consistent approach to the appraisal, design and implementation of a range of air quality improvement options related to transport including LEZs. The initial phase of the process as previously mentioned involves the development of a National Modelling Framework in each city.

4.2.2 A NMF Working Group has been set up in Dundee to progress this work, consisting of representatives from the Scottish Environment Protection Agency, Transport Scotland, TACTRAN and relevant officers from Dundee City Council. This work is at an early stage, with the collection of an extensive number of additional traffic counts undertaken during September 2017. The traffic data and other relevant information required for the NMF (vehicle profiles across all fleet sectors, bus and freight routes, residential locations, location of key retail areas etc.) will now be used to build a baseline air quality capacity model for the city. Thereafter the following steps will be undertaken:

- Testing of Model sensitivity/Verification against real time monitoring;
- Modelling Source Apportionment (breakdown the source(cars/buses/HGV/LGV) and their contribution in each AQ hot spot area), focusing in areas of exceedance;
- Modelling to look at a number of scenarios to quantify the air quality improvements required and justification for various NLEF improvement options including LEZs, and
- The outputs from the NMF modelling exercise will be used in the NLEF appraisal process to consider a range of air quality improvement options which will include LEZs. Detailed cost benefit analysis and the preparation of a robust business case will be required in advance of progressing with any preferred option.

The package of interventions to deliver the necessary improvements in Dundee will not be known until the NMF/NLEF processes are complete.

4.3 LEZ Process and Potential Implications

4.3.1 A LEZ is a defined geographic area in which vehicle entry is restricted, based on the level of engine emissions (the Euro Emission Standard criteria proposed for Scotland is detailed in Table 2 of the recent Transport Scotland consultation Building Scotland's LEZs –A Consultation <https://consult.scotland.gov.uk/transport-scotland/building-scotlands-low-emission-zones>). LEZs were first introduced in 1996 in Sweden to improve air quality. There are now over 250 LEZs across 15 European countries including the UK. If adopted in Dundee the LEZ would be delivered as part of a package of measures to reduce levels of particulate matter, nitrogen dioxide and congestion within the city. Automatic Number Plate Recognition (ANPR) cameras would be used to detect non-compliant vehicles.

4.3.2 A number of factors will have to be taken into consideration prior to choosing the most appropriate method to bring in an LEZ. Initially we need to determine the size and nature of the area, clarify the problem from a public and political perspective, the level of engagement from all vehicle users, impact on businesses and the competitive environment as well as the availability of external funding.

4.3.3 LEZs would be used to introduce access restrictions potentially on a variety of vehicle types, based on evidence from the traffic data and air quality modelling. Traffic Regulation Orders (TROs), or for a bus only LEZ Traffic Regulation Conditions (TRCs), are needed to enforce the restrictions. This is a critical element of the LEZ implementation process. The TRO approach has been used to pedestrianise large parts of Dundee's city centre. They have been used to ensure the safe movement of traffic, or to impose restrictions about movement/speed. TROs currently have no environmental weighting. Any moving vehicle offences are enforced by Police Scotland and any parking restrictions are enforced by the local authority. Transport Scotland have included the need for legislative changes within the current Transport Bill, to create a

decriminalised offence, to support LEZ enforcement by local authorities. For a LEZ for buses only, a TRC would be prepared and submitted to the Traffic Commissioner.

- 4.3.4 Discussions have taken place with the Traffic Commissioner on supporting councils by means of imposing Traffic Regulation Conditions on bus operator licenses. The Traffic Commissioner has indicated that any such TRC must achieve two outcomes.
- Reduce emissions through the adoption of cleaner engine technology, and
 - Improve the bus offer in a city in terms of bus journey time reliability and punctuality, by addressing congestion.
- 4.3.5 Both TROS and TRCs require significant resource as they involve the collection of a substantial level of evidence and consultation with a wide range of stakeholders prior to their implementation. A TRO can take up to 18 months to consult on, and it is unlikely that TROs for LEZs would be permitted easily. Negotiation and consultation with various stakeholders may be required. There is also the potential for appeals which would extend the implementation and costs of the process.
- 4.3.6 The procurement of new vehicles, or retrofitting of older vehicles will also impact on the delivery timeline for an LEZ. New bus orders can take 18-24 months from placing the order to delivery, and retrofitting buses require approximately 2 days per retrofit. Procurement processes and availability of contractors to supply and fit potentially large numbers of buses is also a factor. Commercial fleet operators and owners of private vehicles will also require a significant lead in time to upgrade or replace vehicles. Unlike buses, vans and cars cannot be cost effectively retrofitted to make them compliant. These vehicles would have to be replaced or be kept out of the LEZ area. A full consultation, including consideration and agreement of exemptions and lead in times will be required in advance of any declaration for such vehicles. The outcome of the "Building Scotland's Low Emission Zones Framework-A Consultation", will inform this, the development of LEZs and ultimately the NLEF Guidance that will be used by local authorities for the implementation of any LEZs. The NLEF Guidance (transport-focused, evidence based appraisal process for the development of local authorities business case and costs) is expected to be available early next year.
- 4.3.7 Work is currently being progressed by the Scottish Government to identify the costs involved in the implementation of LEZs and consider what funding may be made available by the Scottish Government and/or other agencies. Significant funding will be required to support the delivery of LEZs.
- 4.3.8 Any Low Emission Zone introduced within a local authority area will need to be fully funded, including the set up costs, infrastructure, enforcement regime and on-going running costs. Additionally, it is anticipated that expert support, either through consultants or the provision of additional funding to employ staff with the necessary knowledge and skills will be required to support the development of a business case and other associated elements of the National Low Emission Framework process. The costs could run to several million pounds.
- 4.3.9 The Scottish Government has commissioned Jacobs (Jacobs Consultancy is a specialised management, technical, and consulting division of Jacobs Engineering Group. Providing technical, professional, and construction services, including all aspects of engineering, architecture, construction, operations and maintenance, as well as a scientific and specialty consulting) to provide costings for the implementation of LEZs in Scotland. This work will help local authorities that are required to undertake robust cost benefit analyses as part of the preparation of the business case for any NLEF improvement option (including LEZs).
- 4.3.10 The costs to the bus industry and other commercial fleet operators will be dependent on the number of vehicles that are non-compliant but is likely to be substantial. Retrofitting older buses does cost significantly less than the replacement cost of a new bus. However, there are only certain chassis types that can be adapted. The Scottish Government are currently reviewing the

various grants and giving consideration to other incentive schemes.

- 4.3.11 The 2017 Programme for Government clearly commits the Scottish Government to putting in place the first LEZ by the end of 2018 and in the remaining three main cities by 2020. It is anticipated that funding to support this will be announced as part of the Scottish Government's Spending Review.

4.4 Proposed Future Action

- 4.4.1 Representatives from Transport Scotland met with representatives Dundee City Council on the 3rd of November to explore how we can work together to support the establishment of a potential LEZ within Dundee.
- 4.4.2 The Cabinet Secretary for Environment, Climate Change and Land Reform and the Minister for Transport and the Islands, have written to the Council to invite participation in a LEZ Leadership Group. The group will be chaired by a Scottish Government Minister and will also include representatives from Aberdeen, Edinburgh and Glasgow, as well as SEPA. The purpose of the group will be to support the implementation of low emission zones, ensuring that they are evidence based, robust, deliver air quality improvements and that stakeholders and the public are engaged and involved.
- 4.4.3 Consideration is being given to developing a three tiered approach to support the delivery of the LEZs. In addition to the above group, the second tier would have senior officers from each of the four cities to allow for the sharing of best practice and ensure that a consistent approach is being taken across the four cities. Each city would have a city specific LEZ delivery group that would form the third tier of the process. It is the intention that this would facilitate the continuation of the collaborative approach that is already being taken forward to deliver the CAFS aims and objectives.
- 4.4.4 To facilitate the introduction of a LEZ in Dundee, it is proposed that the Executive Director of Neighbourhood Services and Executive Director of City Development are remitted to take this forward for Dundee.

5.0 POLICY IMPLICATIONS

- 5.1 This report has been subject to an assessment of any impacts on Equality & Diversity, Fairness & Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at www.dundee.gov.uk/ia/reports.

6.0 CONSULTATIONS

- 6.1 The Council's Management Team were consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

- 7.1 None.

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