

Low Emission Zone Objections

As required under Regulation 4 (4) of the Low Emission Zones (Scotland) Regulations 2021, this report provides detail on:

- (a) the number of objections received,
- (b) a summary of the general nature of the objections received,
- (c) the local authority's response to the objections received.

Following approval at the Community Safety & Public Protection Committee on 25 October 2021, a Notice of Proposals for a Low Emission Zone scheme for Dundee was published on 1 November 2021. The formal objection period on the proposed Low Emission Zone (LEZ) then ran for the minimum 28-days from 1st November to 28th November 2021. No objections were received by Dundee City Council during this period. It was identified during the compiling of the report that an oversight with communicating with one of the statutory consultees had occurred and therefore the decision was made to re-run the objection period.

The Notice of Proposals was published again on 13 December 2021 with the re-run of the formal objection period lasting for 35-days from 13th December 2021 to 16th January 2022. A total of six objections were received during this period, with this being a mix of local businesses (2) and individuals (4). A full response has been provided to each objection received. The following sections summarise the general nature of the objections received and the local authority's response to the objections received.

Issue 1: Concern about the impacts on local residents and businesses - retailers and hospitality in the city centre over the last two years have suffered severe drops in footfall and income due to the Covid-19 pandemic, home working, and the subsequent switch to online shopping. The inability to drive within the zone will deter even more people from coming into the town, with the LEZ therefore encouraging people to shop out with of the proposed zone.

Response:

Dundee City Council has undertaken a wide-ranging option appraisal exercise to determine the optimum LEZ for Dundee, and key to this has been seeking to balance the need to address issues of poor air quality in the city against the impacts on local residents and businesses.

Funding has been made available from Transport Scotland to help residents and businesses become LEZ-compliant, with support available for the retrofitting of non-compliant vehicles with the costs of purchasing a compliant vehicle, or to change transport mode. A supporting Integrated Impact Assessment (IIA), which considers the costs and benefits to business resulting from the introduction of a LEZ in Dundee has been undertaken during the LEZ development process.

Two-year grace periods for enforcement following introduction have been proposed to help mitigate the impact of the proposed LEZ in individuals and businesses. By the time enforcement commences in 2024, predictions in our IIA suggest that only 12% of the trips to the LEZ area by cars would be by non-compliant cars.

Drivers of non-compliant vehicles will be able to use car parks in relatively close proximity to the city centre without entering the LEZ.

No amendments are therefore proposed.

Issue 2: Concern about the detrimental effect on tourism due to exclusion of EURO 5 motorhomes and residential vans, and disadvantaged caused to those who cannot afford Euro 6 motorhomes or residential vans.

Response:

Overnight stays are not permitted within any of the Dundee City Council car parks, while those looking to park a motorhome during the day in Dundee are directed to the East Whale Lane car park which is outside of the proposed low emission zone area.

There is scope in the legislation to allow DCC to introduce 'time-limited exemptions' for certain vehicle types if this is considered necessary, however due to there not being any overnight car parks for motorhomes or residential vans in the proposed LEZ area, it is unlikely that such an application for a 'time-limited exemption' for this vehicle type would be approved should one be submitted.

No amendments are therefore proposed.

Issue 3: Concern that the proposed LEZ area is an unreasonable and illogical layout that will negatively disrupt many local businesses, especially those which heavily rely on city public car parking facilities, such as Gellatly Street carpark, for its guests, colleagues, and partners. Introducing this new zone will negatively impact our hotels, and potentially force us out of business, because our guests will be forced to use other hotels who are not included in the zone and have their own car park facilities.

Response:

The reasoning why the Wellgate, West Bell St and West Marketgait NCP car parks are not within the proposed LEZ scheme area is due to these being accessed directly from the A91 inner-ring road network which is not included in the LEZ scheme. Car parks are excluded from LEZ schemes as the Transport (Scotland) Act 2019 allows LEZ's to only apply to 'roads' so there would be no offence for driving within a car-park. In the case of the Gellatly St carpark, this is accessed via Gellatly Street, which is within the proposed LEZ area, therefore cars wishing to drive along Gellatly Street need to meet the emission standards set or have a valid exemption (i.e. blue badge). The access road to the Wellgate carpark, Kirk Lane, is a private road. The Transport (Scotland) Act 2019 also prevents private roads from being included in LEZ schemes.

DCC's LEZ development has followed the Scottish Government's recommended approach in terms of the National Low Emission Framework (NLEF) and National Modelling Framework (NMF), supported by relevant impact assessments, and this is wholly consistent with the approach undertaken by the other LEZ cities in Scotland. This includes a supporting Integrated Impact Assessment (IIA), which considers the costs and benefits to business resulting from the introduction of a LEZ in Dundee. Two-year grace periods for enforcement following introduction have been proposed to help mitigate the impact of the proposed LEZ in individuals and businesses. By the time enforcement commences in

2024, predictions in our IIA suggest that only 12% of the trips to the LEZ area by cars would be by non-compliant cars.

The nearest equivalent car-park out with of the proposed LEZ area is less than a 5-minute walk from the hotel referred to in the objection submitted. In addition, blue-badge holders are exempt from enforcement and would be able to utilise disability access via Commercial St or Gellatly St.

An objective of the Dundee LEZ is for it to develop an environment that helps promote more active and sustainable travel choices in Dundee and contributes to meeting emission reduction targets set out in Part 1 of the Climate Change (Scotland) Act 2009. Restricting access to city centre carparks, such as Gellatly Street, may encourage drivers to switch to more sustainable forms of transport, such as public transport or active travel. Allowing non-compliant vehicles access to the Gellatly Street car park would not support this objective.

No amendments are therefore proposed.

Issue 4: Concern that the LEZ will cause a large reduction in traffic and where there is no traffic in the evenings or nights which could lead to increased anti-social behaviour which will cause citizens to feel defenceless and intimidated.

Response:

Dundee City Council has undertaken a wide-ranging option appraisal exercise to determine the optimum LEZ for Dundee, and key to this has been seeking to balance the need to address issues of poor air quality in the city against the impacts on local residents and businesses.

To help mitigate the impact of the introduction of LEZs in Scotland, funding has been made available from Transport Scotland to help residents and businesses become LEZ-compliant, with support available for the retrofitting of non-compliant vehicles, with the costs of purchasing a compliant vehicle, or to change transport mode.

While the low emission zone (LEZ) may encourage some drivers who currently own a non-compliant car to change to cycling, it is not the case the LEZ will prevent vehicles from accessing the city centre resulting in traffic less street. Predictions suggest that by the time that enforcement begins in 2024, 12% of the journeys being made in to the LEZ area would be by non-compliant cars. The number of cars restricted from entering the LEZ may even be lower than this due to exemptions for blue-badge holders allowing them to enter the LEZ in a non-compliant car.

No amendments are therefore proposed.

Summary:

Following analysis of the submission received during the objection period, it is considered that no amendments to the proposed low emission zone scheme for Dundee is necessary. It will be necessary though to ensure that communications promoting the funding being made available for residents and businesses from Transport Scotland to help become LEZ-compliant is maintained following the introduction of the scheme until enforcement commences.