

## Dundee City Council - Proposal to make a Low Emission Zone Scheme

Under the powers granted by the [Transport \(Scotland\) Act 2019](#), and in accordance with [The Low Emission Zones \(Emission Standards, Exemptions and Penalty Charges\) \(Scotland\) Regulations 2021](#) and [The Low Emission Zones \(Scotland\) Regulations 2021](#), Dundee City Council (DCC) proposes to introduce a Low Emission Zone (LEZ) in Dundee.

Our proposal is outlined in the information provided below, which can also be downloaded here. We are now seeking feedback on this proposal, which can be done via the methods listed in the **'Representations and Next steps'** heading below. We recommend that you read through the information provided before providing feedback as concerns you may have might be addressed in this information.

### 1 Statement of scheme proposal

Dundee City Council's Community Safety and Public Protection Committee has agreed to put forward that an area within the city's inner ring road would form an Low Emission Zone, access to which would only be available to certain types of vehicle that meet stringent emissions criteria. It is proposed that an area within the Inner Ring Road, excluding the Bell Street, West Marketgait NCP and Wellgate car parks forms the basis of the Dundee Low Emission Zone Scheme. A map showing the extent of the proposed Dundee LEZ, and the roads (or parts of roads) which form part of the LEZ are provided within the 'Proposed LEZ area on a map', and 'List of roads (or parts of a road) which form part of the LEZ' headings below.

The proposed LEZ scheme is intended to be introduced on 30th May 2022. 2-year grace periods (during which enforcement of the LEZ will not take place) are proposed for both residents and non-residents of the LEZ area and for all non-exempt vehicle types, meaning enforcement would commence on 30th May 2024.

The proposed LEZ scheme is to apply to all vehicle types, apart from motorcycles and mopeds (which have been scoped out of the proposed LEZ scheme) and those subject to a national exemption outlined in the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021. Full details of the vehicle types included, vehicle emission standards and exemptions are provided in the associated headings below.

The objectives for Dundee's Low Emission Zone were accepted at the Community Safety & Public Protection Committee meeting on February 24 2020, and are:

- Protect public health through improving air quality in Dundee and achieving air quality compliance for nitrogen dioxide (NO<sub>2</sub>), Particulate Matter (PM)<sub>10</sub> and PM<sub>2.5</sub>
- 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, and
- Contribute to the ongoing transformational change in Dundee and help promote the city as an inclusive and desirable place to live, invest, visit and learn.

Representations on the proposed LEZ scheme can be made during the 8-week consultation period commencing on 14 June 2021. Details on how representations can be made are listed in the 'Representations and Next Steps' heading below.

## **2 Statement setting out the reasons why the proposed scheme should be made**

We want people in Dundee to enjoy

- cleaner air
- better health
- a more pleasant and attractive city.

Air pollution is harmful to health, especially for

- the young
- the elderly
- those with heart and lung conditions.

Dundee has made progress in reducing levels of air pollution, however there are still streets where nitrogen dioxide (NO<sub>2</sub>) is at levels that exceed set objective levels so we need to take more action.

In Dundee (and most UK cities), road traffic is the main source of NO<sub>2</sub>.

Low Emission Zones can help reduce pollution from vehicle emissions, tackling both poor air quality and climate change. LEZs reduce pollution levels and improve air quality by stopping the most polluting vehicles entering a specific area.

Despite improvements in air quality since the introduction of the DCC Air Quality Action Plan in 2011, there remain locations in the city where the Air Quality Objective (AQO) for annual mean NO<sub>2</sub> are not being met. While the number of exceedances of the NO<sub>2</sub> annual mean objective has decreased, the proposed LEZ is to be introduced in the city to accelerate Dundee's required compliance with the objective levels.

The full option appraisal process that has culminated in the identification of the preferred LEZ scheme option is described in detail within the ['National Low Emission Framework - Interim Stage 2 report' \(8.6MB PDF\)](#). This document contains analysis of the National Modelling Framework (NMF) Air Quality Modelling work undertaken by the Scottish Environmental Protection Agency (SEPA), the Paramics Traffic modelling undertaken, the COVID-19 Uncertainty Study and the SEPA Emissions Analysis work referred to later in this statement. A shorter 'summary' version of the NLEF Interim Stage 2 report is also available for download ['National Low Emission Framework – Stage 2 Assessment – Summary Note \(2.2MB PDF\)](#).

The process has included identifying a range of high-level scenarios, some of which were then assessed in the Scottish Environmental Protection Agency (SEPA) Air Quality City Model for Dundee to see their effect on NO<sub>2</sub> levels in areas of Dundee where there are current exceedances of the air quality objective level.

From this, [five potential options were subjected to public consultation and stakeholder engagement in 2019 \(2.2MB PDF\)](#). The five options included scenarios where the LEZ applied to buses only, to all vehicle types, and had three different possible areas based on the city centre bound by the inner-ring road. Over 1300 responses were received to the public consultation, with 64% of respondents supporting the introduction of an LEZ applying to all vehicles. This option was also being

favoured by bus operators. A [report on this public consultation and stakeholder engagement was presented to Councillors in February 2020 \(1.2MB PDF\)](#).

After this consultation, the five options plus additional Lochee Road inclusive variations requested during the consultation process, were assessed in a traffic microsimulation model to identify any potential impacts on the Dundee road network. The traffic modelling of the city centre only options helped to understand the localised impact of each option in restricting non-compliant vehicles from accessing the area inside the inner ring road and redistributing trips to car parks on the periphery of the proposed option area. When modelling the variations that included Lochee Road, the modelling suggested that the introduction of a LEZ incorporating the Lochee Road corridor significantly impacted on network conditions. The increase in network congestion was evident on all inner ring road option variants tested with both Lochee Road variants. 15 LEZ options in total were tested in the Dundee City Paramics traffic model and the model results clearly show there to be considerable impacts on the Dundee Road network if Lochee Road is included in any LEZ option.

In addition to the traffic modelling, further scenarios resulting from a COVID-19 Uncertainty Study that looked at plausible futures for travel post pandemic and how this may affect proposed LEZs in Scotland were also assessed in the traffic model. The results showed general network conditions between the Covid-19 sensitivity Reference Case and option models were relatively similar with no significant increase to network congestion or journey times on key routes. This modelling again however identified that the inclusion of Lochee Road options in the LEZ would result in localised rerouting of non-compliant vehicles.

For these reasons, all Lochee Road options were removed from the appraisal process and were not considered viable LEZ options. The final option which excludes the Bell Street, West Marketgait NCP, and Wellgate Centre car parks was chosen as the two other inner-city options which included these car parks would not have complied with Section 14(3)(a) of the Transport (Scotland) Act 2019 due to the car parks being considered being a 'private road' or directly accessed by a 'private road'. Road safety considerations also mitigated against these options.

Based on the traffic modelling results and the 2019 public consultation, to help achieve compliance with NO<sub>2</sub> air quality objective levels, and continued compliance with Particulate Matter (PM)<sub>10</sub> and PM<sub>2.5</sub> objectives, the LEZ is to apply to all vehicle types, apart from motorcycles and mopeds (which have been scoped out of the proposed LEZ scheme) and those subject to a national exemption outlined in the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021.

Due to a significant cyber-attack, SEPA have not yet been able to undertake detailed air-quality modelling of the proposed Low Emission Zone (LEZ) option. However, an interim method has been agreed that focuses on road traffic emissions. This emissions analysis is outlined in the '[Dundee Emissions Analysis Report](#)' (1.42MB PDF). The primary focus of the LEZ is to reduce local concentrations of Nitrogen Dioxide (NO<sub>2</sub>), which is the pollutant by which compliance against air-quality standards is assessed. This has therefore been the focus of previous air-quality modelling.

The emission analysis presented here focuses on emissions of Nitrogen Oxides (NO<sub>x</sub>), which describes the combination of NO<sub>2</sub> emitted directly from vehicles as well as Nitrogen Oxide (NO) which can be converted to NO<sub>2</sub> in the atmosphere. The next stage of detailed air-quality modelling will include predictions of NO<sub>2</sub> concentrations. The interim emissions analysis of the proposed city-centre-only LEZ indicate an overall reduction in NO<sub>x</sub> emissions on roads within the LEZ of 78%. On

Lochee Road that is outside of the LEZ boundary there is a reduction in NOx emissions of an average of 20%.

The decision to apply a 2-year grace period is driven by feedback obtained through previous consultation and stakeholder engagement as to how quickly those affected by the introduction of the LEZ in being able to become fully compliant. In addition, the unprecedented impact of the COVID-19 pandemic on society, including the wider environment and economy, needs to be considered. Potential implications for city centre businesses and bus operators suggests that a grace period greater than the required 1 year minimum is appropriate. The 2-year grace period would be applicable to all vehicle types from the same date to ensure consistency and ease of enforcement and wider communications. No additional grace period for residents of the zone is proposed.

### 3 Proposed LEZ area on a map

A map of the proposed Dundee LEZ area is shown on the map below. [This map can also be downloaded here \(1.7MB PDF\)](#).



### 4 List of roads (or parts of a road) which form part of the LEZ

Roads within the proposed LEZ area are provided in Table 1 below.

Table 1: List of roads (or parts of a road) which form part of the LEZ

Road name	Part of road which form part of LEZ
Allan Lane	Full length
Albert Square	Full length
Argyllgait	Full length

Bank Street	Full length
Barrack Street	Full length
Bell Street	Between Victoria Road and Constitution Road
Cameron's Close	Full length
Candle Lane	Full length
Castle Street	Full length
Chapel Street	Full length
Commercial Court	Full length
Commercial Street	Full length
Constitution Road	Full length
Courthouse Square	Full length
Couttie's Wynd	Full length
Cowgate	Full length
Crichton Street	Full length
Dock Street	Between Whitehall Crescent and Commercial Street/A991 junction
Euclid Crescent	Full length
Euclid Street	Full length
Exchange Court	Full length
Exchange Street	Full length
Forester Street	Full length
Gellatly Street	Full length
High Street	Full length
Irvine's Square	Full length
Johnston Street	Full length
King Street	Between St. Andrew's Street and North Marketgait
Malthouse Close	Full length
Mary Ann Lane	Full length
Meadow Entry	Full length
Meadowside	Between Meadow Lane and Constitution Road
Murraygate	Full length
Nethergate	Between West Marketgait and Crichton Street
Nicholl Street	Full length
North Lindsay Street	Full length
Panmure Street	Full length
Peter Street	Full length
Pullar's Close	Full length
Queen Street	Full length
Rattray Street	Full length
Reform Street	Full length
Royal Exchange Lane	Full length
Seagate	Between Commercial Street and East Marketgait
Shore Terrace	Full length
Soapwork Lane	Full length
South Ward Road	Full length
St Andrew's Lane	Full length
St Andrew's Street	Full length
Sugarhouse Wynd	Full length
Trades Lane	Full length
Union Street	Full length

Ward Road	Full length
West Bell Street	Full length
Whitehall Crescent	Full length
Whitehall Street	Full length
Willison Street	Full length
Yeaman Shore	Full length

## 5 Introduction Date on which the scheme comes into effect and Grace Periods

It is Dundee City Council's intention to introduce the LEZ on 30th May 2022.

Two-year grace periods (during which enforcement of the LEZ will not take place) are proposed for both residents and non-residents of the LEZ area and for all non-exempt vehicle types, meaning enforcement will commence on 30th May 2024.

## 6 Types of vehicles to which the proposed LEZ applies

The Dundee LEZ will apply to all vehicle types, apart from motorcycles and mopeds (which have been scoped out of the proposed LEZ scheme) and those subject to a national exemption outlined in the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021.

The types of vehicles to be included will be the following categories as set out in Annex II of the Directive 2007/46/EC as listed in Table 2 below.

Table 2: Types of vehicles to be included in the proposed Dundee LEZ scheme

Vehicle	Vehicle Category	Description
Light passenger vehicles	M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.
Minibus	M2	Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes.
Bus and coach	M3	Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding 5 tonnes.
Light Goods Vehicles (LGVs)	N1	Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes.

Heavy Goods Vehicles (HGVs)	N2	Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes.
	N3	Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 12 tonnes.

Vehicles will be permitted access to LEZs on the basis of their exhaust emissions standard. Mandatory nationally consistent emission standards for Scottish LEZs have been set for virtually all petrol and diesel vehicle classifications (e.g. buses, taxis, vans, HGVs, cars, motorcycles) within [The Low Emission Zones \(Emission Standards, Exemptions and Penalty Charges\) \(Scotland\) Regulations 2021](#). These are shown in Tables 3 and 4.

Table 3: LEZ emission standard for compression ignition (diesel) engines

Vehicle category	Emission standards	Euro Categories
Heavy-duty vehicles (e.g. HGVs and buses/coaches)	Euro VI	M2, M3, N2, N3
Light passenger and light goods vehicles	Euro 6	M1, M2, M3, N1, N2
Special category vehicles: <ul style="list-style-type: none"> <li>an ambulance (which is not exempt under the Regulations);</li> <li>a hearse;</li> <li>a motor caravan.</li> </ul>	Euro 6	M1, M2, M3

Table 4: LEZ emission standard for positive ignition (petrol and gas) engines

Vehicle category	Emission standards	Euro Categories
Heavy-duty vehicles (e.g. HGVs and buses/coaches)	Euro IV	M2, M3, N2, N3
Light passenger and light goods vehicles	Euro 4	M1, M2, N1, N2
Special category vehicles: <ul style="list-style-type: none"> <li>an ambulance (which is not exempt under the Regulations);</li> <li>a hearse;</li> <li>a motor caravan.</li> </ul>	Euro 4	M1, M2, M3

Vehicles can be retrofitted with emission abatement technology to improve emissions. Suitably certified retrofitted or repowered vehicles - where the emission standards are confirmed to a Euro 6/VI standard equivalent - will also be LEZ compliant.

Dundee's proposed LEZ will not apply to motorcycles and mopeds given the limited contribution these make to NO2 emissions.

The [national low emission website contains an on-line vehicle checker tool](#) which can assist in advising whether your vehicle may be compliant for use within a low emission zone in Scotland.

## 7 LEZ scheme objectives

The objectives for Dundee’s Low Emission Zone were accepted at the Community Safety & Public Protection Committee meeting on February 24 2020, and are:

- Protect public health through improving air quality in Dundee and achieving air quality compliance for NO2, PM10 and PM2.5
- 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, and
- Contribute to the ongoing transformational change in Dundee and help promote the city as an inclusive and desirable place to live, invest, visit and learn.

## 8 Exemptions

As identified in [The Low Emission Zones \(Emission Standards, Exemptions and Penalty Charges\) \(Scotland\) Regulations 2021](#), a number of vehicle types will be exempt from LEZs in Scotland, meaning that any restrictions will not apply to them. The list of national exemptions can be found in Table 5 below.

Table 5: National exemptions

Vehicle type or classification	Description
Emergency vehicles	The vehicle is being driven by any person who is: <ul style="list-style-type: none"> <li>• undertaking their duty as a constable;</li> <li>• providing a response to an emergency at the request of the Scottish Ambulance Service Board;</li> <li>• exercising the functions of the Scottish Ambulance Service Board, the Scottish Fire and Rescue Service, Her Majesty's Coastguard or the National Crime Agency.</li> </ul>
Naval, military or air force vehicles	<ul style="list-style-type: none"> <li>• Vehicles being used for naval, military or air force purposes.</li> </ul>
Historic vehicles	<ul style="list-style-type: none"> <li>• The vehicle was manufactured or registered under the Vehicle Excise and Registration Act 1994 for the first time at least 30 years ago;</li> <li>• The vehicle is no longer in production; and</li> <li>• The vehicle has been historically preserved or maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components.</li> </ul>
Vehicles for disabled persons	<ul style="list-style-type: none"> <li>• The vehicle is being driven by any person who is in receipt of a badge (a blue badge) that has been issued under</li> </ul>

	<p>Section 21(2) of the Chronically Sick and Disabled Persons Act 1970,</p> <ul style="list-style-type: none"> <li>• a passenger in the vehicle has been issued with a badge under that Section of that Act; or</li> <li>• a badge for the vehicle has been issued under Section 21(4) of that Act; or</li> <li>• a reduction in annual rate of vehicle excise duty applies because the vehicle is being used by a disabled person in receipt of personal independence payment at the standard rate; or</li> <li>• Vehicles registered with a 'disabled' or 'disabled passenger vehicles' tax class e.g. the vehicle is exempt from payment of vehicle excise duty under paragraph 19(1) or 20(1) of schedule 2 of the Vehicle Excise and Registration Act 1994 (exemptions from excise duty for vehicles used by disabled persons).</li> </ul>
Showman vehicles	<ul style="list-style-type: none"> <li>• Vehicles described as either “showman’s goods vehicle” or “showman’s vehicle” according to Section 62(1) of the Vehicle Excise and Registration Act 1994. Note: these are highly specialised vehicles used for the purposes of travelling showmen, where the vehicle is used during the performance, used for the purpose of providing the performance or used for carrying performance equipment.</li> </ul>

\* Note: blue badges are assigned to a person, not a vehicle, so a blue badge holder could travel in any vehicle and the rules of the blue badge would be applied to that vehicle on that day of travel.

## 9 Time-limited exemptions

The Transport (Scotland) Act 2019 allows for local authorities to grant a ‘time-limited exemption’ of no more than 1 year (although this can be renewed following reassessment) to certain vehicles or vehicle types which would allow any non-compliant vehicles within such a group to continue to drive within the LEZ area without penalty on a temporary basis. The Council may grant time limited exemptions but only in exceptional circumstances where it can be clearly demonstrated that vehicle operators or groups are doing all they can to comply with the LEZ but may require longer time than the agreed grace period. Currently, no specific time-limited exemptions are proposed.

## 10 Hours of Operation

It is proposed that the LEZ operates for 365 days a year, 24 hours a day.

The legislation allows for the LEZ to be suspended for the duration of events of local or national significance. The LEZ can also be suspended in emergency situations, such as an accident on the wider road network that requires all vehicles to be temporarily diverted through the LEZ area (but only where vehicles follow prescribed diversionary routes).

## **11 Default penalty charges and enforcement**

The default penalty charges for LEZs have been set in [Schedule 4 of the Low Emission Zones \(Emission Standards, Exemptions and Enforcement\) \(Scotland\) Regulations 2021](#) and therefore are consistent across all of Scotland.

The initial penalty charge for all non-compliant vehicles is set at £60, reduced by 50% if it is paid within 14 days. The penalty amount doubles with each subsequent breach of the rules detected in the same LEZ. The penalty charges are capped at £480 for cars and light goods vehicles and £960 for buses and HGVs. Where there are no further breaches of the rules detected within the 90 days following a previous violation, the penalty is reset to the base tier of charge i.e. £60.

Enforcement will commence following the end of the 2-year grace period and will be via Automatic Number Plate Recognition (ANPR) cameras.

## **12 Why is Lochee Road not included in the proposed Dundee LEZ scheme?**

Following the public consultation exercise in 2019, two variants of the proposed LEZ area that included sections of Lochee Road were considered in the Paramics traffic modelling exercise:

- The Inner Ring Road option plus Lochee Road to Tullideph Road
- The Inner Ring Road option plus Lochee Road to Loon's Road

The traffic modelling results show that extending the LEZ to include Lochee Road significantly increases congestion in the city as non-compliant vehicles look for alternative routes. This leads to a network wide increase in journey times and queue lengths at key junctions and significant variations in traffic volumes on trunk and local road network. For example, over a 12-hour period the number of vehicles on City Road is shown to increase by 2500 vehicles, many of which would be non-compliant vehicles.

## **13 Representations and Next Steps**

Dundee City Council is now inviting responses to our Dundee LEZ scheme proposals. A consultation period will run for an 8-week period commencing on 14th June 2021 and closing on 9th August 2021.

Those wishing to provide feedback on the proposals can:

- Submit a response via the [online consultation page which can be accessed via this link \(www.dundee.gov.uk/service-area/comments-relating-to-the-low-emission-zone-proposal\)](http://www.dundee.gov.uk/service-area/comments-relating-to-the-low-emission-zone-proposal)
- Email a response to: [dundee.lez@dundee.gov.uk](mailto:dundee.lez@dundee.gov.uk) , or
- Submit a written response to: Head of Sustainable Transport and Roads, Dundee City Council, Floor 5, Dundee House, 50 North Lindsay Street, Dundee, DD1 1LS

The 8-week period is considered an appropriate timescale for consultation given that members of the public and stakeholders have already had an opportunity to comment on the LEZ and proposed LEZ options for a 6-week period in 2019 and wider engagement with key stakeholders has been ongoing since this time.

Following consideration of the feedback received, Dundee City Council aims to formally publish the proposed LEZ scheme in autumn 2021, following which a 4-week period when formal objections to the scheme can be made commences.

#### **14 Low Emission Zone support funding available**

Support funding is currently available for certain households and businesses.

The [LEZ Support Fund](#) will financially support eligible households on specific means-tested benefits, as well as businesses with 9 or fewer full-time employees and sole traders within a 20km radius of a planned LEZ in Scotland, with a grant to move away from older petrol and diesel vehicles.

The [LEZ Retrofit fund](#) will provide micro businesses within cities with a planned LEZ with support to retrofit their existing non-compliant vehicles with approved solutions that meet the minimum proposed standards of the LEZs. These grants are funded by Transport Scotland.

Further information on grants available and how to apply for these are available on the [Energy Saving Trust website](#).

#### **15 Further resources**

Further [air quality related resources](#) and [information about air quality in Dundee](#) are available via our website.

The [National Low Emission Zones website](#) for Scotland contains further information about LEZ plans across Scotland.