

EIC response to Scottish Government Low Emission Zone regulations and guidance consultation – February 2020

1a) Do you agree with the proposed present-day emission standards for Scottish LEZs? If not, why not?

We believe that the standards are about as strict as they can be. However, it is unclear if Euro 6 will continue to deliver the kind of performance in real world situations that we have seen in laboratory conditions.

A key area of concern is with enforcement. If the only formal test is the MOT there is the potential to chip Euro 6 vehicles and cheat the system. This may be negated from a retrofit perspective at least as the telematics should be able to give accurate readings, but the potential for dishonest behaviour should not be overlooked.

We further believe that Transport Refrigeration Units (TRUs) should be included in the regulations in their own right. At the moment they would be included under the more generic 'heavy vehicle', which we do not feel properly encapsulates TRU's contribution to air pollution. We are able to provide further evidence on this as necessary.

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.

EIC strongly welcomes the 2030 ambition. Although there is a need to be realistic in what is achievable within that time frame, we have no reason to go against the target as a general principle.

For TRUs, we believe that a shift could be achieved much earlier than 2030.

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

We believe that emergency vehicles should **NOT** be exempt from the regulations as proposed. It is important that Government lead by example, and should not expect citizens or the private sector to do what they are not willing to do themselves.

We also note the specific exemption made for showmen. We do not believe this exemption should be made, particularly as these kinds of attractions often use diesel generators and are likely to have large numbers of children in the near vicinity.

As a general point we feel there is a lack of consistency across the exemptions, and that they are too weak – a tougher regime is required.

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

As opposed to proposing further exemptions, we believe there are a number of vehicles and diesel-powered equipment which should **NOT** be exempt within the regulations:

Taxis (black cabs, minicabs, UBER), for example, should not be exempt.

Non road mobile machinery (NRMM) should also not be exempt. This is not mentioned in the consultation because it may be deemed to go beyond 'transport', but it should be included within the regulations as a key contributor to poor air quality. The initial thinking is that this would be for diesel-powered generation on construction sites; but could be used as a catalyst for joined-up thinking/breaking down of silos by considering other types of polluting machinery such as backup generators for data centres.

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.

We believe it is too weak, particularly on reoffending. If you only offend once a month (a delivery company, for example) the fine is never increased.

Those who can afford to pay any fine may just continue to do so without encouraging the necessary behaviour change. Commercial companies in particular may find it easier or cheaper in the short term to not comply and pay fines, rolling it into the cost of doing business. We have seen a similarly lax approach with fines from parking on double yellow lines, for example.

TRUs and NRMM also need to be included in the penalty charge scheme.

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

We do not have a particular view on which 'curve' is best.

However, we feel the escalation curve requires more nuance, with different charges for private and commercial vehicles, or size of vehicle. Keeping it as a flat rate would be unfair, and a more balanced approach would help build public support for the LEZ scheme.

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

Same as above.

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

365 days would be preferential, but may be difficult for Government to 'sell' as a policy.

180 days seems a fair balance.

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

Yes, but we feel the enforcement regime could go further.

Scottish Government has a real opportunity to take a lead across the UK by creating a database or registration system for both NRMM and TRUs. TRUs, for example, are not currently included on any database, so enforcement measures such as ANPR will not work. This is something we would be willing to work with Scottish Government on to create such a framework.

We also believe there needs to be carrot as well as stick. Beyond just a crude fine, the opportunity should be used to educate on the harm done by air pollution and explaining why the scheme exists – similar to speed awareness courses. Consideration would need to be given to nuanced messaging for different groups – businesses and the general public, for example.

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

The construction industry should be moved to the ‘must consult’ column so as to cover base level NRMM.

Trade bodies representing the environmental business sector should be included, as they can help Local Authorities by providing shortcut access to the latest technological, policy and regulatory expertise and innovation.

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?

Easier statistics to generate would be the number of contraventions, and a reduction in the number of non-compliant vehicles entering the LEZ.

More difficult to measure, but arguably more important in assessing the effectiveness of an LEZ, is the level of improvement in air quality. It is very difficult to measure the effectiveness of an LEZ in the short term as it can be temporarily affected by external factors such as the weather.

An effective scheme review would therefore take account of both short-term and long-term considerations, with evidence provided through real-time emissions monitoring by remote sensor networks. Corresponding data maps could be created over time, and for a range of different pollutants depending on regulatory requirement.

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

If an LEZ is successful, the revenue raised from fines is finite and will decrease over time. In this regard it is a one-off fund and not an ongoing income stream for the local authority.

Further, the LEZ, if thought through correctly, is a stepping stone towards creating places people want to live and improving quality of life rather than a policy end destination in itself.

Any revenue raised should be ringfenced and used to create a foundation for a longer-term transition away from car-dominated ‘places’. True active travel infrastructure would be an obvious

example, which is cheaper to implement; has minimal maintenance cost; and a much longer lifespan compared to roads for larger vehicles.

Another option might be to help finance a switch to greener vehicles for small businesses (or the retrofit of existing vehicles if preferable).

Ultimately, secondary objectives should be focused on measures which encourage modal shift away from private vehicles and/or toward public transport provision.

This could be underpinned by a survey of those residents/businesses most affected by the LEZ to ensure local engagement. It will be for local authorities to prioritise based on local needs.

8) Do you agree with the steps outlined in Figure 2 for enabling a LEZ scheme to come into effect? If not, why not?

It is not clear from the flowchart who sits on the committee in step 6. Is this just local councillors, or are other (public/private) stakeholders included? Some clarity on this would be helpful in making a judgement on the usefulness of the proposed approach.

If a decision gets stuck in a feedback loop between step 6 and step 3, we would recommend a requirement for ministerial approval/denial after three rejections of a scheme to break the deadlock.

If an LEZ scheme gets to step 7, there should be a minimum/maximum amount of time required between when the date is set and what that date is, to give business and citizens time to become compliant. It would also help give the retrofit sector time to scale up to meet newly created demand.

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

EIC and its members have multiple links into the Intelligent Transport Systems community, and have existing work programmes dedicated to supporting both environmental innovation and the environmentally-focused smart cities market.

Maximising the technological and job creation opportunities for Scottish business is something we feel would benefit from further investigation, and we would be happy to work with Scottish Government and local authorities to arrange a workshop or similar on this subject to lay a foundation to the discussion.

Further there may be additional opportunities for innovations on the outskirts of the LEZ, such as smart parking, as well as the opportunities within it.

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

Many studies have shown that air quality has a particular impact on the old, young, and least socially mobile. An LEZ scheme should be developed with this in mind, and see a positive impact for these groups.

It would also be helpful to offer some financial aid mechanism to smaller firms who may not have the upfront capital to retrofit their vehicle fleet (localised delivery firms who subcontract to Amazon, for example).

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.

In financial terms it will depend on the business sector, and then individual businesses within that sector. Haulage firms, taxi companies, bus operators may be affected if they need to retrofit large fleets or purchase new vehicles, but this process may have already started in some cases. It is not one size fits all.

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

It will have an impact on personal data, but we feel it is negligible, and will be not a significant increase on the existing use of ANPR. It should not be seen as a barrier to the implementation of LEZs.

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.

The LEZ's impact on the environment could play out – or be anticipated to play out – in a number of ways, but we believe that there will be a net positive benefit for air quality.

One concern often raised is that the introduction of an LEZ will see an increase in pollution and parking problems on the outskirts of the zone. However, there is no clear evidence to date from the Ultra Low Emission Zone in London and the work of Breathe London that this is the case – so it should not be assumed that it *will* happen.

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

It is an important point of principle that LEZs are part of a wider transition to the movement of fewer vehicles through a city. It is part of a wider picture – it should not be a policy created in isolation.

We have also made numerous references in our response to both non-road mobile machinery (NRMM), and transport refrigeration units (TRUs). These are two areas we feel it is important to see included as line items in their own right within the regulations/guidance. As it stands, there are blurred lines on these two important areas and a risk that they end up slipping through the net.