

## **Scotland's Low Emission Zones Consultation on Regulations and Guidance**

Cycling Scotland submission  
February 2020

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

**Yes**

The proposed present-day emissions standards are logical but there is a need to ensure that emissions standards are consistent across all LEZs and there should also be some consistency between different modes/types of vehicle across all LEZs in Scotland to help improve levels of compliance.

Going forward, emissions standards should become increasingly stricter, in line with the Scottish Government's ambition to phase out the need for petrol and diesel cars and vans by 2032, and to reduce air pollution emissions and support the necessary urgent progress on climate change emissions.

### **Question 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.**

Whilst this is welcome, the focus should be on removing vehicular traffic from city centres, and prioritising cycling and walking. Ultra-low emission buses in city centres would be welcome as part of a sustainable transport mix, with integration between active and public transport.

It is well evidenced that areas which prioritise cycling are better places to live, by improving air quality, reducing congestion, delivering improved economic outcomes for the area, and improving health and wellbeing. Evidence shows that giving more space in cities to active modes of transport and less to individual motorised transport will improve urban design as a whole and make cities more accessible to everyone, safer to move around, connecting neighbourhoods and creating meeting places. This in turn leads to other benefits such as better social cohesion and more revenues for shop owners, with evidence showing that designated cycle lanes can increase retail sales by as much as a quarter. People who cycle also tend to visit town centres more than car users, and the annual economic impact of people cycling is almost nine times as much as the one-off public investment to construct cycling infrastructure<sup>1</sup>. Cycling, walking and wheeling should be prioritised as part of the introduction of LEZs.

Following their evidence gathering sessions on the Draft Climate Change Plan, the Scottish Parliament's Rural Economy and Connectivity Committee, reported that active travel has an important role to play in reducing emissions and improving air quality, especially where it

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<sup>1</sup> British Cycling (2014) Benefits of Investing in Cycling  
[https://www.britishcycling.org.uk/zuvvi/media/bc\\_files/campaigning/BENEFITS\\_OF\\_INVESTING\\_IN\\_CYCLING\\_DIGI\\_FINAL.pdf](https://www.britishcycling.org.uk/zuvvi/media/bc_files/campaigning/BENEFITS_OF_INVESTING_IN_CYCLING_DIGI_FINAL.pdf), page 2

replaces car use. We would like to see this emphasised in government proposals for LEZs in Scotland and echo the call of the Rural Economy and Connectivity Committee for the Scottish Government to outline how it intends to meet its active travel modal share commitments.

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

Emergency service vehicles - as they are providing vital, often life-saving services, it is not practical or correct for them to be subject to LEZ restrictions.

Vehicles for disabled persons - it is important that equality of access is not compromised. Individuals with mobility problems and/or who have a blue badge, for example, should be exempt, where it is impossible for them not to access the LEZ in a non-complying vehicle and/or where this would have a significant negative impact, such as preventing them accessing vital services, employment and other opportunities.

Historic vehicles – older vehicles are generally more polluting. While there might be very few of these oldest vehicles on our roads, there will be a disproportionate amount of harmful pollutants emitted by them. They are also likely to be owned by the wealthiest drivers, who are generally less at risk of the health conditions caused by air pollution and are often used for recreational activity rather than for everyday transport/journeys. This contributes to unnecessary road congestion and increased air pollution. Such vehicles should not be exempt from LEZs.

Any exemptions applied must be applied consistently to ensure all road users are treated proportionately across the whole of Scotland. If exemptions are not consistent, this presents challenges to individuals travelling across the country and through different LEZs. Within this, however, it is important that local authorities have both the capacity and scope to respond to specific problems in their area.

**Question 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**

Yes

We agree with the proposed base level, as this is consistent with fines for other road traffic offences, such as parking contraventions. The incremental increase, with the fine increasing with each contravention, is welcome and can act as a disincentive for further offences.

**Question 3b – Which surcharge ‘curve’ in Figure 1 represents the best approach to designing a surcharge?**

Graph 2. The tiered approach is easy to understand and is likely to promote a greater level of compliance.

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

The surcharge should be applied consistently with a person/vehicle moving up a tier/level with each contravention, rather than moving up a tier with every 3 offences, in a 28-day

period. By permitting 3 offences within a 28-day period, there is much less of a disincentive effect not to re-offend in the medium to longer-term and permits 2 offences to be carried out almost immediately without a more severe punishment. In this regard, individuals should also not be able to move down a level, if they do not commit any further offences within a 28-day period, as proposed. This is likely to act as a further disincentive to comply.

A fine of £60 (base tier fine) is likely to be viewed as much more reasonable/affordable than a fine of £120 (for tier 1 offences) and so permitting 3 offences at the £60 fine level is much less of a disincentive to re-offend, than one fine of £60, followed immediately by a fine of £120. The latter approach is more likely to produce an immediate and sustained change in behaviour, and overall greater levels of compliance with LEZs.

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

Unless the contravention takes place within the grace period of a LEZ or prior to an arranged retrofit of the vehicle taking place, the registered keeper of a vehicle should not return to the base tier of the penalty charging system. Permitting a return to the base tier does not sufficiently act a strong disincentive against future contraventions of the LEZ.

**Question 4 – Do you agree with the general principle of the LEZ enforcement regime? If not, why not?**

Yes

Overall, we agree with the general principles of the enforcement regime.

It is important that compliance with LEZs is enforced. We note that Automatic Number Plate Recognition (ANPR) is the proposed/preferred system for enforcement. If ANPR is identified as the most cost-effective and efficient measure of doing this, then it should be utilised as the system for enforcing LEZs.

Reviews and appeals, such as those applied for on the basis of 'hardship exemptions', should be considered on a case-by-case basis and follow strict assessment criteria to ensure, when awarded, exemptions or overturning of a penalty charge notice (PCN) can be appropriately justified. Further, where the driver of the vehicle at the time when the contravention took place was not the registered keeper, the PCN notice should still apply, as the vehicle, regardless of the driver, does still not comply with the terms of the LEZ. It is important there is a consistent appeals and reviews process across all relevant local authority areas where LEZs operate.

**Question 5 – What are your views on the proposed list of 'other persons' that local authorities must consult on the LEZ plans?**

We welcome the inclusion of active travel groups as a group which local authorities must consult. These groups can provide expertise and advice on infrastructure design, successful behaviour change activities, and are the experts on cycling and walking in the local area, and promoting/encouraging modal shift to active and sustainable modes is essential if desired objectives and outcomes for LEZs are to be met.

We note that housing developers and housing associations are detailed as groups which the Scottish Government does not intend to include on the list of 'other persons' that local

authorities must consult. In terms of encouraging sustainable travel from new and current housing developments into and out of LEZ areas, it is important that they are consulted to ensure the need for change is clearly understood. Recent evidence highlights that new (and many pre-existing) housing developments continue to be car dominated and provide little to no facilities for active travel or easy access to connections to public transport<sup>2</sup>. In this regard, it is important for local authorities to consult with housing developers/providers to ensure that the needs of connectivity to active and sustainable travel are included as key factor in all developments, to reduce the need for driving and meet objectives of LEZs.

**Question 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?**

In addition to the proposals outlined in the consultation paper, the accountability and effectiveness of a LEZ should be measured and assessed by identifying the number of vehicles entering a LEZ (i.e. if this is higher or lower than before the LEZ was implemented); rates of non-compliance; types of vehicles entering the LEZ; and the rate of modal shift towards cycling and active travel.

**Question 7 – What secondary objectives should be created for LEZ schemes? Please be as specific as possible in your reasoning.**

The key secondary objective is increasing the number and proportion of journeys by cycling and also walking and wheeling. We welcome the inclusion of active travel in the key aspects for the secondary objectives, as an area that LEZs have the potential to interact with. We also welcome the topical areas identified to help inform the development of secondary objectives for LEZs. There should be a clear objective for LEZs to support delivery of the Sustainable Transport Hierarchy, actively promoting and encouraging modal shift to active and sustainable modes as the primary modes for short, everyday journeys.

A further secondary objective will be reducing the number of vehicles.

**Question 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 characteristic’ listed above**
- b) the very young and old**
- c) people facing socioeconomic disadvantages**

Air pollution disproportionately affects people in areas of multiple deprivation, people with pre-existing health conditions and children. Action to reduce air pollutants is therefore a matter of social justice and in line with the Fairer Scotland duty.

**Question 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.**

As discussed, LEZs have the potential to have a positive impact on the environment by helping to reduce emissions from vehicles, improve air quality, and reduce congestion.

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<sup>2</sup> [https://infrastructurecommission.scot/storage/245/FullReport\\_200120.pdf](https://infrastructurecommission.scot/storage/245/FullReport_200120.pdf);  
<https://www.ucl.ac.uk/news/2020/jan/new-housing-design-england-overwhelmingly-mediocre-or-poor>

Importantly, LEZs must promote cycling and active travel, as viable, cost-effective transport modes, and encourage modal shift away from the private car if the goals and objectives set for the LEZs are to be fully realised.

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

We agree with the primary objective of the LEZs as outlined in the consultation paper. It is important that LEZs align to current policy on improving air quality, and emissions reduction targets. Nitrogen dioxide and particulate matter emissions result primarily from vehicular traffic and have a significant impact on human health. Improving air quality could help to encourage modal shift towards cycling and active travel by making environments healthier and more attractive for cycling. Emissions from transport are the single largest source of greenhouse gas emissions in Scotland, accounting for 37% of total emissions<sup>3</sup>.

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<sup>3</sup> <https://www.gov.scot/publications/scottish-greenhouse-gas-emissions-2017/pages/3/>