

# PERTH AND KINROSS COUNCIL

19 February 2020

## SCOTLAND'S LOW EMISSION ZONES: CONSULTATION ON REGULATIONS AND GUIDANCE

Report by Head of Planning & Development  
(Report No. 20/49)

### PURPOSE OF REPORT

This report provides the Council with an opportunity to respond formally to the Scottish Government on proposed arrangements and standards for the establishment and operation of Low Emission Zones (LEZ).

The consultation is not about the design or implementation of any individual town or city-specific LEZ.

### 1. BACKGROUND

- 1.1 The Transport (Scotland) Act 2019 received Royal Assent on 15 November 2019. The Act is designed to bring forward some key radical measures to make transport networks cleaner, smarter and more accessible than ever. It aims to empower local authorities to tackle current and future challenges while delivering a more responsive and sustainable transport system for all users.
- 1.2 There are wide ranging provisions in the Transport (Scotland) Act and there are some key policy areas that will require consideration by the Council. These include the Workplace Parking Levy, the creation and decriminalised enforcement of LEZs, prohibiting double parking and parking on pavements, alternative methods of bus service provision as well as standardising smart ticketing technology. Further reports will be provided in the near future on the workplace parking levy, bus services provided by Local Authorities, pavement parking and ticketing. This report proposes the Council's response (Appendix 1) to the first tranche of a series of consultations on a major aspect of the Act – an LEZ.
- 1.3 The consultation on *Scotland's Low Emission Zones: Consultation on Regulations and Guidance* is seeking feedback from any interested parties on the technical issues that will support the operation and delivery of an LEZ. There is a presumption that the operation of LEZs will work on the same basis wherever they are located particularly in regard to the substantive issues of emission standards, vehicle class exemptions and penalty charge levels.
- 1.4 The key provisions in the Transport (Scotland) Act relating to LEZ's include:
  - Providing local authorities with powers to create, enforce, operate or revoke a LEZ in their area and to design the scope of the zone i.e. shape, size or vehicle particulars

- The setting of specified emission standards by the Scottish Ministers
- The setting of grace periods to allow those wishing to drive within the zone an opportunity to upgrade their vehicle to a less polluting model
- The ability for the local authority to promote permanent and/or time limited exemptions from the requirements of the zone
- Enable Scottish Ministers to specify by regulations the amount of the penalty charge notice (PCN) and set out the rules which apply to the PCN -i.e. time for payment, review, right of appeal etc
- Requiring local authorities to utilise the money raised by the LEZ scheme via enforcement to facilitate the achievement of the scheme objectives and cover its operational cost.

1.5 For clarity, a LEZ is a scheme whereby vehicles that fail to meet specified emission standards will be prohibited from entering a designated geographical area i.e. the zone. The vehicle by definition will be in contravention of the terms of the scheme as proposed by the relevant local authority.

## **2. CONSULTATION PROPOSALS**

2.1 The purpose of this consultation is to gather a wide range of views to set out future arrangements relating to nationally consistent LEZ standards. Proposals and findings from the consultation will be set out formally in Regulations and Guidance to support the new Transport Act.

2.2 It is understood the final Regulation and Guidance will be implemented this year in order that the LEZ schemes in Edinburgh, Aberdeen and Dundee can be taken forward, Glasgow's already being in place. It is in Perth & Kinross Council's interest to monitor how these schemes are taken forward and learn from any issues arising.

2.3 The consultation seeks views on a range of issues that would be pertinent to the establishment of LEZs. These include the range of standards relating to emission thresholds, potential exemptions of vehicle classes and the level of appropriate penalty charges. However, there are clearly other matters to be considered whilst developing any kind of scheme, particularly for an area as diverse geographically as the Council. This would likely include issues of equity, equality, business impacts, and impacts on individuals. As such any proposed LEZ would require a thorough review of all the issues should a scheme be taken forward.

2.4 Legislation set out in the Transport Act may clearly have a significant impact on how cities operate in the future, particularly with regard to how traffic is managed and resultant impacts on air quality and wider climate change objectives. Perth & Kinross Council will be undertaking an initial screening exercise for Perth and Crieff Air Quality Management Areas to identify whether an LEZ may be an appropriate solution for reducing vehicle emissions in these locations. The screening exercise is due for submission by the end of June 2020 and will be reviewed by SEPA and the Scottish Government to which further actions required will be identified.

- 2.5 The full consultation document which sets out more of the background to the issues is available to view at (<https://www.transport.gov.scot/media/46548/scotland-s-low-emission-zones-consultation-on-regulations-and-guidance.pdf>). The consultation is summarised by a series of 14 questions and a suggested response to each of the questions is provided at Appendix 1.

### 3. CONCLUSION AND RECOMMENDATION

- 3.1 It is recommended that the Council:
- i) Endorses the attached officer response at Appendix 1 for submission to the Scottish Government;
  - ii) Requests the Depute Chief Executive to bring forward a further report by the end of 2020 outlining further developments on Regulations and Guidance on LEZ's and potential implications on existing Air Quality Management Areas in Perth and Crieff.

#### Author(s)

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#### Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	6 February 2020

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	N/A
Corporate Plan	N/A
<b>Resource Implications</b>	
Financial	N/A
Workforce	N/A
Asset Management (land, property, IST)	N/A
<b>Assessments</b>	
Equality Impact Assessment	N/A
Strategic Environmental Assessment	N/A
Sustainability (community, economic, environmental)	N/A
Legal and Governance	N/A
Risk	N/A
<b>Consultation</b>	
Internal	YES
External	N/A
<b>Communication</b>	
Communications Plan	N/A

### 1. Strategic Implications

#### Community Plan

- 1.1 This report contributes to the following Perth and Kinross Community Plan/Single Outcome Agreement priorities:
- (iii) Promoting a prosperous, inclusive and sustainable economy
  - (iv) Supporting people to lead independent, healthy and active lives
  - (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

- 1.2 This report contributes to the achievement of the following Council's Corporate Plan priorities: -
- (iii) Promoting a prosperous, inclusive and sustainable economy;
  - (iv) Supporting people to lead independent, healthy and active lives; and
  - (v) Creating a safe and sustainable place for future generations.

### 2. Resource Implications

#### Financial

- 2.1 As this is only a Consultation there are no financial implications at this time.

### Workforce

- 2.2 Not applicable.

### Asset Management (land, property, IT)

- 2.3 Not applicable.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Not applicable.

### Strategic Environmental Assessment

- 3.2 As this is only a Consultation there are no strategic implications at this time

### Sustainability

- 3.3. Not applicable.

### Legal and Governance

- 3.4 Not applicable.

### Risk

- 3.5 There are no key risks associated with the contents of this report

## **4. Consultation**

### Internal

- 4.1 Environmental Health, Traffic & Network, Parking Services and Public Transport Teams within Housing & Environment Services have been consulted in the preparation of this report.

### External

- 4.2 No external consultation has been undertaken in the preparation of this report.

## **5. Communication**

- 5.1 A Communications Plan will not be required at this time. As further details emerge on the exact details of the regulations, a proper Communications and Engagement Plan will need to be considered given the range of potential affected parties.

## **2. BACKGROUND PAPERS**

Scotland's Low Emission Zones, Consultation on Regulations and Guidance  
(Transport Scotland, 13 December 2019)

<https://www.transport.gov.scot/media/46548/scotland-s-low-emission-zones-consultation-on-regulations-and-guidance.pdf>

## **3. APPENDICES**

Appendix 1: Proposed response on Scotland's Low Emission Zones:  
Consultation on Regulations and Guidance