

ABERDEEN CITY COUNCIL

COMMITTEE	City Growth and Resources
DATE	5 th December 2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Low Emission Zone (LEZ) Objectives and Progress
REPORT NUMBER	PLA/19/421
DIRECTOR	N/A
CHIEF OFFICER	Gale Beattie
REPORT AUTHOR	Will Hekelaar
TERMS OF REFERENCE	Purpose 6. Remit 2.2

1. PURPOSE OF REPORT

- 1.1 To update Members on progress in terms of identifying an optimum Low Emission Zone (LEZ) for Aberdeen and to gain agreement on objectives to guide the appraisal process.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Agree the objectives identified in section 3.5 to guide the LEZ option appraisal process.

3. BACKGROUND

- 3.1 As was reported to the Council via a Service Update in December 2018, officers are working with partners to determine the optimum form and scope of a LEZ in Aberdeen in accordance with the Scottish Government's 2017/18 Programme for Government. Of Aberdeen's three Air Quality Management Areas (AQMAs) the city centre is of most concern due to a higher number of pollution exceedances of nitrogen dioxide (NO₂) recorded here compared to other areas. The city centre is therefore the focus of current LEZ investigations.
- 3.2 Aberdeen City Council (ACC) appointed consultants SYSTRA in August 2019 to update the city centre transport model, assist with identification and appraisal of LEZ scenarios and lead public and stakeholder engagement.
- 3.3 The current city centre Paramics transport model is based upon 2012 traffic data, therefore requires updating to reflect the impacts of recent changes to the local transport network, most notably the full opening of the Aberdeen Western Peripheral Route (AWPR) in February 2019. Data gathering to inform the model upgrade took place in May and October 2019 and model development is now underway. The new traffic data is also being used by SEPA (the Scottish

Environmental Protection Agency) to update the Aberdeen air quality model and the transport and air quality models will work together to assess the impacts of various LEZ options. The 2019 air quality model is nearing completion, while the transport model is scheduled for completion in spring 2020, allowing full option testing to commence thereafter.

- 3.4 The National Low Emission Framework (NLEF) is the appraisal process for local authorities to follow when considering transport related actions to improve air quality. NLEF guidance states that the starting point for LEZ development should be to define objectives for the potential LEZ, taking account of the pollutants of concern and any available information on the sources of those pollutants. In light of this guidance, it is now time for ACC to set objectives for the LEZ to guide the development and appraisal of options.
- 3.5 Draft objectives have been developed by the Aberdeen LEZ Delivery Group, comprising representatives of ACC, Aberdeenshire Council, Nestrans, NHS Grampian, Transport Scotland, SYSTRA and SEPA. Two primary objectives have been identified to reflect that the principal aim of a LEZ is to improve air quality (and the only robust measurable indicator of success or otherwise is a reduction in the levels of pollutants of concern) and a requirement within the Transport (Scotland) Bill that LEZs should contribute towards the climate change targets (towards net zero by 2045) set out in the Climate Change (Scotland) Act 2009:
1. *To improve air quality in Aberdeen by reducing harmful emissions from transport and delivering on the Scottish Government's statutory air quality objectives.*
 2. *To support climate change targets by reducing road transport's contribution to emissions.*
- 3.5.1 Recognising that a LEZ can help realise wider benefits beyond simply air quality improvement, but that these are influenced by many other factors and not solely or directly attributable to a LEZ, the following supplementary objectives have been identified:
- *Protect public health and wellbeing;*
 - *Support local and regional transport strategies by contributing to the development of a vibrant, accessible, and safe city centre, where the volume of non-essential traffic is minimised and active and sustainable transport movements are prioritised; and*
 - *Contribute to ongoing transformational change in Aberdeen, helping promote the city as a desirable place to live, visit and invest in.*
- 3.6 Initial engagement on LEZs has commenced with those stakeholders, including transport providers and the local business community, who are potentially most likely to be affected by a LEZ. Further and more detailed public and stakeholder engagement is envisaged to take place in early 2020 as options become more defined and ready for discussion.
- 3.7 As well as a local project group, the Council is represented on various national LEZ working groups covering modelling, enforcement, exemptions and

communications to ensure a consistent approach to such issues across all Scottish LEZ cities.

- 3.8 Members will continue to be kept up to date as LEZ proposals develop via future Committee Reports and Service Updates as appropriate.

4. FINANCIAL IMPLICATIONS

- 4.1 Initial funding support of £195,000 to progress feasibility and design of a LEZ was confirmed by Transport Scotland in July 2019, supplemented by a further award of £35,000 in October 2019. The works described in this report are funded from this grant, while staff time for LEZ project management is currently funded by the EU project CIVITAS PORTIS. There will be financial implications arising from the implementation, management, maintenance and enforcement of a LEZ – officers are working with Transport Scotland and other partners in identifying these and these will be communicated to Members in a future report.

5. LEGAL IMPLICATIONS

- 5.1 ACC has a legal duty to meet statutory air quality objectives and improve air quality in its AQMAs through the implementation of the Air Quality Action Plan (2011) and associated initiatives.
- 5.2 Legislation enabling local authorities to declare and enforce LEZs is included within the Transport (Scotland) Act, which received Royal Assent in November 2019. It is anticipated that the supporting Regulations and Guidance will be published during 2020.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	<p>Continuing poor air quality could see increasing societal costs arising from pollution-related health complaints.</p> <p>Care needs to be taken that any LEZ ultimately recommended for implementation supports, rather than harms, the economic vitality of the city centre.</p>	M	<p>Continue with work to identify an optimum LEZ for Aberdeen and ensure options are subject to robust appraisal process.</p> <p>Continue to work with Transport Scotland and the other LEZ cities to determine the optimum approach to LEZ delivery,</p>

	There may be risks associated with the costs of implementing, managing, maintaining and enforcing a LEZ.		management, maintenance and enforcement.
Legal	There may be implications should air quality continue to breach legal limits and ACC is seen to be taking insufficient action to address this.	M	Continue with work to an identify optimum LEZ for Aberdeen, as part of a package of measures to address air pollution.
Employee	Not taking steps to address air quality in the city centre could have negative impacts on the health and wellbeing of employees, many of whom work in the city centre.	M	Continue with work to identify an optimum LEZ for Aberdeen.
Customer	<p>Not taking steps to address air quality in the city centre could have negative impacts on the health and wellbeing of those living, working in and visiting the city centre.</p> <p>At the same time, care will have to be taken that any LEZ recommended for implementation limits scope for negative impacts on our customers, particularly in terms of accessibility of the city centre and the social and equalities impacts of potentially restricting certain vehicles from certain streets.</p> <p>Customer dissatisfaction may arise from the implementation of a LEZ and the final recommendations are unlikely to be universally popular. This could result in public / stakeholder opposition to</p>	H	<p>Continue with work to identify an optimum LEZ for Aberdeen and ensure options are subject to robust appraisal process.</p> <p>Ensure appraisal is evidence-based, supported by air quality and traffic modelling forecasts.</p> <p>Undertake further detailed public and stakeholder consultation on proposals.</p> <p>Undertake Equalities and Human Rights Impact Assessment (EHRIA) of final recommendations.</p>

	recommendations and the need for a public inquiry.		
Environment	<p>Air quality is likely to remain poor for the immediate future if intervention is not taken to address this.</p> <p>Care must be taken to ensure that air quality interventions do not result in unintended negative consequences such as moving the existing problem and/or exacerbating carbon emissions elsewhere.</p>	H	<p>Continue with work to identify an optimum LEZ for Aberdeen and undertake Strategic Environmental Assessment (SEA) of proposals, as recommended by Transport Scotland.</p>
Technology	<p>Issues may arise in terms of monitoring and enforcement of LEZs and these will become clearer as a preferred option begins to emerge.</p>	M	<p>Continue with work to identify an optimum LEZ for Aberdeen and work with Transport Scotland and the other Scottish cities to develop a coherent and consistent approach to monitoring and enforcement.</p>
Reputational	<p>There are risks associated with a LEZ should ACC be portrayed as ‘anti-car’ and contributing to the decline of the city centre through restricting access for vehicles.</p> <p>Conversely, not implementing a LEZ could result in reputational risk should ACC be seen as not making sufficient effort to improve air quality and the health and wellbeing of our citizens and visitors.</p>	H	<p>Continue with work to identify an optimum LEZ for Aberdeen and ensure options are subject to robust appraisal process.</p> <p>Ensure appraisal is evidence-based, supported by air quality and traffic modelling forecasts.</p> <p>Undertake further detailed public and stakeholder consultation on proposals.</p>

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	Proposals support Key Driver 1.3 (<i>Improving investment into Aberdeen and Aberdeen businesses</i>) in that a clean and safe city centre is critical to maintaining a healthy economy for the city and wider region.
Prosperous People	Proposals support Key Drivers 3.4 (<i>Improving health and reducing inequalities</i>) and 11.1 (<i>Supporting vulnerable and disadvantaged people, families and groups</i>) in that there are strong links between poor air quality and a number of physical and mental illnesses and premature deaths resulting from such illnesses, with the more vulnerable members of society (such as children and the elderly) most affected. Proposals therefore support the delivery of Stretch Outcomes 3 (<i>95% of children (0-5years) will reach their expected developmental milestones by the time of their child health reviews by 2026</i>), 4 (<i>90% of children and young people will report that they feel mentally well by 2026</i>) and 11 (<i>Healthy life expectancy (time lived in good health) is five years longer by 2026</i>).
Prosperous Place	Supports Key Driver 14.1 (<i>Reducing emissions across the city through delivery of Aberdeen's Sustainable Energy Action Plan 'Powering Aberdeen'</i>) in that the primary purpose of a LEZ is to reduce harmful emissions from transport.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	Will benefit all residents, businesses and visitors by creating a cleaner and city centre.
Workforce	Improved air quality in the city centre has the potential to support a healthier workforce.
Partnerships and Alliances	The LEZ represents successful partnership working as the process in Aberdeen is being overseen by a group representing a range of internal interests and external partners, as described in section 3 of the report. ACC participates in a number of LEZ Working Groups with Transport Scotland and the other LEZ cities (Dundee, Edinburgh and Glasgow) to share knowledge and experiences and to develop a consistent approach to LEZ development and delivery throughout Scotland.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Completed.
Data Protection Impact Assessment	Not required.
Duty of Due Regard / Fairer Scotland Duty	Not applicable.

9. BACKGROUND PAPERS

Aberdeen Low Emission Zone Service Update (December 2018)

10. APPENDICES (if applicable)

None

11. REPORT AUTHOR CONTACT DETAILS

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