

ABERDEEN CITY COUNCIL

COMMITTEE	Net Zero, Environment and Transport
DATE	19 March 2025
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Bus Lane Enforcement Programme Update & Future Planning 2025/26
REPORT NUMBER	CR&E/25/055
EXECUTIVE DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	David Dunne
TERMS OF REFERENCE	7, 8

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to provide an update on the status of the Bus Lane Enforcement (BLE) programme.
- 1.2. To set out a proposed new approach to the delivery of both Bus Lane Enforcement and Low Emission Zone (LEZ) programmes moving forward.
- 1.3. To identify a short list of projects which require confirmation of the committees willingness to financial support.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note progress on the projects funded from the BLE programme up to 2024/25, as detailed in Appendix 1, and;
- 2.2. Instruct the Chief Officer of Strategic Place Planning to use the framework set out in Table 2 and 3 of this report to prepare future years programmes for any BLE and LEZ surpluses, and;
- 2.3. Should recommendation 2.2 be approved, instruct the Chief Officer of Strategic Place Planning to report back to next meeting of the Net Zero, Environment and Transport Committee with a programme for the use of BLE and LEZ surpluses for 2025/26, using the agreed framework.
- 2.4. Instruct the Chief Officer of Strategic Place Planning to return to the Net Zero, Environment and Transport Committee with a three year programme of work for core paths/outdoor access by the end of 2025.
- 2.5. To approve the allocation of funding from the Bus Lane Enforcement and Low Emission Zone surpluses, as set out in Table 4 of this report, and to instruct the

Chief Officer of Strategic Place Planning to work with relevant partners and to report back to this Committee on the progress of these projects.

3. CURRENT SITUATION

- 3.1. The Bus Lane Enforcement (BLE) fund is generated from the net surplus of penalty charge notices from bus lane offences after operational costs. This funding can only be used for projects identified as helping to meet the objectives of the Local Transport Strategy, as per the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011.
- 3.2. A summary of progress on delivering the current BLE programme is included as Appendix 1 to this report. This programme was approved by the Net Zero, Environment and Transport Committee on 24 May 2023 ([Report Ref: COM/23/130](#)).
- 3.3. Due to resourcing constraints, no funds were released for 2023/24 projects, however a number of projects were able to progress due to alternative sources of funding being found. All approved projects that did not receive funding from other sources have been included in the 2024/25 programme for re-evaluation.
- 3.4. Similar to the BLE, the Low Emission Zone (LEZ) fund is generated from the net surplus of penalty charge notices after operational costs. This funding can only be used for projects identified to improve air quality, as per the requirements of the Transport (Scotland) Act 2019.

Challenges with the Current Process

- 3.5. The current approved process for identifying projects is based on a competitive bidding process which sees relevant council services putting forward projects seeking BLE funding support. While this system works in principle, there have also been a number of challenges, namely:-
 - The programme normally receives more project proposals than there is funding to support.
 - The uncertainty makes it difficult for services to plan their resources.
 - Developing project proposals is time consuming for often already stretched services, with no guarantee of the project being funded.
 - To limit the impact on officer time, the detail asked for within the project proposals has been reduced. This can however result in approved projects not coming forward due to additional complexities arising during the design stage, or the cost of projects increasing, or a lack of officer resource to then deliver the project.
 - The assessment process to short list project proposals takes a significant amount of officer time.
 - The programme can only approve projects that are put forward, often resulting in a lack of a strategic approach.
- 3.6. The current process sees the shortlisting of projects done using the prioritisation metric which was approved at the City Growth and Resources Committee

meeting in November 2021 ([Report Ref: COM/21/253](#)). The first round of scoring is done using a weighting system (refer: Table 1):-
 Table 1: Existing BLE Scoring System

Priority	Weighting
Walking, Wheeling and Cycling/ Net Zero.	5
Public Transport	4
Shared Transport and Taxis	3
Freight	2
Other Vehicles	1

3.7. Any projects which scored the same after the first round would then be subject to a secondary round using the following criteria:

- Their alignment to the Local Transport Strategy aims and objectives.
- Their alignment to the stretch outcomes of the Local Outcome Improvement Plan.
- Whether they positively benefit an area of high deprivation as per the Scottish Index of Multiple Deprivation (SIMD).
- Whether they contribute to the operation or success of the Aberdeen Low Emission Zone (LEZ).
- Whether they complement or contribute to the City Centre Masterplan.
- Whether they complement or contribute to Aberdeen's Net Zero vision.
- Whether they complement or contribute to the realisation of the Regional Economic Strategy Action Plan.

3.8. Applicants to the fund initially score their own applications, which are then checked and verified or adjusted by officers in the Transport Strategy and Programmes team, before being scrutinised by the Service Manager for Policy and Strategy and the Chief Officer for Strategic Place Planning. Following this, applications to the BLE fund are consulted upon by the relevant internal Council services. The final recommended programme of projects is then reported to Council's Transportation Programme Board, before consideration by this Committee.

3.9. The addition of a similar process for the LEZ will add additional complexity and workload and will not address challenges with the existing process. Moving forward, it is therefore proposed to include both the BLE and LEZ programmes in the same report and to make the programme multiyear and categorised.

Proposed Changes to the Process

3.10. While the scoring system detailed at Table 1 will remain for some one off project proposals, a significant number of projects every year fall into regular categories, such as core paths and walking and wheeling infrastructure, which are generally always supported by senior officers during their initial assessments.

3.11. Under the proposed new scheme, it is proposed that the funding categories would a) be fixed funding, b) an annual bidding process or, c) for core paths, a three year plan.

Where fixed funding applies, this would be for services to deliver projects and report back to this committee on the output of that work on an annual basis. The annual bidding process would cover the one-off project proposals and these would continue to be shortlisted by officers and reported to Members on an annual basis for approval. Finally, the three year core path plan would be reported to members every three years and progress would be reported back annually.

Bus Lane Enforcement Surplus (BLE)

- 3.12. Table 2, below, shows the proposed grouping of projects into five categories. The first two categories (1 and 2), are for maintenance of existing infrastructure. Historically, any infrastructure delivered out of BLE can seek maintenance support from the fund, however this requires officer time to prepare a bid to seek that funding. This revised proposal would allow services to plan that work on an ongoing basis. The proportion of the BLE funding for these two categories is proposed at 10% of the surplus, with a minimum figure (subject to there being a surplus) set at £50,000, to allow services to plan this work.
- 3.13. Category 3 would see 5% of the surplus set aside for storm damage. As members will be aware, in recent years the impact of storms has had a devastating impact on our open spaces. The Council is still recovering from storm Arwin and, due to the ongoing impact of Climate Change, this is likely to only increase. This funding would help to support council officers to bring in additional resources where they deem it necessary to get the transport system back into operation.
- 3.14. Category 4 is the largest proposed percentage of the surplus at 50%. This is representative of the proportion of applications we historically get towards core path work out of the BLE surplus. As these projects are often multi year, and to ensure officers can achieve value for money, it is proposed that core path projects would be based on a 3 year plan provided to committee for approval, with an annual update on progress.
- 3.15. Category 5 is the final 25% of the surplus and this would remain as a bidding process to allow flexibility for other projects such as active travel, public transport, or transport support around particular events.

Table 2 – Example of future years BLE Programme

Ongoing Bus Lane Enforcement Surplus.				
	Project Themes	Percentage	Min	Funding Process
1	General active travel/public transport maintenance (Cycle parking, bus stop, wayfinding, etc)	10%	£50k	Fixed
2	Core Paths / Outdoor Access – Maintenance	10%	£50k	Fixed
3	Core Paths / Outdoor Access – Storm Damage	5%		Fixed
4	Core Paths / Outdoor Access – Projects Fund	50%		3 Year Plan

5	Other Projects (Active Travel/Public Transport etc.)	25%		Annual Bidding Process
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Low Emission Zone (LEZ)

- 3.16. Similar to the approach proposed for BLE, the proposal for any LEZ surplus is also categorised. As noted above, LEZ surplus must also be spent in accordance with legislation and in general terms must be spent to improve air quality. It is important to remember that LEZ surplus will naturally decrease over time as older vehicles come off the road.
- 3.17. Category 1 is focused on greening the city centre, using planting that can help improve air quality. It is proposed that this would amount to 30% of the surplus, but with a minimum allocation of £50,000 to allow for the planning of ongoing maintenance. There is also an opportunity to work with partners to help deliver this.
- 3.18. Category 2 would be 40% of the surplus and would be focused on more general projects to improve air quality. It would be subject to an annual internal bidding process for Council services, similar to Category 5 of the BLE process described above.
- 3.19. Category 3 would see 20% of the surplus used to support the delivery of cycle infrastructure and again this would be subject to an annual internal bidding process, similar to Category 5 of the BLE process.
- 3.20. Finally, Category 4 would be focused on transport planning and travel planning around sustainable transport goals. This would be a fixed area of funding, reported back to this committee on an annual basis. There is currently no minimum amount associated with this Category as patterns of demand for will need to be established.

Table 3 – Example of future years LEZ Programme

Low Emission Zone Surplus				
	Project Themes	Percentage	Min	Funding Process
1	Greening the City Centre	30%	£50k	Fixed
2	General Air Quality Projects	40%		Annual Bidding Process
3	Cycle Infrastructure	20%		Annual Bidding Process
4	Sustainable Transport Planning (Business Support, Travel Plans/Advertising etc)	10%		Fixed

Operational Matters

- 3.21. Projects agreed by Committee to be implemented from the BLE or LEZ programmes are subject to the Council's standard Project Management (PMO)

process, with monthly monitoring through project status reports to ensure any potential issues are highlighted and addressed as soon as possible and as appropriate. Any project underspends will be returned to the funding pot for reassignment to other projects so as to maximise funding potential. Officers will report progress on the BLE and LEZ programmes through monthly reports to the Transportation Programme Board.

- 3.22. Should the recommendations of this report be agreed then a programme for the use of BLE and LEZ surpluses for 2025/26, using the framework outlined above, will be reported back to the next meeting of this Committee. A three-year programme of work for core paths / outdoor access would also be reported to the Committee by the end of 2025.

Immediate BLE and LEZ projects

- 3.23. Table 4 below sets out a number of projects which are time critical, or are aimed at working with partners to allow future details to be reported back to Net Zero, Environment and Transport committee.

Table 4

BLE Programme for 2025/26			
1	Tall Ships To support the marketing and delivery of public transport options and promote sustainable travel.	BLE	£ 80,000
2	Schools Active Travel Training (iBike) To support the ongoing provision of cycle training in our schools for the next three years.	BLE	£ 350,000
3	Offshore Europe To support sustainable and active travel options in and around the offshore Europe conference.	BLE	£ 82,500
4	City Centre To work with partners in the city centre to explore opportunities to support transport projects.	BLE	£ 500,000
5	Greening the City Centre To work with partners including Our Union Street and Aberdeen Inspired to introduce additional planting into the City Centre.	LEZ	£ 50,000

4. FINANCIAL IMPLICATIONS

- 4.1. The projects listed within Table 4 above, are within the surpluses identified as part of the budget process for both the BLE and LEZ.
- 4.2. There are no direct financial implication from the remainder of the report as the aim of the revised process is to streamline the use of any BLE or LEZ surplus and to reduce the impact on services.
- 4.3. The net surplus from BLE and LEZ operations will be reported to the next committee based on the revised process set out above, subject to approval of this report by committee. That will include a breakdown or surpluses, details of

previous committee instructions and of any budgetary implications. It will also include any recommendations in relation to reserves or any one off spends. This is particularly important in the context that no BLE was released last year due to resourcing pressures.

- 4.4. Any underspend remaining from previously approved years which is no longer required must be re-committed to future projects and workstreams that help the Council meet its Local Transport Strategy and Low Emission Zone objectives. This again will be reported in the next committee report.

5. LEGAL IMPLICATIONS

- 5.1 The Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 require that any sums paid to a local authority by way of charges under these Regulations must only be used to facilitate the achievement of policies in that authority's Local Transport Strategy.
- 5.2 Monitoring of project progress and financial out-turns is undertaken on a monthly basis and reported to the Council's Transportation Programme Board (TPB).
- 5.3 The level of penalty charge notice (PCN) for the Bus Lanes cannot be increased without Scottish Ministers' approval.
- 5.4 Similar to the BLE, the Low Emission Zone (LEZ) fund is generated from the net surplus of penalty charge notices after operational costs. This funding can only be used for projects identified to improve air quality, as per the requirements of the Transport (Scotland) Act 2019.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 As per the approved scoring metric, projects that can evidence that their priority is walking, wheeling, cycling and/or working towards net zero goals in line with the Local Transport Strategy are given top priority in the BLE funding programme. The prioritisation of projects is ranked from the most sustainable form of transport to the least sustainable in accordance with the Council's duty to act sustainably.
- 6.2 Transport emissions are a significant contributor to carbon emissions, and so increasing sustainable travel will be necessary to achieving this sector's required reduction and in order to achieve Aberdeen City Council's net zero vision. As the BLE programme works towards improving sustainable and active travel, it thereby contributes to improved air quality and reduced greenhouse gas emissions.
- 6.3 The Low Emission Zone (LEZ) surplus can only be used for projects identified to improve air quality.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	<p>Delivery of measures approved through the BLE and LEZ surpluses support a number of the Council's strategic priorities, particularly in terms of a sustainable economy, a sustainable transport system, the continued health and prosperity of our citizens, reductions in carbon emissions and a high-quality environment.</p> <p>Failure to deliver measures where there is evidence of their effectiveness could undermine the Council's ability to realise these aspirations.</p>	<p>Regular communication will be maintained with other teams across the Council to maximise the use of net surplus to deliver projects that meet the Council's priorities as they relate to the Local Transport Strategy and to improving air quality.</p> <p>A non-compliance procedure for following the PMO process for projects reporting to the Transportation Programmes Board will be shared with all successful project managers. An outcome of this procedure as a last resort would remove funding from the project so that it can be utilised elsewhere, subject to the</p>	L	Yes

		funding not already being committed through contract.		
Compliance	<p>The Council would not be complying with the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 if it failed to properly apply funds collected via Bus Lane Enforcement to projects linked to the Local Transport Strategy.</p> <p>Similarly, the Low Emission Zone (LEZ) surplus can only be used for projects identified to improve air quality, as per the requirements of the Transport (Scotland) Act 2019.</p>	<p>The process outlined in this report is robust. All approved projects will be subject to the Councils Scheme of Governance and PMO toolkit, managed through the Transportation Programmes Board.</p> <p>A non-compliance procedure for following the PMO process for projects reporting to the Transportation Programmes Board will be shared with all successful project managers.</p>	L	Yes
Operational	Resource may not be available to complete the projects within the planned timescales. This could be either internal or external resource.	Compliance with the Scheme of Governance and PMO toolkit, and monitoring/ updating of project risk registers, change requests. As the expenditure of BLE and LEZ funding is not restricted to a single financial year, delays in project progress does not	M	Yes

		necessarily represent a significant risk if the PM remains compliant with the above.		
Financial	Unable to spend funding due to resource capacity, not enough funding to cover projects approved.	Compliance with the Scheme of Governance and PMO toolkit, and monitoring/ updating of project risk registers, change requests. Projects will not be released for funding until the funds are available.	M	Yes
Reputational	As the BLE income is managed by the Council and used to implement projects which contribute to achieving LTS objectives, failure to deliver undermines the Council's commitments to improving the lives of those who live, work and visit Aberdeen. Similarly, failure to deliver projects associated with the Low Emission Zone (LEZ) surplus could undermine the Council's commitment to better air quality.	Compliance with the Scheme of Governance and PMO toolkit, and monitoring/ updating of project risk registers, change requests. A non-compliance procedure for following the PMO process for projects reporting to the Transportation Programmes Board has been approved by the TPB and will be shared with all successful project managers.	L	Yes
Environment / Climate	The Council's net zero vision and strategic	The BLE programme works towards	L	Yes

	<p>infrastructure plan – energy transition: transport emissions are a significant contributor to greenhouse gases, and so increasing sustainable travel will be necessary to achieving this sector’s required reduction.</p>	<p>improving sustainable and active travel and thereby contributing to improved air quality and reducing greenhouse gases.</p> <p>The Low Emission Zone (LEZ) surplus can only be used for projects identified to improve air quality.</p>		
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8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p>The proposals within this report support the delivery of the following commitments within the policy statement:</p> <ul style="list-style-type: none"> • <i>Work with partners to deliver a just transition to net zero and plan to make Aberdeen a net-zero city by no later than 2037, and earlier if that is possible; and</i> • <i>Improving cycle and active transport infrastructure, including by seeking to integrate safe, physically segregated cycle lanes in new road building projects and taking steps to ensure any proposal for resurfacing or other long-term investments consider options to improve cycle and active transport infrastructure.</i>
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
<p>Prosperous Economy Stretch Outcomes</p>	<p>The projects that will be funded by either BLE or LEZ support the delivery of the following Stretch Outcomes:</p> <ol style="list-style-type: none"> 1. 20% reduction in the percentage of people who report they have been worried they would not have enough food to eat and/ or not be able to heat their home by 2026. 2. 74% employment rate for

	<p>Aberdeen City by 2026</p> <p>The development and delivery of active and sustainable travel infrastructure supports a range of economic policies and strategies that will benefit the economy and support access to key employment areas.</p>
<p>Prosperous People Stretch Outcomes</p>	<p>The projects that will be funded by either BLE or LEZ support the delivery of the following Stretch Outcomes:</p> <p>6. 95% of children living in our priority neighbourhoods will sustain a positive destination upon leaving school by 2026.</p> <p>10. Healthy life expectancy (time lived in good health) is five years longer by 2026.</p> <p>Active and sustainable travel are known to improve a number of health conditions, potentially increasing life expectancy. The projects funded by BLE will include measures to support, encourage and increase active and sustainable travel thereby also producing less greenhouse gas emissions and improving air quality.</p>
<p>Prosperous Place Stretch Outcomes</p>	<p>The projects that will be funded by either BLE or LEZ support the delivery of the following Stretch Outcomes:</p> <p>13. Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% by 2026 and adapting to the impacts of our changing climate.</p> <p>14. Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel by 2026.</p> <p>The projects funded by BLE will aim to increase active and sustainable travel which will contribute to reductions in carbon emissions and improvements in air quality, and contribute to citizens physical and mental health and wellbeing.</p>
<p>Regional and City Strategies</p>	<p>The projects funded by either BLE or LEZ will support the Regional Transport Strategy, the Regional Economic Strategy, and locally the Local Transport Strategy, Aberdeen Active Travel Action Plan, Sustainable Urban Mobility Plan, Aberdeen City Centre and Beach Masterplan, LOIP, Air Quality Action Plan, Local Development Plan and Aberdeen Net Zero Vision.</p> <p>The development and delivery of active and sustainable travel infrastructure supports a range of economic policies and strategies that will benefit the economy and support access to key employment areas. The projects funded by BLE will aim to</p>

	increase active and sustainable travel which will also contribute to reductions in carbon emissions, improvements in air quality and improve the physical and mental health and wellbeing of our people.
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9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Integrated Impact Assessment has been completed
Data Protection Impact Assessment	Not required.
Other	None.

10. BACKGROUND PAPERS

None

11. APPENDICES

Appendix 1 – Progress on Current Projects 2023/24

12. REPORT AUTHOR CONTACT DETAILS

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