

## ABERDEEN CITY COUNCIL

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| <b>COMMITTEE</b>          | City Growth and Resources               |
| <b>DATE</b>               | 28 <sup>th</sup> October 2020           |
| <b>EXEMPT</b>             | No                                      |
| <b>CONFIDENTIAL</b>       | No                                      |
| <b>REPORT TITLE</b>       | Aberdeen Low Emission Zone              |
| <b>REPORT NUMBER</b>      | COM/20/173                              |
| <b>DIRECTOR</b>           | N/A                                     |
| <b>CHIEF OFFICER</b>      | Gale Beattie                            |
| <b>REPORT AUTHOR</b>      | Will Hekelaar                           |
| <b>TERMS OF REFERENCE</b> | City Growth and Resources – 3.2 and 3.3 |

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### 1. PURPOSE OF REPORT

- 1.1 To advise Members of recent developments that have impacted on Low Emission Zone (LEZ) planning, particularly officers' ability to comply with the instructions of the February 2020 City Growth and Resources Committee, and the Scottish Government's revised timetable for the introduction of LEZs in Scotland.

### 2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Agree that it is no longer necessary or appropriate to pursue a Traffic Regulation Condition (TRC) as Phase 1 of Aberdeen's LEZ in 2020; and
- 2.2 Instruct the Chief Officer – Strategic Place Planning to report the outcomes of traffic modelling and engagement exercises to this Committee in June 2021.

### 3. BACKGROUND

- 3.1 At their [meeting](#) in February 2020, Members of the City Growth and Resources Committee instructed the Chief Officer – Strategic Place Planning to:
- Apply to the Traffic Commissioner for a TRC requiring that 25% of all local bus services in Aberdeen city centre achieve Euro VI (or better) compliance by 31st December 2020; and
  - Undertake public and stakeholder engagement on options for a city centre LEZ encompassing multiple vehicle types and report the outcomes of this process to the Committee in October 2020.

Since the Committee meeting, however, there have been a number of developments affecting LEZs which have impacted upon officers' ability to comply with these instructions.

- 3.2 Most significantly, the COVID-19 pandemic has impacted the bus industry in ways that were not foreseen back in February. With passenger numbers and subsequent revenue severely impacted by the nationwide lockdown and government advice against non-essential public transport use even as restrictions eased, bus operators are in an extremely precarious financial position and the Council must be sensitive to the fact that local operators are unlikely to be able to pursue a significant fleet upgrade / replacement programme in 2020 to achieve TRC compliance. Any attempt by the Council or partners to impose such conditions risks further harm to local operators at this time and could result in services being permanently reduced or withdrawn, a situation counterproductive to LEZ objectives.
- 3.3 At a meeting of the national LEZ Consistency Group in April 2020, it was agreed by Transport Scotland and the 4 LEZ cities that it would be inappropriate to impose TRCs at this time. Transport Scotland also confirmed that discussions with the Traffic Commissioner for Scotland had made it clear that the Commissioner would have limited capacity to consider TRCs during 2020 in any case.
- 3.4 Furthermore, in May 2020, the Cabinet Secretary for Transport, Infrastructure and Connectivity announced a revision of the LEZ commitment, recognising that COVID-19 will impact on Councils' ability to deliver LEZs by the end of 2020, and that relaxing the commitment would enable local authorities to consider the longer-term impacts of COVID-19 on transport and travel behaviour and any implications this may have on LEZ planning. In August 2020, the Cabinet Secretary announced a revised commitment to introduce LEZs in Aberdeen, Dundee, Edinburgh and Glasgow between February 2022 and May 2022. Due to the unprecedented impact of COVID-19, both now and in the future, this is not a finalised timetable for introduction but a commitment by all partners to work as quickly as they can to introduce LEZs at the earliest juncture.
- 3.5 As introducing a LEZ via a TRC is no longer a recommended route for local authorities, the only means of doing so is via powers granted in the Transport (Scotland) Act 2019. This route is reliant on the publication by Transport Scotland of supporting LEZ Regulations and Guidance which is anticipated by summer 2021. This will therefore be the earliest time at which a LEZ proposal compliant with national guidance can be fully developed. Thereafter there is likely to be a period of statutory consultation and potentially formal examination before any finalised scheme can be submitted for Council and Ministerial approval.
- 3.6 In the meantime, work is continuing on the Aberdeen LEZ option appraisal process and the Interim National Low Emission Framework (NLEF) Stage 2 report is now complete. In accordance with the NLEF and STAG (Scottish Transport Appraisal Guidance), a long list of possible LEZ options has been identified and subject to sifting and initial appraisal to determine a shortlist of feasible and deliverable options which perform well against the appraisal criteria and have predicted air quality benefits, and which are therefore recommended for detailed appraisal, modelling and public and stakeholder engagement. These options are:

- 1A – Union Street Area;
- 1B – Union Street Area, excluding Denburn Road and Guild Street;
- 2A – Union Street and George Street Area;
- 2B – Union Street and George Street Area, excluding Denburn Road and Guild Street;
- 3A – City Centre Masterplan (CCMP) East Area;
- 3B – CCMP East Area, excluding Denburn Road and Guild Street;
- 4A – CCMP Area; and
- 4B – CCMP Area, excluding Denburn Road and Guild Street.

Plans showing the boundary of each option, and a summary of the appraisal process so far, are included within the National Low Emission Framework – Summary of Interim NLEF Stage 2 Report included as Appendix 1. The report is Interim until the outcomes of the modelling and engagement exercises can be included, with the process due to culminate in the identification of a preferred option.

- 3.7 It was initially proposed to hold public and stakeholder consultation on options during spring 2020. However, as a number of consultees are city centre retailers and businesses, it was not considered appropriate to consult while the country was in full lockdown and consultation activities were paused. Engagement subsequently took place during September and October 2020 and the results are currently being analysed
- 3.8 The revised city centre traffic model was completed in May 2020 and testing of the options is now underway, including testing LEZ options in combination with the strategic transport elements of the CCMP. The modelling will address ongoing uncertainty around the longer-term impacts of the pandemic by considering a range of future economic and traffic scenarios.
- 3.9 LEZ development work will continue to take account of the effects and impacts of COVID-19 as the situation develops, including ongoing restrictions, increased demand for walking and cycling and high quality spaces for people, and the desire to ‘build back better’ as we recover from the pandemic.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 To date, LEZ appraisal work and model development have been fully funded by Transport Scotland, with staff time to manage the project funded via CIVITAS PORTIS.
- 4.2 The Council has been awarded £120,000 from Transport Scotland to continue appraisal work during 2020/21. £56,000 has also been awarded from Nestrans for modelling LEZ options with strategic transport elements of the CCMP. It is not anticipated that there will be any other costs to the Council at this stage other than staff time, as the CIVITAS PORTIS programme comes to an end in 2020. This staff time is already accounted for within existing budgets.

- 4.3 There will be costs associated with the establishment, maintenance and enforcement of a LEZ and these will be fully defined as the appraisal process develops and a preferred option emerges.

## 5. LEGAL IMPLICATIONS

- 5.1 Aberdeen City Council (ACC) has a legal duty to meet statutory air quality objectives and improve air quality in its Air Quality Management Areas 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 2019, with supporting Regulations and Guidance due to be published by Transport Scotland in 2021.

## 6. MANAGEMENT OF RISK

| Category              | Risk   | Low (L)<br>Medium (M)<br>High (H) | Mitigation   |
|-----------------------|--|-----------------------------------|--|
| <b>Strategic Risk</b> | <p>Delivery of a LEZ supports 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 and a high-quality environment.</p> <p>Failure to deliver a LEZ where there is evidence of its effectiveness could undermine the Council's ability to realise these aspirations.</p> | M                                 | <p>Continue with work to identify an optimum LEZ for Aberdeen.</p> <p>Ensure appraisal of options is evidence-based, supported by air quality and traffic modelling.</p> <p>Undertake further engagement on proposals.</p> |
| <b>Compliance</b>     | ACC could face legal challenge should air quality continue to breach objective limits and insufficient   | M                                 | Continue to identify an optimum LEZ for Aberdeen, as part of a package of measures to address air pollution.   |

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|                     | <p>action is taken to address this.</p> <p>Any LEZ may be subject to objection and/or require a formal hearing.</p>   |   | <p>Continue to work with the public and stakeholders to understand and mitigate concerns around a LEZ.</p>   |
| <b>Operational</b>  | <p>There may be risks around the operation and enforcement of LEZs but these are not fully defined at this stage.</p>   | L | <p>Identify and monitor risks as LEZ moves from feasibility stage to design and delivery. Continue to engage with Transport Scotland as they develop the Guidance and Regulations around establishment and enforcement.</p>  |
| <b>Financial</b>    | <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 the economic vitality of the city centre.</p> <p>There may be risks associated with the costs of implementing, managing, maintaining and enforcing a LEZ but these are undefined at present.</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, management, maintenance and enforcement.</p> |
| <b>Reputational</b> | <p>Failure to implement a LEZ when there is evidence of the health benefits of doing so could result in reputational damage should ACC not take sufficient action to improve air</p>  | H | <p>Continue with work to identify an optimum LEZ for Aberdeen supported by robust evidence of the benefits.</p>  |

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|                              | quality and the health and wellbeing of our citizens and visitors.   |   |  |
| <b>Environment / Climate</b> | <p>If a LEZ is not delivered the Council may not meet EU, UK and Scottish objective limits for a number of harmful pollutants, and / or local and national targets around carbon emissions reduction.</p> <p>There are risks that implementation of a LEZ in one area could increase emissions in other areas.</p> | M | <p>Continue with work to identify an optimum LEZ for Aberdeen.</p> <p>Undertake traffic and air quality modelling of LEZ options to fully understand the likely impacts.</p> |

## 7. OUTCOMES

| <b><u>COUNCIL DELIVERY PLAN</u></b>                 |  |  |
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| <b>Impact of Report</b>                             |  |  |
| <b>Aberdeen City Local Outcome Improvement Plan</b> |  |  |
| Prosperous People Stretch Outcomes                  |  | The proposals within this report support the delivery of Stretch Outcome 11 in the LOIP: <i>Healthy life expectancy (time lived in good health) is five years longer by 2026</i> . Poor air quality is known to worsen a number of health conditions, particularly those affecting the heart and lungs, potentially reducing life expectancy for sufferers. A LEZ could improve health and therefore increase life expectancy by reducing concentrations of harmful pollutants.  |
| Prosperous Place Stretch Outcomes                   |  | The proposals within this report support the delivery of Stretch Outcome 14 ( <i>Addressing climate change by reducing Aberdeen's carbon emissions by 42.5% by 2026 and adapting to the impacts of our changing climate</i> ) in that most measures to reduce air pollutants will also reduce carbon emissions. The proposals may also contribute towards the delivery of Stretch Outcome 15 ( <i>38% of people walking and 5% of people cycling as main mode of travel by 2026</i> ) in that traffic levels within the LEZ area may reduce, resulting in a safer environment for walking and cycling. |
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| <p><b>Regional and City Strategies</b></p>                      | <p>The proposals in this report support the delivery of the Regional and Local Transport Strategies, both of which aim to deliver a cleaner transport system which results in fewer emissions. Specifically, the emerging RTS 2040 identifies as priorities: <i>No exceedance of WHO safe level of emissions</i> and <i>Reduced carbon emissions to support net-zero</i>.</p> <p>They also complement the Council's Net Zero Vision, specifically actions around supporting people to make low-emission lifestyle choices and removing the need for people to purchase petrol or diesel cars or vans. A LEZ is identified as a means of achieving City Centre Regeneration within the supporting Infrastructure Plan.</p> <p>A LEZ will also support delivery of the Council's Air Quality Action Plan and complement the CCMP by contributing to the development of a cleaner and more welcoming city centre for residents and visitors.</p> |
| <p><b>UK and Scottish Legislative and Policy Programmes</b></p> | <p>Delivery of a LEZ contributes towards the delivery of the Scottish National Transport Strategy (NTS2) and the Cleaner Air for Scotland (CAFS) Strategy and compliance with European, UK and Scottish legislation on Air Quality Standards and Objectives. It also supports the Climate Change (Emissions Reduction Targets) (Scotland) Act which sets targets for a reduction of greenhouse gas emissions. The Transport (Scotland) Act 2019 makes provision for local authorities to introduce and enforce LEZs.</p>  |

## 8. IMPACT ASSESSMENTS

| Assessment                                      | Outcome   |
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| <p><b>Impact Assessment</b></p>                 | <p>Various impact assessments will be undertaken as part of the LEZ option appraisal process and the outcomes of these will be reported alongside the recommendation of a preferred option.</p> |
| <p><b>Data Protection Impact Assessment</b></p> | <p>Not required.</p>  |

## 9. BACKGROUND PAPERS

None

## 10. APPENDICES

Appendix 1: National Low Emission Framework – Summary of Interim NLEF  
Stage 2 Report

**11. REPORT AUTHOR CONTACT DETAILS**

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