Proposal to make a LEZ Scheme – Aberdeen City Council

1 Introduction

Under the powers granted by the Transport (Scotland) Act 2019, and in accordance with The Low Emission Zones (Emission Standards, Exemptions and Penalty Charges) (Scotland) Regulations 2021 and The Low Emission Zones (Scotland) Regulations 2021, Aberdeen City Council (ACC) proposes to introduce a Low Emission Zone (LEZ) in Aberdeen.

2 Statement of Reasons

ACC believes a LEZ is required and is an appropriate response to longstanding issues of poor air quality in the Aberdeen City Centre Air Quality Management Area (AQMA) for the following reasons:

- Air pollution is believed to be a contributing factor in a number of serious health problems suffered by individuals, and the number of health concerns linked to poor air quality is growing every day. This has a disproportionate impact on the most vulnerable members of society, particularly the young, the elderly and those with chronic heart, lung and respiratory conditions. Air pollution is therefore a significant Public Health concern and a LEZ is one of the most effective ways of responding to this. This accords with the precautionary public health approach to air pollution advocated in the Scottish Government's Air Quality Strategy, Cleaner Air for Scotland 2 (CAFS2);

- Although pollution levels have been improving in Aberdeen in recent years and since the publication of Aberdeen's Air Quality Action Plan in 2011, in many City Centre locations monitoring stations still show regular exceedance or near exceedance of the Scottish Government's annual mean Nitrogen Dioxide (NO_2) objective. This can be seen in Figure 1 overleaf where the red dots show exceedances of air quality objectives and the amber dots show levels close to exceedance in 2019. Road traffic is the main source of this pollution;

- While the opening of the Aberdeen Western Peripheral Route (AWPR) in 2019 has reduced traffic levels within the City, the impact on emissions in the City Centre has not been so great that all air quality objectives are being met;

- Air Quality modelling has shown that, even with the delivery of ambitious transport improvements in the City Centre, such as those identified in the Aberdeen City Centre Masterplan, emissions exceedances will remain unless tailpipe emissions are also addressed;

- While the COVID-19 pandemic and resulting travel restrictions have led to air quality improvements in 2020 and 2021, the medium to long term impacts of the pandemic on transport and travel remain uncertain, therefore the pandemic should not be a reason for delaying action. Indeed, monitoring undertaken by ACC throughout the pandemic has shown that, as restrictions on movement ease, traffic levels slowly rise again to near pre-pandemic levels. It would take a significant and sustained long-term decrease in traffic for a LEZ to no longer be necessary in the City Centre. Scenario Planning has been undertaken, looking at the impacts of a LEZ on a range of plausible post-COVID scenarios. Although the impacts of a LEZ vary between scenarios, it is clear that a LEZ will reduce pollution and protect the City Centre in all scenarios;

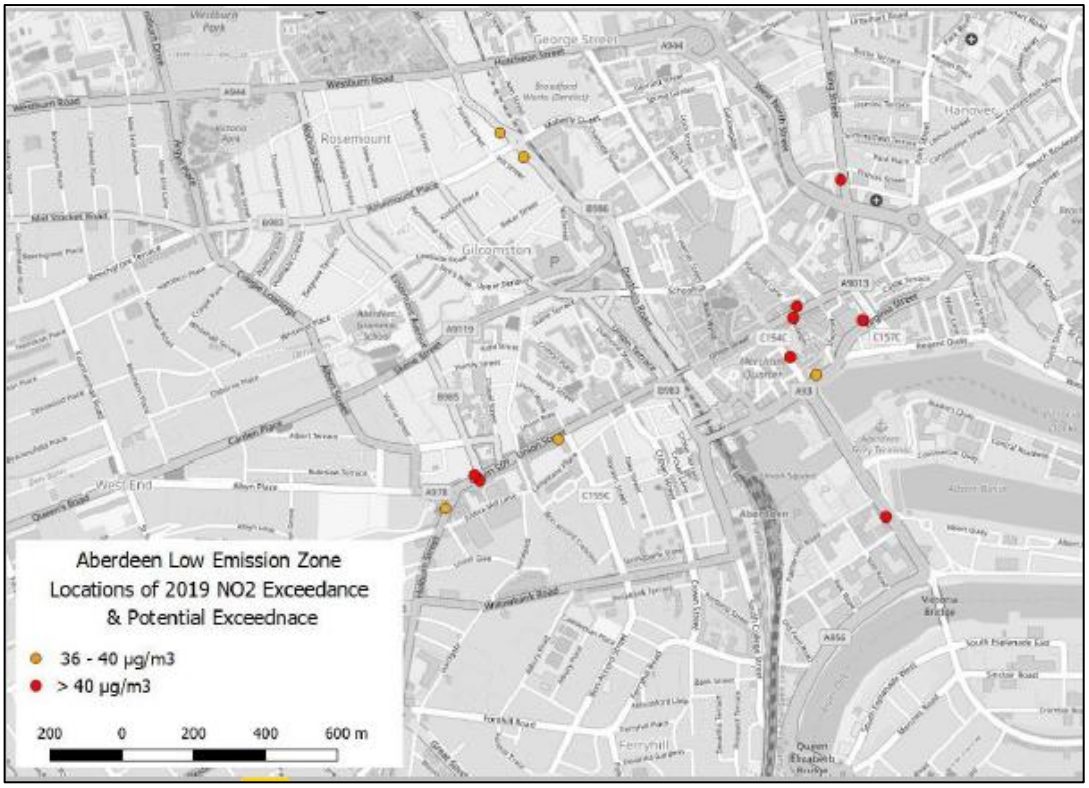


Figure 1: Locations of NO_2 exceedance and near-exceedance in Aberdeen City Centre

- As well as the Public Health benefits, ACC believes that there are wider benefits to improving air quality, in terms of making Aberdeen and the City Centre safe, desirable and welcoming environments for living, working, shopping and leisure. In this regard, we anticipate the LEZ will support economic recovery and city centre regeneration as we emerge from the COVID-19 pandemic;

- The LEZ supports and contributes to national, regional and local plans and policies, which seek to reduce unnecessary traffic, encourage modal shift to sustainable transport, and reduce transport's impact on the environment. In this regard, the LEZ is fully compliant with the aims and objectives of Scotland's National Transport Strategy, the Nestrans Regional Transport Strategy, the Regional Economic Strategy, Aberdeen's Local Transport Strategy, CAFS2, Aberdeen's Air Quality Action Plan, and the Aberdeen City Centre Masterplan and supporting Sustainable Urban Mobility Plan. Transport changes engendered by the LEZ may also contribute to meeting national and local net-zero carbon aspirations;

- The proposed LEZ has been subject to a robust option appraisal process which has included two rounds of public and stakeholder engagement, detailed traffic microsimulation modelling, sensitivity testing against various future scenarios, and emissions analysis. This process has culminated in the identification of a final preferred LEZ option, described in Section 4, with further detail provided in the 'National Low Emission Framework - Stage 2 Report'.

3 LEZ Objectives

The following objectives for the LEZ have been agreed by ACC.

- Primary Objectives:
    - Improve air quality in Aberdeen by reducing harmful emissions from transport and delivering on the Scottish Government's statutory air quality objectives (prescribed under section 87(1) of the Environment Act 1995);
    - Support climate change targets (as set out in Part 1 of the Climate Change (Scotland) Act 2009) by reducing road transport's contribution to emissions.
- Secondary objectives:
    - 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.

4 Proposed LEZ Boundary

A map of the proposed LEZ boundary is shown in Figure 2 below.

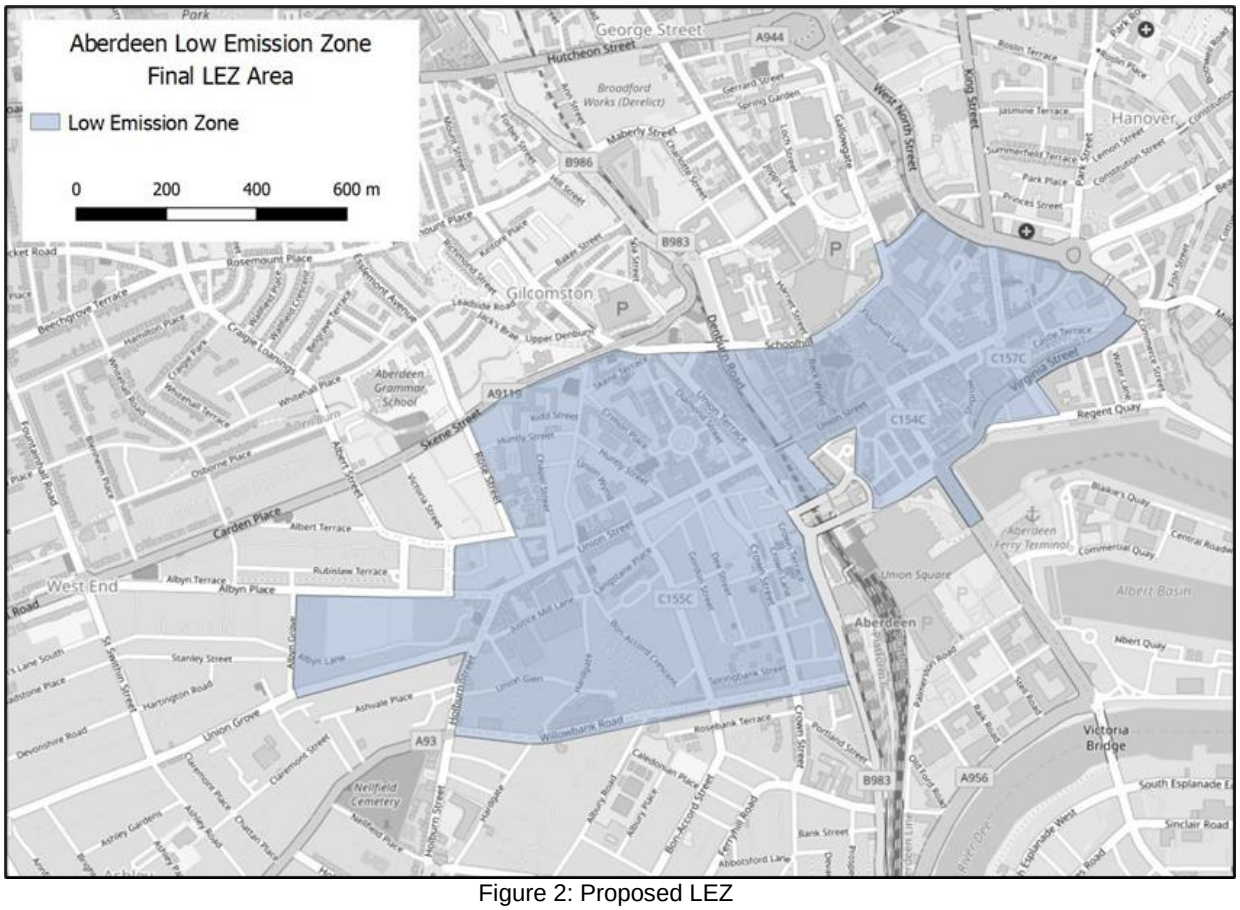


Figure 2: Proposed LEZ

A list of roads falling within the proposed LEZ area are provided in Table 1 below.

Table 1 : Schedule of Streets within Proposed LEZ

Roads within LEZ Boundary	Detail
Academy Street	Full length

Adelphi	Full length
Affleck Place	Full length
Affleck Street	Full length
Albany Court	Full length
Albyn Lane	From Albyn Grove Junction to end of lane by Holburn Street
Alford Place	Full length
Back Wynd	Full length
Bath Street	Full length
Belmont Street	Full length
Board Street	Full length
Bon-Accord Crescent	Full length
Bon-Accord Crescent Lane	Full length
Bon-Accord Lane	Full length
Bon-Accord Square	Full length
Bon-Accord Street	Full length
Bon-Accord Terrace	Full length
Bridge Place	Full length
Bridge Street	Full length
Carmelite Lane	Full length
Castle Street	Full length
Castle Terrace	Full length
Castlehill	Full length
Chapel Street	Full length
College Street	Full length
Concert Court	Full length
Correction Wynd	Full length
Craibstone Lane	Full length
Crimon Place	Full length
Crown Lane	Full length
Crown Street	Full length
Crown Terrace	Full length
Dee Place	Full length
Dee Street	Full length
Denburn Road	Full length
Diamond Lane	Full length
Diamond Place	Full length
Diamond Street	Full length
East Craibstone Street	Full length
East Green	Full length
Exchange Lane	Full length
Exchange Street	Full length
Exchequer Row	Full length

Flourmill Lane	Full length
Gaelic Lane	Full length
Gallowgate	From Upperkirkgate Junction to Littlejohn Street Junction
Gilcomstoun Court	Full length
Golden Square	Full length
Gordon Street	Full length
Guild Street	Full length
Hadden Street	Full length
Hardgate	Full length
Holburn Street	From Union Street Junction to Ashvale Place Junction
Huntly Street	Full length
Imperial Place	Full length
Justice Mill Brae	Full length
Justice Mill Lane	Full length
Justice Street	Full length
Kidd Street	Full length
King Street	From Marischal Street Junction to West North Street Junction
Langstane Place	Full length
Lindsay Street	Full length
Little Belmont Street	Full length
Little Chapel Street	Full length
Littlejohn Street	Full length
Marischal Street	Full length
Market Street	From Union Street Junction to Union Square bus station
Market Stance	Full length
Marywell Street	Full length
Minister Lane	Full length
North Silver Street	Full length
Netherkirkgate	Full length
Oldmill Road	Full length
Peacock's Close	Full length
Poultry Market Lane	Full length
Queen Street	Full length
Rose Place	Full length
Rose Street	From Thistle Street Junction to Union Street Junction
Ruby Lane	Full length
Ruby Place	Full length
South Silver Street	Full length
Schoolhill	From Upperkirkgate to Back Wynd Junction
Shiprow	Full length
Shoe Lane	Full length
Shore Brae	Full length

Shore Lane	Full length
Skene Terrace	Full length
Springbank Street	Full length
Springbank Terrace	Full length
St John's Place	Full length
St Mary's Place	Full length
St Nicholas Lane	Full length
St Nicholas Street	Full length
Stirling Street	Full length
Strawberry Bank Parade	Full length
Summer Street	Full length
Theatre Lane	Full length
Thistle Place	Full length
Thistle Street	From Rose Street Junction to Chapel Street Junction
Trinity Lane	Full length
Trinity Quay	Full length
Trinity Street	Full length
Union Bridge	Full length
Union Glen	From Holburn Street Junction to Bon Accord Gardens
Union Glen Court	Full length
Union Grove	From Albyn Grove Junction to Holburn Street Junction
Union Row	Full length
Union Street	Full length
Union Terrace	Full length
Union Wynd	Full length
Upperkirkgate	Full length
Virginia Court	Full length
Virginia Street	Full length
Wellington Place	Full length
W Craibstone Street	Full length
Weigh-House Square	Full length
Whitehouse Street	Full length
Willowbank Road	Full length
Willowgate Close	Full length
Windmill Brae	Full length
Windmill Lane	Full length

This is considered by ACC and delivery partners as the optimum LEZ for Aberdeen following option appraisal in accordance with the National Low Emission Framework (NLEF) and Scottish Transport Appraisal Guidance (STAG). This has encompassed:

- Identification of a longlist of possible LEZ options which were sifted into a manageable number of realistic options for appraisal;

- Ongoing and iterative sifting and appraisal of options against a range of criteria, supplemented by traffic and air quality modelling; and
- Public and stakeholder engagement on options to understand the likely impacts on residents and businesses.

The option proposed is considered feasible and deliverable and strikes an appropriate balance between maximising the air quality and public health benefits and minimising disbenefits, in terms of traffic displacement and impacts on local residents and businesses.

The traffic and air quality modelling suggests that, even with the LEZ in place, some areas of unacceptable pollution will remain unless further traffic reduction measures are introduced, therefore it is likely that the LEZ will be accompanied by changes to streets in the city centre to prioritise people walking, wheeling, cycling and using public transport.

The modelling also suggests that the LEZ may cause traffic increases on certain streets to the south and west of the zone that are not suitable for such an increase, unless mitigation measures are put in place. The LEZ will therefore also require access restrictions to be put in place to and from Millburn Street at its junction with South College Street / Palmerston Place to mitigate these impacts.

5 Introduction Date and Grace Period

It is ACC's intention to introduce the LEZ on 30th May 2022.

A 2-year grace period (during which enforcement of the LEZ will not take place) for both residents and non-residents of the LEZ area and for all non-exempt vehicle types will commence from this date, meaning that enforcement will take place from 30th May 2024.

The decision to apply a 2-year grace period has been informed by feedback obtained through consultation and stakeholder engagement as to how quickly those affected by the introduction of the LEZ may become compliant. In addition, the unprecedented impact of the COVID-19 pandemic on society, including the wider environment and economy, has been considered.

6 Hours of Operation

The LEZ will operate for 365 days a year, 24 hours a day. The legislation allows for the LEZ to be suspended for the duration of events of local or national significance. These will be determined on a case by case basis but could include events such as the Winter Festival. The LEZ can also be suspended in emergency situations, such as an incident on the wider road network that requires all vehicles to be temporarily diverted through the LEZ area (but only where vehicles follow prescribed diversionary routes).

7 LEZ Scope

The LEZ will apply to all vehicle types specified in the table below, unless subject to an exemption (see section 8):

Table 2: Vehicle types within scope of the LEZ

Vehicle	Vehicle Category	Description
Light passenger vehicles	M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.
Minibus	M2	Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes.

Bus and coach	M3	Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding 5 tonnes.
Light Goods Vehicles (LGVs)	N1	Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes.
Heavy Goods Vehicles (HGVs)	N2	Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes.
	N3	Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 12 tonnes.

Vehicles will be permitted access to LEZs on the basis of their exhaust emissions standard. Mandatory nationally consistent emission standards for Scottish LEZs have been set for virtually all petrol and diesel vehicle classifications (e.g. buses, taxis, vans, HGVs, cars, motorcycles) within The Low Emission Zones (Emission Standards, Exemptions and Penalty Charges) (Scotland) Regulations 2021). These are shown in Tables 3 and 4.

Table 3: LEZ emission standard for compression ignition (diesel) engines

Vehicle category	Emission standards	Euro Categories
Heavy-duty vehicles (e.g. HGVs and buses/coaches)	Euro VI	M2, M3, N2, N3
Light passenger and light goods vehicles	Euro 6	M1, M2, M3, N1, N2
Special category vehicles: • an ambulance (which is not exempt under the Regulations); • a hearse; • a motor caravan.	Euro 6	M1, M2, M3

Table 4: LEZ emission standard for positive ignition (petrol and gas) engines

Vehicle category	Emission standards	Euro Categories
Heavy-duty vehicles (e.g. HGVs and buses/coaches)	Euro IV	M2, M3, N2, N3
Light passenger and light goods vehicles	Euro 4	M1, M2, N1, N2
Special category vehicles: • an ambulance (which is not exempt under the Regulations); • a hearse; • a motor caravan.	Euro 4	M1, M2, M3

Vehicles can be retrofitted with emission abatement technology to improve emissions. Suitably certified retrofitted or repowered vehicles - where the emission standards are confirmed to a Euro 6/VI standard equivalent - will also be LEZ compliant.

Aberdeen's LEZ will not apply to motorcycles and mopeds given the limited contribution these make to NO_2 emissions.

8 Exemptions

As identified in The Low Emission Zones (Emission Standards, Exemptions and Penalty Charges) (Scotland) Regulations 2021, a number of vehicle types will be exempt from LEZs in Scotland, meaning that any restrictions will not apply to them.

Table 5: National Exemptions

Vehicle type or classification	Description
Emergency vehicles	The vehicle is being driven by any person who is: • undertaking their duty as a constable; • providing a response to an emergency at the request of the Scottish Ambulance Service Board; • exercising the functions of the Scottish Ambulance Service Board, the Scottish Fire and Rescue Service, Her Majesty's Coastguard or the National Crime Agency.
Naval, military or air force vehicles	• Vehicles being used for naval, military or air force purposes.
Historic vehicles	• The vehicle was manufactured or registered under the Vehicle Excise and Registration Act 1994 for the first time at least 30 years ago; • The vehicle is no longer in production; and • The vehicle has been historically preserved or maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components.
Vehicles for disabled persons	• The vehicle is being driven by any person who is in receipt of a badge (a blue badge) that has been issued under Section 21(2) of the Chronically Sick and Disabled Persons Act 1970, • a passenger in the vehicle has been issued with a badge under that Section of that Act; or • a badge for the vehicle has been issued under Section 21(4) of that Act; or • a reduction in annual rate of vehicle excise duty applies because the vehicle is being used by a disabled person in receipt of personal independence payment at the standard rate; or • Vehicles registered with a 'disabled' or 'disabled passenger vehicles' tax class e.g. the vehicle is exempt from payment of vehicle excise duty under paragraph 19(1) or 20(1) of schedule 2 of the Vehicle Excise and Registration Act 1994 (exemptions from excise duty for vehicles used by disabled persons).
Showman vehicles	• Vehicles described as either “showman’s goods vehicle” or “showman’s vehicle” according to Section 62(1) of the Vehicle Excise and Registration Act 1994. Note: these are highly specialised vehicles used for the purposes of travelling showmen, where the vehicle is used during the performance, used for the purpose of providing the performance or used for carrying performance equipment.

* Note: blue badges are assigned to a person, not a vehicle, so a blue badge holder could travel in any vehicle and the rules of the blue badge would be applied to that vehicle on that day of travel.

ACC can also grant and renew time-limited exemptions to any vehicle type that is not covered by a national exemption, meaning the registered keeper of the vehicle would be exempt from LEZ enforcement for the period of time that the exemption applies. At present, no formal time-limited exemptions are being considered by ACC. There will likely be rare situations when very specialist vehicles (which may not be suitable for retrofit) are required to enter the LEZ for a specific purpose. It is not possible at this stage to foresee the full range of such occasions, however a mechanism will be put in place by ACC prior to the end of the grace period, for ad-hoc exemptions of this nature, although we expect these to be very rare circumstances.

9 Penalty Charges and Surcharges

Should ACC believe a vehicle is in contravention of the LEZ, it will serve a Penalty Charge Notice (PCN) on the registered keeper.

The default penalty charges for LEZs are set in Schedule 4 of the Low Emission Zones (Emissions Standards, Exemptions and Enforcement) (Scotland) Regulations 2021 and therefore are consistent across Scotland.

The initial penalty charge for all non-compliant vehicles is set at £60, reduced by 50% if it is paid within 14 days. The penalty amount doubles with each subsequent breach of the rules detected in the same LEZ. The penalty charges are capped at £480 for cars and light goods vehicles and £960 for buses and HGVs. Where there are no further breaches of the rules detected within the 90 days following a previous violation, the penalty is reset to the base tier of charge i.e. £60.

Table 6 – LEZ Penalty Rates and Surcharges

Vehicle category	Initial Penalty Charge	Subsequent Penalty Charges			
	1	2	3	4	5
Light passenger vehicle	£60	£120	£240	£480	
Mininbus	£60	£120	£240	£480	£960
Bus and coach	£60	£120	£240	£480	£960
Light goods vehicles	£60	£120	£240	£480	
Heavy goods vehicle	£60	£120	£240	£480	£960
Special Purpose Vehicles	£60	£120	£240	£480	

Enforcement will commence following the end of the 2-year grace period and will be via Automatic Number Plate Recognition (ANPR) cameras.

10 Representations and Next Steps

Further information on the proposed LEZ, and all relevant supporting documentation, can be found on ACC's LEZ consultation web page:

https://consultation.aberdeencity.gov.uk/planning/lez-publication/.

Physical documents can also be viewed by appointment (please call 01224 523863) in Marischal College, Broad Street, Aberdeen AB10 1AB at the following dates and times: 9:00am – 1.00pm on Monday 1st November, Monday 8th November, Monday 15th November and Monday 22nd November.

During the period from 1st November 2021 to 28th November 2021, formal objections to the proposed LEZ can be submitted to Aberdeen City Council. Any objections must be made in writing and must state the grounds of the objection.

Objections can be send via email to transportstrategy@aberdeencity.gov.uk or sent to: Transport Strategy and Programmes, Aberdeen City Council, Ground Floor North, Marischal College, Broad Street, Aberdeen, AB10 1AB.

ACC will consider all objections received prior to submission of final LEZ proposals to Scottish Ministers, and will publish a report detailing the number of objections received, a summary of the general nature of the objections received and our response to these objections.