

## Consultation Statement

- 1.1. The City of Edinburgh Council intends to introduce a Low Emission Zone Scheme (the “Scheme”) in Edinburgh. Prior to asking the Scottish Ministers to approve the making of the Scheme, the Council was required to undertake a period of statutory consultation in accordance with the Transport (Scotland) Act 2019 (‘the Act’) and the Low Emission Zones (Scotland) Regulations 2021 (‘the Regulations’). This statutory consultation took place during 28 June to 20 September 2021.
- 1.2. Section 10(2) of the Act requires the Council to provide a statement setting out details of the consultation and setting out how it has taken account of any representations received in the course of the consultation. Regulation 3(b) of the Regulations requires the Council to publish this statement when it publishes details of the Scheme prior to seeking Ministerial approval for the making of the Scheme. This document sets out this information and is intended to satisfy the requirements of the Act and Regulations.

## Background

- 1.3. Between May and July 2019, the Council publicly consulted on proposals for a Low Emission Zone (LEZ) including a City Centre boundary applying to all vehicle types and an Extended Urban Area boundary applying to commercial vehicles (buses, coaches, taxi and private hire, light and heavy goods vehicles).
- 1.4. The consultation also set out proposals for when enforcement would start, normally after a grace period following the implementation date. It was proposed that the City Centre boundary would be introduced with a short 1-year grace period for commercial vehicles, including buses and coaches, 4 years for cars and an additional year for residents. It also proposed that the Extended Urban Area boundary would have a 3-year grace period.
- 1.5. Results from the consultation found broad support for the vehicle types to be included in the boundaries, that further refinement of the boundaries (particularly the City Centre boundary) should be considered, and that there were mixed views on the length of time proposed before enforcement should commence.
- 1.6. Public support for action to improve air quality was noted during this consultation. This was also demonstrated by consultations undertaken by Transport Scotland in 2017 and 2019/20.
- 1.7. Overall, findings from the Council’s consultation in 2019 found that cleaner air is important to all, but there were mixed views as to the suitability of the LEZ and its specific aspects. General public and commercial groups agreed that they wanted clean air across Edinburgh, albeit with differing priorities for how to deliver this. Themes discussed included the cost of LEZ compliance; impact on life in Edinburgh (clean air benefits versus, cost of goods/services); and looking at a larger, city and regional scale initiative to tackle systemic issues (traffic flow, public transport, etc).
- 1.8. A draft Integrated Impact Assessment was developed at the time as well, to establish the wider impacts of the proposals especially on commercial fleet

operators. The findings of this work highlighted the need to ensure operators are well informed and have time to make changes to their fleets and operations in advance of LEZ enforcement.

- 1.9. The next stage was to address the implications of the feedback received from public consultation, alongside the findings from the impact assessment, in developing the Scheme further. In addition, recommended assessment methodologies outlined in the Cleaner Air for Scotland Strategy (CAFS) and the new LEZ regulations would have to be taken into account.

## Statutory Consultation

- 1.10. Further development of a preferred LEZ Scheme following the 2019 public consultation was paused after Scottish Government and the four main Scottish Cities implementing LEZs agreed to delays, due to the Covid-19 pandemic.
- 1.11. In June 2021, the Council approved a preferred Low Emission Zone Scheme which was subject to further consultation.
- 1.12. Consultation took place from 28 June to 20 September 2021 seeking views on a City Centre LEZ, to include all vehicle types, except motorcycles and mopeds and those subject to a national exemption outlined in the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021. The LEZ would be implemented on the 31<sup>st</sup> May 2022. Enforcement would commence on 1 June 2024, after a 2-year grace period for all vehicles and groups. There was to be no local exemptions to the scheme.
- 1.13. Section 11 of the Act, in tandem with the Regulations, provides a list of the organisations that local authorities must consult with when making, amending or revoking a LEZ scheme. These organisations and groups were considered as statutory consultees and were approached directly and invited to comment during the 2021 consultation. Statutory consultees approached included the following:
  - 1.13.1. Scottish Environment Protection Agency (SEPA);
  - 1.13.2. Nature Scot (formerly Scottish Natural Heritage);
  - 1.13.3. Such persons as the authority considers represent the interests of;
    - 1.13.3.1. The road haulage industry,
    - 1.13.3.2. The bus and coach industry,
    - 1.13.3.3. The taxi and private hire car industry,
    - 1.13.3.4. Local businesses, and drivers, likely to be affected by the proposal,
  - 1.13.4. Such other persons as the authority considers appropriate;
  - 1.13.5. Local authorities neighbouring the authority that is delivering the scheme,
  - 1.13.6. Regional Transport Partnerships;
  - 1.13.7. NHS Health Boards.

- 1.14. The consultation invited comment on key aspects of the LEZ Scheme, including the overall Scheme as proposed, the boundary, the grace period approach and length and local exemption approach. It also sought to gauge levels of awareness about support funding available.
- 1.15. A consultation document detailing the Scheme in full was provided to all statutory consultees and published on the Council's website.
- 1.16. In addition to the statutory consultees, over 500 organisations (public, private, third sector, various sizes) were contacted and invited to take part in the consultation.
- 1.17. A public questionnaire received over 5,000 responses from individuals. Communications and engagement, including the opportunities to share feedback on the Scheme, were made via various formats including: virtual meetings, social media (~2 million 'impressions', i.e. the number of times posts have been viewed), bus shelter and large format digital displays on some key routes in the city, letter drops to all householders and businesses within the proposed LEZ (~19,000 properties), radio advertising (~1.2m population), emails to all active parking permit holders in Edinburgh (~25,000 drivers), all supported by information on the Council's LEZ webpages.

### **Consultation Feedback and Considerations for Scheme Design**

- 1.18. Following the period of statutory consultation, on the preferred Scheme in 2021, the Council undertook a full analysis exercise of the feedback from all stakeholders (statutory and non-statutory consultees). The Council has taken account of feedback from all stakeholders since the inception of the project, including from the earlier consultation exercise in 2019, when reaching the final Scheme design. Details of the extent and scope of the responses and representations is set out below.
- 1.19. Key stakeholders (including statutory consultees) presented a range of views on the scale of a future Scheme, but in general supported the principle of a LEZ.
- 1.20. Boundary and grace period changes could not be justified in terms of the feedback, as this was not in keeping with the Scheme's objectives. Justification and mitigation are detailed below.
- 1.21. Overall, the impacts from the Scheme are considered to be reasonable and proportionate having regard to the overall benefits.
- 1.22. In summary, the final design of the Scheme did not change significantly following the statutory consultation, however thematic analysis suggests that concerns were mostly centred on displacement (traffic and air quality) impacts, the need for local exemptions and that the LEZ may disproportionately impact on low income households and microbusinesses.
- 1.23. In response to these representations the Council has refined some of the intended operational details for the Scheme. Some details of the changes proposed are included below.

## **Network Management Strategy**

- 1.24. The National Modelling Framework allowed detail analysis of the impacts of the LEZ around the boundary in terms of traffic displacement and air quality. Findings of this work did not support a change to the boundary.
- 1.25. Nevertheless, to mitigate against potential traffic/air quality impacts and to ensure the traffic network functions effectively, without providing significant additional capacity, the Council is developing a Network Management Strategy (NMS).
- 1.26. One of the main objectives of the Scheme will be to minimise the potential impact from traffic displacement across the road network.
- 1.27. The Council work in partnership with the most impacted communities in developing of the NMS, where possible.
- 1.28. A LEZ annual progress report is required by the Regulations, on the operation and effectiveness of the scheme. This will be informed by a robust monitoring regime that will inform the NMS and may cover public transport journey times, traffic surveys and public opinion surveys as well as the Council's well-established air quality monitoring network.
- 1.29. Traffic monitoring to measure traffic displacement will be undertaken both prior, to and during the Scheme's operation in 2024 to ensure the NMS is evidenced and responsive.

## **Financial Implications – providing support and time to prepare**

- 1.30. To fully understand the impacts of the Scheme on individuals and groups, an Integrated Impact Assessment was completed. Its findings reflect the consultation feedback and highlight the need to ensure support for groups that are most affected, and that time is given (grace period) to ensure stakeholders are well informed and have time to prepare, prior to the enforcement of the LEZ.
- 1.31. The LEZ Scheme objectives aim to ensure alignment with national funding provisions that will support individuals and businesses adapting to LEZ. Following the feedback, the Council will also ensure that a communications and engagement campaign will focus on promotion of support funds available for adaptation to the LEZ and promoting the benefits of cleaner air and sustainable travel initiatives.
- 1.32. In respect to the grace period no changes were proposed following the consultation feedback.
- 1.33. Although the Regulations specify a minimum grace period of one year, it was deemed more appropriate that a period of two years be given to allow individuals and businesses time to prepare. The unprecedented impact of the COVID-19 pandemic on society, including the wider environment and economy was also taken into account.

## **Local Exemptions**

- 1.34. There was good support for the no local exemptions approach from most respondents, however, it was recognised that there may be exceptional circumstances when a local exemption would be required. This feedback was

taken on board to change the Scheme and ensure a provision is provided in the final Scheme that allows local exemptions on an exceptional case by case basis.

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