

Response ID ANON-PEPT-XK6G-S

Submitted to **Scottish Low Emission Zones: Consultation on Regulations and Guidance**

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Questions

Question 1a Do you agree with the proposed present-day emission standards for Scottish LEZs?

No

If not, why not?:

While we would not disagree with the limits for emissions set out in the various Emission standards, we have grave concerns with the concept of prohibition of vehicles solely on whether or not they comply with registration dates certifying compliance.

To put this into perspective experience for L category vehicles within the London ULEZ zone where Euro 3 standards have been set as the guideline for L category vehicles and all vehicles registered after 01/07/2007 are thus considered to be compliant.

Exemptions have been granted from London ULEZ restrictions where owners have been able to provide homologation or certificates of conformance indicating compliance with Euro 3 limits, but where owners have been unable to obtain the necessary certification from their machines manufacturers, typically for Euro 1 or older machines TfL have sanctioned independent testing at Riverside Motorcycles an accredited test house for emission testing. This testing and certification has shown that the vast majority of older machines of L category which are Euro 1 or Euro 2 standard or older are also compliant with the Euro 3 standards for NOx and particulates.

Specifically 48 per cent of motorcycles presented for testing at Riverside pass first time, with a further 25% passing 2nd time following maintenance, this maintenance typically covers activities such as replacing inlet manifold seals, cleaning /adjusting carburettors etc. It should be further noted that the majority of manufacturers have been able to supply homologation or certificates of conformance for machines dating back to 2001, thus due to the significant cost of testing, the bulk of testing at Riverside has been on machines registered in 2000 or earlier for which manufacturers data is not available.

As a consequence an arbitrary cut off dates such as the Euro 3 registration date, which demonstrably fails to demarcate between compliant and non-compliant vehicles and would result in many compliant machines being prematurely withdrawn from use. This is not commensurate with the dual aims of improving air quality and tackling climate change. On the one hand it is unfair to prematurely ban vehicle which are compliant regardless of age, necessitating early replacement or scrappage ignoring the consequential CO2 emissions associated with the manufacture of replacement vehicles.

It is estimated that between four and six times more CO2 is produced during manufacture than is generated by emissions during the lifetime of internal combustion engine (ICE) vehicles, thus early replacement of ICE vehicles is counterproductive to achieving environmental targets.

Question 1b What are your views on Scotland making a transformative shift to zero or ultra-low emission city centres by 2030?

Please be as specific as possible in your reasoning.:

We do not believe that it is possible or realistic to achieve zero or ultra low emission city centres by 2030, achievement of such targets would necessitate provision of a massive investment in electrified or hydrogen powered public transport, sufficient to provide affordable, reliable, accessible 24/7 public transport to provide a genuine alternative to personal transport. At the same time similar levels of investment would also be required in charging infrastructure and the like, increasing affordability of alternatively powered vehicles and conversion of the vast majority of heating systems from gas to more environmentally friendly fuel sources. Too fast a move towards these goals will unfairly penalise and restrict those who are least able to afford the cost of making these changes significantly restricting their life choices. We are also aware that much of the research that suggests a reduction in life expectancy is somewhat speculative and is much less significant than the effects of lifestyle, diet, drinking and the effects of social deprivation, opportunities and poverty. Further reductions in emissions will at best only contribute to an almost insignificant change in life expectancy and the funding necessary to achieve it would be better directed at addressing many of the more significant issues that create genuine divergence of life expectancy in our society. Indeed if we examine the contribution that NOx is expected to contribute, then it would be reasonable to expect a noticeable effect on those exposed to gas central heating or who cook with gas, that contributes to NOx levels in the home several times greater than current environmental NOx limits. There is very little evidence to show such a correlation exists, which given some of the more extreme claims made is to say the least surprising.

It is worth noting that promotion of Motorcycles, scooters and mopeds can play a significant role in reducing overall congestion and nett emissions and have a role to play in encouraging modal shift from the car. It is also worth noting that by virtue of their lesser weight manufacturing emissions and demands for material used in their construction is considerably less than is required for car manufacture (Typically between 1/4 and 1/6th). While in terms of power, batteries can be much smaller are easier to charge or exchange and put less strain on charging infrastructure and demand far less of the precious materials required in their manufacture.

Question 2a Which of the proposed national LEZ exemptions do you agree with? Select all that apply.

Emergency Vehicles, Military Vehicles, Historic Vehicles, Vehicles for Disabled Persons, Showman Vehicles

Please be as specific as possible in your reasoning.:

We are content that all of the vehicles suggested for national LEZ exemptions should be granted exemption for the following reasons.

Granting exemption for emergency vehicles is essential if the emergency services are to remain capable of responding to major incidents and maximising their ability to preserve life.

For similar reasons exemption should be granted for military vehicle that may need to respond very quickly to a major terrorist incident or incident threatening national security.

Historic vehicles should be granted exemption, since usage will inevitably be limited and is required to maintain the culture and historic presence that such preserved vehicles represent.

Vehicles for disabled persons should be granted exemption, since by nature of below average income many disabled may struggle to obtain compliant vehicles, but because of their needs require access to personal transport.

Showman Vehicles should be granted exemption as they are by their nature expensive and in some cases difficult or impossible to configure to be compliant with emission standards, they are also by their nature uncommon causing a small excess contribution to emissions.

Question 2b Are there any other LEZ exemptions you would propose?

If so, what should these exemptions be and why?:

Emergency voluntary sector organisation – In the event of a major emergency such as widespread flooding or a similar civil emergency stretching the resources of the emergency services granted exemption, it makes no sense to preclude other voluntary sector emergency services, who's contribution may be life saving for a tiny excess contribution to emissions.

Utility emergency repair vehicles – Should be granted exemption, since failure to allow admission could seriously affect the services relied upon by inhabitants and prevent timely restoration of services or repair and may have a contrary effect on emissions through long term road closures with associated increased congestion.

Specialist vehicles – Should be granted exemption as they are by their nature expensive and in some cases difficult or impossible to configure to be compliant with emission standards, they are also by their nature uncommon causing a small excess contribution to emissions.

Accident and breakdown recovery vehicles – Should be granted exemption as particularly for breakdown recovery of busses and commercial vehicles, where such vehicles may have a significant effect on congestion and failure to grant exemption may have a contrary effect on emissions.

Out of hours shift workers – Until such time as affordable, reliable, accessible 24/7 public transport is available many essential out of hours shift workers must be granted exemption if the services they provide and which we rely on are not to be undermined. It should also be noted that many out of hours shift workers are poorly paid and will struggle to afford compliant vehicles or have concerns over safety accessing and using late night public transport.

Question 3a Do you agree with the proposed base level and subsequent tiers of penalty charges for each vehicle type as outlined in Table 5?

No

Please explain your answer:

We object to the base level of charge and surcharge suggested for motorcycles, given that modal shift to this mode will in all but the most extreme cases result in nett reduction in emissions. As such any penalties need to be significantly lower than for a non-exempt car. Penalties when applied must reflect the overall contribution to emissions. It is also important that penalties applied display clear proportionality to other penalties in the justice system

Question 3b Which surcharge 'curve' in Figure 1 represents the best approach to designing a surcharge?

Graph 1

Please explain your answer:

While MAG is fundamentally opposed to penalties that undermine liberty and choice amongst motorcyclists, particularly where alternatives are not viable on the grounds of practicality, availability, reliability or cost, we recognize that LEZs must have some measures to discourage the status quo and promote the reduction of emissions. Graph 1 of figure 1 best represents this incentive, without being too punitive to those, who perhaps for very good reasons have no alternative other than to occasionally contravene LEZ regulations. For similar reasons we believe that the maximum surcharge should be capped at no more than £240 equivalent to a level 3 fine in the justice system. A fine greater than this would seriously undermine the principal of proportionality with other offences and risk putting those with limited resources into severe financial hardship or jail through inability to pay.

Question 3c How should the surcharge approach be applied in order to discourage non-compliant vehicles from driving within a LEZ?

Please be as specific as possible in your reasoning.:

The surcharge approach must have scope for reduction in penalties for prompt payment. Prompt payment must not however preclude the ability to challenge penalties, for example where vehicles are cloned or if emission testing proves a vehicle is compliant, and successful challenges must be fully reimbursed. It is also worth noting that any divergence of conditions and applications between LEZ's will undoubtedly cause confusion among motorists, who will fail to understand why their vehicles are compliant in one LEZ but may be non-compliant in another. On this basis MAG would urge consistency of approach.

Question 3d How many days should lapse before a registered keeper of a vehicle returns to the base tier of the penalty charge?

Please explain your answer:

If the charge is based on a 28 day period, it makes sense that the period required to reset the penalty to base levels should also be 28 days.

Question 4 Do you agree with the general principles of the LEZ enforcement regime?

Yes

If not, why not?:

While the general principles of the LEZ enforcement regime, are reasonable, consideration and allowance must be made for those facing multiple penalties or payments subject to surcharge. In such circumstances payment within 28 days may not be practical if severe financial hardship is to be avoided, in such circumstances the possibility of payment by instalment must be available.

Question 5 What are your views on the proposed list of 'other persons' that local authorities must consult with on their LEZ plans?

Please be as specific as possible in your reasoning.:

Motorcycles and Scooters have been omitted in the list of consul-tees shown in Para 80. "local businesses, and drivers, likely to be affected by the proposal" should be amended to read , "local businesses, drivers and riders of Motorcycles and Scooters, likely to be affected by the proposal".

We believe that in order to address the steps necessary to ensure compliance and achievement of LEZ goals, Community Transport operators, Trade bodies representing the transport sector and the rail industry all have roles to play and should be consulted.

Question 6 If a LEZ scheme review was undertaken, what elements would you expect the review to investigate and how would the review ensure transparency and accountability?

Please be as specific as possible in your reasoning.:

We would expect any review to investigate emissions within and out with the zone to determine any improvements and any displacement of emission hot spots. The review should also provide updated analysis of contributions from sectors other than road transport to determine relative improvement and where necessary measures which can or need be implemented to tackle problems in other areas. The review should also examine traffic displacement and its effects on congestion and emissions outside of the LEZ.

The review should also consider the effectiveness of the penalty regime and any consequences or changes that need to be addressed to ensure fairness and equitable treatment among those who transgress LEZ rules.

The review must also attempt to estimate the effect that changes made to achieve LEZ emission standards have on Climate change and CO2 emissions, especially since the two goals are not necessarily complimentary and may indeed be counter productive.

Question 7 What secondary objectives should be created for LEZ schemes?

Please be as specific as possible in your reasoning.:

By and large we are in agreement with the secondary objectives outlined in Table 6, we would however suggest that the statement encourage "Modal shift from individual car journeys, to public transport, zero emission vehicles and active travel." be amended to "Modal shift from individual car journeys, to public transport, low or zero emission vehicles and active travel." so as not to exclude vehicles which can make a contribution to reducing emissions such as conventionally powered motorcycles and scooters. This distinction is important as many so called zero emission vehicles still have a significant impact on emissions where electric power is generated by non sustainable means and where manufacturing processes are also not inconsiderable and early switching to such vehicles may have a deleterious effect on climate change.

Question 8 Do you agree with the steps outlined in Figure 2 for enabling a LEZ scheme to come into effect?

Yes

If not, why not?:

Question 9 How can local authorities maximise the technological opportunities available from the deployment of approved devices?

Please be as specific as possible in your reasoning.:

We believe that while Local Authorities can engage with the ITS community and make suggestions to Transport Scotland. Overall approval of such devices and systems should be set at a national level to avoid duplication of effort and ensure only robust and consistent systems are introduced.

Question 10 What positive or negative impacts do you think LEZ proposals outlined within this consultation may have on:(a) particular groups of people, with particular reference to 'protected characteristics' listed above(b) the very young and old(c) people facing socioeconomic disadvantages?

(a) particular groups of people, with particular reference to 'protected characteristics' listed above::

The only group not listed elsewhere, with protected characteristic likely to be materially affected are the disabled, who by nature of below average income may struggle to obtain compliant vehicles, but because of their needs require access to personal transport.

(b) the very young and old::

For similar reasons to the disabled the elderly may also struggle to obtain compliant vehicles, yet require personal transport to ensure personal mobility and quality of life.

(c) people facing socioeconomic disadvantages::

Socio-economic disadvantages may preclude the ability to obtain compliant vehicles and access jobs particularly those involving shift or unsocial hours.

The penalty regime proposed will also have a disproportionate effect on the groups identified in our responses to 10)a, b and c.

Question 11 Do you think the LEZ proposals outlined in this consultation are likely to increase, reduce or maintain the costs and burdens placed on business sectors?

Please be as specific as possible in your reasoning.:

We believe that the costs and burdens placed on business sectors are likely to increase, both directly through a requirement to convert or replace any company owned vehicles ahead of normal replacement dates and through increased freight costs as freight hauliers also need to ensure compliant vehicles conform with LEZ limits or where this is impractical additional transshipment of goods costs are incurred. A secondary effect which may also impact some businesses, is loss of business, where customers need non-compliant private transport to collect goods and are as a result choose suppliers who are not in the LEZ. We further believe that to prevent adverse effects on business and the economy in general LEZs should only be implemented where there is a compelling case for such introductions, such as where emission hotspots exist and cannot be tackled by other means.

We would also point out that any premature scrappage of vehicles and their necessary replacement, will seriously affect the resale value and sale of non-compliant vehicles and may reduce availability and increase cost of compliant vehicles particularly in the second hand market. We also note that premature scrappage is counterproductive to achieving environmental targets given that between four and six times more CO2 is produced during manufacture than is generated by emissions during the lifetime of the non-compliant vehicle, consequently contributing to increased contribution to CO2 emissions in the transition period.

Question 12 What impacts do you think the LEZ proposals outlined within this consultation may have on the personal data and privacy of individuals?

Please explain your answer:

It is imperative that the personal data required for the operation and enforcement of the LEZ schemes its storage and capture is safe and robust. Accuracy and security of data is paramount and individuals must have the ability to challenge and correct inaccurate data. To protect the data it is essential that the data is not widely disseminated and in as few hands as possible.

Question 13 Do you think the proposals outlined within this consultation are likely to have an impact on the environment? If so, which ones and how?

Please be as specific as possible in your reasoning.:

Yes while experience of LEZ's in Europe suggests an average reduction of harmful emissions of between 1% and 5% is desirable particularly in hot spots, rapid changes to vehicles are likely to increase emissions of climate changing gases globally and while local emission of such gases would reduce this will pale into insignificance compared with global effects of manufacturing and non-sustainable power generation. Infrastructure changes required on the scale necessary to service electric vehicles are also likely to adversely affect the environment and the security of electricity supply. Sustainables have a role to play but cannot provide the necessary consistency of supply, while the majority of nuclear power stations will be decommissioned in the timescales proposed for a ban on ICE engined vehicles. It is thus imperative if the dual aims of LEZ's are to be achieved that the most efficient means of transport need to be promoted, electric trains trolley busses and the like, while efficient personal transport is also necessary and the promotion of motorcycles and scooter, particular electrically powered ones is desirable.

Question 14 Do you have any other comments that you would like to add on the Scottish Government's proposals outlined within this consultation?

Please be as specific as possible in your reasoning.:

MAG can and will be happy to engage with Local Authorities and Transport Scotland to explain the positive steps that can be taken to encourage modal shift towards motorcycles and scooters, such as adequate secure parking to reduce theft and access to bus-lanes. Our document Pathways for Progress outlines the steps necessary to help integrate this mode into the transport mix in more detail and explains the rationale behind the measures that can help make a step change to use of this mode helping reduce congestion and net emissions. We believe that these measures should be considered in parallel to LEZ introduction to maximise the benefits of this mode and contribute to the success of LEZs.

About you

What is your name?

Name:

Stephen Wykes

What is your email address?

Email:

edinburghmag@aol.com

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Motorcycle Action Group (MAG)

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: