

Subject:	Low Emission Zone Update		
Date of Meeting:	26 June 2018		
Report of:	Executive Director Economy Environment Housing & Culture		
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 In January 2015 the ETS Committee agreed to the implementation of a Low Emission Zone in North Street and Western Road, with a minimum Euro V standard for Public Service Vehicles operating in the zone. The zone accounts for approximately 95% of bus movements in the city. Any newly introduced buses entering the zone have to comply with this standard, with the exception of buses on some low frequency routes. Buses that do not meet this standard are required to be either retro-fitted with exhausts to meet at least this requirement or be replaced with vehicles that meet the Euro V standard by 1 January 2020.
- 1.2 Good progress has been made in achieving this target, thereby improving air quality in the zone, and throughout the city. This has been in part thanks to successful funding bids to retrofit buses for compliance with low emission standards. All bus operators report that they will have achieved the Euro V emission standard by January 2019, one year earlier than planned, with all Euro III and Euro IV buses replaced or retrofitted to at least the higher standard.
- 1.3 Euro VI, is the highest bus emission standard currently available for diesel buses, and represents a significant improvement on the Euro V standard for NOx emissions. This is equivalent to the emissions of some Euro VI diesel cars. Retro-fitted buses have also been independently tested in "on the road" conditions on routes in the city, with results significantly better than the minimum standards required.

2. RECOMMENDATIONS:

- 2.1 That the Committee authorises an application to the Traffic Commissioner to amend the current Traffic Regulation Condition which established the Euro V bus based Low Emission Zone in Castle Square, North Street and Western Road to extend to the junction with Palmeira Square with a provisional start date of 1 January 2019.
- 2.2 That the Committee declares that the new conditions of the Ultra-Low Emission Zone will require that all new Public Service Vehicles operating in the zone should meet as a minimum the Euro VI emission standard, with only the licensed

exemptions set out in this report. Bus operators will have until October 2024 to replace or convert all buses entering the Low Emission Zone to the new Euro VI standard.

- 2.3 That the Committee removes the current exemption for low frequency bus routes in the zone and authorises that the 'Low Emission Zone Guidance for Bus Operators' be updated in line with the new operating criteria.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The council monitors compliance with the Low Emission Zone, liaising with bus operators to resolve any issues arising in the first instance. In the event of persistent non-compliance the council could report the operator to the Traffic Commissioner for enforcement action through fines. Compliance with the current Low Emission Zone has been good, with no issues requiring enforcement action.

- 3.2 The licensed exemptions to the current Low Emission Zone are

- A licensed exemption for buses that would not normally meet the standard but have been retrofitted to meet the equivalent emissions standard
- A licensed exemption for low frequency services which enter the zone less frequently than 25 times per week
- A temporary licensed exemption for a replacement bus due for example to a bus Breakdown (subject to notification requirements)
- A temporary licensed exemption for buses that do not meet the standard as at 1 January 2015 but that have an agreed replacement date with a new or retrofitted bus that meets the emission standards

It is proposed to remove the low frequency service exemption and to temporarily license Euro V buses until their agreed replacement or retrofit date to the Euro VI standard which must be before 1 October 2024.

- 3.3 Buses in the Low Emission Zone must switch off their engine if they anticipate that they will be stationary for more than one minute and guidelines were provided to bus operators to explain how this works in practice in consultation with bus operators. It is proposed that this condition remain unchanged
- 3.4 Overall air quality within the Low Emission Zone has improved as can be seen in the charts in Appendix 1. It is estimated that Euro VI buses provide a further 95% improvement in NOx emissions in real world driving conditions, compared to Euro V buses.
- 3.5 Big Lemon and Brighton & Hove Buses, have indicated that they will be applying for the ultra-low emission bus grant opportunity with OLEV, which promotes more advanced low emission technology in June 2018 with a decision scheduled for September 2018.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The option of extending the boundary of the Low Emission Zone was considered. Each new area covered by the same conditions as the zone would require entry and exit point signage and CCTV cameras to monitor compliance which would

add to costs. The existing Low Emission Zone covers 95% of bus movements in the city and therefore improved standards would be shared citywide without the need for fragmented zones in designated streets at no additional cost. Changes to the boundaries could increase the risk of objections to the proposals.

- 4.2 Consideration was given to bringing forward the date by which all bus operators must comply with the Euro VI standard. The date of October 2024 is seen as challenging but achievable by all bus operators, and is not reliant on winning further funding bids for retrofits or replacement buses. Given that two thirds of the fleet of the city's largest operator will need to be upgraded to meet this standard, it is seen as an ambitious target, with sufficient flexibility to allow for operators to leapfrog the minimum Euro VI requirement and invest in zero emission buses for certain vehicle types.
- 4.3 Accelerating upgrades to achieve an even earlier full compliance date for the Euro VI standard would require significant additional investment; with each new Euro VI double decker bus costing around £250,000. This in turn could result in upward pressures on bus fares, in the absence of alternative funding. This in turn could risk having a negative impact on bus passenger numbers and air quality if bus passengers decided to use their cars instead.
- 4.4 Limiting private vehicle access (cars, vans and motorcycles) to the zone to low emission vehicles was considered as part of the review. The number of private vehicles entering the proposed low Emission Zone is already very restricted within the zone, due to the bus lane. There has been a reduction of around 30% in private vehicle traffic in North Street following the reversal and partial closure of Ship Street since the start of the Low Emission Zone. Enforcement of a scheme limiting access to these vehicle types would be expensive to set up both for the council and for car owners to meet the requirements. It would have a relatively small impact on emissions within the zone. We are reviewing the usage of bus lanes within the City Centre compared to other parts of the City so may at a further stage consider a zonal system with consistency for users in each separate bus lane zone based on demand. If there are a clearly distinguishable group of private vehicles (cars, vans or motorbikes) that it is felt could be continued to use a central zone but only based on a low emission standard programme then this will be investigated with a further report to this Committee.
- 4.5 Consideration was given to including emissions standards for minibuses to enter the Low Emission Zone. Minibuses are comparatively infrequent users of the zone and their impact on emissions is therefore small. Many are also operated by voluntary groups or charities and the proposal is to not to impose emissions standards on this class of vehicle as part of this review.
- 4.6 Options for limiting access to the Low Emission Zone for heavy goods vehicles to below an agreed emissions standard have been reviewed, as applied in the London scheme. The cost of retrofitting a filter to meet the emission standard for a lorry is around £4,000 which would mainly have to be met by small businesses with many only needing to access to the zone on an infrequent basis.
- 4.7 Most supermarkets and operators of larger vehicles already have compliant vehicles. The vast majority of delivery vehicles also switch off their engines whilst

unloading takes place. Imposing a ban on lorries with poor emissions standards from entering the zone could lead to problems with unloading in surrounding residential streets. It is not proposed to exclude heavy goods vehicles from the Low Emission Zone following this review

- 4.8 The option of doing nothing was considered but although air quality in the zone has improved it is still above the legal limit and further reductions in emissions standards will be required to ensure air quality is substantially and consistently below this level.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Bus services are regulated by the Traffic Commissioner and the current Low Emission Zone is legally enforced through a Traffic Regulation Condition agreed with the Traffic Commissioner's Office and all bus operators with services entering the zone. Bus operators are consulted by the Traffic Commissioner and they have the right to object to the introduction or any proposed changes to a Traffic Regulation Condition. Any objection could result in a public enquiry with costs around £20,000.
- 5.2 All of the city's bus operators have been consulted in the preparation of this report, to help reduce the risk of formal objections, and their feedback is included in appendix one of this report. It is proposed to update the 'Guidance for bus operators' issued in November 2014 and published online, to reflect the new conditions, including the removal of the exemption for low frequency routes.

6. CONCLUSION

- 6.1 The introduction of an upgraded bus based Ultra-Low Emission Zone as outlined in this report would provide a cost effective tool to improve the emission standard of buses in the city in a planned and transparent way. The operation of the new Low Emission Zone would be reviewed and reported back to Committee in 2020 to review progress in meeting air quality targets. The council will use an evidence based approach working with the bus operators and other vehicle types to introduce or further develop measures to improve air quality throughout the city. The measures outlined in this report should help further improve the credentials of public transport as a sustainable transport choice.

Therefore it is felt that the Committee should agree to the recommendations as outlined in this report

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications for the council from the report recommendations. Any staff time for implementing the report recommendations will be met from existing resources within Parking Services.

Finance Officer Consulted: Gemma Jackson

Date: 14/05/18

Legal Implications:

- 7.2 Low Emission Zones have been identified by the UK Government as part of its air quality plan as one way in which local authorities can reduce harmful emissions in specific areas. The Traffic Commissioners Office has granted permission for traffic regulation conditions to be applied to the licences of all bus operators with services in a low emission zone. The Traffic Commissioners Office can issue fines if the conditions are not met. The implementation of the recommendations in this report will contribute towards the Council's compliance with the requirements of the Environment Act 1995 and the Air Quality (England) Regulations 2000

Lawyer Consulted: Stephanie Stammers

Date: 14/05/2018

Equalities Implications:

- 7.3 There is a small risk that these proposals could adversely affect the provision of infrequently used bus services in outer areas such as those already in receipt of a subsidy by making them less profitable due to the cost of meeting the emission standards, which could have a negative impact on the elderly and disabled. The proposals contain features to minimise this risk, for example the size of the zone is small to allow alternative routes and there is a temporary exemption to allow bus operators time to reach the required standard over a number of years

Sustainability Implications:

- 7.4 The Brighton and Hove Joint Strategic Needs Assessment 2013 included a chapter on Air Quality in Brighton and Hove and the impact of vehicle emissions on residents and estimated that there are between 2,000 and 2,500 dwellings exposed to outdoor levels above EU limits. The main risks relate to pulmonary and cardiovascular illness and initiatives to reduce transport emissions will be of benefit to this group as well as residents and visitors as a whole.

SUPPORTING DOCUMENTATION

Appendices:

1. Emissions data
2. Consultation with bus and coach operators

Documents in Members' Rooms

1. None

