

KEY ISSUES

1. Environmental Standards Scotland (ESS) Recommendations

- **AQ Action Plan Review timescales**
- **Monitoring Body**
- **AQ monitoring - schools**

2. Progress Against Cleaner Air for Scotland 2 (CAFS2) Actions

3. International Performance on Air Quality

4. Low Emissions Zones (LEZs)

1. Environmental Standards Scotland (ESS) Recommendations

Issue: ESS recommend shorter time period for air quality action plan review timescales

- Local air quality policy guidance has been revised so that current action plans should be reviewed and, where necessary, updated within one year of the revised guidance being published, and every five years subsequently.
- This approach recognises that it is important to strike a balance between review and implementation.
- If circumstances change significantly within the Air Quality Management Area (AQMA), this will trigger an automatic review of the action plan for appropriateness, to ensure that measures remain sufficient to achieve compliance within as short a time as possible.

Issue: ESS question SEPA powers to deliver Local Air Quality Management monitoring body

- Under section 85 of the Environment Act 1995 SEPA has wide-ranging powers to direct a local authority to take appropriate steps to fulfil its statutory duties on local air quality. It is the duty of a local authority to comply with any direction given to it by SEPA under section 85.
- SEPA will be considering all aspects of a local authorities' Local Air Quality Management (LAQM) responsibilities, and has the power to direct local authority action in all these areas (including

monitoring, management of Air Quality Management Areas (AQMAs), planning of actions, delivery of improvements and reporting), where necessary.

- If a local authority is not making sufficient progress or is not meeting its statutory duties SEPA may give a direction requiring the local authority to take any, or all, of the following steps:
 - Carry out an air quality review and assessment of air quality (within the local authority's area);
 - Repeat afresh (and in accordance with the terms stated in the direction) an air quality review and assessment in whole or in part;
 - Make an order designating an AQMA;
 - Revoke/modify any AQMA order;
 - Prepare an action plan;
 - Modify any action plan and;
 - Implement any actions in an action plan.
- We have strengthened local air quality management policy guidance to include an assumption that these powers should be used routinely, and in all cases where a local authority is manifestly failing to carry out its duties.
- SEPA has welcomed and agreed to the routine use of the powers available to them under section 85.
- Where a local authority is not fulfilling their duties, SEPA, in dialogue with the Scottish Government, will initiate the enforcement procedure as outlined in the revised policy guidance in all cases.

Issue: ESS / Royal College of Physicians calling for Air quality monitoring around schools

- Automatic air quality monitors are complex instruments and costly to purchase, operate and maintain. This places a practical limit on the number of locations that can be monitored in this way.
- For this reason, comprehensive screening tools have been developed to help local authorities identify the most appropriate monitoring sites, together with detailed models for estimating

pollution levels at locations where automatic monitoring is not possible.

- Local authorities have progressively adapted their monitoring strategies in accordance with the specific issues in their areas, with monitoring networks extended to cover all potential hotspots.
- Robust modelling methodologies allow for extrapolation of monitoring data to provide good estimates of pollutant levels in areas where monitoring does not take place.
- This approach makes sure that any areas of concern will be picked up, including those locations where vulnerable groups may be present, such as schools.
- Local authorities working in collaboration with schools have the powers to restrict vehicle access at school gates to ease congestion, improve air quality and encourage active travel to and from school.
- A number of local authorities have introduced such initiatives, for example the City of Edinburgh Council's School Streets initiative and Angus Council's school friendly zones. Both schemes prohibit most vehicular traffic moving within a zone during specified time periods before and after school.

Costs

- Monitoring outside of every primary school in Aberdeen, Dundee, Edinburgh, Glasgow and Perth (as called for by the Royal College of Physicians of Edinburgh in its submission to the NZET committee) would cost c. £3.6 million (nitrogen dioxide) and c. £7.6 million (fine particulate matter) for monitor purchase, plus annual service and maintenance costs of c. £1 million and c. £0.5 million respectively.
- To extend monitoring to all primary schools in Scotland would cost c. £22 million (nitrogen dioxide) and c. £46 million (fine particulate matter) for monitor purchase, plus annual service and maintenance costs of c. £6 million and c. £3 million respectively.

2. Progress Against Cleaner Air for Scotland 2 (CAFS2) Actions

- We published our first annual progress report for CAFS2 in June 2022.
- Undoubtedly the most significant milestone since CAFS2 was published has been the introduction of Low Emission Zones in Aberdeen, Dundee and Edinburgh, together with further development of Scotland's first Low Emission Zone in Glasgow.
- We also put in place a robust governance structure to oversee delivery of the CAFS2 actions, and commissioned key research which will inform the delivery of actions to tackle emissions from agriculture and domestic burning.
- The next annual progress report is due to be published in June 2023.
- Oversight of progress against delivery of CAFS2 actions is assessed and reported on at Ministerial level on an annual basis.

3. International performance on air quality

- For the first time, outside of recent lockdown periods, no monitoring sites in Scotland are exceeding air quality objectives. This important achievement shows that actions being put in place are delivering for the people of Scotland.
- Scotland is the first UK country to achieve this.
- Compared to the rest of the UK and many other parts of Europe, Scotland enjoys a high level of air quality.
- The Scottish PM10 objective is more than twice as stringent as the equivalent targets in the rest of the UK and the EU.
- In 2016, Scotland was the first country in Europe to include in legislation the World Health Organisation 2005 guideline values for fine particulate matter PM2.5, a pollutant of particular concern for human health. This target is currently being met across Scotland.

- The UK Government's Environmental Improvement Plan commits to meeting the same target in England by 2040.
- Emissions of the main air pollutants have declined significantly over the last three decades. This has been achieved through tighter regulation, improved fuel quality, cleaner vehicles and an increased focus on sustainable transport.
- We have a network of 100 automatic monitoring sites and 1100 diffusion tube monitoring locations across Scotland which allows us to track our performance and achieve our ambition of Scotland having the best air quality in Europe.

Low Emission Zones (LEZs)

Public engagement

- Over 1300 Blue Badge holders requiring exemption of non-compliant vehicles have now registered with our exemption system.
- The LEZ vehicle registration checker has had over 267,000 look ups since launch on the 5th of April
- National LEZ awareness campaigns are running on all media platforms between now and Glasgow's enforcement starting

Vehicle exemptions

- In addition to national LEZ exemptions for blue badge holders, emergency services, military vehicles etc. local authorities have the power to grant local time limited exemptions as appropriate for their city. Glasgow City Council have developed a mechanism whereby their taxi operators can gain exemption to the LEZ.

Funding and support

- The Low Emission Zone Support Fund offers support to eligible households, microbusinesses and sole traders. While the fund has closed for 2022/23, applicants can register their interest in future funds.

Displacement of older buses

- The BEAR (Bus Emission Abatement Retrofit fund) has provided £21m in grants converting over 1200 mid-life buses and coaches to Euro 6 emission standards. These buses were therefore not displaced.

LEZ Penalty Charges

- Unlike Clean Air Zones (CAZs) in England and London's Ultra Low Emission Zone (ULEZ) there is no facility for pre-payment to drive in a LEZ. When a non-compliant vehicle is detected a Penalty Charge Notice (PCN) is issued to the registered keeper of that vehicle.
- Any monies received through PCNs by local authorities can only be put towards the scheme's operational costs and its objectives e.g. supporting air quality improvements and/or climate change emission reduction activities.