

From: David Brazier, Cabinet Member for Highways and Transport
Simon Jones, Corporate Director Growth Environment and Transport

To: Environment and Transport Cabinet Committee, 6th July 2022

Subject: Transport for London Consultation on Extension of the Ultra-Low Emission Zone and Road User Charging

Decision: n/a

Classification: Unrestricted

Past pathway of paper: n/a

Electoral division: All divisions, though of particular note to Swanley, Sevenoaks North and Darent Valley, Sevenoaks West, Dartford North East, Dartford West, and Wilmington.

Summary: Transport for London (TfL) is consulting on proposals to extend their Ultra Low Emission Zone (ULEZ) to Outer London. The ULEZ is a cordon-based charge which non-compliant vehicles are charged £12.50 a day to cross. TfL plans to implement the extension on 29th August 2023. In some locations, the boundary of the ULEZ will extend up to the administrative border Kent County Council (KCC) shares with the Greater London Authority (GLA). TfL's stated aim is to reduce air pollution, reduce congestion and tackle their declared climate emergency.

The TfL consultation forecasts that c.1,200 car trips per day would be deterred from travelling from Kent into outer London. No information is provided about the volume of Light Goods Vehicle (LGV) traffic between Kent and London. Our own analysis shows c. 50,000 people are resident in wards that border the GLA and would therefore be most susceptible to journeys across the GLA border into what would become the charging zone.

We do not have sufficient information to conclude whether the ULEZ would have an adverse impact on residents and businesses in Kent. However, given the likelihood that a minority but potentially significant number of residents or businesses could be affected, officers have acted during the consultation window to widen the awareness of the consultation and encourage residents and businesses to respond.

Our draft consultation response requests that the Mayor of London work with central Government to secure funding, including committing receipts from charges arising from non-compliant trips between Kent and the ULEZ, to ensure a scrappage scheme is available to non-Londoners affected by the charge. Any scrappage scheme should ring fence funds for guaranteed use by Kent residents and businesses with adequate time available to do so prior to implementation of the expanded ULEZ in 2023.

Without the provision of a scrappage scheme as we are requesting, or if implemented with insufficient time prior to the introduction of the ULEZ expansion (scheduled for August 2023), we will regard the ULEZ expansion proposals as unacceptable.

Recommendation:

The committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transportation on the proposed response by Kent County Council, attached in Appendix 1, to the Transport for London consultation on their proposed extension of the Ultra-Low Emission Zone.

1. Introduction

- 1.1 The UK has had targets concerning air quality since 2010. Amongst those targets, those concerning Nitrous Oxide (NO_x) have seen consistent compliance failure in parts of the UK, including London.
- 1.2 Within this context, the Mayor of London, through his statutory transport body Transport for London (TfL), has introduced two charging regimes for vehicles based on their emissions. The Ultra-Low Emission Zone (ULEZ) is one regime applying to cars, Light Goods Vehicles (LGVs) and motorcycles. ULEZ is in addition to a Low Emission Zone (LEZ) which covers almost the whole Great London Authority (GLA) area and applies to the most polluting heavy diesel vehicles.
- 1.3 The Low Emission Zone has operated since February 2008. The ULEZ was introduced in London in April 2019, covering the same area as the central London Congestion Charge Zone. In October 2021, the ULEZ was extended to cover Inner London up to but not including the north and south circular roads (which in the east, closest to Kent, extends to the Woolwich Ferry crossing).
- 1.4 TfL is consulting on the extension of the Ultra-Low Emission Zone to cover broadly the whole GLA area. TfL's principal reason is that air quality in the capital is considered a public health crisis, with 4,000 Londoners estimated to have died prematurely in 2019 due to air pollution, with the majority of those attributed to outer London boroughs. In December 2020, the UK recorded its first death as attributable to air pollution, following a coroners' inquest¹. TfL and the Mayor of London also view the ULEZ as a means of reducing traffic congestion and tackling their declared climate emergency. Kent County Council (KCC) has prepared a draft response to the consultation, attached in Appendix 1.
- 1.5 Note that as part of the consultation, TfL are also consulting on changes to the Mayor of London's Transport Strategy to reflect the new ULEZ proposals, and for views on the principles of future road user charging in the capital. Given the former aspect does not impact KCC *per se*, whilst the latter aspect is not at any technical stage to establish impact on road users from outside of London, neither of these aspects have been addressed in the draft KCC consultation response.

2. Area and vehicles affected and planned timescales

¹ Concerning the case of Ella Adoo-Kissi-Debrah, who lived in Lewisham and died due to Asthma in 2013.

- 2.1 The area affected by the proposed extension of the ULEZ is shown in Appendix 2. TfL are targeting the proposed extension of the ULEZ to go-live on August 29th, 2023. TfL can achieve a rapid extension and implementation of the ULEZ as APNR camera infrastructure is already in place for the LEZ. The charge is planned to be £12.50 per day.
- 2.2 The extension of the boundary will, in some locations, come up to the administrative border with KCC. Based on the map released by TfL in the consultation, it appears that all bordering KCC electoral divisions would likely share some border with the charging zone. For some locations, the border will be inset from the administrative border owing to the layout of the road network and the need to provide charging zone entry points where the road network affords an alternative should the driver decide not to enter the zone. A more detailed depiction of the charging zone border with Kent is requested in the consultation response.
- 2.3 The ULEZ standards are:
 - 2.3.1 European emission standard Euro 4 (NOx) for petrol cars, vans, minibuses, and other specialist vehicles
 - 2.3.2 European emission standard Euro 6 (NOx and Particulate Matter (PM)) for diesel cars, vans and minibuses and other specialist vehicles
- 2.4 In practice the:
 - 2.4.1 Euro 4 standard became mandatory for all new cars in 2005 and light vans in 2006
 - 2.4.2 Euro 6 standard became mandatory for all new heavy-duty engines for goods vehicles and buses from January 2014, September 2015 for cars and light vans, and September 2016 for larger vans up to and including 3.5 tonnes gross vehicle weight.

3. Affect on Kent Residents and Businesses

- 3.1 The mid-2020 population estimate from the Office of National Statistics (ONS) for those KCC wards that border the GLA area indicate 50,744 residents over the age of 16 (and hence potential drivers) live very close to the planned ULEZ zone. These residents are most likely to make crossings over the GLA boundary into what will become the ULEZ zone as part of day-to-day local vehicle trips.
- 3.2 Whilst the volume of residents is significant, what is relevant to the ULEZ proposals are the types of vehicle used and whether those would be compliant with the zone. We do not have information on the ownership of vehicles by type – but it is highly likely that whilst the majority are likely to own vehicles for personal use that are compliant, there will nonetheless be a sizeable number that own non-compliant vehicles, particularly owners of diesel vehicles registered pre-2015.
- 3.3 Sizeable numbers of business vehicles may also be non-compliant with the ULEZ charge, particularly among Small and Medium sized Enterprises (SMEs) that may lack the financial resources to regularly replace business vehicles. A typical diesel transit van registered in 2014 will have to pay the charge for example. For businesses that operate from bases in Kent and serve markets in

outer London, the charge may affect the viability of their operations. How heavily businesses are affected KCC cannot determine itself. The existing ULEZ area now operating across inner London may have created a shift in vehicle use already.

- 3.4 Given KCC does not have information about private or business vehicle fleet make-up in the county, KCC cannot conclude what the scale of adverse impact, if any, could be on Kent business or whether Kent residents would unfairly be affected (e.g., those who have to access services in Outer London and have no reasonable substitute form of travel or alternative location to travel to).
- 3.5 The TfL consultation sets out in a supporting Integrated Impact Assessment (IIA) the forecast impact on traffic volumes from outside the GLA into the Outer London area. Only private car use is described between each home county to the connecting outer London borough, split by business trips and other trips (e.g., leisure, education etc). The results are a forecast reduction of c.1,200 vehicles trips per day from Kent into the charging zone. TfL's work indicates that public transport, walk, and cycle trips are forecast to show a corresponding increase; however, this is not broken down to the home counties to outer London borough level whereby we can discern whether TfL forecast that the 1,200 fewer private car trips are forecast to re-mode or stop travelling into London entirely.
- 3.6 TfL's forecasting work also does not split the reductions in LGV trips down to a level of detail that enables KCC to discern the volume that are forecast to be making these trips between Kent and outer London and therefore how that volume would change. Our consultation response therefore requests further information.
- 3.7 TfL's forecasting does not include consideration of the displacement of non-compliant vehicles from the GLA area and into the market and use by residents and businesses of neighbouring authorities.

4. Compliance of KCC's vehicle fleet

- 4.1 KCC has a fleet of 158 owned and 242 leased vehicles at last count, operating across a range of the Council's responsibilities. Whilst the fleet's work during operational hours can reasonably be expected to be limited to the KCC area, some vehicles are kept overnight at workers residences. There is a small risk some of these residences may be based in Outer London and rely on having direct access to their KCC vehicles to carry out operations travelling direct from home addresses. Checks on the compliance of KCC's vehicles fleet against the ULEZ standards have been conducted.
- 4.2 The check shows that all currently leased vehicles are ULEZ compliant. Of KCC's owned fleet, 63 vehicles have been identified as non-ULEZ compliant. These vehicles are typically transit vans or large 4x4 / pick-up truck type vehicles, mini-buses or people carriers operating across the Highways function, country parks / Public Rights of Way (PROW) and children services, respectively. Of these, circa 25% clearly operate in areas of west Kent and so are closer to the proposed expanded ULEZ zone. However, some of their

functions mean they are likely limited to operations within discrete areas such as parks.

- 4.3 There is then, overall, a relatively small risk of any KCC owned vehicles being caught by charges from an expanded zone. It is recommended that in 2023, once TfL completes its review of the consultation and finalises proposals for the ULEZ expansion, that KCC re-review those non-ULEZ compliant vehicles operating in west Kent to check they are not driven by staff to and from home addresses in the GLA area.

5. Mitigating the impact on Kent residents and business

- 5.1 To mitigate the impact of the proposed ULEZ extension, in the first instance KCC is enabling TfL to increase awareness of the forthcoming changes proposed. This will both aid residents and businesses in preparing for the proposed ULEZ extension; and ensures they can have their say in the consultation and encourage TfL to put in place mitigating actions.
- 5.2 KCC is advertising the TfL consultation through a wide range of channels available to it, including through its own consultation platform so that members of the public are more likely to be aware of the proposals. This includes an informative that will be included in all email alerts concerning consultations by KCC, highlighting that the recipient may be interested in the TfL consultation and provides a route to getting more information. Social media channels are also being utilised with a post each week advertising the TfL consultation until it closes on the KCC Facebook and Twitter pages. We are also utilising the KCC E-newsletter to advertise the TfL consultation.
- 5.3 For businesses, along with our efforts to sign-post the TfL consultation to the public, we are utilising our excellent engagement with business bodies in Kent, through the Kent and Medway Economic Partnership (KMEP) and the Kent Chamber of Commerce amongst others, to ensure as many businesses as possible become aware of the consultation and can act.
- 5.4 We have also discussed with TfSE their plan to respond, highlighting KCC's main concerns. We will share our draft response with TfSE prior to the consultation deadline to ensure the sub national transport body can echo key concerns that apply across the region.
- 5.5 Given the uncertainty of the impact on residents and businesses, KCC has included in its consultation response a call for continuation of a vehicle scrappage scheme, as ran for the former ULEZ extension to Inner London. The Mayor of London has committed to helping Londoners adapt to the expansion with a large scale and improved scrappage scheme. The former scrappage schemes TfL has operated, including for the Inner London ULEZ expansion worked, in part, by providing scrappage support to residents and businesses that were based outside of the ULEZ zone but were observed regular travellers within it. Along with eligibility criteria, the scrappage scheme funded the removal of 15,200 non-compliant vehicles.
- 5.6 KCC's consultation response calls for the Mayor of London to work with central Government to ensure funding support is provided to enable access to the

scrappage scheme for those residents and businesses based outside the proposed ULEZ zone, but that frequently travel into the zone owing to unavoidable personal reasons for private trips, or for businesses whose sales are reliant on access to the Outer London market. KCC considers that TfL should fund a scrappage scheme for non-Londoners using penalty charge receipts from non-compliant vehicles travelling into the ULEZ from outside the GLA area, including Kent. It is fair that TfL should re-invests penalty charge receipts to ensure those paying can take mitigating actions such as vehicle scrappage to avoid future penalties.

- 5.7 KCC's response further demands that the scrappage scheme is weighted by traffic flows observed crossing the border from Kent to the ULEZ and ringfenced to ensure that a set proportion of any scrappage scheme budget is available for KCC residents and businesses. This should be for a defined period from scrappage scheme introduction to post ULEZ extension, after which point any remaining funds could become available for TfL to administer to whatever areas see highest demand. This will ensure that scrappage scheme take-up is not limited to being administered on a first-come first-served basis.
- 5.8 Without these provisions for a scrappage scheme for non-London based residents and businesses, KCC will not regard the ULEZ as fair and acceptable.
- 5.9 KCC's consultation response queries whether the former TfL scrappage scheme and any planned new scrappage scheme allows for replacement of a non-compliant vehicle with a compliant second-hand vehicle. Given the current supply constraints in the car industry and waiting lists for newly manufactured vehicles, we have flagged a risk that if compliant second-hand vehicles cannot be purchased through a scrappage scheme, public and businesses may not be able to receive their desired vehicle in time for the implementation of the expanded ULEZ.
- 5.10 KCC's consultation response also requests that more measures are taken to forewarn motorists prior to their entry into the zone. On many routes, signage for the Low Emission Zone is small scale and easily missed given the complex junctions and other road markings and signage motorists must have regard to. Additional road markings, akin to the Congestion Charge red painted tarmac with white painted 'C,' perhaps equivalent in green with a white painted 'E' should be considered to make a far more pronounced indication to motorists that the route ahead lies within the proposed ULEZ zone.
- 5.11 KCC's consultation response further draws attention to the wider benefits of a scrappage scheme eligible for those affected in Kent would bring:
 - 5.11.1 Make the vehicle fleet operating in Kent cleaner, bringing air quality benefits, including to Air Quality Management Areas (AQMAs) close by to the boundary of the ULEZ such as in Swanley and Dartford town centres.
 - 5.11.2 Assist with decarbonisation of the vehicle fleet operating in Kent and London, by replacing older engines that typically also have higher CO₂ emissions.

- 5.11.3 Add to existing activity underway by KCC and Local Planning Authorities responsible for AQMAs in raising general awareness of the impact of motor vehicle type and use on air quality and public health.
- 5.11.4 Ensure Kent's economy can continue to recover from the pandemic and current rising costs by providing financial support for them to obtain vehicles compliant with the ULEZ and continue to access their customer markets to grow and prosper, benefiting both customers and employees in London and Kent.

6. Financial Implications

- 6.1 Given the level of compliance of KCC's vehicle fleet, there is a minor risk that KCC vehicles could inadvertently be caught by the ULEZ charge. This risk can be reduced through a re-review of vehicle use closer to the time of the ULEZ charge and taking mitigating actions where necessary if any of the small number of KCC owned vehicles tend to cross into the GLA area. There should be potential to avoid any financial implication to KCC given the time to plan prior to the proposed ULEZ expansion.

7. Equalities implications

- 7.1 The TfL ULEZ extension proposals do not impact KCC's undertaking of its Equalities Duty, however TfL's proposals would impact on protected groups in Kent. Given the ULEZ already operates, TfL has devised a discounts and exemptions scheme which is set out in Appendix 3 to mitigate any inequalities that could otherwise arise. The draft KCC consultation response also requests further evidence of the Equalities Impact Assessment conducted by TfL.

8. Governance

- 8.1 The response to the consultation will be submitted by the Cabinet Member for Highways and Transportation following consideration of the response at the Environment and Transport Cabinet Committee.

9. Conclusions

- 9.1 Given the potential impact of the proposed ULEZ expansion on a sizeable number of Kent residents and businesses, particularly resident or operating close to the border of the GLA, the KCC draft consultation response requests that the Mayor of London work with central Government to secure funding to ensure a scrappage scheme is available for both Londoners and non-Londoners affected by the charge. The KCC draft response further requests that any scrappage scheme should ring fence funds for guaranteed use by Kent residents and businesses.
- 9.2 Without the provision of a scrappage scheme as we are requesting, or if implemented with insufficient time prior to the introduction of the ULEZ expansion (scheduled for August 2023), we will regard the ULEZ expansion proposals as unacceptable.

9.3 KCC itself is unlikely to be affected in any significant way by the proposed ULEZ expansion and any small risks that may currently exist owing to KCC's owned vehicle fleet operating in west Kent, should be mitigable in the time left prior to TfL's planned implementation.

10. Recommendation

Recommendation:

The committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transportation on the proposed response by Kent County Council, attached in Appendix 1, to the Transport for London consultation on their proposed extension of the Ultra-Low Emission Zone.

11. Background Documents

11.1 The TfL consultation is available to view here:

<https://haveyoursay.tfl.gov.uk/cleanair?cid=clean-air>

11.2 Appendix 1- Draft of the KCC consultation response to be sent to

cleanairyourview@tfl.gov.uk

11.3 Appendix 2 – Map of proposed extension of the Ultra-Low Emission Zone

11.4 Appendix 3 – List of proposed discounts and exemptions for the extended ULEZ

12. Contact details

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