

London Low Emission Zone Variation Order
Consultation with the public and stakeholders

**TFL'S REPORT TO THE
MAYOR ON THE LOW
EMISSION ZONE VARIATION
ORDER CONSULTATION**

September 2010

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1. Introduction

1.1 Overview and purpose of this report

- 1.1.1 The London Low Emission Zone (LEZ) was introduced in February 2008, with the first phase requiring heavy goods vehicles (HGVs) over 12 tonnes to meet the Euro III standard for particulate matter (PM) emissions, or pay a daily charge, to drive in the zone. The second phase, which commenced in July 2008, required all HGVs over 3.5 tonnes, buses and coaches to meet this standard to drive in the zone without charge. The fourth phase, which will commence in January 2012, will require these HGVs, buses, and coaches to meet the tighter Euro IV standard for PM emissions to drive within the zone without charge.
- 1.1.2 When the LEZ Scheme Order was confirmed by the previous Mayor in May 2007, it provided that the third phase would require larger vans and minibuses to meet the Euro III standard for PM emissions from 4 October 2010. The new Mayor announced in February 2009 his intention to defer implementation of this phase given the adverse economic climate. On 10 May 2010, the Mayor published his new Transport Strategy which includes a proposal to defer the extension of the LEZ to larger vans and minibuses (Phase 3) to an appropriate date in 2012.
- 1.1.3 On behalf of the Mayor, Transport for London (TfL) made and consulted the public and stakeholders on a Variation Order to defer the extension of the LEZ to larger vans and minibuses to 3 January 2012. The consultation ran from 17 May 2010 to 4 July 2010. This report presents TfL's analysis of the issues raised in response to the consultation on the Variation Order.
- 1.1.4 Chapter 1 of this report sets out the legal framework for the consultation, a description of the Variation Order and the rationale for the deferral. Chapter 2 sets out the consultation process and procedures. Chapter 3 sets out TfL's response to the issues raised in consultation responses and recommendations for the Mayor. Chapter 4 summarises TfL's conclusions and recommendations. The Mayor is advised, when considering TfL's summaries, responses and recommendations, to have regard to the consultation responses themselves, all of which have been copied to him.

1.2 The legislative process

- 1.2.1 The Greater London Authority Act 1999 (the GLA Act as amended) sets out the general duties, policies and functions of the GLA, the Mayor and TfL including the requirements for the Mayor:
- To develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London and to prepare and publish the Mayor's Transport Strategy (MTS), a document which sets out these policies and proposals (sections 141 and 142 of the GLA Act);
 - To develop proposals and policies for implementing policies in Greater London in the 'National Air Quality Strategy' and for the achievement of the national air quality objectives prescribed in regulations made under the Environment Act 1995 in Greater London and to prepare and publish the Mayor's Air Quality Strategy, a document which sets out these policies and proposals (section 362 of the GLA Act); and

- To have regard to the need to ensure that each statutory strategy that he prepares is consistent with each of his other statutory strategies.
- 1.2.2 The GLA Act gives TfL the power to create road user charging schemes in Greater London. Schedule 23 provides that a charging scheme can only be made if it appears desirable or expedient for the purpose of directly or indirectly facilitating the achievement of any policies or proposals set out in the MTS and that a charging scheme must be in conformity with the MTS. These requirements in Schedule 23 do not apply to other statutory strategies such as the Mayor's Air Quality Strategy (MAQS).
- 1.2.3 In order to introduce the LEZ, the previous Mayor published revisions to his Transport Strategy (to ensure that the requirements in Schedule 23 discussed in paragraph 1.2.2 above were met) and his Air Quality Strategy (to ensure that the Air Quality and Transport Strategies were consistent with each other), following consultation, in July 2006. The same text and proposals were included in both strategies.
- 1.2.4 Schedule 23 of the GLA Act sets out the required contents of charging schemes and the procedures that must be followed when such schemes are made. Schedule 23 of the Act provides that charging schemes must be contained in a Scheme Order which must:
- Designate the area to which it applies;
 - Specify the classes of motor vehicles in respect of which a charge is imposed;
 - Designate those roads in the charging area in respect of which a charge is imposed; and
 - Specify the charges imposed.
- 1.2.5 The Scheme Order to introduce the LEZ, the Greater London Low Emission Zone Charging Order 2006 (the LEZ Scheme Order), was confirmed, with modifications, by the previous Mayor on 3 May 2007 following consultation.
- 1.2.6 Following statutory consultation with the London Assembly and functional bodies and with the public and stakeholders, the Mayor published the new revised MTS on 10 May 2010. Proposal 95 (b) in the MTS is: "*The Mayor will defer extending the Low Emission Zone to larger vans and minibuses (which was due to commence in 2010) to 2012*". On 13 May 2010, following the publication of the revised MTS, TfL made a Variation Order pursuant to Schedule 23 of the GLA Act to amend the LEZ Scheme Order to defer the extension of the LEZ to larger vans and minibuses to 3 January 2012.
- 1.2.7 Following statutory consultation with the London Assembly and functional bodies, on 28 March 2010 the Mayor published his draft of the proposed revisions to the MAQS for public and stakeholder consultation (from hereon referred to as "the draft MAQS"). This sets out a comprehensive approach to improving London's air quality by addressing emissions from a range of sources, including transport, with the aim of protecting the health of Londoners and meeting EU limit values. The planned and proposed phases of the LEZ (including the extension of the LEZ to include larger vans and minibuses; the tightening of the LEZ standard for HGVs, buses and coaches to Euro IV for PM in January 2012; and the proposed inclusion of a NO_x standard for HGVs, buses and coaches in 2015) form an important part of the package of measures set out in the draft Strategy. The draft MAQS includes an equivalent proposal (see policy 5) to that in the MTS in relation to deferring the extension of the LEZ to include larger vans and minibuses to 2012. It is anticipated that the MAQS will be formally published later this year. It is not necessary for the revised MAQS to

be published in order for TfL to make and consult upon a Variation Order pursuant to Schedule 23 of the GLA Act.

1.3 The Variation Order

- 1.3.1 TfL made the Greater London Low Emission Zone Charging (Variation) Order 2010 (the Variation Order) on 13 May 2010. The Variation Order is attached to this report at Annex A. It is for the Mayor to decide whether or not to confirm the Variation Order as made by TfL, with or without modifications.
- 1.3.2 The amendments proposed in the Variation Order are contained in the Schedule of Variations, which is attached to this report at Annex B. The Variation Order proposes four amendments to the LEZ Scheme Order, namely:
- Deferral of the date the LEZ affects larger vans, minibuses or motor caravans and other specialist vehicles from 4 October 2010 to 3 January 2012
 - Correction of paragraph numbering
 - Amending the penalty charge for the disposal of vehicles
 - Expanding the definition of military vehicles which are exempt from the LEZ requirements.
- 1.3.3 This report focuses on the consultation responses received in relation to the deferral of the date the LEZ affects larger vans and minibuses. The remaining amendments are minor in nature and TfL did not receive any consultation responses regarding these. The penalty charge for disposal of vehicles is being amended to bring it into line with those in the London boroughs' arrangements that were introduced in July 2007, and is consistent with the penalty charge for the Congestion Charging Scheme. The final amendment is in response to new primary legislation (section 349 of the Armed Forces Act 2006) that has recently been brought into force. This legislation extends the exemption to vehicles which belong to any of Her Majesty's forces, as opposed to those being in use for naval, military or air force purposes, whether or not they are registered with the DVLA. TfL has consulted directly with the Ministry of Defence in relation to this amendment.
- 1.3.4 The Variation Order did not propose any other changes to the operation of the LEZ scheme, as specified in the LEZ Scheme Order.

1.4 Rationale for the deferral

- 1.4.1 When the LEZ Scheme Order was confirmed by the previous Mayor in May 2007, provision was made for its extension to include larger vans and minibuses from October 2010. In February 2009, when the Mayor announced his intention to defer the larger vans and minibuses phase, the UK was in the midst of a severe economic recession. The UK economy entered recession in the second quarter of 2008 and exited in the last quarter of 2009. Similarly, the London economy's rate of quarterly growth became negative in the third quarter of 2008 and was still negative in the fourth quarter of 2009. The UK economy is now growing slowly, with GDP increasing by 0.4 per cent in the last quarter of 2009, 0.3 per cent in the first quarter of 2010 and 1.2 per cent in the second quarter of 2010. In contrast GDP grew at 2.7 per cent a year on average between 2001 (when the LEZ was first considered) and 2006 (when the then previous Mayor published his Transport and Air Quality Strategy Revisions to allow for the introduction of a London-wide LEZ).

- 1.4.2 A particular feature of the recession has been the financial crisis which significantly reduced the availability of credit finance. This had particular significance for operators seeking to secure credit to buy a new or newer larger van or minibus. Data from the Society of Motor Manufacturers and Traders (SMMT) of rolling yearly sales of new light commercial vehicles weighing up to 3.5 tonnes shows a drop in sales between March 2008 and March 2010. Over the last decade, around 10 per cent of the vehicle fleet was replaced annually resulting in larger numbers of cleaner vehicles with newer vehicle technology in the fleet. However, this declined to about five per cent in the recent recession.
- 1.4.3 Deferring the introduction of the larger vans and minibuses phase would result in postponing, and to some extent reducing, compliance costs to operators. This would lessen the economic impact of the LEZ on the businesses, individuals and voluntary and community organisations that operate larger vans and minibuses and other vehicles derived from these, such as motor caravans. As well as providing additional time for affected operators to plan for LEZ costs, the impact of such costs is lessened by the deferral. Relatively speaking, the same levels of compliance costs have a larger impact on businesses when margins are tight and profitability is low.
- 1.4.4 However, delaying the implementation of the larger vans and minibuses phase would also defer, and thereby reduce, its air quality and associated health benefits to some extent. Nevertheless, it is projected that London would meet the EU limit values for PM₁₀ in 2011.
- 1.4.5 In deciding to confirm the proposed deferral of the extension of the LEZ to larger vans and minibuses to 2012 in his new MTS, the Mayor considered that this approach struck an appropriate balance between environmental and economic objectives.

1.5 Background to the deferral

- 1.5.1 As outlined in Section 1.1, the new Mayor of London, Boris Johnson, indicated his intention to defer the implementation of the extension of the LEZ to larger vans and minibuses soon after he was elected in May 2008. In response to questions from Assembly Members throughout that year, the Mayor said he would review the details of the LEZ extension to larger vans and minibuses from 2010 “in order to ensure that the benefits are delivered; whilst the impact on organisations and individuals is understood and managed appropriately”.
- 1.5.2 In February 2009, the Mayor announced in a press release his intention to suspend LEZ Phase 3 in light of the economic downturn, and that the GLA and Defra were working jointly on a package of measures to address PM₁₀ emissions in London in order to meet EU targets. He also announced that he had written to Lord Mandelson (then Minister for Business, Innovation and Skills) with the aim of working together with Government on a subsidy scheme for replacing the oldest, most polluting vans.
- 1.5.3 The Mayor’s proposal to suspend the extension of the scheme was included in the development of his new Transport Strategy, which was published in preliminary form (as a ‘Statement of Intent’) for consultation with the London Assembly and GLA Functional Bodies in May 2009. Following this consultation and further consideration of the issues involved, and alongside the development of the revised Air Quality Strategy, the Mayor included a formal proposal to defer Phase 3 to an appropriate point in 2012 in the draft MTS which was

published for its second phase of consultation, with the public and stakeholders, in October 2009.

- 1.5.4 With the publication of the MTS in May 2010, the Mayor confirmed this proposal to defer the extension of the LEZ to larger vans and minibuses from October 2010 to 2012. A date of 3 January in 2012 was proposed, in order to balance air quality benefits, including meeting the 2011 EU limit values for PM₁₀, with the costs for operators in terms of complying with the LEZ emissions standards. As described in this Report, TfL consulted from May to July 2010 on a Variation Order to effect the deferral of Phase 3 from 4 October 2010 to 3 January 2012.
- 1.5.5 Given the context set out, TfL has no longer been working to an operational timetable for the implementation of this phase in 2010. Therefore, introducing the scheme in October 2010 is no longer feasible given the lack of time to make necessary operational changes and the expectations that larger van and minibus operators have about when they need to take action. It is unlikely that these operators would be able to comply with any new LEZ standard in 2010 given that there is currently no approved abatement equipment available and it is doubtful that the new and second hand vehicle market could supply the necessary volumes of compliant vehicles in such a short time frame.
- 1.5.6 After reviewing TfL's analysis of the responses to this consultation, the Mayor will decide whether or not to confirm the Variation Order, with or without modifications. Such modifications could include a change to the proposed 3 January 2012 start date. While it is not possible to implement in October 2010, Phase 3 could be implemented in late 2011 or implementation could be deferred further, beyond January 2012. Thus the proposed date of implementation remains open to reconsideration. The Mayor could also choose not to confirm the Variation Order, although any decision not to implement Phase 3 at all would require a further revision to the MTS and MAQS, including consultation, and a consultation on another Variation Order.

1.6 Update on development of a technical standard for LEZ Phase 3

- 1.6.1 TfL has developed and published the technical standard for LEZ Phase 3. This will enable the certification of emissions abatement equipment and vehicle adaptations in order to bring non compliant vehicles up to the required Euro III standard for PM emissions. The technical standard considers not only the emissions performance of adaptations over the European legislative test cycles, but also the in-service emissions reduction performance. The emissions abatement industry is being encouraged to certify equipment to the technical standard with a target to having devices approved by January 2011, one year before it is proposed Phase 3 is implemented.

2. Consultation process

2.1 Introduction

- 2.1.1 This Chapter provides details of the public and stakeholder consultation carried out by TfL.
- 2.1.2 The public and stakeholder consultation ran for six weeks from 17 May 2010 to 28 June 2010. The Variation Order is a major variation order under the Mayor's Guidance to TfL on road user charging schemes pursuant to Schedule 23 of the GLA Act (the Mayor's Guidance) and as such would normally require a public and stakeholder consultation period of 10 weeks. However, after having sought legal advice, TfL consulted for a shorter period of 6 weeks because the current commencement date for LEZ Phase 3 specified in the LEZ Scheme Order is 4 October 2010, and there was a pressing need to progress the proposed changes as soon as possible to provide greater clarity to affected vehicle owners and operators. It is worth noting that, prior to this consultation on the LEZ Variation Order, the consultation on the draft MTS provided an opportunity for stakeholders and the public to comment on the proposal to defer LEZ Phase 3 to 2012. TfL followed all other relevant procedures in the Mayor's guidance when undertaking this consultation.
- 2.1.3 The consultation was conducted online in order to provide value for money, and in recognition of the wider move towards e-consultation. TfL emailed stakeholder and other organisations that would be affected by the LEZ to inform them of the consultation. TfL wrote to those consultee organisations for whom an email address was not available. The notice in the London Gazette publicising the consultation advised the public that the consultation documents were available to view at TfL's Windsor House building (see paragraph 2.6.1).
- 2.1.4 Following a technical problem with the public consultation mailbox, whereby respondents received a message stating that their email could not be delivered because the mailbox was full, TfL extended the consultation period from 28 June to 4 July. Despite this message, consultation response emails were in fact received by TfL.
- 2.1.5 The consultation process was accompanied by engagement with stakeholders, building on the engagement that had been undertaken during the public and stakeholder consultation on the draft MTS, which is described in TfL's Report to the Mayor, published in May 2010. The engagement is described in more detail in section 2.4 below.

2.2 Consultation materials

- 2.2.1 Materials prepared to support the consultation included a consultation page on the LEZ website (www.tfl.gov.uk/lezlondon), an impact assessment and supplementary information.

Website

- 2.2.2 TfL provided a consultation page on the existing LEZ website with information on why TfL was consulting, the consultation period, the emissions impacts of the scheme, downloadable consultation documents and details on how to respond to the consultation. Members of the public were invited to email or mail their responses to TfL.
- 2.2.3 The email address for responses was changed on the website from lezlondon@tfl.gov.uk to lez@tfl.gov.uk in light of the technical difficulty with the public consultation mailbox.

2.2.4 The LEZ consultation website page received 4,213 visitors during the period of the consultation.

Supplementary information

2.2.5 A Supplementary Information document, aimed at stakeholders, was published on the LEZ consultation page and emailed to stakeholders. In addition to inviting stakeholders to respond to the consultation by email or mail, the document set out:

- The background to the Variation Order
- The rationale for deferral
- The details of the operation of the larger vans and minibuses phase of the LEZ, as contained in the LEZ Scheme Order
- The vehicles affected, the impacts of the deferral and deferral benefits and costs, and
- An overview of the measures in the draft MAQS to further improve air quality in London

LEZ VO Integrated Impact assessment (LEZ VO IIA)

2.2.6 An Integrated Impact Assessment was prepared which outlined the assessment undertaken and the potential impacts of the proposed deferral of LEZ Phase. The assessment established the baseline conditions (ie LEZ Phase 3 introduced in 2010 as previously planned) and assessed the predicted impacts of the proposal to defer Phase 3 to 3 January 2012, as well as an alternative scenario where the phase was not implemented.

2.2.7 Proposal 95(b) was originally assessed as part of the Integrated Impact Assessment (IIA) undertaken for the public and stakeholder consultation on the draft MTS¹. The MTS was considered a 'plan or programme' under Article 2(a) of Directive 2001/42/EC ("the SEA Directive") and Regulation 2 of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the SEA Regulations"). An assessment of the strategic environmental impacts of all the policies and proposals contained in the public draft MTS was carried out and combined with other impacts in an integrated impacts assessment, in accordance with legal requirements. It was decided that it would be prudent for MTS IIA report to contain an appendix that specifically analysed the air quality and other impacts of the proposal to defer LEZ Phase 3 until 2012 which conformed to the requirements of an environmental report under the SEA Regulations (Appendix F of the MTS IIA report), even though it is considered that a variation order to defer Phase 3 of LEZ is outside the scope of the SEA Regulations.

2.2.8 The LEZ VO IIA was an update of the LEZ Phase 3 appendix and reflects the proposed 3 January 2012 start date and updated emissions and concentrations modelling. While it is not a statutory document, the LEZ VO IIA used the same approach outlined within the main body of the draft MTS Integrated Impact Assessment Report and the same assessment framework in order to ensure consistency and rigour.

¹ Draft Revised Mayor's Transport Strategy Integrated Impact Assessment: Appendix F: Report on the Assessment of the Proposal to Defer LEZ Phase 3 from 2010 to 2012, October 2009, <http://www.tfl.gov.uk/assets/downloads/roadusers/lez/lez-supplementary-information-november2006.pdf>

- 2.2.9 The LEZ VO IIA assessed the proposal against the following criteria:
- To contribute to a reduction in air pollution emissions and compliance with EU limit values
 - To contribute to London's economic competitiveness
 - To enhance equality and social activity
 - To contribute to enhanced health and wellbeing for all within London
 - To contribute to the mitigation and adaptation to climatic change.

2.3 Stakeholders consulted

- 2.3.1 Around 400 organisations were sent an email notifying them of the start of the consultation on the Variation Order. The organisations are listed in Appendix 1.
- 2.3.2 The email contained information about why TfL was consulting on a Variation Order, the vehicles affected by this phase of the LEZ and the potential impacts of this LEZ phase and its deferral. It also set out the consultation dates and provided an email address (lez@tfl.gov.uk) and a mail address to send responses to the consultation. The email included TfL's press notice announcing the consultation, the Variation Order and the Supplementary Information document as attachments.
- 2.3.3 A number of stakeholder organisations were offered a meeting with TfL to discuss the consultation. Further information about these and other meetings at which the consultation was discussed is provided in the next section.
- 2.3.4 TfL also used stakeholder networks and stakeholder newsletters to reach a wider audience of operators of larger vans and minibuses. Targeted information was provided explaining why TfL was consulting, how to respond to the consultation and the types of vehicles affected. Information was provided to TfL's youth network, Age Concern's older peoples network, TfL's voluntary and community network, the Coach Forum and to care homes and other residential care organisations and to special schools.
- 2.3.5 A total of 32 stakeholders responded to the consultation. These are listed in Appendix 2. A summary of each stakeholder response is included at Annex C.

2.4 Meetings and forums

- 2.4.1 TfL offered meetings to a range of key stakeholders and arranged meetings with other stakeholders on request regarding the consultation.

Table 1: List of meetings relevant to the Variation Order consultation

Date	Event
3 March 2010	TfL Red Route Forum – attended by BVRLA, Freight Transport Association, IAM Trust, London Joint Utility Group Road Haulage Association, Road Users Alliance, and six other organisations
18 May 2010	Community Transport Association Forum
16 June 2010	London Coach Forum
16 June 2010	TfL meeting with Caravan Club
16 June 2010	TfL meeting with Federation of Small Business
1 July 2010	Low Emissions Strategies Forum, Sheffield
6 July 2010*	TfL meeting with Multiple Sclerosis Society
19 July 2010*	TfL meeting with St John Ambulance London (Prince of Wales) Division
20 July 2010*	TfL meeting with Freight Transport Association

* Meetings with stakeholders held after consultation closed. Meetings discussed vehicles included in LEZ and the technical options available to operators.

2.5 Advertising

- 2.5.1 Advertisements to raise awareness of the consultation were targeted at vehicle operators affected by LEZ Phase 3, including van, minibuses, motor-caravan and horse-box operators. Advertisements were used to inform the public and vehicle operators that the date of the inclusion of larger vans and minibuses in the LEZ was proposed to change to 3 January 2012. The public and operators were provided with an email address for them to make any comments they had on the date change as well as inviting them to visit TfL's website for more information. Advertisements were placed in the Metro, the Evening Standard, and a selection of trade publications (see Table 2). The advertising ran from the start of the consultation on 17 May to 4 July 2010.
- 2.5.2 The Metro advert was placed on the TfL travel page. The Evening Standard advert was a quarter page advert. A full page advert was placed in the trade publications.

Impact of print and media advertising

- 2.5.3 TfL's media agency estimated the cumulative number of adult 'impacts' was approximately 2.8 million. One impact is equivalent to one person seeing or hearing an advert once. Therefore, 2.8 million reflects the number of times a person could hear or see something about the consultation, rather than the number of individuals affected. This figure does not include London Gazette.

Table 2: Print media to support the consultation

Target audience	Publication
Londoners/ commuters	Metro
	Evening Standard
Builders/ trades people	Professional Builder
	Professional Electrician
	Construction News
	Professional Heating and Plumbing
Caravanning	Caravan Club Magazine
	MMM (Motor Caravan Motor Home Monthly Magazine)
Coaches / tourism	Bus and Coach Professional
	Coach and Bus Week
	Bus and Coach Buyer
	Coach Tourism Professional
Horse box users	Horse and Hound
Caterers	OOH (Out of Home Magazine)
Motoring/ buyers guides	Auto Trader
	Van User
	Van Finder Weekly
	Van Locator Weekly
	Commercial Motor

2.6 London Gazette notice to publicise the consultation

2.6.1 A notice publicising the consultation was published on 17 May 2010 in the *London Gazette*². The notice included the following information:

- Notice that the TfL had made the Variation Order under Schedule 23 of the GLA Act 1999
- The proposed changes contained in the Variation Order
- The consultation details including the date by which representations were to be received, the contact email address and the website address where the supporting documents were available
- TfL's address (Windsor House, 42-50 Victoria St, London SW1H 0TL) where the Variation Order and supporting documents could be viewed.

² <http://www.london-gazette.co.uk/issues/59420/pages/8984>

3. Analysis of responses

3.1 Introduction to analysis of responses

3.1.1 This chapter sets out TfL's analysis of the responses received to the consultation, by theme. It also sets out TfL's response to these issues. Recommendations arising from this are summarised in Chapter 4.

Consultation responses

3.1.2 TfL received 32 consultation responses from stakeholders, 3 from businesses, 5 from other organisations³ and 49 from members of the public. The responses were analysed in-house by TfL. TfL did not receive any late consultation responses.

3.1.3 Responses to the consultation were received in writing, either by email or by letter.

3.1.4 A list of consultation respondents is available at Appendix 2. A summary of stakeholder responses is available at Annex C.

3.2 Analysis of responses by theme

3.2.1 Consultation responses were analysed by issue raised. This section provides TfL's analysis of the issues by theme.

Theme contents:

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³ Other organisations include not-for-profit organisations, schools, individual charities and individual voluntary and community sector organisations.

A: Principle of deferral

Representations falling within this theme concerned the principle of deferring the extension of the LEZ to larger vans and minibuses. A list of the key issues raised during the consultation can be found below.

Respondents

Twenty-three stakeholders commented on issues relevant to this section. These were: Association of Vehicle Recovery Organisations, British Parking Association, Campaign for Better Transport, Campaign for Clean Air in London, Caravan Club, CCPR (Central Council of Physical Recreation), Cllr Braithwaite (London Borough of Camden), Environment Agency, Environment Protection UK, Federation of Small Businesses, Freight Transport Association, Friends of the Earth, IAM Trust, Local Government Regulation (LACORS), London Boroughs of Brent, Havering, Redbridge, Richmond upon Thames and Southwark, Road Haulage Association, Society of Motor Manufacturers and Traders, St John Ambulance London (Prince of Wales) Division and Sustrans.

Comments on the principle of deferring the extension of the LEZ to larger vans and minibuses were also made in two business responses, two other organisation responses and in 13 responses from members of the public.

Issues raised

The following were raised:

- Support deferral to January 2012
- Oppose deferral to January 2012
- LEZ shouldn't be extended to larger vans and minibuses

Analysis of responses

Support deferral

There was broad support on economic grounds for the deferral of LEZ Phase 3 to January 2012 indicated in around one third of consultation responses. Support for the proposed deferral to 3 January 2012 was stated in 11 stakeholder responses, 13 public responses, three other organisation responses and two business responses.

Oppose deferral

Opposition to the deferral was indicated in around one fifth of consultation responses on the grounds that it would lead to a deferment of and potential reduction in air quality and associated health benefits; would impact on London meeting the EU limit value for PM₁₀ in 2011; and that the economic case was no longer as strong as when the deferral was first proposed. Opposition to the deferral was stated in 11 stakeholder responses and nine public responses.

The proposal to defer the extension of the LEZ to larger vans and minibuses to an appropriate time in 2012 was included in the new MTS, published in May 2010. This reflected the additional pressures facing businesses as a result of the economic downturn. A particular feature of this recession has been the reduced availability of credit finance which has particular significance for operators seeking to secure credit to buy a LEZ compliant vehicle. Therefore, delaying the extension of the LEZ to larger vans and minibuses to January 2012 allows operators an additional

15 months from when the phase was originally planned to start to take action to ensure their vehicles comply with the LEZ emission standard.

In confirming MTS proposal 95(b) to defer the extension of the LEZ to larger vans and minibuses to 2012, the Mayor has weighed up the economic benefits for operators with the reduction in air quality and associated health benefits compared to the scheme being introduced in October 2010. The Mayor considered that this approach struck an appropriate balance for London between environmental and economic objectives, and even with a deferred implementation of LEZ Phase 3, it is projected that London will meet the EU limit values for PM₁₀ in 2011.

Even though London and the UK economy are starting to see growth, it remains slow. Growth in the UK economy is considerably slower than it has been with GDP averaging 0.6 per cent over the three quarters to the middle of 2010, compared with 2.7 per cent a year on average between 2001 and 2006.

Principle of LEZ Phase 3

Larger vans and minibuses were confirmed as being in the scope of the LEZ following the consultation in 2006 on the revisions to the previous Mayor's Transport and Air Quality Strategies. During the subsequent consultation on the LEZ Scheme Order, TfL engaged with the sectors that would be affected by this phase of the LEZ to inform them of the inclusion of larger vans and minibuses in the scheme. The LEZ Scheme Order, confirmed by the previous Mayor on 3 May 2007, provided that larger vans and minibuses would be included in the LEZ from October 2010. In light of the economic downturn, the Mayor's new MTS includes proposal 95(b) to defer the implementation of this phase until 2012.

The London LEZ is a proven mechanism available to the Mayor to achieve reductions in emissions from road transport. Larger vans were responsible for an estimated 21 per cent of total road traffic emissions of PM₁₀ and 10 per cent of total road traffic emissions of NO_x in 2008. This is a considerable proportion of PM₁₀ emissions relative to the other vehicle types and is due to the relatively large size of the van fleet. Furthermore, the number of vans in London is also forecast to grow by up to 30 per cent between 2008 and 2031, accounting for 15 per cent of traffic. Therefore it remains appropriate that larger vans and the other vehicles that are equivalent in emissions to vans, such as minibuses and motor caravans, should be included in the LEZ.

The extension of the LEZ to larger vans and minibuses is an important element of the Mayor's overall package of measures to reduce emissions. It also gives further confidence that London will meet the 2011 EU daily limit value for PM₁₀, even with the deferral to January 2012.

TfL Recommendations

No change to the Variation Order

B: Timetable for implementation

Representations falling within this theme concerned the timetable for the extension of the LEZ to larger vans and minibuses. A list of the key issues raised during the consultation can be found below.

Respondents

Ten stakeholders commented on issues relevant to this section. These were: Campaign for Better Transport, Central London Freight Quality Partnership, City of London, Cllr Braithwaite (London Borough of Camden), Federation of Small Businesses, Freight Transport Association, London Borough of Redbridge, MS Society, Society of Motor Manufacturers and Traders and St John Ambulance London (Prince of Wales) Division.

Comments on the timetable were also made in one other organisation response and in one response from a member of the public.

Issues raised

The following were raised:

- Larger vans and minibuses should be included in LEZ earlier than 2012
- Phase can no longer be implemented in October 2010
- Implementation should be delayed beyond January 2012

Analysis of responses

Implement earlier

Four stakeholders made representations that the LEZ should be extended to larger vans and minibuses earlier than January 2012 in order to bring forward air quality and associated health benefits.

The new MTS includes the proposal to defer the extension of the LEZ to larger vans and minibuses to an appropriate point in 2012. The proposed start date in the Variation Order is the beginning of 2012

It is no longer possible to introduce Phase 3 in 2010. In practice, the earliest possible date for implementation would be late 2011. This is based on the experience of implementing the previous LEZ phases and a number of considerations involved. However, as set out below, implementing Phase 3 earlier would reduce the compliance time available for operators and the implementation timescales for TfL and the LEZ service providers.

Generally, TfL has found that operators need, as a minimum, at least one year to comply with the LEZ emissions standard before go-live. This includes sufficient time for TfL and stakeholders to inform operators of the scheme via a comprehensive communications and stakeholder strategy. Operators need time to understand the scheme requirements and then plan their responses which have their own lead times, for example a new/ newer vehicle purchase or retrofit of abatement equipment and certification.

Furthermore, before operators can take action to comply, TfL has to finalise the testing and certification regime for the approval of abatement equipment. A sufficient number of abatement equipment manufacturers need to have designed, tested and certified their products ready for supply to the market. The certification body, VOSA, also needs to ensure it has the appropriate systems and capacity in place to deal with the new types of vehicles that will be affected by Phase 3. Finally, TfL and its service providers need to roll out the systems for operating Phase 3 ensuring web and call centre facilities are in place, modifying camera infrastructure, where appropriate, to enable enforcement against the additional vehicles being brought into the scope of the LEZ.

Implementing Phase 3 on 3 January 2012, alongside Phase 4, provides economies of scale for TfL in terms of much of the operational change required and in publicising the changes to the LEZ scheme. If Phase 3 was to be implemented earlier than January 2012 these would be lost.

Given these factors, it would not be possible to implement the phase significantly earlier, but it could potentially be brought forward slightly to late 2011. Legal advice suggests that this would not require any revision to the MTS.

However, there is an expectation among operators that this phase will be postponed to 2012. The Mayor announced his intention to suspend this phase of the LEZ in February 2009 and, as noted above, the proposal to defer the extension of the LEZ to include larger vans and minibuses has been included in the new revised MTS and draft MAQS. Given this context, operators and the abatement industry have planned to this timetable. To introduce this phase earlier than January 2012 could create greater difficulties for operators being able to comply with the scheme.

The implementation date for Phase 3 was also considered in the context of the development of the MAQS. A January 2012 implementation date was proposed in order to provide important pre-compliance benefits in 2011, while providing operators with additional time to comply. The impact of the deferral of LEZ Phase 3 to January 2012 on the reduction of PM₁₀ emissions in 2011 is thus relatively small as a result of assumed pre-compliance benefits through operators acting in advance of that date. With the package of measures to reduce emissions from transport and improve air quality in the draft MAQS, including the deferred extension of the LEZ to larger vans and minibuses in 2012, London is forecast to achieve the EU limit values for PM₁₀ in 2011. Therefore, implementing Phase 3 in late 2011 would be unlikely to make a significant difference to meeting the EU limit values for PM₁₀.

The Mayor may wish to consider bringing forward the start date of Phase 3 by a couple of months. This would reduce the compliance time available for operators and the implementation timescales for TfL. However, TfL does not consider that the benefits of a slightly earlier start date are sufficient to outweigh the disadvantages it would entail.

October 2010 implementation no longer feasible

The Mayor confirmed the proposal to defer the extension of the LEZ to larger vans and minibuses to an appropriate date in 2012 in May 2010 with the publication of his new MTS. In line with this TfL has not carried out the necessary operational changes that would allow this phase to be implemented in October 2010. To continue to work towards a 2010 implementation date when the Mayor had already confirmed the proposal to defer Phase 3 until 2012 would represent poor value for money for TfL and would attract criticism when TfL is looking to make operational cost savings.

Leaving aside that TfL would not have systems in place to support the introduction and enforcement of LEZ Phase 3 in October 2010, the majority of operators with non-compliant vehicles would simply not be able to take action in time to meet the Euro III standard for PM emissions by October, having deferred to take action now in response to the Mayor's stated intention of deferring the phase until 2012.

Delay implementation beyond January 2012

Six stakeholders made representations that the extension of the LEZ to larger vans and minibuses should be delayed beyond January 2012 to allow operators longer to comply with the scheme and

to allow non-compliant operators to access London in the lead-up to 2012 Olympic and Paralympic Games.

Deferring implementation of this phase beyond January 2012, including until after the 2012 Olympic and Paralympic Games, would delay and further reduce the air quality and associated health benefits of this phase. There would also be a loss of the pre-compliance benefits in 2011, which are important in the context of meeting the EU daily limit value for PM₁₀ (in 2011).

The Olympic Delivery Authority and the London Organising Committee for the Olympic Games are taking a sustainable approach to the Olympics and Paralympics and the Mayor is a signatory to the London 2012 Sustainability Plan. The Sustainability Plan sets out air quality management proposals for the Games, including the application of the London Best Practice Guidance for the control of dust and emissions from construction; ticketed spectators and the workforce travelling to and from venues by public transport, walking and cycling; and all competitions venues being operated as low emissions venues. To delay the implementation of Phase 3 to allow larger vans and minibuses that did not meet the Euro III standard for PM emissions to transport passengers or goods for the Olympics would undermine this approach.

Deferring the extension of the LEZ to larger vans and minibuses to January 2012 gives operators an additional 15 months from when the phase was originally intended to commence to arrange to comply with the scheme. The inclusion of larger vans and minibuses in the LEZ was confirmed in May 2007 with confirmation of the LEZ Scheme Order and TfL has included this information on its LEZ communications including website, operator leaflet, advertisements and stakeholder engagement since this time.

One business response also considered that the tightening to Euro IV for PM of the LEZ standard for HGVs, buses and coaches, which will commence on 3 January 2012, should be delayed. The start date of Phase 4 was not the subject of consultation and will proceed as planned on 3 January 2012.

TfL Recommendations

The Mayor may wish to consider bringing forward implementation to late 2011. However, any decision on a change to the proposed start date of Phase 3 would have operational implications and would need to balance operator considerations. It is not clear that the relatively small environmental benefits of bringing Phase 3 forward by a few months would outweigh the extra difficulties and costs for operators and TfL in relation to implementing the scheme, thus no specific change is recommended.

C: Vehicles included

Representations falling within this theme concerned the vehicles affected by this phase of the LEZ. A list of the key issues raised during the consultation can be found below.

Respondents

Three stakeholders commented on issues relevant to this section. These were: MS Society, the Caravan Club and St John's Ambulance London (Prince of Wales) Division.

Comments on the vehicles were also made in responses from 11 members of the public, five other organisations and two businesses.

Issues raised

The following were raised:

- Including vans in LEZ
- Including minibuses in LEZ
- Including motor caravans in LEZ

Analysis of responses

The principle of including vans and minibuses in the LEZ is considered under Theme A.

Vans

Two members of the public and one stakeholder organisation expressed concern about the inclusion of vans in the LEZ on the grounds that vans are more likely to be owned by individuals or small businesses than the vehicles affected by the earlier LEZ phases and that vans have lower emissions than HGVs, buses or coaches.

TfL considered both the costs to operators and the projected impacts in air quality when it recommended to the previous Mayor that larger vans and minibuses be included in the LEZ scheme. In 2008, larger vans were responsible for an estimated 21 per cent of total road traffic emissions of PM₁₀ and 10 per cent of total road traffic emissions of NO_x. This is a considerable proportion of PM₁₀ emissions relative to the other vehicle types and is due to the relatively large size of the van fleet. Therefore, it remains appropriate that larger vans and minibuses are included in the LEZ scheme in order to maximise the potential air quality and associated health benefits of the scheme.

TfL estimates that the extension of the LEZ to larger vans and minibuses in January 2012 would affect around 70,000 vehicles, or 12 per cent of the fleet coming into London. Operators of these non-compliant vehicles have a number of options available to upgrade their vehicles to meet the Euro III standard for PM emissions including purchasing a newer model or retrofitting particulate abatement equipment. Larger vans and minibuses first registered on or after 1 January 2002 would meet the Euro III standard, therefore only vehicles over 10 years old will be required to take action to comply with the LEZ standard. A compliant second-hand vehicle could currently be in the region of £1,500 to £8,000 depending on the age and size of the vehicles.

While the market for retrofitting particulate abatement equipment for smaller and lighter diesel vehicles is less well developed than for larger, heavier vehicles, such as HGVs, buses and coaches, there are retrofitting options available in Europe. TfL is currently working with abatement industry to ensure approved retrofit devices for larger vans and minibuses will be available to UK operators for early 2011. TfL estimates that the average cost of retrofitting abatement equipment for larger vans could be between £1,000 and £2,000 per vehicle, with some specialist equipment costing up to £2,500 per vehicle. TfL is continuing to work with the abatement industry to ensure that operators are able to fit particulate abatement equipment and have it certified well in advance of the implementation of this phase.

The inclusion of vans in the LEZ is considered further in the economic, the social and the exemptions and discounts themes.

Minibuses

One stakeholder, one business and four other organisations expressed concern about the inclusion of minibuses in the LEZ, in particular because older minibuses tend to be used by charities and community organisations in providing their services.

Minibuses are the passenger equivalent of larger vans and there are no technical reasons to exclude them from the LEZ scheme. They use similar chassis and engines to vans and have similar emissions levels.

The options available to operators to upgrade their minibus are the same as for larger vans. TfL estimates that average expected cost of compliance through retrofitting abatement equipment could be between £1,400 and £2,500 per vehicle for minibuses.

The inclusion of minibuses in the LEZ is considered further in the economic, the social and the exemptions and discounts themes.

Motor caravans

Seven public responses and one stakeholder organisation expressed concern about the inclusion of motor caravans in the LEZ on the ground that motor caravans are tend to be owned by individuals and families, have long life-spans and low mileages and are used for leisure purposes.

TfL is aware that motor caravans are legally defined as passenger-carrying vehicles and so fall into the M1 vehicle category, even though they are derived from HGVs, coaches or larger vans.

However, because the emissions from these vehicles may be substantially higher than those from passenger cars, they are included alongside other vehicles derived from HGVs and vans. These vehicles also have similar chassis and engines and similar per kilometre emissions to the vehicles they are derived from. The options available to operators to upgrade their motor caravans are the same as for larger vans. Operators do not have to purchase a new vehicle. They could fit abatement equipment, re-engine the vehicle or purchase a newer model vehicle first registered after 1 January 2002. Operators of non-compliant vehicles who did not regularly drive in Greater London could also opt to pay the daily charge of £100 to drive within the zone.

As with larger vans and minibuses, there are a number of options available to operators of motor caravans that will not meet the Euro III standard for PM in January 2012 to upgrade their vehicles. Operators do not have to purchase a new vehicle. They could fit abatement equipment, re-engine the vehicle or purchase a newer model vehicle first registered after 1 January 2002. Operators of non-compliant vehicles who did not regularly drive in Greater London could also opt to pay the daily charge of £100 to drive within the zone.

If the Mayor confirms the Variation Order, TfL will work with abatement equipment suppliers, relevant stakeholders and individuals to provide any necessary technical advice regarding options for upgrading vehicles. More information will be provided on the LEZ website at www.tfl.gov.uk/lezlondon and operators will be able to contact the LEZ call centre on 0845 607 0009.

TfL acknowledges that many motor caravans may only travel limited mileage within London and that motor caravans tend to be used for domestic and leisure purposes. However, regardless of their operational use, these vehicles still emit the same level of pollutants per kilometre as the HGVs and

vans they are derived from. Therefore an exemption is not proposed. Any such exemption would diminish the air quality and associated health benefits of the scheme. The issue of exemptions and discounts is considered further in Theme D.

TfL Recommendations

No change to the Variation Order

D: Exemptions and discounts

Representations falling within this theme concerned the exemptions and discounts from the LEZ for vehicles affected by the larger vans and minibuses phase. A list of the key issues raised during the consultation can be found below.

Respondents

Four stakeholders commented on issues relevant to this section. These were: CCPR, London Borough of Southwark, MS Society and St John Ambulance London (Prince of Wales) District.

Comments on exemptions and discounts were also made in 15 public and two other organisation responses.

Issues raised

The following were raised:

- Exemption for charities and community groups
- Exemption for private vehicles including motor caravans and horseboxes
- Clarification of the 100 per cent discount for Showman's vehicles

Analysis of responses

Exemption for charities and community groups

Exemptions from the LEZ scheme for charities and community groups, including those providing services for disabled people, were sought in consultation responses from four stakeholder and two other organisations.

There is a small number of exemptions or 100 per cent discounts from the LEZ for certain vehicles that are technically unsuitable for retrofitting abatement equipment. However, there are no technical reasons why larger vans, minibuses or other vehicles derived from vans cannot be retrofitted with particulate abatement equipment. Equally operators may also choose to convert to an approved alternative fuel (for example, gas) or re-engined to meet the Euro III standard for PM emissions.

TfL recognises and values the essential role performed by charities and community groups, including the provision of community and other transport, often on a purely voluntary basis. However, some of the vehicles operated by this sector are amongst the most individually polluting of their type, and a range of options are available to operators upgrade their vehicles. There are no technical grounds to exempt these vehicles from the LEZ on the basis of their emissions or ability to comply.

Furthermore, offering an exemption or discount for charities or voluntary and community groups would most likely require these organisations to register, as TfL has no way of identifying these vehicles from data held by the Driver Vehicle and Licensing Agency. It would be necessary to develop and apply workable criteria for any discount or exemption and individual organisations would most likely be required to submit an application form and the required proofs of vehicle ownership and charity status to TfL, potentially on an annual basis. The operational costs of managing such an exemption are high and it could be open to the risk of fraud, particularly given the large number of varied organisations that are registered charities.

The Economic and Business Impact Assessment undertaken to inform the development of the LEZ indicated that community sector vehicle operators would be likely to take the cheapest option available to modify their vehicles to comply with the LEZ emission standards. The lowest cost option for such operators is likely to be fitting particulate abatement equipment. There are no technical grounds to exempt these vehicles from the LEZ on the basis of their emissions or ability to comply.

If the Mayor confirms the Variation Order, TfL will work with abatement equipment suppliers, relevant stakeholders and individuals to provide any necessary technical advice regarding options for upgrading vehicles. More information will be provided on the LEZ website at www.tfl.gov.uk/lezlondon and operators will be able to contact the LEZ call centre on 0845 607 0009.

TfL acknowledges that the economic downturn has affected charities and community groups, in addition to small businesses and individuals. Deferring the extension of the LEZ to larger vans and minibuses from 4 October 2010 to 3 January 2012 will provide operators an additional 15 months to comply with the Euro III standard for PM emissions.

Exemption for private vehicles including motor caravans and horseboxes

An exemption from the LEZ for private vehicles including motor caravans and horseboxes was sought in consultation responses from 15 members of the public.

TfL does not distinguish between vehicles used for commercial or personal use because, regardless of their use, the vehicles emit the same level of pollutants per kilometre travelled as the HGVs and larger vans they are derived from. Therefore, TfL does not discount or exempt motor caravans or private vehicles, including horseboxes, from the LEZ as there are no technical reasons why such vehicles could not comply with the scheme. It would not be consistent or fair to operators of similar vehicle types in other sectors if an exemption or discount were granted for such vehicles.

Whilst acknowledging that a large number of motor caravans and horseboxes in the UK are quite old and pre-Euro standard, the numbers of these that visit London are proportionately quite low. When they visit London infrequently, they could choose to pay the £100 daily charge. Vehicles can also be retrofitted to meet the Euro III standard for PM emissions, at a cost of around £1,000 to £2,500. Another option is purchasing a newer model vehicle – any vehicle first registered on or after 1 January 2002 would meet the Euro III standard so only vehicles over 10 years old would be required to take action to comply with the standard.

100 per cent discount for Showman's vehicles

The 100 per cent discount for Showman's vehicles applies only to vehicles which have been custom built and are permanently fitted with equipment forming part of the show. This discount is available

because retrofitting these vehicles would be technically very difficult, there is no ready source of newer compliant vehicles and the costs associated with compliance would place a disproportionate burden on showmen as an economic sector, jeopardising the future provision of fairs in London. This discount will continue to be available to larger vans and minibuses which are used as Showman's vehicles and meet the necessary criteria for the discount. To obtain the 100 per cent Showman's discount, vehicles must be registered with TfL to demonstrate that they meet the necessary criteria. Further information is available on TfL's website at www.tfl.gov.uk/lezlondon.

TfL Recommendations

No change to the Variation Order

E: Economic impacts

Representations falling within this theme concerned the economic impact of the extension of the LEZ to larger vans and minibuses. A list of the key issues raised during the consultation can be found below.

Respondents

Seventeen stakeholders commented on issues relevant to this section. These were: British Parking Association, Campaign for Better Transport, Campaign for Clean Air in London, Caravan Club, Cllr Braithwaite (London Borough of Camden), Federation of Small Businesses, Freight Transport Association, Friends of the Earth, London boroughs of Bexley, Havering, Greenwich, Richmond-Upon-Thames, Redbridge and Southwark, Road Haulage Association, Society of Motor Manufacturers and Traders and St John's Ambulance London (Prince of Wales) Division.

Comments on the economic impacts were also made in responses from 23 members of the public, two other organisations and one business.

Issues raised

The following were raised:

- Benefits of deferral for small businesses and other organisations
- Economic impact of the Phase
- Businesses have already had enough time to comply
- Impact on tourism

Analysis of responses

Benefits for small businesses and other organisations

Eight stakeholder responses (six London boroughs, one trade association and one freight/haulage association) commented that the deferral of this phase to January 2012 would be helpful for small businesses and other organisations in light of the economic situation.

The Mayor announced his intention to defer this phase in light of the economic downturn and the additional economic pressures facing businesses, including difficulties in accessing credit. This would have resulted in the potential business costs and impacts for non-compliant operators

associated with meeting the Euro III standard for PM emissions being more significant than when the LEZ Scheme was confirmed in 2007. Deferring the extension of the LEZ to larger vans and minibuses to 3 January 2012 allows operators an additional 15 months to take action to comply with the LEZ standard, during which period some operators would replace their vehicles as part of the natural vehicle replacement cycle.

Economic impact of the Phase

Concern about the economic impact of this LEZ phase on small businesses and other organisations, such as charities and schools, was raised in responses from 15 members of the public, two businesses, two stakeholders and two other organisations.

TfL estimates that the total compliance cost facing operators would reduce by around £30m with the deferral of the extension of the LEZ to larger vans and minibuses from October 2010 to January 2012. The compliance costs to operators reflect the net impact once costs which would have been incurred regardless of the introduction of the scheme have been removed. Based on estimations of operator behaviours, compliance costs for the approximately 70,000 operators with non-compliant vehicles are estimated to be in the region of around £85m to £100m. The reduction in compliance costs as a result of the deferral of LEZ Phase 3 takes into account the smaller number of operators with non-compliant vehicles in 2012 compared with October 2010 and natural vehicle replacement.

There are a number of options available to operators of non-compliant vehicles to upgrade their vehicles to meet the Euro III standard for PM emissions. Vehicle owners do not have to purchase a new vehicle. They could purchase a newer model that met the Euro III standard, which could be up to 10 years of age in 2012. While TfL estimates that a new larger van or minibus could be in the region of £10,000 to £20,000, a compliant second-hand vehicle could be in the region of £1,500 to £8,000 depending on age and size. Newer vehicles would also have relatively lower running and maintenance costs than older vehicles and may meet greater safety standards. TfL anticipates that the largest proportion of operators of non-compliant vehicles would be likely to choose to purchase a newer vehicle.

Alternatively, operators could reorganise their fleet, replace the engine, retrofit approved abatement equipment or pay the £100 daily charge. TfL estimates that the average cost of compliance through retrofitting approved abatement equipment for larger vans would be between £1,000 and £2,000 per vehicle, with some more specialist equipment costing up to £2,500; for minibuses this could be between £1,400 and £2,500 per vehicle; and for motor caravans this could be between £1,000 and £2,500 per vehicle.

While some sectors of the economy could be adversely affected by this phase of the LEZ bringing forward or imposing costs, ancillary sectors, such as the pollution abatement equipment and vehicle maintenance industries, would be likely beneficiaries of the LEZ as it would increase demand for vehicle parts, accessories and retrofitting services.

TfL considers that the deferral of LEZ Phase 3, proposed by the Variation Order, strikes an appropriate balance between improving air quality and associated health benefits and the economic costs to businesses, individuals and other organisations that operate affected vehicles. Furthermore, the deferral of this phase allows operators an additional 15 months to start to comply with the emissions standard. As well as providing additional time for affected operators to plan for LEZ costs, the impact of such costs is lessened by the deferral. Relatively speaking, the same

levels of compliance costs have a larger impact on businesses when margins are tight and profitability is low.

Businesses have already had enough time to comply

Four public responses commented that businesses had already had long enough to take action to comply with this phase and that it should not be deferred. When the LEZ Scheme Order was confirmed in May 2007 the economic climate was more favourable for businesses. Since then, the economy fell into recession and businesses have found it harder to access credit finance to become compliant with the LEZ scheme. It is in this context that the Mayor signalled his intention to allow operators more time to become compliant.

Impact on tourism

Three public responses and one stakeholder response commented that extending the LEZ to larger vans and minibuses would negatively impact on tourism in London.

The extension of the LEZ to include motor caravans is an important step in discouraging the most polluting vehicles from entering London. Motor caravans emit the same level of pollutants per kilometre driven as other vehicles derived from larger vans. Furthermore, the key benefit of the LEZ is an improvement in air quality which is likely to make London a more attractive place to visit, meaning that the net impact on tourism would not be negative. With regard to deferring the extension of the LEZ to include larger vans and minibuses, which is the focus of the Variation Order, the motor caravan tourism sector will benefit because non-compliant vehicles would be able to drive within the zone without taking action for a further 15 months. This will give more time to individuals to modify or replace their vehicles.

TfL Recommendations

No change to the Variation Order

F: Environmental impacts

Representations falling within this theme concerned the impact that deferral will have on air pollution and the ability of London to meet the EU limit values for PM₁₀ and NO₂. A list of the key issues raised during the consultation can be found below.

The deferral of extension of the LEZ to larger vans and minibuses from October 2010 to January 2012 is estimated to reduce the total emissions savings of Phase 3 by around 10 per cent for PM₁₀ and by around 20 per cent for NO_x emissions. However, TfL estimates that implementing Phase 3 in January 2012 would still result in savings of around 80 tonnes of PM₁₀ and around 1,240 tonnes of NO_x over the period to 2015. The bulk of emissions savings are achieved in the lead up to, as a result of pre-compliance with the emissions standard, and immediately following the implementation of Phase 3.

Emissions controls for vehicles under LEZ as a whole will also be effective for reducing emissions of PM_{2.5}. Smaller particles, including PM_{2.5}, are associated with respiratory and cardiovascular health impacts, whilst particles from road transport, including black carbon may have an important role in climate change through their ability to trap heat in urban environments. The sources of PM_{2.5} tend to

be very similar to the sources of PM₁₀, particularly road transport. Therefore, measures such as the LEZ will help address concentrations of both PM₁₀ and PM_{2.5}.

The Government recently made a further submission to the European Commission for a time extension to 2011 for the PM₁₀ limit values, following the rejection of its April 2009 application for the Greater London area. The further submission uses updated projections which show that compliance is expected to be achieved in 2011, even with the deferral of LEZ Phase 3 to January 2012.

The Government intends to apply to the European Commission for a time extension to the NO₂ limit values until 2015. NO₂ is a national problem and the application will cover many regions and cities in the UK, not just Greater London.

Respondents

Fourteen stakeholders commented on issues relevant to this section. These were: Campaign for Clean Air, City of London, Environment Agency, Environmental Protection UK, Friends of the Earth, LACORS, London boroughs of Bexley, Brent, Greenwich and Southwark, London Councillor, Liberal Democrat Assembly Members, London Forum of Amenity and Civic Societies and the Road Haulage Association.

Comments on this area were also made in responses from 15 members of the public and one business.

Issues raised

The following were raised:

- Impact of the deferral on meeting PM₁₀ target
- Impact of the deferral on meeting NO₂ target
- Modelling emissions and concentrations
- The need for other measures to improve air quality
- Borough concerns about meeting limit values

Analysis of responses

Impact of the deferral on meeting PM₁₀ target

London is permitted 35 days a year when the daily limit value for PM₁₀ exceeds 50µg/m³. In line with the Government's approach, the Mayor is working towards achieving the limit values for PM₁₀ by 2011.

TfL and Defra projections (included in the submission to the EU) indicate that by 2011, EU limit values for PM₁₀ will be achieved in Greater London. However, there are a few areas in central London that have high concentration levels and are most at risk in relation to the limit value. Therefore, the draft MAQS sets out a range of measures to increase the confidence that the targets will be met (as well as delivering wider improvements in air quality), including a number of very focused localised measures in the "hotspot" areas.

While measurements from the London Air Quality Network show that the daily mean limit value for PM₁₀ for 2010 has already been exceeded in central London at Upper Thames Street, this represents a worst-case roadside location. In addition to the broader measures set out in the draft MAQS (such as cycling initiatives, smarter travel and electric vehicles) it is planned that a number of

targeted measures will be implemented at the areas in central London that are most at risk of exceeding the EU limit value for PM₁₀ in 2011, such as the application of dust suppressants, smoothing traffic and tackling vehicle idling. It is anticipated these measures will be implemented before the end of the year.

TfL undertook analysis to assess the impact of the deferral of LEZ Phase 3 on meeting the limit values for PM₁₀ in 2011. The estimated number of exceedence days with PM₁₀ above 50 µg/m³ were predicted across London for the year 2011. The analysis considered the changes in the van fleet (in terms of Euro classification) in 2011 and compared the situation if LEZ Phase 3 was introduced in October 2010 with introduction in January 2012. Based on the experience of previous LEZ phases, pre-compliance benefits through operators acting in advance of the January 2012 start dates were also considered.

TfL estimates that the implementation of LEZ Phase 3 in January 2012 would lead to savings in PM₁₀ emissions of 32 tonnes in 2011. This compares with an estimated saving of 33 tonnes of PM₁₀ emissions in 2011 if LEZ Phase 3 was introduced in October 2010, a reduction in the emissions saving of one tonne of PM₁₀. Total PM₁₀ emissions from vans in 2011 would be similar if LEZ Phase 3 was introduced in January 2012 (227 tonnes) or in October 2010 (226 tonnes), because of the age of the fleet affected in the different years. Given that the estimated emissions for each scenario are very similar and that emissions from vans are estimated to represent about 21 per cent of road transport emissions of PM₁₀, no significant impact on daily mean PM₁₀ concentrations in 2011 would be expected due to the deferral of LEZ Phase 3.

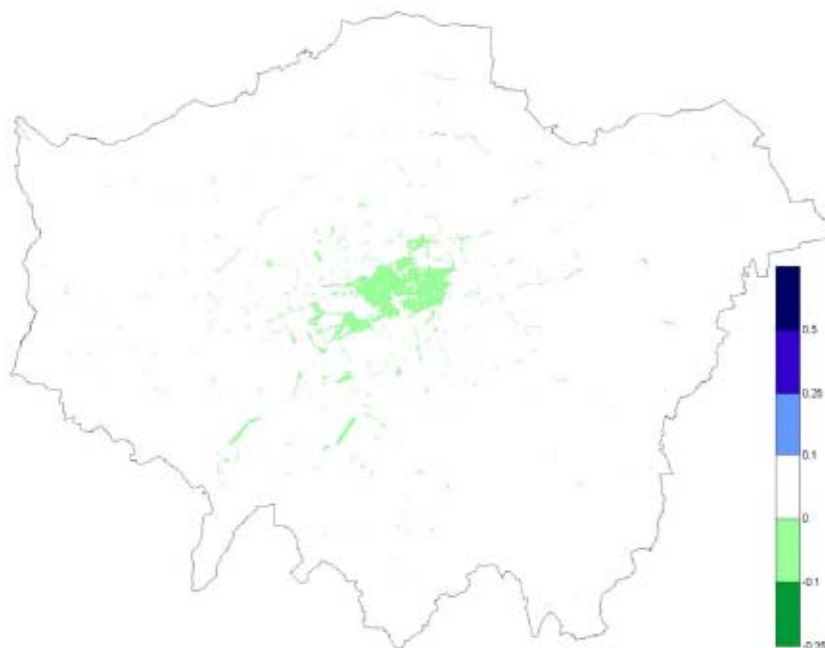
In terms of the specific impact of the deferral of LEZ Phase 3, the change in PM₁₀ annual mean concentrations in 2011 due to the deferral are predicted to be between +0.1 and -0.1 µg/m³, which are not significant when assessing against the limit value of 40 µg/m³. The pattern of these impacts is shown in Figure 1 below.

Figure 1: Deferral of LEZ Phase 3 from October 2010 to January 2012: Predicted impact on annual mean PM₁₀ concentrations in 2011 (µg/m³)



With regards to the daily mean limit value for PM₁₀, no significant changes in the number of exceedence days are predicted in 2011 due to the deferral, with changes between less than +0.5 and -0.5 days estimated across London. The pattern of the impact is shown in Figure 2, indicating the deferral has very little impact on the number of exceedence days across London.

Figure 2: Deferral of LEZ Phase 3 from October 2010 to January 2012: Predicted impact on number of daily mean exceedences of PM₁₀ in 2011 (number of days)



The impact of deferral of LEZ Phase 3 in other years has been assessed based on changes in emissions of PM₁₀. The LEZ updates the stock of vehicles in the fleet bringing forward the introduction of newer, less polluting vehicles. However, because of the natural turnover of the vehicle fleet over time, the benefits of the LEZ are higher in the early years following introduction, but then decline in the later years relative to the baseline, because of the improvements that would have occurred anyway in the fleet (even without the LEZ in place). The decline in relative benefits means that, by 2015, the additional benefits of the scheme over and above those that would have happened without LEZ are negligible.

Impact of the deferral on meeting NO₂ target

London is obliged to meet a yearly limit value for NO₂ of 40µg/m³. In line with the Government's approach, the Mayor is working towards achieving the limit values for NO₂ by 2015.

The focus of the first four phases of the LEZ scheme is primarily on reducing PM₁₀ and thus the assessment of the impact of the proposed deferral of LEZ Phase 3 reflected this. However, the impact on emissions of NO_x was also estimated.

Concentrations of annual mean NO₂ were predicted across London for the year 2011 and these considered the changes in the van fleet (in terms of Euro classification) in that year if LEZ Phase 3 was introduced in October 2010, and if it was deferred to January 2012. In 2011, pre-compliance benefits through operators acting in advance of the January 2012 start dates are included based on experience of previous LEZ phases.

For 2011, the emissions of NO_x from vans are estimated to be very similar when comparing both scenarios: 2,620 tonnes if LEZ Phase 3 was implemented in October 2010, and 2,680 tonnes if it was implemented in January 2012. As emissions from vans are estimated to represent about 10 per cent of road transport emissions of NO_x, the impact of deferring LEZ Phase 3 is considered to be minor overall in this regard.

In terms of the specific impact of deferral, the change in NO₂ annual mean concentrations in 2011 due to the deferral is predicted to be between +0.1 and -0.3 µg/m³ which is not significant when assessing against the limit value of 40 µg/m³. The pattern of the impact is shown in Figure 3, indicating the deferral has almost no impact on concentrations of NO₂ across London (less than 0.1 µg/m³ increase in NO₂ is predicted).

Figure 3: Deferral of LEZ Phase 3 from October 2010 to January 2012: Predicted impact on annual mean NO₂ concentrations in 2011



The decline in relative benefits means that, by 2015, the additional NO₂ benefits of the scheme over and above those that would have happened without LEZ are negligible, in the same way as described above for PM₁₀.

The assessments undertaken have considered the 40 µg/m³ limit value only. Defra is responsible for the assessment of compliance of NO₂ concentrations, including the attainment of the 60 µg/m³ margin of tolerance that would have to be adhered to should the UK be granted a time extension for compliance with NO₂ limit values.

The focus of TfL's modelling is on the annual mean NO₂ concentrations as modelling of hourly NO₂ concentrations is more uncertain due to the very local influences within individual streets which affect short-term concentrations.

Assumptions and methodologies underpinning the modelling

The impacts of LEZ Phase 3 are assessed based on the expected operator outcomes in order to comply with the LEZ standard of Euro III for PM emissions, which include retrofitting with abatement equipment and replacement with new or newer vehicles. These options were used to estimate the change in the van fleet if Phase 3 was introduced in October 2010 compared with implementation in January 2012. Pre-compliance with the LEZ standard is also assumed, based on experience with the previous LEZ phases.

TfL and the GLA predict the levels of pollution in London's air (i.e. concentrations) using the London Air Quality Model ("the London Model"), which was developed by the Environmental Research Group (ERG) at King's College London. This estimates how pollution will be dispersed over time and distance from where it is released, depending on weather conditions.

The model takes into account sources of emissions within London, as well as chemical reactions and the additional pollution which reaches London from sources outside, including from southern England, Europe and further afield.

The pollutants of concern in London are NO₂ and particulate matter (PM₁₀ and PM_{2.5}) as these are often associated with health impacts, and the EU has set target levels for these pollutants which are to be implemented by each European member state. The years and pollutants modelled are:

- 2008 for NO₂ and PM₁₀ (the most recent year for which monitoring and source activity estimates are available in order to validate the London Model)
- 2011 for PM₁₀
- 2015 for NO₂

The basis for the air pollution modelling is the London Atmospheric Emissions Inventory (LAEI) which provides the estimates of the amount of emissions to the air that are produced by sources within the London area. The LAEI considers many different types of sources across London including road traffic, airports, rail, shipping, domestic, commercial and industrial fuel use, industrial processes and boilers, along with sources such as sewage treatment, solvent use, and natural sources, which are important contributors to particulate emissions in London. Although construction sites are a significant source of local PM₁₀ and PM_{2.5} pollution, pollution from this source has historically been difficult to estimate and is not yet included in the LAEI. The annual emissions from most of these sources are estimated for grid squares of 1x1km across London so that the contribution of different sources can be assessed for the whole of London.

Once emissions for London have been determined, the London Air Quality Model is used to predict concentrations of pollutants in London's air based on the emissions. Predicted concentrations are made based on 20m grid spacing across London, although PM₁₀ modelling at a 5m spacing has been used for Central London only in 2011.

The concentration of a pollutant in the air at any location is in part due to the distance between the receptor and the source of the emission. The pattern of dispersion of pollution with respect to any receptor will be dependent on many factors including the variability and strength of emissions, local features that can affect wind flow patterns, and the general ambient weather conditions at the time. For example, cool and calm weather conditions with low wind speeds can lead to pollution being trapped in some locations and concentrations can increase because there is little movement of the air to disperse the pollution.

The London Air Quality Model uses observations of wind speeds and directions, air temperature and other parameters recorded every hour for London in order to estimate the condition of the atmosphere (called stability), so that variable weather conditions can be accounted for. It is not possible to predict with confidence the actual hourly meteorological conditions for future years, so the model uses a recent 'representative year', in this case 2008, which is a reasonable representation of annual meteorology for Greater London.

The London Air Quality Model has been updated for a base year of 2008 from which comparisons with pollution monitoring data in London can be made to ensure the basis provides a reasonable estimate of London's pollution levels. It is widely recognised that there are many uncertainties in the prediction of air pollution concentrations, such as those related to emissions factors, as well as variability of model parameters and monitoring data.

The process of comparing modelling and monitoring data is often known as model validation and involves checking the many different parameters and modelling options in order to reduce modelling error as much as reasonably possible. Once the 2008 model has been validated, it is then used for prediction of emissions and concentrations in the years 2011 and 2015.

The need for other measures to improve air quality

The proposed deferral to 2012 needs to be considered in the context of other planned and proposed measures to improve air quality in London. The MTS commits to and the draft MAQS provides details on a number of policies to reduce emissions and improve air quality in London. Some of the measures are London-wide or modally based but others target specific priority locations which have poor air quality. Examples of other measures include the introduction of age-based limits for taxis and private hire vehicles, to take the oldest and most polluting vehicles off the roads.

Policy 3 of the draft MAQS sets out a range of possible local measures which could be targeted at locations with high air pollution concentrations, including sites which may be most at risk of not meeting EU limit values. Local measures have been developed based on evidence from other cities and their introduction is part of an approach which seeks to concentrate efforts where they are needed and will have most impact, while also seeking to improve air quality across London as a whole through measures such as the LEZ.

The local measures described in the draft MAQS have not been included in the modelling of the concentrations discussed above. As such, the concentrations described in the consultation documents are based on a conservative approach, excluding the additional air quality benefits of local measures and the various additional policies described within the draft MAQS.

The stakeholder proposals for a Clean Air Zone for central London or an inner London LEZ are considered under Theme J.

Borough concern about meeting the 2011 and 2015 EU limit values

The Environment Act 1995 requires London boroughs to designate an air quality management area (AQMA) where national air quality objectives set out in the Air Quality (England) Regulations 2000, which are based on EU limit values, are not being met. Currently all boroughs have AQMAs for either PM₁₀ or NO₂. The relevant levels are meant to have been achieved by no later than 31 December 2004 for PM₁₀ and 31 December 2005 for NO₂.

The draft MAQS sets out how the Mayor will work with boroughs to improve air quality in London, primarily through the inclusion of air quality measures in the LIP process, by using the planning process to make new developments air quality neutral or better and by implementing energy efficiency programmes. As part of the consultation process on the draft MAQS, GLA officials have detailed discussions with boroughs to ensure that the Strategy addresses borough priorities.

TfL Recommendations

No change to the Variation Order

G: Health impacts

Representations falling within this theme concerned the health impacts of the proposed deferral of LEZ Phase 3. A list of the key issues raised during the consultation can be found below.

Using the Defra approved methodology, TfL has estimated the monetised health benefits (net present value) to 2015 of extending the LEZ to include larger vans and minibuses from January 2012 at around £2m to £30m. This compares with health benefits to 2015 if Phase 3 was introduced in October 2010, as originally intended, of between £3m and £30m.

TfL's analysis estimates that implementing LEZ Phase 3 in January 2012 would lead to a reduction in respiratory medication use in children of around 1,200 days to 2015, compared with around 1,500 days if the scheme was introduced in October 2010. In terms of restricted activity days, LEZ Phase 3 would lead to a reduction of around 31,000 days to 2015 if implemented in January 2012, compared with 37,000 days if implemented in October 2010. Respiratory hospital admissions would be reduced by around four days to 2015 with a January 2012 implementation compared with five days with an October 2010 implementation.

Respondents

Eight stakeholders commented on issues relevant to this section. These were: Campaign for Clean Air, Environmental Protection UK, Friends of the Earth, LACORS, London Borough of Brent, Liberal Democrat Assembly Members, London Borough of Southwark and Sustrans.

Comments on health were also made in four responses from members of the public.

Issues raised

The following were raised:

- Concern about the health impacts of deferral
- Health impacts of air pollution are worse than previously thought and/ or need for more information on health impacts
- Impact on health inequalities
- Balancing different considerations

Analysis of responses

Impact of deferral on health

Respondents on this issue questioned the assessment made of the magnitude of the effects of deferral, and the Mayor's decision to proceed with deferral given the adverse impacts on health.

The LEZ VO IIA considered the effects of the deferral using an assessment framework which included the category 'to contribute to enhanced health and wellbeing for all within London.' This assessment found that there were some negative effects on health from deferral but that these were of a minor magnitude. The effect of the deferral would be that health benefits would materialise later than if Phase 3 had been introduced in 2010, and that there would also be some reduction (although relatively small) in this benefit. Health benefits would be expected to materialise in 2011, associated with emissions reductions due to pre-compliance. However, it is noted that the net effect on health is hard to quantify, and that, relative to the option of not introducing the phase at all, the deferred implementation still confers important health benefits.

The LEZ scheme, including LEZ Phase 3, is one among many existing and proposed measures to improve air quality in London, and both the new MTS and the draft MAQS contain measures that will help reduce emissions and mitigate the effects of this deferral, including the effects on health.

An assessment of the impacts of the proposed deferral was first produced for the consultation on the public draft MTS, which was consulted on between October 2009 and Jan 2010. The assessment formed an appendix to the overall IIA of the MTS. An updated assessment was then prepared for this Variation Order consultation (the LEZ VO IIA), and made available from its commencement in May 2010. The methodologies used to ascertain the magnitude of effects, and any uncertainties arising in the assessment, are set out in the IIA. The consultants commissioned by TfL to produce the original IIA have used widely-recognised and standard approaches, as has TfL in producing the update.

The need to comply with air pollutant limit values in order to protect public health has been considered in the assessment and a comparison of the estimated savings for PM₁₀ and NO_x emissions for 2010 and 2012 is set out in the Supplementary Information and LEZ VO IIA. The analysis indicates that the 2011 EU limit values for PM₁₀ will be met, and the implementation of LEZ Phase 3 – even in 2012 – increases confidence in this regard.

It is important to consider the deferral in the context of the wider set of measures to improve air quality in London set out in MTS and the draft MAQS rather than in isolation, particularly with regard to achieving the EU limit values and statutory air quality objectives.

One respondent stated that while data about the economic cost of deferring the scheme is complete and readily available, data about the full health and environmental impacts is much more difficult to quantify. However, the LEZ VO IIA notes that there is a degree of uncertainty in assessing both these aspects: for example, in assessing the economic impacts of the deferral, the actual compliance costs for the scheme will depend on the replacement choices made by operators, and so provides impacts within a range.

Information about health impacts of deferral is incomplete

Respondents who raised this issue refer to the publication in June 2010 of a Health Study⁴, commissioned by the GLA as part of the development of the draft MAQS. Respondents requested an extension to the Variation Order consultation period to allow additional time to consider the GLA Health Study. They also contrasted the figure presented during the original development of the LEZ scheme in 2005, which estimated that around 1,000 accelerated deaths in London occurred as a result of particulate pollution, with that presented in the GLA Health Study.

The GLA Health Study used internationally accepted evidence-based risk factors associated with pollution to assess the contribution that prolonged exposure to poor air quality could make to the number of premature deaths in London. The study did not look at the impact of individual policies and did not provide further evidence on the potential impact of the deferral of LEZ Phase 3. As set out below, the LEZ impact assessment uses the same method as the GLA's study, consistent with the analysis of temporary air pollution improvements. The estimated benefits of the LEZ scheme are in line with and proportional to the health impacts for air pollution effects in London that are reported in the GLA study report. Therefore, TfL did not extend the period of consultation on the Variation Order beyond Sunday 4 July (the deadline was extended to this date owing to a technical difficulty with the consultation mailbox).

The GLA Health Study concluded that poor air quality (specifically PM_{2.5}) contributed to an equivalent of 4,267 premature deaths in London in 2008. Evidence recently presented to the House of Commons Environmental Audit Committee⁵ suggested that poor air quality could contribute to 50,000 premature deaths nationally every year.

The health impact analysis undertaken to inform the LEZ VO IIA looked solely at the impacts of Phase 3 and the deferral of this Phase. TfL's analysis of the estimated health impacts of the deferral of Phase 3 used the outputs of ERG's emissions modelling to determine health impacts and monetary benefits of Phase 3. The analysis assessed the proposed 2012 implementation and also compared this to a re-analysis of the original 2010 implementation. As set out in the LEZ VO IIA, the analysis found a (relatively small) reduction in health and environmental benefits from the proposed delay from 2010 to 2012 of Phase 3.

The impacts assessments undertaken to inform the development of LEZ uses the method recommended by the Committee on the Medical Effects of Air Pollution (COMEAP) and the Interdepartmental Group on Costs and Benefits (IGCB), as applied in the national Air Quality Strategy⁶. This uses the results of the life tables and analysis undertaken as part of the Air Quality

⁴ Report on estimation of mortality impacts of particulate air pollution in London, IOM, June 2010, http://www.london.gov.uk/sites/default/files/Health_Study_%20Report.pdf

⁵ Environmental Audit Committee Fifth Report (2009/10 session), March 2010, <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmenvaud/229/22902.htm>

⁶ Air Quality Strategy for England, Scotland, Wales and Northern Ireland, 2007, <http://www.defra.gov.uk/environment/quality/air/airquality/strategy/index.htm>.

See also IGCB air quality damage cost tools and guidance,

<http://www.defra.gov.uk/environment/quality/air/airquality/panels/igcb/tools.htm> and Defra guidance on "Valuing the Overall Impacts of Air Pollution", 2010, <http://www.defra.gov.uk/environment/quality/air/airquality/panels/igcb/documents/100303-aq-valuing-impacts.pdf>.

Strategy (AQS) analysis, and these tables were produced by the Institute of Occupational Medicine (IOM).

It assesses the health benefits of pollution improvements, including primary and secondary particulates, from the introduction of the scheme in different years. The estimates are based on the central hazard rate recommended by COMEAP and used in the Defra AQS, i.e. a six per cent relative risk associated with a $10 \mu\text{g}/\text{m}^3$ increase in $\text{PM}_{2.5}$. Consistent with the latest COMEAP report (COMEAP 2009), the underlying analysis has also considered the full range of plausible “low” and “high” values, with relative risk coefficients of one and 12 per cent.

The method assesses the changes in years of life lost from the pollution reductions, consistent with the approach used in the AQS, rather than expressing these benefits in terms of premature deaths (implied attributable deaths). It values these changes using the recommended monetary estimates for a life lost as used by the ICGB, and as in the AQS.

Whilst the estimates with the LEZ VO IIA appear low, in terms of headline values reported in the GLA’s study of air pollution impacts in London, it is important to understand the nature of the LEZ schemes, and also to consider the detail of the analysis behind the GLA study and reported numbers, as the two are not immediately comparable.

The LEZ updates the stock of vehicles in the fleet, bringing forward the introduction of newer, less polluting vehicles. However, because of the natural turnover of vehicle fleet over time, the benefits of the LEZ are higher in the early years of introduction, but then decline in the later years relative to the baseline, because of the improvements that would have occurred anyway in the fleet (even without the LEZ in place). The decline in relative benefits is rapid, and by 2015, the additional benefits of the scheme, over and above the baseline, are negligible.

These relatively short-term improvements in air quality must be assessed in a different way, as they do not in themselves lead to long-term reductions in air pollution exposure. The method used calculates the benefits of these types of schemes by assessing the health benefits from the series of declining annual air pollution reductions (annual ‘pulses’) – noting that the analysis includes the immediate and long-term effects of these pulses.

This approach is entirely consistent with the analysis presented in Table 2 of the GLA study report. Indeed the annual pulse method used in the LEZ health impacts analysis is based on the work that IOM undertook for the Defra AQS, and indeed, this approach was used to assess short-term air quality improvements in the Defra AQS.

The results of the LEZ health impacts analysis are also in line with the GLA study report. The GLA study reports that the benefits of a temporary elimination in one year of $1 \mu\text{g}/\text{m}^3$ of $\text{PM}_{2.5}$ pollution is predicted to save over 3,900 years of life in the current population. The air quality benefits of the LEZ are much lower than $1 \mu\text{g}/\text{m}^3$ reduction and are consistent with this reported value (i.e. they are in line with this estimate).

Health inequalities

Two stakeholder responses commented on the equalities impacts of air pollution and potential disbenefits of the deferral of this phase of the LEZ.

The Equalities Impact Assessment undertaken to inform the development of the original LEZ scheme highlighted that poor air quality is more likely to affect deprived communities. Deprived

communities are more likely to live in central and inner London, where air pollution concentrations are higher, and in less desirable locations, such as next to major roads. Deprived communities are also more likely to live in poorer quality buildings and there may be less opportunity to access open green spaces for recreational activities with children being more likely to play near busy roads where pollutant concentrations are highest. Furthermore, the demographic influence on deprivation and housing mean that members of ethnic minority groups may be more likely to experience the effects of air pollution in London.

With this in mind, the LEZ VO IIA concluded that any delay in improvements to air quality would have a greater negative impact on deprived communities, including ethnic minorities and vulnerable people such as the young, old or those with pre-existing conditions. However, because the loss of emissions reductions and total health benefits in the context of London as a result of the deferral was estimated to be small, the impacts on health inequalities were also concluded to be similarly small.

Balancing different considerations

One stakeholder questioned whether the Mayor could balance economic factors, in relation to the economic benefits for operators of deferring Phase 3, against the need to comply with air quality limit values that protect health.

The Mayor has a duty under the GLA Act to have regard to the effect of his actions on sustainable development. Different considerations inevitably have to be balanced. While individual policies may have adverse impacts in certain regards, overall the programmes the Mayor has set out in his strategies will deliver benefits across the range of outcomes and support sustainable development.

The MTS sets out six goals that contribute to the Mayor's overarching vision of which 'supporting economic development and population growth' and 'enhancing the quality of life for all Londoners' are relevant. In the context of LEZ Phase 3, it is not a matter of prioritising economic considerations – since some people have argued that LEZ Phase 3 should not be implemented at all on this basis – but of trying to strike an appropriate balance whereby some of the potential economic costs are mitigated but environmental benefits, albeit slightly reduced, are still delivered.

A January 2012 implementation date was proposed in order to provide important pre-compliance benefits in 2011, while providing operators with additional time to comply. Given that London is forecast to meet the EU limit values for PM₁₀ in 2011, even with the deferral of LEZ Phase 3, and that the estimated health impacts of the deferral are small, the Mayor considers that this approach strikes a balance for London between different objectives.

TfL Recommendations

No change to the Variation Order

H: Social impacts

Representations falling within this theme concerned the social impact of the extension of the LEZ to larger vans and minibuses. A list of the key issues raised during the consultation can be found below.

Respondents

Four stakeholders commented on issues relevant to this section. These were: CCPR, Federation of Small Businesses, London Borough of Southwark and the MS Society.

Comments on social impacts of this LEZ phase were also made in two responses from other organisations and eighteen responses from members of the public.

Issues raised

The following were raised:

- Impact on voluntary/ community & education sectors (including on activities)
- Impact on individuals

Analysis of responses

Impact on voluntary/ community & education sectors (including on activities)

Three stakeholder responses commented that the extension of LEZ to larger vans and minibuses to Jan 2012 would negatively affect the activities of some voluntary, community and education organisations.

The Equalities Impact Assessment undertaken to guide the development of the original LEZ scheme identified that the inclusion of minibuses in the LEZ could have a disproportionate impact on schools and charities, which often have restricted finances. Consequently, deferring the extension of the LEZ to larger vans and minibuses would allow such organisations an additional 15 months from when the phase was originally planned to upgrade their vehicles.

Data used in analysing the economic and business impacts for the development of the original LEZ scheme indicated that around 28,000 minibuses are registered in London or the neighbouring counties. Around 9,000 of these were registered as individually or privately owned and it was assumed that the majority of these vehicles are operated by community or charity organisations. TfL acknowledges that smaller organisations such as charities and sporting associations tend to operate their own vehicles which are more likely to be older and therefore to not comply with the LEZ emission standard. However, there are no technical grounds to exempt vehicles operated by charity, community or voluntary organisations and it is considered important for the effectiveness of the scheme that vehicles that are individually more polluting are included.

TfL has met with many charity, community and voluntary organisations since the LEZ Scheme Order was confirmed in 2007 and acknowledges that there is a lack of understanding of the options available to organisations to upgrade their vehicles. Many groups are unaware that they would be able to retrofit approved abatement equipment to comply with the Euro III standard for PM emissions and therefore have over-estimated the economic impact of the scheme on their organisation. TfL will continue to provide individual technical advice to organisations on request about the options available to meet the LEZ standard.

Impact on individuals

A number of public responses commented on the effect of the extension of the LEZ to vehicles such as motor caravans and horseboxes on individuals and families.

While TfL recognises that many motor caravans and horseboxes will only travel limited mileage in Greater London, these vehicles have similar emissions to the other larger vans (and HGVs or coaches) they are derived from. Similarly, there are no technical grounds to exempt these vehicles from the LEZ on the basis of their emissions or their ability to comply.

TfL will continue to work with the Caravan Club and other relevant organisations to ensure that information is made available to motor caravan owners on the range of options for upgrading their vehicles to comply with the LEZ standard. This includes technical information on the types of abatement equipment that will be suitable for motor caravans.

TfL is aware that a small number of disabled individuals own and operate specially adapted motor caravans. As with other vehicles, there are no technical grounds to exempt these vehicles from the LEZ on the basis of their emissions or their ability to comply. A very small number of such vehicles are already affected by the first two phases of the LEZ.

TfL Recommendations

No change to the Variation Order

I: Consultation

Representations falling within this theme concerned the consultation process. A list of the key issues raised during the consultation can be found below.

Respondents

Ten stakeholders commented on issues relevant to this section. These were: Campaign for Better Transport, Campaign for Clean Air in London, City of London, ClientEarth, Environmental Protection UK, Friends of the Earth, LACORS, London Borough of Southwark, London Liberal Democrat Members and London Forum of Amenity and Civil Society.

Comments on the consultation were also made in one other organisation response and three public responses.

Issues raised

The following were raised:

- Availability of information
- Extending the consultation period/ re-consulting
- Acknowledge previous stakeholder opposition to proposal
- Prejudgement of the Mayor's decision
- Assessment of options in the Impact Assessment
- Links with MAQS

Analysis of responses

Availability of information

Six stakeholder responses expressed concern that the Integrated Impact Assessment Report for the draft MAQS and the report of the GLA's study into the health impacts of air pollution in London were not available to inform the LEZ Variation Order consultation. Stakeholders requested that the consultation period should also be extended. Four stakeholders also asked for information about the combined impact of the proposed deferral of the larger vans and minibuses phase and the proposed removal of the Western Extension Zone of the Congestion Charging scheme to be presented. Two stakeholders requested additional information on PM₁₀ and NO₂ concentrations under the Freedom of Information Act, and this was supplied.

The GLA published on its www.london.gov.uk website the Integrated Impact Assessment Report of the draft MAQS and the report of its study on estimates of premature deaths in London from PM₁₀ on 29 June. Stakeholders were informed of the publication by email. The GLA study does not look at any specific policy in detail and does not provide an estimate of the reduction in premature deaths resulting from the LEZ scheme or the impact on this of the proposed deferral of Phase 3 to January 2012. Similarly, the draft MAQS Integrated Impact Assessment Report does not provide additional information on the deferral of Phase 3, beyond that available in the Integrated Impact Assessment and supporting information which were provided for the Variation Order consultation. Therefore, TfL did not extend the period of consultation on the Variation Order beyond Sunday 4 July (the deadline was extended to this date owing to a technical difficulty with the consultation inbox).

The supporting documentation for the LEZ Variation Order consultation sets out the impacts of the deferral of larger vans and minibuses phase. It does not specifically provide a combined assessment of the impacts of the deferral of Phase 3 with the impacts of the proposed removal of the Western Extension. These are separate proposals and it was not considered appropriate to combine them here. However, the assessment of the impacts of deferral – and the projection that London will still meet the limit values for PM₁₀ in 2011 – are in the context of the Western Extension being removed. In addition, the Integrated Impact Assessment report for the draft MTS prepared in 2009 considered the impact of both schemes and the overall impact of the MTS for London. In addition, the baseline assessment of the draft MAQS (set out in its Impact Assessment) included the removal of the Western Extension, so the combined effects are in effect assumed to ensure a prudent approach.

The impacts of the deferral of the extension of the LEZ to larger vans and minibuses are provided in the LEZ Variation Order Integrated Impact Assessment, and section 5.6 considers the change in emissions of NO_x and PM₁₀ in each of the years 2010, 2011, 2012, 2013, 2014 and 2015 in terms of emissions from larger vans. TfL's analysis found that the deferral did not have a significant impact on daily mean PM₁₀ concentrations and almost no impact on concentrations of NO₂ across London in 2011, compared to the original 2010 implementation date.

TfL considers that the information presented in the consultation documents was sufficient to inform responses to the consultation. However, TfL did provide more detail on the analysis undertaken, including the assumptions, in response to FOI requests.

Extending the consultation period/ re-consulting

Four stakeholder organisations stated that the consultation period for the Variation Order should be extended or that TfL should re-consult, primarily to allow respondents longer to consider the IIA of the draft MAQS and the GLA's study into the health impacts of air pollution in London, which were published on 29 June.

The draft MAQS IIA and the GLA's health impacts study did not provide further information on the deferral of LEZ Phase 3 to that contained in the LEZ Variation Order consultation documents. The specific impacts of the deferral of LEZ Phase 3 on air quality and health were considered in the LEZ VO IIA and summarised in the Supplementary Information document, both of which were made available to stakeholders and the public on the LEZ website at the start of consultation on 17 May 2010. Therefore, TfL did not extend the consultation beyond 4 July 2010.

Acknowledge previous stakeholder opposition to proposal

Three stakeholders responses expressed concern that the consultation documents did not reflect the level of stakeholder opposition to the proposal during the public consultation on the MTS.

TfL was clear in the Supplementary Information document (paragraph 2.6) and the LEZ VO IIA (paragraph 2.6.5) that, of the 23 stakeholder organisations who responded to the consultation on the draft MTS and commented on the proposal to defer LEZ Phase 3, the majority opposed the deferral. It is worth noting that 151 stakeholders and 5,578 members of the public, businesses and other organisations responded to the consultation on the draft MTS. Less than one per cent of non-stakeholder responses commented on the LEZ proposal.

TfL's Report to the Mayor on the outcomes of the consultation on the draft MTS included an analysis of the stakeholder and other responses to the proposal to defer this phase of the LEZ. The Mayor considered the responses to this consultation when deciding to publish the new revised MTS and confirmed the proposal to defer the extension of the LEZ to larger vans and minibuses to 2012.

The London Assembly motion of 18 March 2009, proposed in the name of Darren Johnson AM and seconded by Murad Qureshi AM, followed the Mayor's announcement in February 2009 that he was planning to suspend LEZ Phase 3 in light of the difficult economic climate. The motion proposed that: *'This Assembly expresses its concern at the Mayor's stated intention not to proceed with implementation of stage three of the Low Emission Zone in 2010. The Assembly calls on the Mayor to proceed with implementation of stage three in 2010 as originally planned, so as to improve London's air quality and the health of Londoners, and help meet European air quality standards'*. The Mayor took this into account when including the proposal to defer the implementation of this phase to an appropriate point in 2012 in his new revised MTS. There was no need to mention the motion in the impact assessments for the draft MTS or the LEZ Variation Order. However, the Mayor is referred again to it now.

Prejudgement of the Mayor's decision

Eight stakeholder responses included comments relating to the outcome of the consultation.

Following his election in May 2008, in response to questions from Assembly Members throughout 2008, the Mayor said he would review the details of the LEZ extension to larger vans and minibuses from 2010 "in order to ensure that the benefits are delivered; whilst the impact on organisations and individuals is understood and managed appropriately". He published his non-statutory direction of

travel document, *Way to Go!*, in November 2008, which recognised the potential of the LEZ to improve air quality in London and asked how it should be developed. Respondents agreed there was a need to reduce emissions from transport and called for more detail on the specific means of achieving this.

In February 2009, the Mayor announced in a press release his intention to suspend LEZ Phase 3 in light of the economic downturn. He also announced that the GLA and Defra were working jointly on a package of measures to address PM₁₀ emissions in London in order to meet EU targets and that he had written to Lord Mandelson (then Minister for business, innovation and skills) with the aim of working together with Government on a subsidy scheme for replacing the oldest most polluting vans.

In May 2009, the Mayor published his Transport Strategy Statement of Intent for consultation with the London Assembly and GLA functional bodies. This included a proposal to suspend LEZ Phase 3, due to the “economic recession and its impact on small businesses, charities and self-employed Londoners”.

Following further consideration of the legal and procedural implications and the impacts of suspending this phase, and alongside the development of the draft MAQS, the Mayor announced his intention to defer Phase 3 to a later implementation date, subject to consultation and the appropriate procedures. In October 2009, in the draft MTS for consultation with the public and stakeholders, the Mayor included a proposal to defer Phase 3 to an appropriate point in 2012. The draft MTS stated that the extension of the LEZ to larger vans and minibuses was an important element of the overall package of measures to reduce emissions and that the Mayor considered the deferral of LEZ Phase 3 struck an appropriate balance for London between environmental and economic objectives.

With the publication of the new revised MTS on 10 May 2010, the Mayor confirmed the proposal to defer the extension of the LEZ to larger vans and minibuses from October 2010 to 2012. Further consideration was undertaken to determine a date that best balanced air quality benefits, including providing further confidence that London would meet the 2011 EU limit values for PM₁₀, with the costs for operators in terms of complying with the LEZ emissions standards. Accordingly, TfL made a Variation Order on 13 May 2010 to defer the extension of the LEZ to larger vans and minibuses to 3 January. On 17 May 2010, TfL commenced consultation with the public and stakeholders on the Variation Order.

With the publication of the MTS, and in light of the Mayor’s earlier announcement of his intention, subject to the appropriate legal and procedural steps, to defer the extension of the LEZ to larger vans and minibuses, TfL has been working to an operational timetable for implementation of this phase in 2012. It is no longer feasible for TfL to make the necessary operational changes to implement this phase in October 2010.

However, after reviewing TfL’s analysis of the outcomes of the Variation Order consultation, the Mayor must still decide whether or not to confirm the Variation Order, with or without modifications. Such modifications could include a change to the proposed 3 January 2012 start date either by advancing implementation to a date late in 2011 or deferring implementation further. The proposed date of implementation therefore remains open to reconsideration. The Mayor could also choose not to confirm the Variation Order and not to implement Phase 3 at all. Any decision not to implement Phase 3 would require a further revision to the newly revised MTS, including consultation, and a

further Variation Order consultation because of the requirement that the LEZ Scheme Order facilitates the MTS and is in conformity with the MTS. It is also likely that the proposed revised MAQS would have to be amended accordingly.

It is therefore not considered that the consultation process has been invalidated. Those opposed to the deferral of LEZ Phase 3 have had ample opportunity in the period since February 2009 to bring their concerns to TfL and the Mayor's attention and the extensive public consultation on the MTS from 12 October 2009 to 12 January 2010 provided the opportunity to object to the MTS proposal to defer the start date.

Assessment of options in the Impact Assessment

Some stakeholder responses questioned the alternative scenarios considered in the Variation Order IIA. The VO IIA assessed the proposal to defer LEZ Phase 3 to January 2012 and included consideration of:

- A baseline scenario, retaining the introduction of Phase 3 in October 2010 as originally proposed
- The proposal to defer the implementation of Phase 3 to January 2012
- An alternative option, of not introducing Phase 3 at all

The proposal to defer the extension of the LEZ to larger vans and minibuses was originally assessed as part of the Integrated Impact Assessment undertaken for the public and stakeholder consultation on the draft MTS. Following the Mayor's confirmation of the new MTS, TfL considered it appropriate to update the VO IIA to reflect latest information and recent developments, in particular the proposed implementation date for this phase of 3 January 2012. While this is not a statutorily required document, to ensure consistency of approach and assessment, the updated Impact Assessment used the same approach outlined within the main body of the MTS Integrated Impact Assessment, and the same alternative scenarios.

Links with MAQS

Under Schedule 23 to the GLA Act, the proposal to defer LEZ Phase 3 must be in conformity with the MTS and be designed to facilitate policies or proposals within the MTS. The proposal to defer the extension of the LEZ to larger vans and minibuses to 2012 was included as part of the consultation process for the new revised MTS, and the Strategy, with proposal 95(b), was confirmed by the Mayor in May 2010.

Under Section 362 of the GLA Act the Mayor must prepare and publish a London air quality strategy, the MAQS. Section 41(4) of the GLA Act requires that the Mayor must have regard to the need to ensure that each statutory strategy that he prepares is consistent with each of his other statutory strategies. The Mayor will carefully consider this duty, as well as all other relevant duties, when deciding to publish the revised MAQS. However, while the LEZ scheme is referred to in the draft MAQS, there is no legal requirement that the scheme is in conformity with the final or developing MAQS or facilitates it. Therefore the Variation Order can be made before the draft MAQS is finalised and published following consultation.

The Integrated Impact Assessment of the draft MTS included an annex assessing the impacts of the proposal to defer the LEZ to larger vans and minibuses. The IIA for the draft MAQS does not provide additional information necessary to inform the consultation on the Variation Order to change the start date of LEZ Phase 3.

The majority of Greater London already meets EU limit values for PM₁₀. The draft MAQS sets out a package of measures, many of which are already underway, to ensure all areas will meet these requirements in 2011. There are a few areas in central London that, unless other more local actions are taken, may be at risk of exceeding the EU limit value for the daily PM₁₀ limit in 2011. The MAQS sets out a range of measures to increase the confidence that the targets will be met and wider improvements in air quality delivered. As part of this, TfL is developing a range of options for local measures that could be applied within different priority locations (and potentially transferred and implemented at other London locations). These measures will be important, including where local monitoring sites at worst-case roadside locations are showing exceedences of the daily mean limit value for PM₁₀ (for example, Upper Thames Street) due to local characteristics.

TfL Recommendations

No change to the Variation Order

J: Other issues

This theme considers other issues raised by respondents. A list of the key issues raised during the consultation can be found below.

Respondents

Fourteen stakeholders commented on other issues with regard to the consultation. These were: British Parking Association, Campaign for Better Transport, Campaign for Clean Air in London, Caravan Club, ClientEarth, Environmental Protection UK, Federation of Small Businesses, Local Government Regulation, London boroughs of Brent, Redbridge and Southwark, London Liberal Democrat Members, London Forum of Amenity and Civil Society

Comments on other issues were also made in ten responses from members of the public.

Issues raised

The following were raised:

- Information about LEZ and compliance options
- Enforcement
- Motive of the LEZ is to create revenue
- Switching from affected vehicles
- Variations to the scheme, including an inner London LEZ
- Financial help for owners/operators (including scrappage scheme)
- The Mayor's legal duties

Analysis of responses

Information about LEZ and compliance options

Following the Mayor's decision on whether to confirm the Variation Order, with or without modifications, TfL will take steps to ensure that potentially affected operators have timely and full information about the implementation date and their options for compliance. TfL has gained experience of this in managing the implementation of the first two phases of the LEZ targeting HGVs, buses and coaches in 2008.

With regard to the availability of retrofit particulate abatement equipment, TfL will continue to work with suppliers to ensure that there are sufficient options available for owners/operators. Before the Mayor's announcement in February 2009 of his intention to defer the extension of the scheme, both equipment suppliers and owners/operators of larger vans and minibuses had been advised that their vehicles would be affected from October 2010. This implementation date was based on TfL's appraisal of its feasibility and on the basis of the previous public consultation. The proposed deferral extends the time during which compliance options can be developed and considered.

Enforcement

The enforcement process for the LEZ is defined by law and is similar to the enforcement process used by TfL for the Central London Congestion Charging scheme and that used by London boroughs in parking enforcement. Vehicle registration plates are recorded by cameras within and on the boundary of the zone. These are then checked against a database of vehicles which meet the LEZ emissions standards, are exempt from the charge or are registered for a 100 per cent discount.

If the vehicle does not meet these criteria, a check is done against the payments records. Vehicle owners who are liable for the charge have until midnight on the next working day after they have travelled in the zone to pay the charge.

Where a vehicle which is liable for the charge has not paid, a Penalty Charge Notice (PCN) is issued to the registered keeper of the vehicle, which must be paid within 28 days. The penalty charge is halved if it is paid within 14 days. TfL has the power to take further enforcement action, including issuing a Charge Certificate, using bailiffs to recover the debt and vehicle immobilisation and removal. Full details of the enforcement process are available at: www.tfl.gov.uk/lez.

On the first ever instance of a vehicle which does not comply with the emissions standards, or is exempt or registered for the discount entering the zone, a warning letter is sent, giving the keeper 28 days in which to comply. This approach reflects the objective of the LEZ, which is to deter the heaviest and most individually polluting vehicles from entering the zone; it is not a revenue-raising scheme.

Enforcement has been successful but it should be noted that in developing and implementing the scheme, the primary focus is on ensuring high level of compliance in order to maximise the emissions benefits. In 2008, the scheme went live with 93 percent compliance for Phase 1 and 90 percent compliance for Phase 2 and these levels have continued to improve: as reported in

TfL's Travel in London Report 2⁷, compliance is currently 98 per cent of vehicles affected by Phase 1 and 96 per cent for Phase 2 vehicles.

LEZ Revenue

By law, any revenue raised by the scheme must be used to implement the Mayor's Transport Strategy and will continue to be used to fund improvements to transport in London, as has been the case since the scheme began in February 2008. However, the primary objective of LEZ is to improve air quality in London by requiring vehicles to meet minimum emission standards. The aim of the scheme is not to raise revenue from daily or penalty charges; it is to deter the heaviest, most-polluting diesel engined vehicles from entering the zone. As described above, the very high compliance rates for affected vehicles indicate that this has been successful. It is not expected that Phase 3 will raise significant revenue. TfL's operator cost modelling assumes that the vast majority of operators will upgrade their vehicles to comply with the LEZ emission standards with only a small minority expected to choose to pay the £100 daily charge to drive a non-compliant vehicle in the zone.

Switching from affected vehicles

TfL accepts that a very small minority of operators or owners of non-compliant vehicles may choose to switch to compliant vehicles or to cars (which are not affected by the LEZ) just before crossing the LEZ boundary. However, the number of vehicles affected in this way is likely to be small, both because this would incur other costs for the owner/operator and because the emissions standards for the zone have been set at a level which means that vast majority of vehicles will comply due to either their date of manufacture or the fitting of approved pollution abatement equipment.

Variations to the scheme, including an inner London LEZ

Three stakeholders and one public response commented on variations or additions to the LEZ scheme. Respondents sought the addition of one or more inner London low emission zones or a 'Clean Air Zone' using Congestion Charging infrastructure, with tighter emissions standards covering a wider range of vehicles by 2012. Berlin's environmental zone was used by respondents as a benchmark. It uses manual enforcement of windscreen stickers indicating compliance, applies to all vehicles except motorbikes, focuses primarily on PM₁₀ emissions and requires diesel vehicles to meet minimum Euro IV and petrol vehicles a minimum of Euro I with a catalytic converter.

An inner London LEZ has not been pursued because the set-up and operating costs are very high and it is considered the scheme does not represent good value for money compared to the London-wide scheme. The London-wide LEZ reduces harmful emissions of PM₁₀ and NO_x across London, and beyond. It plays an important role in helping London to meet the EU limit value for PM₁₀ by 2011. In addition to meeting the EU limit values, the Mayor wishes to reduce PM₁₀ and NO₂ concentrations across London to protect human health. However, TfL recognises that additional smaller zones targeting a wider range of vehicles with tighter emissions standards could deliver more local benefits. Further feasibility work would be required to ensure that local air quality benefits

⁷ Travel in London Report 2, 2010,
http://www.tfl.gov.uk/assets/downloads/corporate/Travel_in_London_Report_2.pdf

are balanced against any potential disbenefits including displacement of both congestion and air pollution by encouraging diversionary routes around smaller LEZs within London.

Emissions of air pollutants on a per car basis are comparatively low. For this reason the LEZ is focused on more individually polluting vehicles. The smaller number of these types of vehicles means it is possible to have a bigger impact while minimising the number of people affected and the cost, size and complexity of any scheme. Furthermore, while cars are responsible for around 30 per cent of road transport emissions of PM₁₀ in central London, around 60 per cent of this is from tyre and brake wear which would be unlikely to be significantly affected by a scheme focussing on exhaust emissions.

The MTS and draft MAQS provide a framework for TfL and boroughs to work together to take local action to address air quality through local low emission zones. Following the introduction of the Local Transport Act 2008, roads in London may be subject to the charging schemes of more than one authority. This allows one or a group of boroughs to introduce a road charging scheme, such as a low emission zone, provided the proposal is consistent with the MTS and has the consent of the Mayor.

Emissions from cars are being addressed through a number of other measures in the MTS and draft MAQS, including the development of electric vehicle infrastructure; smarter travel initiatives to encourage a shift to cleaner modes of transport; funding and supporting car clubs, especially hybrid and electric cars; and smoothing traffic flow. However, the MTS and draft MAQS provide the framework for potential development in the long term of low emission zones or other charging schemes should it be necessary to achieve particular goals or address the challenges facing London.

Taxis are responsible for around one third of exhaust emissions of PM₁₀ from road transport in central London and there are a number of measures in the draft MAQS to address taxi emissions, including an age-based limit.

If the range of measures set out in the draft MAQS and MTS do not adequately reduce harmful emissions, the Mayor has highlighted that, should additional measures prove necessary, he may consider the inclusion of other vehicles in the future. Any future proposal would have to consider the full environmental, health, economic and equalities impacts of the scheme.

Grants to vehicle owners. scrappage scheme

Two stakeholders supported the Mayor's intention to lobby Government to re-introduce a scrappage scheme for larger vans and extend it to cover minibuses. Two stakeholders also commented that, rather than removing the zone, TfL could reinvest the net revenue from the Western Extension of the Congestion Charging scheme to subsidise grants for operators to retrofit abatement equipment or scrap older vehicles, and thereby introduce this phase earlier than January 2012.

As set out in the draft MAQS, the Mayor is encouraging the Government to explore options for further scrappage schemes and the provision of grants and other incentives for operators for the fitting of pollution abatement equipment. It would be practically difficult for TfL or the Mayor to develop and administer such a scheme, particularly given that many operators entering the zone will be from beyond London and the UK. Even with any such system, the extension of the scheme could

not now be implemented in October 2010 due to operational constraints and the need to give sufficient notice to operators.

The new revised MTS contains proposal 128 to remove the Western Extension and TfL has subsequently consulted the public and stakeholders on a Variation Order for the revocation of that part of the zone. It is for the Mayor to decide whether or not to confirm the Western Extension Variation Order, with or without modifications. However, if the Mayor decides against revoking the Western Extension, TfL would be unable to reinvest the net revenue from this part of the Congestion Charge to subsidise grants for operators affected by LEZ Phase 3. By law, revenue from the Congestion Charge must be used to improve transport in London, in line with the MTS and the relevant annex to the Congestion Charge Scheme Order. Furthermore, given the constrained funding situation facing TfL, any such revenue would need to be allocated to initiatives already outlined in TfL's Business Plan.

The Mayor's legal duties

Under section 362 of the GLA Act the Mayor must prepare and publish the Mayor's Air Quality Strategy (MAQS). The Mayor is in the process of formally reviewing the MAQS and is considering responses from the public and stakeholders following the closing of the consultation on 13 August 2010.

Under section 41(7) of the GLA Act the Mayor must include such available policies and proposals relating to the subject matter of the strategy (in this case, air quality) as he considers best calculated promote improvements in the health of persons in Greater London and promote the reduction of health inequalities between persons living in Greater London except to the extent that any action that would need to be taken is not reasonably practicable in all the circumstances of the case. (The same duty applied as regards transport when he approved the new revised MTS.)

The draft MAQS includes proposals for a package of measures which will enable London to meet the EU limit values for PM₁₀ in 2011 and will also deliver health benefits to Londoners. As noted above, it is considered that introducing Phase 3 in October 2010 is not reasonably practicable in the circumstances.

Section 41(4) of the GLA Act requires that the Mayor must have regard to the need to ensure that each statutory strategy that he prepares is consistent with each of his other statutory strategies.

In developing the MAQS, the statutory strategies relevant to it (including the Transport and Health Inequalities Strategies, both of which have been recently published by the Mayor) have been considered against it in regard to the need for consistency. The Mayor will carefully consider the duties in sections 41(4) and 41(7), as well as all other relevant duties, when deciding to publish the new revised MAQS.

Under Schedule 23 to the GLA Act, the proposal to defer LEZ Phase 3 must be consistent with the Mayor's Transport Strategy and be designed to facilitate policies or proposals within the Transport Strategy. If the Mayor is satisfied that the Variation Order meets those requirements, as well as other requirements specified in Schedule 23 including any representations or objections raised during public and stakeholder consultation, he may decide to confirm the LEZ Variation Order with or without modification.

Consequently, the Mayor will not be in breach of his statutory duties if he decides to confirm the LEZ Variation Order.

TfL Recommendations

No change to the Variation Order

4. Conclusions and recommendations

4.1 TfL's conclusions

- 4.1.1 TfL considers that this report to the Mayor on the outcomes of consultation provides the information and analysis needed for the Mayor to make an informed decision as to whether to confirm the Variation Order or not (with or without modifications). The Mayor will be provided with copies of all the consultation responses alongside this report. This report and the consultation responses will allow the Mayor to take into account the range of views expressed during the course of the consultation.
- 4.1.2 In this report, TfL has analysed the consultation responses and set out its views on the representations received on individual themes. Overall, TfL considers that the deferral of LEZ Phase 3 from October 2010 to January 2012 provides economic benefits for operators by allowing additional time to comply with the Euro III standard for PM emissions while also still contributing to London meeting the EU limit value for PM₁₀ in 2011, through pre-compliance with the LEZ standard. Therefore, TfL is not recommending any changes to the Variation Order made on 13 May 2010. However, the Mayor may wish to consider whether he wishes to bring forward the date of implementation by a couple of months to respond to concerns raised by a number of stakeholders. It is worth noting that a greater number of respondents supported the deferment to January while some others argued that it should be even longer.
- 4.1.3 The next section summarises the main issues raised during consultation. Overall, there was broad support for the deferral indicated in around one third of consultation responses. There was opposition to the deferral indicated in over a fifth of consultation responses on the grounds that it would lead to a deferment of and potential reduction in air quality and associated health benefits, with implications for health inequalities; would impact on London meeting the EU limit value for PM₁₀ in 2011; and that the economic case was no longer as strong as when the deferral was first proposed. Respondents also raised concern about the inclusion of motor caravans and minibuses in LEZ Phase 3 and sought exemptions for private vehicles and vehicles operated by charities and community groups.
- 4.1.4 In addition to opposition to the deferral itself, a number of consultation responses raised specific objections that the consultation was flawed because the decision to defer LEZ Phase 3 had already been taken with the publication of MTS; that it was no longer practicable to implement LEZ Phase 3 in October 2010; and that TfL should reconsult or have extended the consultation period to allow further consideration of information published by the GLA, namely the IIA for the draft MAQS and the GLA's study in the health impacts of air pollution in London. The Mayor's attention is drawn to these responses because of the

level of detail contained within them, and the legal implications referred to, but not to the exclusion of any other responses.

Impact of the deferral on air quality, including meeting EU limit values, and health

- 4.1.5 A number of stakeholder and public responses commented on the impact of the deferral of LEZ Phase 3 on air quality, including on meeting the EU limit values for PM₁₀ in 2011, and on the potential health impacts of the deferral. TfL's analysis of the impacts of the deferral of LEZ Phase 3 from October 2010 to January 2012 showed there would be a moderate positive economic effect and minor negative environmental and associated health effects. In addition, TfL and Defra projections (included in the submission to the EU) indicate that by 2011, EU limit values for PM₁₀ will be achieved in Greater London even with the deferral of LEZ Phase 3. While there are a few areas in central London that have high concentration levels and are most at risk in relation to the limit value, the draft MAQS sets out a range of measures to increase the confidence that the targets will be met (as well as delivering wider improvements in air quality). Some of the measures are London-wide such as the introduction of age-based limits for taxis and private hire vehicles, but others targets the specific priority locations which have poor air quality, such as the use of dust suppressants and reducing unnecessary idling.
- 4.1.6 TfL's analysis showed that, as a result of pre-compliance with the LEZ Phase 3 standard, PM₁₀ emissions from vans in 2011 would be similar if LEZ Phase 3 was introduced in January 2012 or in October 2010, as originally planned. In terms of the specific impact of the deferral, the change in PM₁₀ annual mean concentrations in 2011 due to the deferral is predicted to be between +0.1 and -0.1 µg/m³, which is not significant when assessed against the annual limit value of 40 µg/m³. Similarly, changes in exceedence days of between less than +0.5 and -0.5 days across London was estimated as a result of the deferral, which is not significant when assessed against the 35 permitted exceedences in the daily mean limit value for PM₁₀ of 50 µg/m³.
- 4.1.7 A small number of respondents made representations that the length of the deferral should be reduced in order to bring forward air quality and associated health benefits. In practice, based on the experience of implementing the previous LEZ phases, the earliest possible date for implementation would be late 2011. The implementation date for Phase 3 was considered in the context of the development of the MAQS and a January 2012 implementation date was proposed to provide important pre-compliance benefits in 2011 while providing operators with additional time to comply. With the proposals for a package of measures to reduce emissions from transport and improve air quality in the draft MAQS, including the implementation of Phase 3 in 2012, London is forecast to achieve the EU limit values for PM₁₀ in 2011. Bringing forward implementation of Phase 3 by a couple of months would reduce the compliance time available for operators and the implementation timescales for TfL and TfL does not consider that the benefits of a slightly earlier start date are necessarily sufficient to outweigh the disadvantages it would entail.

Impact on health inequalities

- 4.1.8 The Equalities Impacts Assessment undertaken to guide the development of the LEZ scheme showed that poor air quality is more likely to affect deprived communities by virtue of being more likely to live in areas where air pollution concentrations are higher. Furthermore,

the demographic influence on deprivation and housing means that members of ethnic minority groups may be more likely to experience the effects of air pollution. With this in mind, the Variation Order IIA Study concluded that any delays in improvements to air quality would have a greater negative impact on deprived communities, including ethnic minorities and more vulnerable communities, such as the young, old or those with pre-existing conditions. However, as the loss of emissions reductions and total health benefits in the context of London is relatively small, any impacts on health inequalities from the deferral of LEZ Phase 3 to January 2012 would also be similarly small.

Inclusion of motor caravans and minibuses in LEZ

4.1.9 Some stakeholders and a number of public responses expressed concern about the inclusion of motor caravans and minibuses in the LEZ. Larger vans and the vehicles derived from them, including minibuses and motor caravans, were confirmed as being in the scope of the LEZ following consultation in 2006 on the revisions to the previous Mayor's Transport and Air Quality Strategies. Minibuses are the passenger equivalent of larger vans, using similar chassis and engines to vans and with similar per kilometre emissions. Similarly, motor caravans are derived from HGVs, coaches or larger vans, with similar chassis and engines and similar per kilometre emissions to the vehicles they are derived from. Motor caravans derived from HGVs and coaches are already included within the scope of the LEZ. The options available to operators to upgrade their minibus or motor caravan are the same as for larger vans and there are no technical factors that would make retrofitting abatement equipment any more difficult or impractical than for other similar vehicles.

4.1.10 The extension of the LEZ to larger vans and minibuses is an important element of the Mayor's overall package of measures to reduce emissions. Larger vans are responsible for a considerable proportion of PM₁₀ emissions relative to other vehicle types, partly due to the relatively large size of the van fleet. Extending the LEZ to larger vans and minibuses in January 2012 would reduce emissions of PM₁₀ by around 80 tonnes and emissions of NO_x by around 1,200 tonnes to 2015. It also gives further confidence that London will meet the 2011 EU daily limit value for PM₁₀, even with the deferral to January 2012. Therefore, it remains appropriate that larger vans and minibuses continue to be included in the LEZ.

Exemptions and discounts for private vehicles, charities and community groups

4.1.11 Some stakeholders, other organisations and a number of public responses sought an exemption from the LEZ for operators of private vehicles such as motor caravans or horseboxes and for minibuses operated by charities and community groups. There are a small number of exemptions or 100 per cent discount from the LEZ for certain vehicles that are technically unsuitable for retrofitting with abatement equipment to meet the LEZ standard. However, there are no technical reasons why larger vans, minibuses or motor caravans cannot be upgraded to meet the LEZ Euro III standard for PM emissions. Furthermore, while TfL acknowledges that the economic downturn has affected private operators, charities and community groups, the deferral of Phase 3 to January 2012 will provide operators with an additional 15 months to take action to comply with the LEZ standard.

- 4.1.12 Regardless of whether used for commercial or personal purposes, larger vans and the vehicles derived from them emit the same level of pollutants per kilometre travelled. Therefore TfL does not exempt private vehicles from the LEZ as it would not be consistent or fair to operators of similar vehicle types in other sectors. TfL will provide technical assistance to operators of motor caravans and horseboxes on the options available to them to upgrade their vehicles to meet the Euro III standard for PM emissions.
- 4.1.13 While TfL recognises and values the essential role performed by charities and voluntary and community groups, some of the vehicles operated by this sector are amongst the most individually polluting of their type. Furthermore, offering an exemption or discount for charities or voluntary or community groups would most likely require these organisations to register, as TfL has no way of identifying these vehicles from data held by the Driver Vehicle and Licensing Agency. The voluntary sector covers a wide range of organisations with charitable status. The operational costs of managing such an exemption would therefore be high and there would be a significant risk of fraud. In the same way as with private operators, if the Mayor confirms the Variation Order, TfL will work with abatement equipment suppliers, relevant stakeholders and individuals to provide any necessary technical advice regarding options for upgrading vehicles. More information will be provided on the LEZ website at www.tfl.gov.uk/lezlondon and operators will be able to contact the LEZ call centre on 0845 607 0009.

Issues regarding consultation, including extending the consultation period, and the Mayor's duties

- 4.1.14 Some stakeholders expressed concern about the availability of information to inform responses to the consultation, in particular the integrated impact assessment (IIA) of the draft MAQS and the GLA's study into the health impacts of air pollution in London, and requested that the consultation period be extended. Two stakeholders also requested additional information on PM₁₀ and NO₂ concentrations under the Freedom of Information Act, which TfL provided. In response to a technical difficulty with the consultation mailbox, TfL did extend the consultation period to 4 July 2010.
- 4.1.15 The draft MAQS IIA and the GLA's health impacts study did not provide additional information on the deferral of LEZ Phase 3. The specific impacts of the deferral on air quality and health were considered in the LEZ Variation Order impact assessment and summarised in the Supplementary Information document, both of which were made available to stakeholders and the public on the LEZ website. Therefore TfL did not extend the consultation beyond 4 July.
- 4.1.16 One stakeholder questioned whether the Mayor could balance economic factors, in relation to the economic benefits of deferring Phase 3, against the need to comply with air quality limit values that protect health. The Mayor has a duty under the GLA Act to have regard to the effect of his actions on sustainable development. While individual policies may have adverse impacts in certain regards, overall the programmes the Mayor has set out in his strategies will deliver benefits across the range of outcomes and support sustainable development. The MTS sets out six goals that contribute to the Mayor's overarching vision of which 'supporting economic development and population growth' and 'enhancing the quality of life for all Londoners' are relevant. In the context of LEZ Phase 3, it is not a matter of prioritising economic considerations – since some people have argued that LEZ Phase 3

should not be implemented at all on this basis – but of trying to strike an appropriate balance whereby some of the potential economic costs are mitigated but environmental benefits, albeit slightly reduced, are still delivered. Given that London is forecast to meet the EU limit values for PM₁₀ in 2011, even with the deferral of LEZ Phase 3, and that the estimated health impacts of the deferral are small, the Mayor considers that this approach strikes a balance for London between different objectives.

- 4.1.17 Stakeholders questioned whether the deferral of LEZ Phase 3 was in breach of the Mayor's duties and whether the LEZ Variation Order could be made before the MAQS was published. Proposal 95(b) in the MTS and policy 5 in the draft MAQS provide for the deferral of the extension of the LEZ to larger vans and minibuses from October 2010 to an appropriate date in 2012. The proposed date change to the LEZ Scheme Order is based on and in conformity with the MTS and draft MAQS. However, Schedule 23 of the GLA Act ties the LEZ scheme to the MTS and the Variation Order can therefore be made before the draft MAQS is finalised and published following consultation.
- 4.1.18 The GLA Act also provides that the Mayor shall include in the MAQS such available policies and proposals as he considers best calculated to promote improvements in the health of Londoners and promote the reduction of health inequalities between people living in Greater London, except to the extent that any action would not be reasonably practicable in all the circumstances of the case. The draft MAQS includes a package of measures which modelling indicates will enable London to meet the EU limit values for PM₁₀ in 2011 and will also deliver health benefits to Londoners. The introduction of Phase 3 in October 2010 is not practicable in the circumstances and it is not considered that the Mayor will be in breach of his statutory duties if he decides to confirm the Variation Order.

4.2 Public inquiry

- 4.2.1 This section examines the issue of whether the Mayor should hold some form of inquiry as part of a process of determining whether or not to confirm the Variation Order. The GLA Act provides that the Mayor may 'hold an inquiry, or cause an inquiry to be held, for the purposes of any order containing a charging scheme'. Whether an inquiry should be held to consider the deferral of the extension of the LEZ to larger vans and minibuses is a matter for the Mayor to decide.
- 4.2.2 None of the respondents to the consultation asked for a public inquiry.
- 4.2.3 An inquiry could take a number of forms, including a public inquiry. The decision whether to hold an inquiry (and if so its scope) is one for the Mayor to make. Whilst he has a broad discretion he must approach the matter with an open mind. He needs to ask himself whether he has sufficient information available without holding an inquiry; and whether the issues raised, by objectors in particular, are sufficiently clear to him so that he can properly access this information and weigh conflicting views (including taking account of representations and objections) without the benefit of an independent report following an inquiry.
- 4.2.4 A Congestion Charging case, *R (Westminster City Council) v Mayor of London* [2003] LGR 612, held at common law that the Mayor had to apply his mind genuinely and rationally to the issue of whether to hold an inquiry, taking into account all relevant considerations, and that, save perhaps exceptionally, Article 6 of the European Convention did not require an inquiry to be held.

4.2.5 TfL does not consider that any significant quantitative evidence beyond that already supplied by TfL and GLA officers would emerge in an inquiry which would assist the Mayor's decision. An inquiry would also delay a decision on the LEZ Variation Order. TfL does not consider there are any issues which point strongly to the holding of an inquiry and does not recommend that an inquiry be held.

4.3 Recommendations

4.3.1 TfL recommends that the Mayor should:

- Consider the whole of this report and other relevant information available to him, including advice from GLA officers
- Consider the responses to the consultation, together with the considerations of TfL, particularly with relation to Chapter 3 of this report
- Note that it is open to the Mayor to consider reducing the period of deferral and deliver Phase 3 as early as practicable, but that any change to the proposed start date would have implications for operators, TfL, LEZ service providers and abatement equipment manufacturers
- Consider whether further consultation, further information or the holding of some form of inquiry is necessary or appropriate prior to his decision whether or not to confirm the Variation Order, and
- If the Mayor considers that no further consultation is necessary or appropriate and that the holding of a public inquiry is not necessary or appropriate, to confirm the Variation Order in its original form, as set out at Annex A.

Appendix 1: List of organisations consulted

Black, Asian and minority ethnic representative organisations

Organisations representing Black, Asian and minority ethnic people were advised of the consultation and invited to respond through TfL's voluntary and community network

Business Improvement Districts (BIDs)

Angel BID
Better Bankside BID
Camden Town Unlimited
Canary Wharf Group
Croydon Town Centre BID
E11 BID (Leytonstone)
Ealing Broadway BID
Hainault Business Partnership (Redbridge)
Hammersmith London BID
InHolborn BID
London Riverside BID (Havering)
New West End Company (NVEC)
Team London Bridge BID
Waterloo Quarter Business Alliance

Business representative groups

British Chamber of Commerce
British Retail Consortium
Confederation of British Industry (CBI)
Covent Garden Market Authority
Federation of Small Businesses
Forum of Private Business
Islington Chamber of Commerce
London Chamber of Commerce and Industry
London First
North London Chamber of Commerce
South Bank Employers Group (SBEG)
Southwark Chamber of Commerce
Visit London

Children/ young people

Action for Children
British Youth Council
Catch 22
London Youth
Scouts
Tamezin Club

Disability and mobility groups

Asian Peoples Disabilities Alliance
Association of Disabled Professionals
Black Disabled Peoples Association
British Deaf Association
Croydon Mobility Forum
Deafblind UK
Disability Alliance
Disability Resource Team
Disabled Persons Transport Advisory Committee (DPTAC)
Employers Forum for Disability
Guide Dogs for the Blind Association
Hammersmith & Fulham Action on Disability
Inclusion London
Independent Disability Advisory Group (IDAG)
Joint Committee on Mobility of Blind and Partially Sighted People (JCMBPS)
Joint Mobility Unit
London Autistic Rights Movement (LARM)
Metropolitan Society for the Blind
Mobilise
Mobility foundation
RADAR London Access Forum
Royal National Institute for the Deaf (RNID)
Royal National Institute of the Blind (RNIB)
UK Disabled Peoples' Council

In addition to the organisations listed above, organisations representing people with disabilities and mobility impairments were also advised of the consultation and invited to respond through TfL's voluntary and community network

Economic and regeneration partnerships

Central London Partnership
London Thames Gateway Development Corporation
North London Strategic Alliance
Thames Gateway London Partnership
West London Alliance

Emergency services providers

British Transport Police
City of London Police
HM Coastguards (Maritime & Coastguards Agency)
London Ambulance Service
London Fire Brigade
Metropolitan Police Authority
Metropolitan Police, Resources Directorate
Ministry of Defence Police

Port of London Authority
Royal Parks Constabulary

Freight quality partnerships

Brimsgate Freight Quality Partnership
Central London Freight Quality Partnership
South London Freight Quality Partnership
West London Freight Quality Partnership

Faith groups

Faith groups were advised of the consultation and invited to respond through TfL's voluntary and community network

Freight/ haulage representative organisations

British International Freight Association
Freight Transport Association
Freight Best Practice
Road Haulage Association

GLA functional bodies and commissions

London Development Agency
London Fire and Emergency Planning Authority
London Sustainable Development Commission
London Travel Watch
Olympic Delivery Authority

Government

Department for Environment, Food and Rural Affairs
Department for Transport
Government Office for London
Ministry of Defence

Health organisations

British Lung Foundation
British Medical Association
London Health Observatory
Jewish Care
Multiple Sclerosis Society
National Autistic Society
National Patient Transport Modernisation Group
St John Ambulance London (Prince of Wales's) District
Stroke Association

London Assembly

London Assembly Members and political groups were advised of the consultation and invited to respond through TfL's regular bulletin

Local authorities neighbouring London

Basildon District Council

Borough of Broxbourne
Bracknell Forest Borough Council
Brentwood Borough Council
Buckinghamshire County Council
Cambridgeshire County Council
Chiltern District Council
Dartford Borough Council
Elmbridge Borough Council
Epping Forest District Council
Essex County Council
Hertfordshire County Council
Kent County Council
Mole Valley District Council
Reigate and Banstead Borough Council
Runnymede Borough Council
Sevenoaks District Council
Slough Borough Council
South Bucks District Council
South East London Chamber of Commerce
Spelthorne Borough Council
Surrey County Council
Tandridge District Council
Three Rivers District Council
Thurrock Council
Watford Borough Council
Welwyn Hatfield District Council

London boroughs

City of Westminster
Corporation of London
London Borough of Barking and Dagenham
London Borough of Barnet
London Borough of Bexley
London Borough of Brent
London Borough of Bromley
London Borough of Camden
London Borough of Croydon
London Borough of Ealing
London Borough of Enfield
London Borough of Greenwich
London Borough of Hackney
London Borough of Hammersmith and Fulham
London Borough of Haringey
London Borough of Harrow
London Borough of Harrow
London Borough of Havering
London Borough of Hillingdon

London Borough of Hounslow
London Borough of Islington
London Borough of Lambeth
London Borough of Lewisham
London Borough of Merton
London Borough of Newham
London Borough of Redbridge
London Borough of Richmond upon Thames
London Borough of Southwark
London Borough of Sutton
London Borough of Tower Hamlets
London Borough of Waltham Forest
London Borough of Wandsworth
London Councils
Royal Borough of Kensington and Chelsea
Royal Borough of Kingston upon Thames

Motoring organisations

British Motorcyclists Federation
Drivers Alliance
IAM Trust
Licensed Taxi Drivers Association
Motorists' Forum
RAC Foundation for Motoring
Road Rescue Recovery Association
The AA
The Driver-Guides Association
The Private Hire Board

NHS trusts/ health authorities in and contiguous to London

Barking, Havering and Redbridge Hospitals NHS Trust
Barnet and Chase Farm Hospitals NHS Trust
Barnet, Enfield and Haringey Mental Health NHS Trust
Barts and the London NHS Trust
Basildon PCT
Bedford PCT
Bedfordshire and Hertfordshire Ambulance and Paramedic Service NHS Trust
Bedfordshire Heartlands PCT
Bexley Care Trust
Billericay, Brentwood & Wickford PCT
Camden and Islington NHS Foundation Trust
Central and North West London NHS Foundation Trust
Chelsea and Westminster Hospital NHS Foundation Trust
Chiltern & South Bucks PCT
Dacorum PCT
Dartford, Gravesham & Swanley PCT
Daventry and South Northamptonshire PCT

Ealing Hospital NHS Trust
Ealing Hospital NHS Trust
East London NHS Foundation Trust
Epsom and St Helier University Hospitals NHS Trust
Great Ormond Street Hospital for Children NHS Trust
Guy's and St Thomas' NHS Foundation Trust
Hertsmere PCT
Hillingdon Hospital NHS Trust, The
Homerton University Hospital NHS Foundation Trust
Imperial College Healthcare NHS Trust
King's College Hospital NHS Foundation Trust
Kingston Hospital NHS Trust
Lewisham Hospital NHS Trust, The
London Ambulance Service NHS Trust
Luton PCT
Mayday Healthcare NHS Trust
Moorfields Eye Hospital NHS Foundation Trust
Newham University Hospital NHS Trust
NHS Barking & Dagenham
NHS Barnet
NHS Brent
NHS Bromley
NHS Camden
NHS City & Hackney
NHS Croydon
NHS Ealing
NHS Enfield
NHS Greenwich
NHS Hammersmith and Fulham
NHS Haringey
NHS Harrow
NHS Havering
NHS Hillingdon
NHS Hounslow
NHS Islington
NHS Kensington & Chelsea
NHS Kingston
NHS Lambeth
NHS Lewisham
NHS Newham
NHS Redbridge
NHS Richmond
NHS Southwark
NHS Sutton & Merton
NHS Tower Hamlets
NHS Waltham Forest

NHS Wandsworth
NHS Westminster
North East London NHS Foundation Trust
North Hertfordshire and Stevenage PCT
North Middlesex University Hospital NHS Trust
North West London Hospitals NHS Trust, The
Oxleas NHS Foundation Trust
Royal Berkshire Ambulance Service NHS Trust
Royal Brompton and Harefield NHS Trust
Royal Free Hampstead NHS Trust
Royal Marsden NHS Foundation Trust, The
Royal National Orthopaedic Hospital NHS Trust
Royston, Buntingford and Bishop's Stortford PCT
Slough Primary Care Trust
South East Hertfordshire PCT
South London and Maudsley NHS Foundation Trust
South London Healthcare NHS Trust
South West Kent PCT
St Albans and Harpenden PCT
St George's Healthcare NHS Trust
Surrey Ambulance Service NHS Trust
The Tavistock and Portman NHS Foundation Trust
Thurrock PCT
University College London Hospitals NHS Foundation Trust
Watford and Three Rivers PCT
Welwyn Hatfield PCT
West London Mental Health NHS Trust
West Middlesex University Hospital NHS Trust
Whipps Cross University Hospital NHS Trust
Whittington Hospital NHS Trust, The
Windsor, Ascot & Maidenhead PCT

Non departmental public bodies/ executive agencies

Environment Agency
Equality & Human Rights Commission
London 2012
PACTS
Royal Parks Agency
Sustainable Development Commission
The Highways Agency
VCA

Older people

Age Concern London
Association of Greater London Older Women
Greater London Forum for the Elderly
Help the Aged

In addition to the organisations listed above, organisations representing older people were also advised of the consultation and invited to respond through TfL's voluntary and community network and through Age Concern's network

Professional organisations and trade associations

Agricultural Industries Confederation
Association for Consultancy and Engineering
Association of Chief Police Officers
Association of Circus Proprietors of Great Britain
Association of Convenience Stores
Association of Plumbing and Heating Contractors
Association of Town Centre Management
Automatic Vending Association
Brewing, Food & Beverage Industry Supplies Association
British Association of Removers
British Equestrian Trade Association
British Frozen Food Federation
British Industrial Truck Association
British Parking Association
British Security Industry Association Ltd
British Shop & Stores Association
BSIA (British Security Industry Association)
Builders Merchants Federation
British Vehicle Rental and Leasing Association
Catering Equipment Suppliers Association
Chartered Institute of Logistics & Transport (UK)
Chilled Food Association
Cold Storage & Distribution Federation
Commission for Integrated Transport
Community Transport Association (CTA)
Construction Equipment Association
Construction Plant-hire Association
Electrical Contractors' Association
Electrical Distributors Association
Engineering Equipment & Materials Users Association
Engineering Industries Association
FARMA (National Farmers' Retail and Markets Association)
Federation of Environmental Trade Associations
Federation of Master Builders
Federation of Piling Specialists
Federation of Plastering and Drywall Contractors

Federation of Tour Operators
Fresh Produce Consortium
Hire Association Europe
Institute of Directors
Institute of Shipping Economics and Logistics
LACORS (Local Authorities Coordinators of Regulatory Services)
London Association of Recovery Operators
Motorcycle Industry Association
Metal Packaging Manufacturers Association
Motorsport Industry Association
National Association of Funeral Directors
National Association of Steel Stockholders
National Bed Federation
National Courier Association
National Farmers' Union
National Federation of Roofing Contractors Ltd
National Outdoor Events Association
Showmens' Guild
Society of Independent Brewers
The National Federation of Builders
The National Society of Allied and Independent Funeral Directors

Trade unions

ASLEF (train drivers' union)
RMT London Taxi Branch
RMT Ranks and Highways committee
Trades Union Congress
Union of Shop, Distributive and Allied Workers
Unite

Transport and environmental representative organisations

Campaign for Better Transport
Campaign for Clean Air in London
Campaign to Protect Rural England
Cenex
Client Earth
Confederation of Passenger Transport
Environmental Protection UK
Friends of the Earth
Green Chain Project
Greenpeace
HACAN Clearskies
Living Streets
Low Carbon Vehicle Partnership
Natural England
Pollution Projects Team

STS Network
Sustrans
The Environmental Services Association
Transport for All
Walk England

Transport operators

Port of London Authority

Transport partnerships

SELTRANS
SWELTRAC

Utilities

EDF Energy
National Grid Gas
National Grid Property Holdings
North London Gas Alliance
Thames Water Utilities

Voluntary and community groups

Caravan Club
CCPR (Central Council of Physical Recreation)
CEMVO (Council of Ethnic Minority Voluntary Sector Organisations)
Jewish Care
London Civic Forum
London Community Recycling Network
London Environmental Education
London Forum of Amenity & Civil Society
London Sustainability Exchange
London Voluntary Service Council
National Caravan Council
Rambles Greater London Forum (RGLF)
Royal Society for the Protection of Birds
RSPCA
Stonewall
The Pony Club
The Prince's Trust
Volunteer Bureau
Women's Design Service
Women's Resource Centre

In addition to the organisations listed above, other voluntary and community organisations were also advised of the consultation and invited to respond through TfL's voluntary and community network

Other organisations

AEG Europe
Albany Smith Management Ltd

Albion Kids Show
BASPO
BLG
Bus Users UK
CADOGAN TATE GROUP
Cambridge Heath and London Fields Rail Users Group
Connect
DAF
DAVIES Transport Ltd
Deutsche Post World Net
Deutscher Stadtetag
DHL Express
FGM AMOR
FIAT GROUP
Gallery FortyOne
Gecam France
GOVIA
Integer Reseach Ltd.
Islington Voluntary Action Council
IVECO
Kimpton Industrial Park
Kingston Town Centre Management Limited
Lombard
National Playbus Association
Ryder plc
Sadler Consultants
Serco
The European Entertainment Corporation
The FETRA
UPS
VOLVO
Ward Thomas Removals Ltd

Appendix 2: List of stakeholders, businesses and other organisations who responded to the consultation

1. Stakeholder respondents (32)

Business representative organisations

Federation of Small Businesses

Contiguous local authorities

Tandridge District Council

Freight/ haulage representative organisations

Freight Transport Association

Road Haulage Association

Freight quality partnerships

Central London Freight Quality Partnership

Health

MS Society

St John Ambulance London (Prince of Wales) District

London Assembly

London Assembly Liberal Democrat Members

London boroughs

Corporation of London

London Borough of Bexley

London Borough of Brent

London Borough of Greenwich

London Borough of Havering

London Borough of Redbridge

London Borough of Richmond upon Thames

London Borough of Southwark

London councillors

Cllr Paul Braithwaite (LB Camden)

Motoring organisations

IAM Trust

Non departmental public bodies

Environment Agency

Local Government Regulation (LACORS)

Trade associations

Association of Vehicle Recovery Operators
British Parking Association
Society of Motor Manufacturers and Traders

Transport and environment representative organisations

Campaign for Better Transport
Campaign for Clean Air in London (CCAL)
ClientEarth
Environmental Protection UK
Friends of the Earth
Sustrans

Voluntary/ community groups

Caravan Club
CCPR (Central Council of Physical Recreation)
London Forum of Amenity and Civil Societies

2. Business respondents (3)

Andrews Travel Services
Modernmix Ltd
Weir Twelves Company

3. Other organisation respondents (5)

Cleeve Park School
Goldsmiths University Student Union
Knightsbridge Association
Metropolitan Tabernacle
Neighbourcar – St Johns Wood and Maida Vale

Annex A: The Greater London Low Emission Zone Charing (Variation) Order 2010

GREATER LONDON AUTHORITY ACT 1999

TRANSPORT ACT 2000

Greater London Low Emission Zone Charging (Variation) Order 2010

Made 13 May 2010

Coming into force In accordance with article 1(2)

Whereas—

(1) the Greater London Low Emission Zone Charging Order 2006 (“the LEZ Scheme Order”) imposes charges for the use of specified classes of motor vehicles on designated roads within a specified area of Greater London (“the Low Emission Zone”);

(2) it appears to Transport for London expedient, for the purposes of facilitating the achievement of policies and proposals in the Mayor of London’s Transport Strategy published pursuant to section 142 of the Greater London Authority Act 1999^a that it should make an Order for the purposes of varying the LEZ Scheme Order:

Now, therefore, Transport for London, in exercise of the powers conferred on it by sections 295 and 420(1) of the Greater London Authority Act 1999, by Schedule 23 to that Act, and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Greater London Low Emission Zone Charging (Variation) Order 2010.

(2) This Order shall come into force immediately on the day following the day on which the Mayor confirms it.

(3) In this Order “the LEZ Scheme” means the Scheme contained in the Schedule to the Greater London Emission Order 2006 as varied by the Greater London Low Emission Zone Charging (Variation) Order 2007.

Variation of the LEZ Scheme

2. The Schedule to this Order, which varies the LEZ Scheme, shall have effect.

Signed by authority of Transport for London

Dated 13 May 2010 Managing Director, Surface Transport

^a 1999 c.29; Schedule 23 as amended by the Transport Act 2000 (c.38), Schedule 13

SCHEDULE TO THE ORDER Article 2

Preliminary

1. The LEZ Scheme shall be varied in accordance with the provisions of this Schedule.

Date for the imposition of charges in respect of vehicles of Class M2 and Class N1 subclasses (ii) and (iii)

2. In article 6(1)(b) and 6(1)(c) for “3rd October 2010” there shall be substituted “2nd January 2012”.

Renumbering of Annex 2

3. Paragraphs 17 and 18 of Annex 2 to the LEZ Scheme shall be renumbered as paragraphs 1 and 2 respectively.

Charge for the disposal of vehicles

4. In article 14(3)(d) for “£60” there shall be substituted “£70”.

Military vehicles

1. —(1)Article 4(5), for sub-paragraph (a) there shall be substituted—
“(a) any vehicle which belongs to any of Her Majesty’s forces or is in use for the purposes of any of those forces;”.

Annex B: Schedule of variations

The Greater London Low Emission Zone Charging (Variation) Order 2010

Proposed variations to the Greater London Low Emission Zone Charging Order 2006 ("the Principal Order") which was made by Transport for London on 13 November 2006 and confirmed with modifications by the Mayor of London on 3 May 2007.

The Principal Order was subsequently varied by a further Order made by Transport for London and confirmed by the Mayor

Schedule of Variations Proposed by Transport for London

Variation Order 2010

Following consideration of a number of issues associated with the implementation of the Low Emission Zone, Transport for London made the Greater London Low Emission Zone Charging (Variation) Order 2010 on 14 May 2010. The details and reasons for this proposed change are listed in this schedule and are subject to public consultation.

The schedule is divided into four columns:

- Column 1 is a reference number;
- Column 2 gives a short summary of the proposed variation;
- Column 3 gives details of the proposed variation; and
- Column 4 sets out Transport for London's reasons for the proposed variation.

Transport for London will pass all representations and objections that are received with respect to the variations in this schedule by 28 June 2010 to the Mayor for consideration.

It is for the Mayor to consider whether or not to confirm the Variation Order as made by TfL, with or without modifications.

Transport for London
13 May 2010

Schedule of Variations

Col. 1 – Ref. No.	Col. 2 – Summary of proposed variation	Col. 3 – Details of TfL’s proposed variation	Col. 4 – TfL’s reasons for proposed variation
1.	Defer the date that the Low Emission Zone affects larger vans, minibuses or motor caravans and other specialist vehicles from 4 October 2010 to 3 January 2012	Amend the date for the imposition of charges in respect of Class M2 and Class N1 subclasses (ii) and (iii) (LGVs and minibuses, motor caravans, ambulances and hearse between 2.5-3.5 tonnes).	Proposal 95b of the Mayor’s Transport Strategy provides for deferring the date that the LEZ affects larger vans, minibuses or motor caravans and other specialist vehicles. This proposal will allow operators and owners more time to comply, given the current economic downturn, as it is felt that potential business costs and impacts for LGV and minibus operators associated with meeting the LEZ standard from 2010 are now more significant than when Phase 3 was originally confirmed in 2007
2.	Correction of paragraph numbering.	Paragraphs 17 and 18 of Annex 2 to the Order will be renumbered as paragraphs 1 and 2 respectively.	These paragraphs were incorrectly numbered in the Principal Order and TfL has taken this opportunity to amend them.
3.	Amend the penalty charge for the disposal of vehicles.	Increase the penalty charge for the disposal of vehicles which have been disposed of following clamping and removal from £60 to £70.	To bring the penalty charge amount into line with those in the London Boroughs’ arrangements that were introduced on 1 July 2007. This amount is also consistent with the penalty charge for the same activity in the Congestion Charging Scheme.
4.	Expand the definition of military vehicles as vehicles which are exempt from the LEZ requirements.	Expand the definition of military vehicles to include vehicles which belong to Her Majesty’s forces (as opposed to just being in use for the purposes of those forces).	Vehicles which are being used for naval, military or air force purposes are currently exempt from the requirements of the LEZ. New primary legislation has recently been brought into force and extends the exemption to vehicles which also belong to any of Her Majesty’s forces; TfL is proposing to reflect this change in the exemption.

Annex C: Summaries of stakeholder responses

Association of Vehicle Recovery Operators Limited

The AVRO supports the deferral of Phase 3.

British Parking Association

The BPA considers that delaying LEZ Phase 3 is the right thing to do given the current financial situation and that many small businesses rely on a fleet of older vehicles for their day to day operation.

Campaign for Better Transport

Campaign for Better Transport objects to the deferral of LEZ Phase 3 and considers the variation order is unsatisfactory because the consultation material fails to show the health impact of poor air quality on different areas of London, the numbers of premature deaths and the extent to which these health impacts will be affected by the delay in the introduction of Phase 3; that there is no connection made between the deferral of Phase 3 and the removal of the Western Extension and no cumulative analysis of the impacts of both; that a majority of stakeholders have already expressed their opposition to the delay in introducing Phase 3 in responses to the draft MTS; and that, instead of delaying Phase 3, the Mayor should soften the economic impact of its introduction by providing assistance to any operators who have difficulty upgrading their vehicles to ensure compliance – the income, or part of the income, from retaining the Western Extension could be used for this purpose.

Campaign for Clean Air in London

CCAL opposes the deferral of LEZ Phase 3 on the grounds it will have serious impacts for public health and the UK's ability to comply with air quality laws in London. It raises borough concerns with meeting EU limit values for PM₁₀ and NO₂. It also states that stakeholders and the London Assembly expressed opposition to the deferral. It considers that inadequate information was provided to consultees on the air quality and health impacts of the deferral and that the consultation period should have been extended by at least a further three weeks to allow consideration of the IIA for the draft MAQS and the GLA's study into the health impacts of air pollution in London. It questions the Mayor balancing economic factors with air quality and public health and suggests the Mayor should use part or all of the £55m net annual income from a retained Western Extension to subsidise retrofit or scrappage costs for the most vulnerable operators. It also urges the Mayor to introduce one or more additional inner London low emission zones, in addition to LEZ Phase 3, to ban the most polluting diesel vehicles from the most polluted parts of London.

Caravan Club

The Caravan Club considers the LEZ unfairly targets its members and compromises their activities. It disagrees with retrospective measures and states that as motor caravans do limited mileage, for domestic and pleasure purposes, they have a minimal impact on air quality. It states that motor caravans are categorised legally as cars, have a distinctive registration with the DVLA and should not be included in the scope of the LEZ as they are readily identifiable for exemption. It considers that tourism revenue from motor caravans could be lost with the implementation of Phase 3, including from its two sites in London. It is concerned that operators of motor caravans, including of hire caravans, that are not regularly used in London may be unaware of the LEZ, but considers TfL's soft enforcement policy to be a sensible approach. It is concerned about the availability of

approved abatement equipment, and it is concerned about the impact of the introduction of Phase 3 ahead of the Olympics acting as a deterrent to visitors, both domestic and foreign.

CCPR (Central Council of Physical Recreation)

CCPR supports the deferral of Phase 3 as the vast majority of its member organisations and their associated clubs and societies have participants based in Greater London and will be affected by the scheme. Whilst it is supportive of the Mayor's wish to improve air quality within the Capital, it is concerned the LEZ would adversely impact on community activity and engagement and considers that, at a time when the UK is trying to increase participation in sport and recreation in order to improve health and community cohesion, it would be counter productive to enforce a scheme which could actually prevent people from participating. It urges the Mayor to provide an exemption to the LEZ for community sport and recreation clubs or to at least provide them with a longer period of time and financial support to make the changes required to their vehicles.

Central London Freight Quality Partnership

The Central London Freight Quality Partnership welcomes the delay in the implementation of this phase of the Low Emission Zone, in the current climate. However it considers a start after the 2012 Olympics would be a better choice as implementing in January could put an extra burden on the freight industry at the wrong time. While the freight industry would be fully committed with implementation in October 2012, ensuring the successful running of the games during the start of 2012 is a concern with the introduction of Phase 3.

ClientEarth

ClientEarth considers that the consultation process should be cancelled and the Mayor should proceed with implementing LEZ Phase 3 in October 2010 because it considers this has the overwhelming support of stakeholders and does not accept that it is no longer feasible for TfL to implement the phase in 2010. It acknowledges that implementing Phase 3 in October will lead to higher costs for operators and considers the Mayor should introduce a means-tested scrappage scheme or retrofit programme to give financial assistance to those least able to meet the costs of complying. It considers that it is unlawful for the Mayor to postpone Phase 3 and that a further public consultation is required to correct what it considers are various defects in the original consultation, including a lack of information on the air quality and health impacts of the deferral.

Corporation of London

The City of London is concerned about the deferral of Phase 3 as certain roads within the City do not meet the PM₁₀ limit value and are unlikely to do so beyond 2011 without further intervention. It requests the Mayor implement Phase 3 as soon as practically possible and considers that as compliance with Phase 3 is anticipated to be largely by vehicle age, rather than using retrofit technology, there will be an additional benefit on concentrations of NO₂ which are a serious problem in London.

Environment Agency

The Environment Agency considers that deferring LEZ Phase 3 would risk compliance with EU standards and favours its implementation as originally planned.

Environmental Protection UK

Environmental Protection UK strongly disagrees with the proposal to delay Phase 3, which it considers sacrifices proven health benefits for Londoners and reduces the likelihood of London complying with legally binding European air quality limit values. It considers that delaying implementation greatly weakens the impacts of the LEZ and means that health benefits will be lost forever, rather than just postponed. It expresses concern about the information provided to inform the consultation and considers the consultation puts organisations in the position of responding to a decision that seems to be effectively "signed, sealed and delivered". It considers that the Mayor has made a value judgement in deciding the economic impact on minibus and van operators outweighs the health benefits for London citizens and it strongly disagrees with the decision the Mayor has made. It disagrees that the impact assessment should compare the proposal against the original date of introduction as the scheme can no longer be implemented in October 2010. It expresses concern over the removal of WEZ and the Government's extension application for meeting EU PM₁₀ limit values.

Federation of Small Businesses

Whilst the FSB accepts that the Mayor and TfL have a responsibility to bring about emissions standards, the fact remains that London is leading the way in the UK by establishing the LEZ. There is nothing to be gained by forcing onerous standards on London's small business community, and London's visitors during a time that is supposed to showcase London to the world, and whilst the city's economy is adjusting to a new tighter, economic regime. It appreciates that the LEZ will be extended, and that is not the question under consultation here, but it would be more appropriate to start this phase after the Olympic and Paralympic Games.

Freight Transport Association

FTA welcomes the proposal to delay the inclusion of vans and minibuses from October 2010 to January 2012 and states that some, particularly smaller, companies may find a later introduction helpful. However, it requests the phase is introduced after the Olympic and Paralympic Games to allow those organisations that cannot retrofit or replace their vehicles to operate through the Games period.

Friends of the Earth

Friends of the Earth considers LEZ Phase 3 should be implemented at the earliest possible opportunity, by the original planned date or with the least delay after that as possible. It considers that London needs to recover from the recession in ways that develop a low carbon, clean air Capital and just society, and not allow economic considerations to override environmental and social imperatives. It considers there are other ways to help with the economic impact of the scheme and cites CCAL's suggestion of using income from the Western Extension of the Congestion Charging scheme to help vehicle owners comply with the LEZ. It also considers the consultation should be extended to allow consultees longer to consider the GLA's study into the health impacts of air pollution in London.

IAM Trust

The IAM Trust (Institute of Advanced Motorists) considers the deferral of LEZ Phase 3 is logical and has no objection to the inclusion of larger vans and minibuses in the LEZ.

London Assembly Liberal Democrats Members

The London Assembly Liberal Democrat Members consider the Mayor should target action to reduce particulate pollution in central London where the problem is worst and should implement their proposal for a Clean Air Zone in central London. They consider the Mayor should implement LEZ Phase 3 in October 2010 as originally planned, if the Mayor decides not to introduce a central London Clean Air Zone or if technical analysis shows the impact of this would not be sufficient. They suggest it would be feasible to implement the phase in October if the Mayor negotiated a scrappage and retrofit scheme for the affected vehicles with Government. They consider the Mayor needs to take urgent and bold measures to improve air quality, because the health impacts of dangerous airborne particles are much worse than previously realised.

London Borough of Bexley

While Bexley recognises that the costs to vehicle operators associated with meeting the LEZ standard are an additional burden in the current financial climate, it is disappointed the Mayor decided to defer the introduction of LEZ Phase 3 as what benefits might have been achieved in improving air quality will be lost and the ability to meet EU and national air pollutant limit values will be affected.

London Borough of Brent

Officers at Brent agree that including larger vans and minibuses in the LEZ is an important part of the overall package of measures to ensure the achievement of EU air quality targets and to deliver health benefits for London. Reflecting this, the Council supports the suggestion that whilst delaying the inclusion of larger vans and minibuses will reduce its benefits to some extent, it will indeed allow time for the economic situation to improve for smaller operators to take action. The consultation suggests that a new date will be confirmed and publicised well ahead of implementation so as to allow vehicle operators time to take any necessary action and the Council looks forward to receiving, and having more time to promote this date, locally.

London Borough of Greenwich

Greenwich Council recognises the benefits of deferring the extension in the present economic climate, but also has concerns over delaying the improvements in air quality its implementation would bring. Air quality is of particular concern for Greenwich with a high number of vehicles passing through the borough over which the Council has no powers and the congestion at the primary cross river road link in East London which are detrimental on local air quality. Consequently the additional emission controls would have had a direct benefit for the Borough.

London Borough of Havering

London Borough of Havering supports the proposal to defer the start date for the LEZ phase covering larger vans and minibuses, whilst also recognising the importance of improving air quality in London. It considers the proposal would be financially beneficial for smaller businesses in a challenging economic climate and supports the Mayor's proposal to lobby Government for a scrappage scheme for commercial vehicles.

London Borough of Redbridge

Whilst the London Borough of Redbridge acknowledges the Mayor's rationale for delaying the introduction of LEZ Phase 3 and recognises the economic considerations, against the background of its own local environmental policies, it considers that it is regrettable because of the deferment of air quality and health benefits. It is disappointed that the scheme can no longer be introduced in October 2010 and urges TfL to pursue proactive awareness and advertising campaigns that would bring forward actual compliance as much in advance of January 2012 as possible. It notes the Mayor's stated intention to lobby Government for a scrappage scheme.

London Borough of Richmond upon Thames

The London Borough of Richmond upon Thames agrees that in the economic climate local businesses must be supported. Accordingly, it is supportive of the Mayor's proposal to defer the start date of the LEZ extension.

London Borough of Southwark

The London Borough of Southwark does not consider the case for deferring Phase 3 is as strong as it was when first announced in February 2009 and considers the economic benefits will be felt by a small number of operators whilst the equality and social benefits can be delivered without deferring implementation through an exemption scheme. It considers there is no certainty that the measures proposed to compensate will enable London to meet EU limit values for 2011 and that any policy to delay air quality improvements work is seen as a retrograde step. It considers that health disbenefits, whilst relatively small overall, will disproportionately affect deprived communities and people in Southwark. It urges the Mayor not to defer Phase 3 and to consider introducing additional measures, for example leading on the establishment of a low emission zone for central London or more ambitious targets for reducing taxi and private hire emissions. Alternatively, it considers the Mayor could delay Phase 3 for vehicles used by community groups and charitable organisations.

London Councillor (Councillor Paul Braithwaite, London Borough of Camden)

Councillor Braithwaite opposes the proposed delay of the larger vans and minibuses phase beyond October 2010. He is concerned about poor air quality in Camden and the impact of idling light delivery vehicles and taxis in the borough. He is concerned there are no real positive measures to address emissions of particulates or NO_x, that the removal of WEZ will exacerbate this, and that London will already exceed its limit values for PM₁₀ in 2010. Rather than delaying the LEZ phase, operators should be given help to switch to Euro 4 vehicles.

Local Government Regulation (formerly LACORS)

LACORS is concerned that delaying or cancelling transport control measures would likely be detrimental to air quality improvements in London and could work against EU limit value compliance, with the prospect of the possibility of large fines, and the continuation of the health burden from poor air quality placed on Londoners. It would urge that the introduction of the third phase is not delayed any further and is implemented as soon as practicable to ensure that public health impacts are minimised.

London Forum of Amenity and Civic Societies

The London Forum of Amenity and Civic Societies states that civic societies have to understand whether or not air quality limits will continue to be breached in the capital, as that has implications for fines and legal proceedings which could be considerable costs to the tax payer.

Multiple Sclerosis Society

The MS Society considers the LEZ will have a significant and detrimental financial impact on MS Society branches which run transport services for people with MS. It states that branches are local organisations that raise their funds locally and rely on volunteers and that services may have to be cut back if branches cannot absorb the costs of compliance. Therefore, it seeks an exemption from the LEZ for charitable vehicles used to transport disabled people. It believes it is discriminatory to apply a scheme that will adversely affect a service on which disabled people are particularly reliant and that disabled people could face further discrimination if the cost of complying with the LEZ of private vehicle hiring companies is transferred to clients. It is also concerned that branches may be affected where organisers and committee members rely on vehicles affected by Phase 3 to attend meetings and fundraising activities.

Road Haulage Association

The RHA supports the proposal to defer Phase 3 but questions whether Phase 3 really needs to be brought in and would suggest that with only a few central London locations causing concern, that these areas be targeted for exclusion of these older vehicles only. It considers this option would allow the natural cycle of vehicle replacement to continue and would cause less financial stress for micro businesses. It considers that the issue of banks not lending and the poor availability of credit cannot be ignored and supports a scrappage scheme. It questions the likelihood of EU fines for exceeding PM₁₀ limit values. It considers that the impact assessment shows minor negative environmental and health impacts and therefore deferring Phase 3 given the current financial climate is the correct decision.

Society of Motor Manufacturers and Traders

The SMMT supports the delay in implementing Phase 3 given the economic climate but has concerns regarding the short period from the end of consultation to implementation and considers that a minimum of six months should be available from confirmation by the Mayor and release of new schemes before their implementation to allow operators sufficient lead time to purchase new vehicles. It states that each time a scheme such as the LEZ is changed it causes confusion and distortion in the market place which makes it difficult for operators and fleet managers to plan their vehicle replacement programmes and causes market fluctuations which can adversely impact vehicle manufacturers leading to increased lead times.

St John Ambulance London (Prince of Wales) District

St John Ambulance London (Prince of Wales) District supports the proposal to defer the implementation of Phase 3 of the LEZ but, given that many of their vehicles won't comply with the LEZ emissions standard, requests that further consideration is given to providing an exemption or an extension to reach full compliance to voluntary organisations that provide the essential resilience and support to the statutory emergency services within London.

Sustrans

Sustrans strongly opposes proposals to defer the start date of the LEZ phase covering larger vans and minibuses from October 2010 to January 2012. It recommends that the requirement for vans and minibuses to meet Euro III standards is brought in as scheduled and considers that delaying introduction of the phase will reduce its benefits and defer the improvement of London's air quality, which it believes is unacceptable given the suffering that London's poor air causes.

Tandridge District Council

Officers at Tandridge District Council raised no objection to the proposed deferral of Phase 3.