

Research Briefing

11 August 2023

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Clean Air Zones, Low Emission Zones and the London ULEZ



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Summary

In recent years road user charging zones have been introduced in some parts of the UK: London's low emission zone (LEZ) and ultra low emission zone (ULEZ), England's clean air zones (CAZ) and Scotland's low emission zones (LEZ). These zones are intended to reduce air pollution in cities by charging drivers of older, more polluting vehicles to enter them.

These zones' rules are all based on the [Euro emission engine classification standards](#). In any of the zones, vehicles meeting the following standards will be compliant and not be subject to any charges:

- Euro 4 for petrol cars and vans (generally vehicles registered from 2006)
- Euro 6 for diesel cars and vans (generally vehicles registered from September 2015)
- Euro VI for buses, coaches and HGVs (generally vehicles registered from January 2013)

Non-compliant vehicles are charged for entry. Non-payment of charges attracts penalties. The types of vehicles included, exemptions, and rates of daily charges and penalties differ between different types of zone.

Charging for road use: Origins and legislative basis

The ability for local authorities in England and Wales to charge road users is set out in [part III of the Transport Act 2000](#). The Mayor of London has powers to introduce "road user charging" across all Greater London or some parts of it, under [section 295 of the Greater London Authority Act 1999](#). The charging provisions in the 1999 Act and in the Transport Act 2000 are broadly similar.

Since 2003, successive [Mayors in London have used the powers granted by the 1999 Act](#) to introduce congestion charging, low emission zones and the ultra low emission zone.

Road user charging outside of London has only been introduced much more recently, particularly since the Government's publication of the [2017 UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations](#), which itself followed several [legal challenges to the Government over air quality](#).

Since 2017, the Government has used its powers under the [Environment Act 1995](#) to ‘direct’ many local authorities to produce clean air plans. Local authorities can then charge drivers using powers granted by the 2000 Act.

Clean air zones

There are [currently seven cities charging under clean air zones in England](#): Bath, Birmingham, Bradford, Bristol, Portsmouth, Sheffield, and Tyneside (Newcastle and Gateshead). Daily entry charges for non-compliant vehicles range from [£7 for taxis in Bradford](#), to [£100 for lorries, buses and coaches in Bristol](#).

[Greater Manchester’s Clean Air Zone scheme](#) is under review.

London’s ULEZ and LEZ

London has had a low emission zone for larger vehicles like buses, lorries and coaches, [since 2008](#). It has been gradually expanded to cover all London boroughs. [Daily LEZ charges](#) for non-compliant vehicles are between £100 and £300.

In 2014 Boris Johnson, then Mayor of London, announced plans for an [ultra low emission zone \(ULEZ\)](#) which was introduced by his successor Sadiq Khan in April 2019, and applies to more vehicle types, including cars, motorcycles and vans. In [October 2021 the ULEZ expanded](#) to cover the area between the North and South Circular roads. The ULEZ charge is currently [£12.50 per day](#) for non-compliant vehicles.

On 25 November 2022, the [Mayor announced that the ULEZ will expand again](#) on 29 August 2023, to cover all London boroughs. The expansion decision was subject to a [judicial review brought by five Conservative-led councils](#) but the High court [dismissed their case](#) in July 2023.

Scotland: Low emission zones

In Scotland, ‘[low emission zones](#)’ (LEZs) were introduced in May 2022, in Glasgow, Edinburgh, Dundee and Aberdeen. Only Glasgow’s LEZ is being enforced so far. [Enforcement in Glasgow commenced on 1 June 2023](#), and is due to commence in the other cities in May and June 2024.

A key difference between LEZ scheme in Scotland and CAZ and ULEZ schemes in England is that LEZ schemes in Scotland do not allow [non-compliant](#)

[vehicles](#) to enter at any time; there is no option to pay a daily charge. Drivers who enter the LEZ in non-compliant vehicles must [pay a penalty of £60](#) a day.

The [Transport \(Scotland\) Act 2019](#) provides the legal basis to enable the [creation and civil enforcement of LEZs in Scotland](#).

Clean air zones in Wales

There are currently no charging clean air zones in Wales, and no plans for any. Air pollution and local transport are devolved policy areas, but the legislation enabling the creation of clean air zones in England, [part III of the Transport Act 2000](#), currently applies to Wales as well.

In 2019, [Cardiff Council decided that a CAZ in Cardiff was not necessary](#) to meet its clean air plans, a decision that the Welsh Government accepted.

However, [in April 2023 Cardiff Council](#) said they were re-visiting the issue due to concerns over carbon emissions, air pollution and associated health risks in the city.

There is currently no legislation that allows for road user charging in Northern Ireland.

National road user charging

In 2022, the Transport Select Committee published its [report into road pricing](#) (PDF). This noted that the expected transition to electric vehicles will reduce tax revenues from vehicle excise duty and (especially) fuel duty, and it recommended the Government start work on a national road pricing system to avoid a [‘fiscal black hole’](#).

The committee report noted that there is currently a ‘patchwork’ of local road pricing mechanisms which may make it more difficult to introduce a national scheme, but that it was nevertheless important that the Government [start work on a national road charging scheme urgently](#).

[HM Treasury responded to the report by letter](#) on 9 January 2023, saying “the Government does not currently have plans to consider road pricing.”

Air quality

Road vehicles are sources of air pollutants such as particulate matter and nitrogen dioxide (NO₂). Exposure to these pollutants can be harmful to human health, the severity of which can vary depending on the nature and duration

of exposure. In 2022 the [Chief Medical Officer summarised](#) that air pollution is, “associated with impacts on lung development in children, heart disease, stroke, cancer, exacerbation of asthma and increased mortality, among other health effects.”

Legal air quality standards

There are several legal limits and targets in place for air quality, which stem from international agreements, retained EU legislation and domestic legislation.

The [Air Quality Standards Regulations 2010](#) set limits for concentrations of specific pollutants which must not be exceeded. Under part IV of the [Environment Act 1995](#), local authorities are required to regularly review and assess air quality in their areas against these limits.

Judicial review and the requirement to comply “in the shortest possible time”

The breach of air quality limit values for NO₂ have been the subject of a series of judicial review proceedings brought by the environmental advocacy charity, ClientEarth. Following judicial review challenges in 2015, 2016 and 2017, the UK Government was directed by the courts to produce a series of plans to show how it would reduce NO₂ “in the shortest possible time.” The most recent, and still current, plan is the [UK plan for tackling roadside nitrogen dioxide concentrations: Detailed plan](#), July 2017.

Under this plan, the UK and Welsh Governments have identified local authorities that do not comply with NO₂ limits and issued ‘Directions’ under the Environment Act 1995 to require them to demonstrate how they will remedy this.

Consideration of clean air zones

To comply with such a Direction, a local authority must [consider the establishment of a clean air zone](#). This is because a clean air zone will often be the most effective way to deliver compliance, in the shortest possible time. However, it could also take other measures such as building bypasses, reducing speed limits, and retro-fitting buses with cleaner technology. Government funding has been granted to local authorities to assist with this work.

Impact of clean air zones on air quality

It can be difficult to assess the effectiveness of just one action alone on air quality. This is because many different factors, such as weather patterns, can affect air quality levels at any time. A small number of studies, however, have attempted to examine the evidence available. While a few studies have highlighted a reduction of air pollution after the introduction of clean air

zones, this sits in the context of a general longer-term downward trend in air pollutants, influenced by other factors, such as improvements in vehicle emissions standards.

1 Local road user charging in England: Origins and legislative basis

The ability for local authorities in England and Wales to introduce charges for road users is set out in [part III of the Transport Act 2000](#). The Mayor of London has powers to introduce “road user charging” across all Greater London or some parts of it, under [section 295 of the Greater London Authority Act 1999](#). The charging provisions in the 1999 Act and in the 2000 Act are broadly similar.¹

1.1 History of UK Government policy on road user charging

New Labour policy on road user charging

In a [July 1998 transport white paper](#), the Labour Government said it was considering introducing legislation to allow local authorities to charge road users to reduce congestion and fund transport investment.²

Detailed proposals were set out in a subsequent consultation paper titled [Breaking the logjam](#), published in December 1998.³ The then Deputy Prime Minister, John Prescott, who also had responsibility for transport policy, stated that [the proposals were not ‘anti-car’](#), and that a ‘fair’ charging system might have a number of benefits such as cutting congestion, raising money and improving air quality.⁴

The Government’s response to the consultation was published in February 2000, and it confirmed its intention to give local authorities the power to implement local road charging as “part of an integrated package of measures”.⁵

The Transport Act 2000 contained the primary legislation for local road charging schemes in England outside London, and Wales.⁶ Mr Prescott

¹ Commons library briefing RP98-115 [Greater London Authority Bill: A Mayor and Assembly for London \(Bill 7 1998/99\)](#) 11 December, 1998

² DETR, [A new deal for transport: better for everyone](#), Cm 3950, July 1998

³ DETR, [Breaking the logjam: consultation paper](#), December 1998

⁴ DETR press notice, [“Breaking the logjam: Government action to cut congestion”](#), 8 December 1998

⁵ DETR, [Breaking the logjam: the Government’s response to the consultation](#), 22 February 2000, para 1.10

⁶ [Part III of the Transport Act 2000](#) specifically deals with road user charging.

indicated at the time that before he would approve any congestion charging scheme certain conditions must be met. These included improved public transport, local consultation, a plan to re-invest proceeds in local transport and adequate technology.⁷

Labour proposed some changes to the arrangements for local road charging schemes in what became Part VI of the [Local Transport Act 2008](#).⁸ The most controversial aspects were the proposal to remove the requirement for local authorities in England to obtain the approval of the Secretary of State for their schemes and the lack of a duty to consult the public.⁹

Under the Labour Government's 10-Year Transport Plan, published in 2000, it had been envisaged that at least eight major city councils would use their new powers to introduce road user charging schemes in the following decade.¹⁰ These would reduce congestion and generate funds for new transport infrastructure, such as trams.¹¹ However, because such charges can be politically controversial and perceived as 'anti car', congestion charging outside of London never became a reality. When proposals for congestion charging schemes in Edinburgh and Manchester were put to referenda in the mid-2000s, and were heavily defeated, this may have discouraged other local authorities from pursuing similar schemes.¹²

Road user charging in London

In London, the first elected Mayor Ken Livingstone sought to tackle congestion and air pollution issues by introducing a congestion charge in central London.¹³ He later added a low emissions zone (LEZ) in 2008 which imposed charges for heavy commercial vehicles and passenger vehicles that did not meet a set level of emissions.¹⁴

Following his election in 2008, Mayor Boris Johnson continued with the implementation of LEZ, and vans and minibuses were included in the LEZ from January 2012.¹⁵ In April 2019 Mayor Sadiq Khan launched the world's first ultra low emission (ULEZ) scheme in central London to help tackle air pollution.¹⁶

⁷ The Guardian, [Prescott changes gear to calm roads rage](#), The Guardian, 30 November 1999

⁸ For further information, see Section V on Local road pricing, in the Library briefing on the [Local Transport Bill \[HL\] \[Bill 67 of 2007-08\]](#), 18 February 2008

⁹ More detail on this can be found in Section V on Local road pricing, in the historic Library briefing on the [Local Transport Bill \[HL\] \[Bill 67 of 2007-08\]](#), 18 February 2008

¹⁰ DfT, [Transport Ten Year Plan 2000](#), 2000, Para 6.48

¹¹ The House magazine, [A bad track record: How the promise of light rail transport systems has been forgotten](#), 24 May 2023

¹² BBC News [Edinburgh rejects congestion plan](#) 22 February 2005; The Guardian [Manchester says no to congestion charging](#), 12 December 2008

¹³ TfL Press Release, [C-Charge Celebrates Successful First Year](#), 17 February 2004

¹⁴ TfL Press Release, [London's poor air quality tackled with launch of Low Emission Zone](#), 4 February 2008

¹⁵ TfL Press Release, [Larger vans and minibuses required to meet Low Emission Zone standards from January 2012](#), 20 September 2010

¹⁶ TfL Press Release, [GLA - World's first 24 hour Ultra Low Emission Zone](#), 8 April 2019

Road user charging in England and Scotland

Outside London, clean air zones have only been introduced much more recently, particularly since the Government's publication of the [2017 UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations](#), which was published and amended following several legal challenges to the Government (see section 8.3 of this briefing).¹⁷ Some local councils have been directed by central Government to comply with air quality targets,¹⁸ and some have concluded that a clean air zone is the only viable way to achieve such targets.

Historical Library briefings on [Local road charges](#), and [Roads: charging in London](#) give further background to these developments.¹⁹

In Scotland, the Scottish Government legislated through the [Transport \(Scotland\) Act 2019](#) to enable the creation and civil enforcement of low emission zones (LEZs), which operate in a similar way to clean air zones.

Despite sharing the same name, Scotland's low emission zones do not operate in the same way as the London low emission zone. The London LEZ only applies to heavy vehicles such as lorries and buses, alongside the London ULEZ which applies to smaller vehicles like vans and cars. Scotland's low emission zones cover both types of vehicles. There are other differences too.

More detail can be found in Sections 3 and 4 (for London) and Section 5 (for Scotland) of this briefing.

¹⁷ DEFRA, DfT Policy paper [Air quality plan for nitrogen dioxide \(NO₂\) in UK \(2017\)](#) updated 5 October 2018

¹⁸ The Government can issue such directions using powers under [Section 85 of the Environment Act 1995](#).

¹⁹ Commons Library briefing SN-01171, [Local road charges](#) (14 March 2018) and Commons Library briefing SN-02044 [Roads: charging in London](#) (21 May 2012)

2 Clean air zones in England: Current rules

2.1 Types of clean air zone

Local authorities can introduce a clean air zone (CAZ) using powers set out in [Part III of the Transport Act 2000](#). The UK Government has published a [clean air zone framework](#), which sets out the principles it expects local authorities to follow when implementing and operating a CAZ.²⁰

This states that it is for local authorities to decide:

- how to meet the air quality targets the Government sets for them
- if they need to introduce a class A, B, C or D clean air zone (see Table below)
- if charging is required, and if so, the level of charge that may be applied.²¹

There are currently seven cities charging under a CAZ in England. Which types of vehicles are affected will depend on which type of CAZ is applied in each city (class A, B, C or D), as shown in the table below. Greater Manchester's CAZ scheme is under review, but it was originally going to be a class C zone.²²

Clean air zones in England		
A	Buses, coaches, taxis, private hire vehicles	
B	Buses, coaches, taxis, private hire vehicles, heavy goods vehicles	Portsmouth
C	Buses, coaches, taxis, private hire vehicles, heavy goods vehicles, vans, minibuses	Bath, Bradford, Sheffield, Tyneside (Newcastle and Gateshead)

²⁰ DEFRA, DfT Policy paper, [Air quality: clean air zone framework for England](#), updated 6 October 2022

²¹ DEFRA, DfT Policy paper, [Air quality: clean air zone framework for England](#), updated 6 October 2022

²² Manchester Evening News, [Will I have to pay the new Greater Manchester Clean Air Zone charge coming into force this year?](#), 5 January 2022; DEFRA Guidance [Clean air zones](#) updated 31 March 2022

D	Buses, coaches, taxis, private hire vehicles, heavy goods vehicles, vans, minibuses, cars, the local authority has the option to include motorcycles	Birmingham, Bristol
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Source: [DEFRA Guidance: Clean air zones](#), last updated 12 April 2023

2.2 Vehicle standards and exemptions

To avoid being charged, vehicles entering a CAZ must meet the following minimum standards:

CAZ minimum emission standards	
Vehicle type	CAZ minimum standard
Buses, coaches, heavy goods vehicles	Euro VI
Vans, minibuses, taxis, private hire vehicles, cars	Euro 6 (diesel) and Euro 4 (petrol)
Motorcycles	Euro 3

Source: [DEFRA Guidance: Clean air zones](#), last updated 12 April 2023

There are some national exemptions from the charge:

- an ultra low emission vehicle
- a disabled passenger tax class vehicle
- a disabled tax class vehicle
- a military vehicle
- a historic vehicle
- a vehicle retrofitted with technology accredited by the [Clean Vehicle Retrofit Accreditation Scheme](#) (CVRAS)
- certain types of agricultural vehicles²³

Drivers can use the government's [vehicle checker](#) to see if their vehicle complies with CAZ standards.

Local authorities can also apply local exemptions, which are usually advertised on the relevant CAZ website.

²³ [DEFRA Guidance: Clean air zones](#), last updated 12 April 2023

Local authorities might offer financial assistance to help drivers comply with CAZ rules, as well as advice on whether retrofitting vehicles to become compliant is advisable. Again, more information on this is usually provided by the relevant local authority.

The [Local Government and Social Care Ombudsman](#) can look into instances where a local authority may not have correctly processed an application for a clean air zone exemption.²⁴

For vehicle owners considering retrofitting their vehicles to become CAZ compliant, the [Clean Vehicle Retrofit Accreditation Scheme](#), run by the Energy Saving trust, certifies retrofit technologies that meet UK Government standards.²⁵

2.3 Typical daily CAZ charges

The current daily charges for non-compliant vehicles entering CAZ cities are as follows:

- **Bath:** £9 for taxis and minibuses; £100 for coaches, buses and heavy goods vehicles (HGVs)²⁶
- **Birmingham:** £8 per day for cars, taxis and light goods vehicles (LGVs); £50 per day for coaches, buses and HGVs²⁷
- **Bradford:** £7 for taxis; £9 for LGVs and caravans; £50 for coaches, buses and HGVs²⁸
- **Bristol:** £9 for cars, taxis and LGVs; £100 for coaches, buses and HGVs²⁹
- **Portsmouth:** £10 for taxis; £50 for coaches, buses and HGVs³⁰
- **Sheffield:** £10 for taxis, campervans and LGVs; £50 for coaches, buses and HGVs³¹

²⁴ [Local Government and Social Care Ombudsman: Enforcement of road charging schemes \(such as Transport for London's Congestion Charge and Low Emission Zones\)](#) [Accessed 30 January 2023]

²⁵ Energy Saving Trust [Clean Vehicle Retrofit Accreditation Scheme](#), For Scotland the [Low Emission Zone Retrofit Fund](#) [Accessed 11 May 2022]

²⁶ Bath & North East Somerset Council, [Find out about charges in Bath's Clean Air Zone](#) [Accessed 10 May 2023]

²⁷ Birmingham City Council, [Brum Breathes: Charges and operation](#) [Accessed 10 May 2023]

²⁸ Bradford City Council, [Breathe Better Bradford: Check if you need to pay](#) [Accessed 10 May 2023]

²⁹ Bristol City Council, [Bristol's Clean Air Zone charges and vehicle checker](#) [Accessed 10 May 2023]

³⁰ Portsmouth Cleaner Air, [Daily CAZ charges](#) [Accessed 10 May 2023]

³¹ Sheffield City Council, [Sheffield Clean Air Zone](#) [10 May 2023]

- **Tyneside:** £12.50 for taxis and minibuses; £50 for coaches, buses and HGVs³²

2.4 Scrappage schemes

Scrappage schemes allow motorists with older, non-CAZ-compliant vehicles to receive grants to help them purchase compliant vehicles. The Government has said that, although it has no plans for a national scrappage scheme, it considers scrappage schemes when local authorities bid for clean air funding and it ‘welcomes’ them as a way to help some owners of older vehicles to purchase a cleaner vehicle.³³

Most clean air zones in England have received some central funding for scrappage schemes, as follows:

- Bath received £9.4 million³⁴
- Birmingham received £10.84 million³⁵
- Bradford received £10.4 million³⁶
- Bristol received £42 million³⁷
- Portsmouth received £3.2 million³⁸
- Sheffield received £28 million³⁹

³² Newcastle City Council, [How to pay the Clean Air Zone charge](#) [Accessed 10 May 2023]. From July 2023, non-compliant vans and light goods vehicles will also be charged £12.50 per day.

³³ Department for Environment, Food and Rural Affairs (DEFRA), [Air Quality: Additional measures to support individuals and businesses affected by local NO₂ plans - Summary of responses and government response](#), GOV.UK, 23 March 2018, paras71-72

³⁴ [Bath & North East Somerset Council Cabinet meeting notes \(PDF\)](#), 9 September 2021, Para 3.10

³⁵ Birmingham City Council Press Release, [Government approval for Birmingham Clean Air Zone plans](#), 13 March 2019

³⁶ Telegraph & Argus, [“Grants of £4,500 available to upgrade minibuses and light goods vehicles before Clean Air Zone charge introduced”](#), Telegraph & Argus [Online], 21 October 2021. More information can be found on the [Bradford Clean Air Zone: What help is available?](#) webpage [accessed 14 February 2023].

³⁷ Bristol City Centre Business Investment District, [Clean Air Zone Financial Support](#), 4 May 2022; [“Bristol businesses and residents receive help to achieve clean air compliance”](#), Transport Xtra [Online], 28 November 2022

³⁸ Cleaner Air Portsmouth Press Release, [£6.6M in funding awarded for Portsmouth’s Clean Air Zone](#) 25 March 2021

³⁹ [“Funding launched to support Sheffield fleets ahead of CAZ introduction”](#), Fleet News [Online], 12 December 2022. Details of the support available can be found on the Sheffield City Council [Apply for financial support to upgrade or replace a polluting vehicle](#) page [accessed 14 February 2023].

- Tyneside (Newcastle and Gateshead) has not received central Government funding.⁴⁰

2.5 Enforcement and appeals

Local authorities use Automatic Number Plate Recognition (ANPR) cameras to enforce CAZ compliance and check that vehicles are either CAZ compliant or have paid the required charge to enter a CAZ. If a vehicle is found to have broken the CAZ rules, then local authorities are empowered to pass number plate data to the DVLA to obtain the vehicle owner's name and address.⁴¹ A penalty charge notice can then be issued to the vehicle keeper.

Local authorities can set the daily CAZ charges as they see fit. However, penalty charges for non-payment are capped under legislation. Regulation five of [The Road User Charging Schemes \(Penalty Charges, Adjudication and Enforcement\) \(England\) Regulations 2013](#) sets the maximum penalty for entering a CAZ without prior payment in a non-compliant vehicle at £120, reduced to £60 if paid within 14 days.⁴²

The 2013 Regulations also specify how drivers must be allowed to appeal a CAZ penalty charge notice. If someone wishes to challenge a CAZ penalty, they must first do so directly with the relevant local authority. If they still disagree with the local authority's decision, they can appeal it with independent adjudicators at the [Traffic Penalty Tribunal](#).⁴³

2.6 Administration of CAZ and the use of money raised

Local authorities can administer CAZ payments and enforcement procedures independently or opt into a central Government service (CAZ Central Services) to do this for them. All charging CAZs in England currently use the CAZ Central Services, meaning drivers can pay using the gov.uk webpage: [Drive in a clean air zone](#). Central Government charges each local authority £2 per transaction for using this service.⁴⁴

⁴⁰ PQ 160287 [On [Clean Air Zones: Tyne and Wear](#)], Answered 13 March 2023.

⁴¹ Under Regulation 27 of [The Road Vehicles \(Registration and Licensing\) Regulations 2002](#)

⁴² Regulation 5 of [The Road User Charging Schemes \(Penalty Charges, Adjudication and Enforcement\) \(England\) Regulations 2013](#)

⁴³ Traffic Penalty Tribunal, [About Us](#) [Accessed 2 June 2023]

⁴⁴ [The Clean Air Zones Central Services \(Fees\) \(England\) Regulations 2020](#)

Schedule 12 of the Transport Act 2000 requires any excess revenue above the costs of CAZ operation must be re-invested to facilitate “the achievement of local transport policies of the authority”.⁴⁵

2.7

Challenges to clean air zones

Parliamentary petition

Clean air zones have proved to be controversial. A [parliamentary petition calling for the Government to revoke local Government powers](#) to charge drivers to enter CAZs, LEZs, and ULEZs had received 55,520 signatures by the time it closed on 15 May 2022. The petition text argued that because all vehicles comply with legislation at the time of their production, buyers of those vehicles should not be forced to pay fees to councils to use them.⁴⁶

The Department for Transport (DfT) responded to the petition on 24 January 2022, saying that “powers enabling local authorities to introduce road user charging schemes are long-standing and remain an appropriate tool to deliver local transport objectives including air quality improvements.” The response also said that although air quality had improved since 2010, nitrogen dioxide (NO₂) levels around roads were still too high.

The DfT response said that under the [July 2017 UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations](#), councils with NO₂ levels exceeding legal limits must develop and implement local air quality plans.⁴⁷ It explained councils must consider clean air zones as part of their plans, because they “are an effective means of delivering compliant levels of NO₂ in the shortest time possible”.⁴⁸ However, the DfT recognised that clean air zones can have a significant impact on motorists. Therefore, it said councils should “implement the minimum class of CAZ that will achieve legal NO₂ limits in the shortest time possible to minimise the impact of the zone on businesses and individuals.”⁴⁹

The petition was debated in Parliament on 26 June 2023, alongside a petition against the London ULEZ expansion.⁵⁰ Speaking for the Government at this debate, Richard Holden, Parliamentary Under-Secretary of State for

⁴⁵ Paragraph 8, [Schedule 12, Transport Act 2000](#)

⁴⁶ E-petition 599985: [Revoke local government powers to charge CAZ, LEZ, and ULEZ](#), 15 November 2021

⁴⁷ HM Government, [Air quality plan for nitrogen dioxide \(NO₂\) in UK \(2017\)](#), July 2017

⁴⁸ E-petition 599985: [Revoke local government powers to charge CAZ, LEZ, and ULEZ](#), 15 November 2021

⁴⁹ E-petition 599985: [Revoke local government powers to charge CAZ, LEZ, and ULEZ](#), 15 November 2021

⁵⁰ E-petition 633550: [Amend the 1999 GLA Act to remove the Mayor's power to impose road use charges](#), 23 February 2023; [WH Deb 26 June 2023](#)

Transport, explained that this was a devolved issue for which local authorities should be held accountable:

Powers enabling local authorities to introduce road schemes that charge users are of long standing. They can be used by local authorities to deliver what they want in their areas. There are no plans to revoke these powers, which are in the Transport Act 2000. They provide local authorities with an important tool. It is for local authorities to make decisions and to be accountable for those decisions.⁵¹

The only Labour MP who attended the debate, Gill Furniss, argued that local authorities only ever introduced CAZs under instruction from central Government:

The Minister may not want to admit it, but a clear policy direction has been set by the Government, and local authorities are merely meeting their obligations at the behest of Government. Although Government Members like to kick up a fuss about clean air zones, their Government have approved those clean air zones where air pollution reductions have been legally required. Having essentially required councils to implement clean air zones, Ministers have failed to follow through with the support to help councils to meet their air quality targets.⁵²

Review of clean air zone plan for Manchester

The Manchester charging CAZ was scheduled to start on 30 May 2022. It would have been a class C CAZ, meaning that non-compliant buses, coaches, taxis, private hire vehicles, heavy goods vehicles, vans, and minibuses (but not cars) would be charged to enter it.⁵³ The charges would have been £60 a day for non-compliant HGVs, buses and coaches, £10 for vans and taxis, and £7.50 for private hire vehicles.⁵⁴

On 2 February 2022, the Mayor of Greater Manchester Andy Burnham announced he was requesting the Government to lift their legal direction requiring compliance with legal limits on air pollutants to avoid the need for a CAZ (see section 8.4 of this briefing).⁵⁵ This followed concerns about “financial hardship for local people and the availability of compliant vehicles” caused by Covid-19-related vehicle supply chain issues and the wider “cost of living crisis”.⁵⁶ In February 2022 the Government agreed to lift its direction, and the charging CAZ was paused.⁵⁷

⁵¹ [WH Deb 26 June 2023 c30WH](#)

⁵² [WH Deb 26 June 2023 c25WH](#)

⁵³ [DEFRA Guidance: Clean air zones](#), last updated 12 April 2023

⁵⁴ Manchester Evening News, [Will I have to pay the new Greater Manchester Clean Air Zone charge coming into force this year?](#), 5 January 2022

⁵⁵ Greater Manchester Combined Authority press release, [Mayor of Greater Manchester Andy Burnham’s statement on Clean Air Zone](#), 2 February 2022

⁵⁶ Greater Manchester Combined Authority press release, [Greater Manchester’s clean air leaders to consider steps towards new Clean Air Plan for the region](#), 22 February 2022

⁵⁷ DEFRA Press release, [Update on Greater Manchester Clean Air Zone](#), 4 February 2022;

The Greater Manchester clean air plan now remains under review, with the Greater Manchester Combined Authority (GMCA) proposing a non-charging ‘investment-led’ clean air plan. Instead of the Greater Manchester-wide charging CAZ, the new plan would only target the most polluted locations in Manchester, Salford and Bury, and would use “£120 million Government clean air funding already awarded for vehicle upgrades, rather than imposing daily charges”. The plan also focuses on increasing the rollout of low emission buses, taxis and private hire vehicles.⁵⁸

The GMCA was expected to provide further evidence to the Government by the end of June 2023, to demonstrate that it can meet its NO₂ reduction targets without a charging CAZ.⁵⁹

⁵⁸ Greater Manchester Combined Authority, [A new Clean Air Plan](#) [Accessed 11 August 2023]

⁵⁹ Greater Manchester Combined Authority, [A new Clean Air Plan](#) [Accessed 11 August 2023]

3 London ULEZ and LEZ: Current Rules

3.1 Overview

In April 2019 the Mayor of London launched the world's first ULEZ scheme in Central London to help tackle air pollution.⁶⁰ The scheme works by applying a £12.50 daily charge to any vehicle which enters the ULEZ that does not comply with the specified emission standards.

Any vehicle that enters a ULEZ zone must either be compliant with the relevant emissions standards, be exempt from ULEZ charges, or pay the daily charge no later than the third day following the journey. Cameras are used to check vehicle registration numbers against Transport for London's (TfL) database for compliance.⁶¹

ULEZ replaced the toxicity charge, a £10 supplement to the congestion charge, and introduced tighter emission standards for vehicles, as well as operating 24 hours a day, 7 days a week (except Christmas Day). Initially the zone covered the same area as the congestion charge zone.⁶²

In March 2021 heavy vehicle standards were incorporated into the scheme, and later that year, in October 2021, the Mayor expanded the scheme up to, but not including the North Circular (A406) and South Circular (A205) roads.⁶³ The Mayor plans to expand the ULEZ to all of Greater London in August 2023 (see section 4 below).

3.2 Vehicle standards and exemptions

To avoid being charged, vehicles entering the ULEZ must meet the following standards, which are essentially the same as those for Clean Air Zones, but also include motorcycles:

⁶⁰ Transport for London, [GLA - World's first 24 hour Ultra Low Emission Zone](#), 8 April 2019

⁶¹ Transport for London, [Paying the ULEZ charge](#), (accessed 16 December 2022); Transport for London, [ULEZ road signs](#), [online], (accessed 16 December 2022)

⁶² Transport for London, [GLA - World's first 24 hour Ultra Low Emission Zone](#), [online], 8 April 2019 [accessed on 16 December 2022]

⁶³ Mayor of London and London Assembly, [New tighter Low Emission Zone standards for HGVs introduced in London](#), 1 March 2021

Table 3: ULEZ Minimum emission standards

Vehicle type	ULEZ minimum standard
Vans, minibuses, taxis, private hire vehicles, cars	Euro 6 (diesel) and Euro 4 (petrol)
Motorcycles, mopeds, motorised tricycles, and quadricycles (L category)	Euro 3

Source: Transport for London, [ULEZ Standards](#), [accessed 15 December 2022]

One difference between ULEZ and clean air zones is that lorries, vans, and specialist heavy vehicles over 3.5 tonnes, and buses, minibuses and coaches weighing over 5 tonnes do not need to pay the ULEZ charge. However, they are required to pay the Low Emission Zone (LEZ) charge instead. This is a separate scheme for heavy vehicles that operates in a similar way to ULEZ but already covers most of Greater London.⁶⁴ LEZ charges range from £100 to £300 per day for non-compliant vehicles, depending on the vehicle age.⁶⁵

3.3 Grace periods and temporary exemptions

There are several grace periods (temporary exemptions) in place for qualifying persons or vehicles. These include:

- Vehicles for disabled people, which are exempt until 24 October 2027 – this applies to those registered with the DVLA as having ‘disabled’ or ‘disabled passenger’ tax.
- Those over the state pension age and in receipt of attendance allowance and hold a blue badge, who can apply directly to TfL for a grace period.
- Community transport minibuses that carry passengers on a not-for-profit basis, which are exempt until 25 October 2025.
- Wheelchair accessible private hire vehicles (but only when carrying a private booking for TfL PHV operator), which are exempt until 24 October 2027.⁶⁶

There are also some vehicles that are exempt from the scheme:

- London licensed taxis, although vehicle age limits apply

⁶⁴ Transport for London, [Low Emission Zone](#), [online] [accessed 15 December 2022]

⁶⁵ Logistics UK, [London low emission zone \(LEZ\)](#) [Accessed 10 May 2023]

⁶⁶ Transport for London, [Discounts and Exemptions](#), [online], (accessed 15 December 2022)

- Historic vehicles built more than 40 years ago (on a rolling basis)
- Other specialist vehicles, such as military vehicles, non-road-going vehicles, specialist agricultural vehicles, certain types of mobile crane⁶⁷

Those clinically assessed as being too ill to travel to an NHS appointment on public transport may also be eligible to claim back the ULEZ charge from their treating hospital.⁶⁸

3.4 Enforcement, appeals and use of money raised

As with CAZ cities, TfL are empowered to use Automatic Number Plate Recognition (ANPR) cameras to check that vehicles entering the ULEZ are compliant or have paid the required daily charge. In January 2022, TfL said that it had around 1500 ANPR cameras used to enforce ULEZ, LEZ and the congestion charging Zone.⁶⁹

If a vehicle is found to have broken ULEZ rules, then local authorities are empowered to pass number plate data to the DVLA to obtain the vehicle keeper's name and address.⁷⁰ A penalty charge notice can then be issued to the vehicle keeper. Penalties are set at £180, or £90 if paid within 14 days.⁷¹ If someone wishes to challenge a congestion charge, LEZ or ULEZ penalty they must first do so directly with TfL. If they still disagree with TfL's decision, they can appeal it with independent adjudicators at the [London Tribunals](#).⁷²

Schedule 23 of the Greater London Authority Act 1999 requires any net proceeds that may arise from road user charging (which would include LEZ, ULEZ and congestion charging) can be used only for transport policy purposes.⁷³

⁶⁷ Transport for London, [Discounts and Exemptions](#) [Accessed 15 June 2023]

⁶⁸ As above

⁶⁹ Transport for London, [FOI request: ANPR locations inside the A406](#), 17 January 2022

⁷⁰ Under Regulation 27 of [The Road Vehicles \(Registration and Licensing\) Regulations 2002](#)

⁷¹ Transport for London, [Penalty charges for ULEZ](#) [Accessed 15 June 2023]

⁷² London Tribunals, [About the Road User Charging Adjudicators](#) [Accessed 2 June 2023]

⁷³ Paragraph 16, [Schedule 23, Greater London Authority Act 1999](#)

4 Planned expansion of London's ULEZ

On 25 November 2022, the Mayor of London announced that the ULEZ would be expanded to all London boroughs from 29 August 2023.⁷⁴ The announcement followed a consultation which opened in May 2022 and contained four proposals, which also impact the LEZ and Congestion Charge schemes, to:

- Expand the current ULEZ to the LEZ boundary on 29 August 2023 and extend existing grace periods.
- Remove the £10 annual registration fee for each vehicle registered for AutoPay for the congestion charge, ULEZ and LEZ from 30 January 2023 to remove this barrier to sign up.
- Increase the Penalty Charge Notice (PCN) level for ULEZ and the Congestion Charge from £160 to £180 from 30 January 2023 in recognition that its deterrent effect has diminished over time.
- Make minor administrative changes to the ULEZ, LEZ and the congestion charge schemes to increase flexibility or remove expired provisions.⁷⁵

4.1 Consultation and mitigations

The 10-week consultation period ended on 29 July 2022, with 57,937 respondents. This included 342 responses from stakeholders and 11,868 from organisations.

When asked about whether the ULEZ scheme should be expanded, the majority of respondents (59%) thought it should not be. 12% believed it should be earlier, while 21% believed they thought it was the right date. Only 8% believed it should be implemented, but at a later date.

Concerns raised by a large number of respondents included that: the scheme penalises workers; comes at a time of increased cost of living; worries about affordability of daily charges; and it would be to the detriment of the economy. There were also comments that cars are necessary because public transport provision is too poor. There was strong support for discounts and

⁷⁴ Transport for London Press Release, [Ultra Low Emission Zone will be expanded London-wide](#), 25 November 2022

⁷⁵ Transport for London, [Report to Mayor on ULEZ expansion and future Road User Charging proposal](#), November 2022

exemptions, and respondents indicated that these should also be available for disabled people without a disabled class vehicle.⁷⁶

YouGov poll

Alongside the public consultation, the Greater London Authority (GLA) commissioned a poll to understand Londoners' views on the proposals. The survey was carried out by YouGov between 15 and 20 July 2022 with 1,245 responses which were weighted to be representative of all London adults.

Just over half of those surveyed (51%) supported the ULEZ expansion, with 21% keen to see it implemented by August 2023 and 22% at an earlier date. Just over a quarter (27%) thought it should not be enacted at all, and 8% supported implementation, but at a later date.⁷⁷

Integrated impact assessment

Jacobs (a technical professional services provider) was commissioned by TfL in 2022 to carry out an integrated impact assessment to identify key impacts associated with the scheme. This included how negative impacts could be avoided or mitigated where possible, and how positive impacts could be enhanced. The three themes assessed were environment, people, and economy.

ULEZ was deemed to likely have a moderate positive impact on nitrous oxides road traffic emissions and a minor positive impact on particulate matter emissions (See section 8 of this paper for more information on pollutants such as nitrous oxides). It was assessed that there would be a minor positive impact on health outcomes for Londoners.⁷⁸

Moderate negative impacts were expected for disabled people that do not qualify for Motability or disabled vehicle tax class exemptions, people on low incomes working in outer London (particularly the night-time economy), those with restricted mobility (including those who are pregnant and parents with young children), and people who receive care in outer London.⁷⁹

For the economy, there were estimated minor negative impacts from contraction of the labour market, an increase in the cost of operating LGVs and a loss in retail spending.⁸⁰

⁷⁶ Transport for London, [Report to Mayor on ULEZ expansion and future Road User Charging proposal](#), November 2022

⁷⁷ YouGov, [YouGov / Mayor of London Survey Results, Fieldwork Dates: 15th - 20th July 2022](#) (PDF), July 2022

⁷⁸ Jacobs, [London-wide ULEZ Integrated Impact Assessment \(ULEZ Scheme IIA\)](#) (PDF), 17 May 2022, p107

⁷⁹ Jacobs, [London-wide ULEZ Integrated Impact Assessment \(ULEZ Scheme IIA\)](#) (PDF), 17 May 2022, p11

⁸⁰ Jacobs, [London-wide ULEZ Integrated Impact Assessment \(ULEZ Scheme IIA\)](#) (PDF), 17 May 2022, p120

TfL mitigations and scrappage scheme

In response to the consultation outcome TfL made two modifications to the planned scheme change. The first is two new time limited grace periods until 24 October 2027 in addition to the current provisions for disabled people. These are:

- Disabled benefits grace period for those on the standard rate mobility component of Personal Independence Payments (PIP)
- Wheelchair accessible vehicles grace period⁸¹

The other mitigation is a scrappage scheme with £160 million funding, increased from an initial £110 million. Those eligible can apply to this scheme to receive a payment to trade in a non-compliant vehicle for a compliant one.

The scrappage scheme was initially targeted at people on low incomes in receipt of certain benefits (including universal credit, child tax credit, and working tax credit), disabled people, microbusinesses, and charities resident in Greater London.⁸²

Following announcements on 1 June and 4 August 2023, the maximum scrappage payments were raised, and the criteria for eligibility was expanded. Notably, the requirement to be in receipt of benefits will be removed from 21 August. The 4 August announcement pledged an extra £60 million in funding on top of the previously announced £110 million, taking the total scrappage scheme fund to £160 million.⁸³

The money available will be £1,000 for motorcycles, £2,000 for cars, £5,000 for wheelchair accessible vehicles, and £5,000-£9,500 for vans and minibuses for microbusinesses and charities.⁸⁴

From Friday 4 August, the following changes were made to the scheme:

- grants for scrapping a non-compliant van increased from £5,000 to £7,000
- grants for wheelchair accessible vehicles increased from £5,000 to £10,000

⁸¹ Transport for London Press Release, [Ultra Low Emission Zone will be expanded London-wide](#), 25 November 2022

⁸² Transport for London Press Release, [Ultra Low Emission Zone will be expanded London-wide](#), 25 November 2022

⁸³ Mayor of London Press release, [Mayor announces major expansion to ULEZ scrappage scheme to cover all small businesses in London and all London families receiving child benefit](#), 1 June 2023; Mayor of London Press release, [Mayor announces massive expansion of scrappage scheme to all Londoners](#), 4 August 2023

⁸⁴ Transport for London, [Report to Mayor on ULEZ expansion and future Road User Charging proposal](#), November 2022

- grants for scrapping minibuses increased from £7,000 to £9,000
- grants to replace a non-compliant van with electric van increased from £7,500 to £9,500
- grants to replace a non-compliant minibus with an electric minibus increased from £9,500 to £11,500
- retrofit grants increase from £5k to £6k⁸⁵

From Monday 21 August, the following changes will be made to the scheme:

- all Londoners with a non ULEZ-compliant car or motorcycle will be eligible for a £2,000 grant (or £1,000 for a motorcycle), or a higher value package of up to two bus and tram passes plus a lower grant
- small businesses and sole traders will be able to apply to scrap up to three vehicles (instead of just one as was previously the case)⁸⁶

The Mayor has said that because there is no central Government funding for a ULEZ scrappage scheme, scrappage funding has come from City Hall funds and must be limited to people and organisations based within Greater London.⁸⁷

4.2 Challenges to ULEZ expansion

Public transport alternatives and the number of compliant cars

Concerns have been raised about the lack of public transport alternatives to car travel in outer London boroughs, meaning that people reliant on cars which would be non-compliant in an expanded ULEZ would be penalised.⁸⁸ As a response to this concern the Mayor of London announced plans in March 2023 for a ‘Superloop’ bus service connecting outer London town centres.

In a press release, TfL described the Superloop as:

the jewel in the crown in our plans to strengthen alternatives to the private car ahead of the ULEZ expanding London-wide and is a game changer for outer

⁸⁵ Mayor of London, [ULEZ Frequently asked questions: Can people and organisations outside of London apply for the scrappage scheme?](#) [Accessed 11 August 2023]

⁸⁶ Mayor of London, [ULEZ Frequently asked questions: Can people and organisations outside of London apply for the scrappage scheme?](#) [Accessed 11 August 2023]

⁸⁷ Mayor of London Press release, [Mayor announces massive expansion of scrappage scheme to all Londoners](#), 4 August 2023

⁸⁸ BBC News, [ULEZ expansion: Pressure mounts on London mayor to reconsider plans](#), 30 January 2023

London. For the first time we will be bringing a number of the capital's town centres together with express orbital routes.⁸⁹

The Mayor has said that 90% of cars in outer London are already ULEZ compliant, based on TfL's analysis of ANPR camera data.⁹⁰ The BBC has said that the proportion of compliant cars in outer London is lower (84%) if measured by the number of cars registered to outer London addresses.⁹¹ However, TfL maintains that ANPR camera data is a more up-to-date and reliable metric than a car's registered address.⁹²

Legal challenge

On 12 April 2023, the high court permitted a legal challenge from five Conservative-led councils (Harrow, Hillingdon, Bromley, and Bexley borough councils in London, and Surrey County Council) for the ULEZ expansion decision to go to a judicial review (JR).⁹³ The councils' joint [pre-action letter to the court](#) sets out four separate grounds for the judicial review claiming that the ULEZ decision was unlawful.⁹⁴ However, the judicial review case was dismissed by the High Court in July 2023, allowing the ULEZ expansion to proceed.⁹⁵

Scrappage funding

On 23 February 2023 the Mayor of London wrote an open letter to the Prime Minister. The letter asked the Government to match TfL's own £110 million with additional funds for a ULEZ scrappage scheme, for people living in London and in the home counties bordering Greater London.⁹⁶ The Government did not respond directly to the letter. A response to a parliamentary question on 7 February 2023 indicated that the Government has no such plans, and that any concerns about the adequacy of the Mayor of London's proposed scrappage scheme were matters for the Greater London Authority.⁹⁷

In April 2023 six Labour MPs wrote to the Transport Secretary, also asking for scrappage funding to be made available for people living close to London

⁸⁹ TfL Press Release, [Mayor unveils plans for the Superloop: over four million kilometres of express bus services circling outer London](#), 28 March 2023

⁹⁰ TfL Press Release, [Over 90 per cent of cars driving in outer London now meet the ULEZ standards](#), 23 March 2023

⁹¹ BBC News, [ULEZ expansion: Contested claims examined](#), 30 May 2023

⁹² TfL, [ULEZ compliance data](#) [Accessed 7 June 2023]

⁹³ The Guardian, [London's mayor faces high court challenge over Ulez expansion](#), 12 April 2023

⁹⁴ London Boroughs of Hillingdon, Harrow, Bexley and Bromley, [Pre-Action Protocol Letter](#), 12 January 2023 [PDF]; The Guardian, [London's mayor faces high court challenge over Ulez expansion](#), 12 April 2023; Local Government Lawyer, [High Court gives green light to further grounds for challenge in ULEZ expansion judicial review](#), 30 May 2023

⁹⁵ BBC News, [Ulez: London mayor Sadiq Khan hails High Court ruling](#), 28 July 2023

⁹⁶ Mayor of London Press Release, [Mayor of London calls for PM to back ULEZ with scrappage cash for London and Home Counties](#), 23 February 2023

⁹⁷ PQ 138444 [On [Cars: Exhaust Emissions](#)], Answered on 7 February 2023

who often need to travel into London.⁹⁸ No response to this letter had been published at the time of writing.

An Early Day Motion tabled by (mainly Liberal Democrat) MPs on 22 June 2023 called for the UK Government to fund a home counties scrappage scheme to help those affected by an expanded ULEZ. The motion:

...notes that central government has provided funding towards scrappage schemes in Bristol, Birmingham, Portsmouth and Manchester, but has failed to provide equivalent support for those living in the home counties travelling into London regularly.⁹⁹

While central Government funding has been made available for scrappage schemes in clean air zones (CAZ – see Section 2.4 above), it is worth noting that none of those CAZ schemes include private cars, unlike ULEZ which does.¹⁰⁰ Each CAZ scrappage fund also has specific eligibility criteria and can often only be accessed by people living within the relevant local authority area.¹⁰¹

In a Westminster hall debate on road user charging on 26 June 2023, Conservative MP Gareth Johnson said it would not be appropriate for the UK Government to fund such a scrappage scheme:

Across the doughnut area around London... the Mayor's scrappage scheme does not apply. Nor should it apply, because where would we draw the line? Right up to Manchester or Rochester? We cannot have a situation in which the general taxpayer has to pick up the bill for the Mayor of London's financial incompetence. It is therefore right that we do not have the scrappage scheme outside London.¹⁰²

Public opposition and parliamentary petition

There have been several public protests against the expansion of the ULEZ, as well as reports of damage or theft of cameras installed to enforce the expanded ULEZ.¹⁰³

At Prime Minister's Questions on 10 May 2023, the Rishi Sunak criticised the ULEZ expansion which he said was “against the overwhelming views of residents and businesses” and would “raise costs for hard-working families”.¹⁰⁴

⁹⁸ BBC News, [ULEZ: Labour MPs seek support for non-Londoners](#), 13 April 2023

⁹⁹ [EDM-1364 of 2022-23 \(Ultra Low Emissions Zone Expansion in London\)](#), tabled on 22 June 2023

¹⁰⁰ DEFRA [Guidance: Clean air zones](#), last updated 30 June 2023

¹⁰¹ For example see Sheffield City Council, [Apply for financial support to upgrade or replace a polluting vehicle](#) page [accessed 11 August 2023], and Bradford Clean Air Zone, [Eligibility for grants](#) [Accessed 11 August 2023]

¹⁰² [WH Deb 26 June 2023 c12WH](#)

¹⁰³ BBC News, [Home Counties anger over London's ULEZ expansion](#), 14 May 2023; Independent, [‘Get Khan out’: Anti-ULEZ protesters block London Bridge over £12.50-per-day charge](#), 27 May 2023; Evening Standard, [Ulez cameras being stolen across the capital following protests](#), 17 April 2023

¹⁰⁴ [HC Deb 10 May 2023, c329](#)

A [parliamentary petition calling for the Government to amend the 1999 Greater London Authority \(GLA\) Act](#), to remove the Mayor's power to impose road use charges had received 25,729 signatures by 2 June 2023. The petition text argued that “ULEZ expansion could cause harm to millions of people's lives, work and businesses”, that there was insufficient time for people to avoid the charge, and a lack of democratic accountability because the ULEZ would affect people who cannot vote in London mayoral elections.¹⁰⁵

The Department for Transport's response said the Government has no plans to amend the 1999 Act and emphasised the democratic benefits of devolution and “high-profile, directly elected leaders, such as the Mayor of London”. The response pointed to the available scrappage schemes, grace periods and exemptions (as noted in section 4.1 of this briefing).¹⁰⁶

The petition was debated in Parliament on 26 June 2023, led by Nick Fletcher MP on behalf of the Petitions Committee.¹⁰⁷ Speaking for the Government, Richard Holden, Parliamentary Under-Secretary of State for Transport, explained that this was a devolved issue and that it was the 1999 Act and subsequent votes in the Greater London Assembly (GLA) which empowered the Mayor to introduce his transport strategy (including the expanded ULEZ):

Under the Greater London Authority Act 1999, transport in London is devolved to the Mayor and Transport for London. It is the Mayor's responsibility to manage and oversee the transport network. This includes the power to create, or vary, road schemes that charge users, which is why the petitioners drafted their petition in the way that they did. It is up to the Mayor to determine and justify what he is doing.

The mayoralty in London has previously used those powers to introduce the congestion zone, the low emission zone and the current smaller ULEZ in central London. When the Mayor brought forward his transport strategy, which was voted on, it could have been rejected by the members of the GLA, but instead it was supported by every party in the GLA apart from the Conservatives. That is where the Mayor gets his ability to do this from.¹⁰⁸

In the debate, Conservative MPs Kelly Tolhurst and Sir David Evennett argued that ULEZ expansion was intended to raise money for the Mayor.¹⁰⁹ In August 2023 a spokesperson for the Mayor told FullFact this was not the case:

This decision was based on the damage air pollution does to the health of Londoners to bring down toxic emissions from vehicles. The decision to expand the ULEZ was not about making money – indeed the net revenue from the ULEZ

¹⁰⁵ E-petition 633550: [Amend the 1999 GLA Act to remove the Mayor's power to impose road use charges](#), 23 February 2023

¹⁰⁶ As above

¹⁰⁷ The petition was debated along with another petition: E-petition 599985: [Revoke local government powers to charge CAZ, LEZ, and ULEZ](#), 15 November 2021; [WH Deb 26 June 2023](#)

¹⁰⁸ [WH Deb 26 June 2023 c31WH](#)

¹⁰⁹ [WH Deb 26 June 2023 c5WH](#); [WH Deb 26 June 2023 c13WH](#)

will be negligible by 2026/2027 because compliance rates are projected to be so high.¹¹⁰

¹¹⁰ FullFact, [Government funding agreement did not force Sadiq Khan to extend ULEZ to cover all of Greater London](#), 9 August 2023

5 Low emission zones in Scotland: Current rules

Local transport and air quality are devolved policy areas. The [Transport \(Scotland\) Act 2019](#) provides the legal basis to enable the [creation and civil enforcement of LEZs](#).

In Scotland, clean air zones are termed ‘low emission zones’ (LEZs). In May 2022, LEZs were introduced in:

- Glasgow
- Edinburgh
- Dundee
- Aberdeen

Enforcement of the LEZs will commence in 2024, apart from in Glasgow where enforcement commenced on 1 June 2023.¹¹¹

A major difference between LEZ scheme in Scotland and CAZ and ULEZ schemes in England is that LEZ schemes in Scotland do not allow non-compliant vehicles to enter at any time. There is no option to pay a daily charge. If a non-compliant vehicle enters, then a penalty is payable.

5.1 Vehicle standards and exemptions

LEZ vehicle standards are very similar to CAZ, the only difference is that motorbikes and mopeds are not included in the current LEZ schemes and no restrictions apply to them.

Scotland LEZ Minimum emission standards

Vehicle type	Clean air zone minimum standard
Buses, coaches, heavy goods vehicles	Euro VI
Vans, minibuses, taxis, private hire vehicles, cars	Euro 6 (diesel) and Euro 4 (petrol)

¹¹¹ Scottish Government [Low Emission Zones Scotland](#) [Accessed 11 May 2022]; Scottish Government Press Release [Low Emission Zones introduced across Scotland](#) 31 May 2022

Source: [Low Emission Zones Scotland: How Low Emission Zones work](#) [Accessed 2 June 2023]

There are national exemptions to LEZ penalties for non-compliant vehicles falling into one of the following categories:

- vehicles registered with a 'disabled' or 'disabled passenger vehicles' tax class.
- vehicles receiving a reduction in annual rate of vehicle excise duty because the vehicle is being used by a disabled person in receipt of personal independence payment at the standard rate.
- blue badge holders (either as drivers, passengers, or vehicles being driven with an organisational blue badge) – blue badge holders need to register on or before the day of travelling, to avoid a penalty
- emergency service vehicles
- military vehicles
- vehicles of historic interest
- showman vehicles (specialised vehicles used for performances)¹¹²

Penalty charges

The initial penalty charge for all non-compliant vehicles is set at £60, reduced by 50% if it is paid within 14 days.

The penalty amount doubles with each subsequent breach of the rules detected in the same LEZ. The penalty charges are capped at £480 for cars and light goods vehicles and £960 for minibuses, buses, coaches and HGVs.¹¹³

Where there are no further breaches of the rules detected within the 90 days following a previous violation, the rate is reset to the base tier of charge: £60.¹¹⁴

5.2

Scrappage Scheme

Households

The Scottish Government set up a 'Low Emission Zone Support Fund' to households near planned low emission zones, although this has now closed to new applications. This was a targeted fund aimed at those in receipt of

¹¹² Low Emission Zones Scotland, [How Low Emission Zones work](#) [Accessed 2 June 2023]

¹¹³ [Schedule 4, The Low Emission Zones \(Emission Standards, Exemptions and Enforcement\) \(Scotland\) Regulations 2021](#)

¹¹⁴ Low Emission Zones Scotland, [How Low Emission Zones work](#) [Accessed 2 June 2023]

specific means-tested benefits. Grants of up to £3,000 were available to incentivise the disposal of non-compliant vehicles. This includes £2,000 as a scrappage payment for an old non-compliant vehicle, and a maximum £500 grant for up to two members of a household (up to £1,000 in total) towards travel-better vouchers, which can be used to pay for sustainable travel options (including bike purchases or public transport tickets).

To be eligible, an applicant must meet all the following conditions:

- Live within 20km of the planned zones in Aberdeen, Dundee, Edinburgh or Glasgow.
- Own a Euro 3 or earlier petrol vehicle or a Euro 5 or earlier diesel vehicle.
- Receive benefits from the Department for Work and Pensions.

The Low Emission Zone Support Fund is administered by the Energy Saving Trust.¹¹⁵

Businesses

Under the low emission zone Support Fund for businesses, scrappage grants of £2,000 were made available to micro businesses. Following vehicle disposal and successful receipt of the fund, eligible businesses could also receive a further £1,000 towards the purchase of a cargo or electric cargo bike.

To be eligible, businesses must meet all the following conditions:

- Be located within 20km of a low emission zone.
- Own a Euro 3 or earlier petrol vehicle or a Euro 5 or earlier diesel vehicle.
- Have nine or fewer full-time employees and sole traders.

The fund is administered by the Energy Saving Trust and has also closed to new applications.¹¹⁶

The Scottish Government also set up a Low Emission Zone Retrofit Fund, aimed at helping eligible businesses to retrofit non-compliant vehicles, rather than replace them. However, the fund is not available to private households and is also closed to new applications. Under the retrofit scheme, grants were available to cover up to 80% of the cost of a retrofit solution, up to a certain maximum spend depending on the vehicle type. Retrofit solutions must comply with the Energy Saving Trust's Clean Vehicle Retrofit Accreditation Scheme (CVRAS) to receive grants.¹¹⁷

¹¹⁵ Energy Saving Trust, [Low Emission Zone Support Fund for households](#) [Accessed 4 June 2023]

¹¹⁶ Energy Saving Trust, [Low Emission Zone Support Fund for businesses](#) [Accessed 4 June 2023]

¹¹⁷ Energy Saving Trust, [Low Emission Zone Retrofit Fund](#) [Accessed 4 June 2023]; Energy Saving Trust, [Clean Vehicle Retrofit Accreditation Scheme](#) [Accessed 4 June 2023]

5.3

Enforcement, appeals and use of money raised

Enforcement of low emission zones is done using ANPR cameras to check if vehicles entering a LEZ are compliant. If they are not, then a penalty charge notice will be issued to the vehicle keeper, using DVLA information to obtain their address. The initial penalty charge for all non-compliant vehicles is set at £60. All PCNs will be reduced by 50% if paid within 14 days.¹¹⁸

Penalties can be appealed to the relevant council (Glasgow, Edinburgh, Dundee or Aberdeen councils). If the council reject an appeal, it can then be escalated to an independent adjudicator, Scotland's General Regulatory Chamber, whose decision is final.¹¹⁹

Any revenue raised by a council from penalties from a LEZ scheme can only be used for the scheme's objectives, defined in the Transport (Scotland) Act 2019 as improving air quality and reducing carbon emissions.¹²⁰

¹¹⁸ Glasgow City Council, [Glasgow's Low Emission Zone \(LEZ\)](#) [Accessed 4 June 2023]

¹¹⁹ General Regulatory Chamber, [Transport appeals](#) [Accessed 4 June 2023]

¹²⁰ Section 27 and Section 14, [Transport \(Scotland\) Act 2019](#)

6

Wales & Northern Ireland

Wales

Road user charging and air quality are both devolved policy areas.

There are currently no charging clean air zones in Wales, and no live plans for any. The legislation enabling the creation of clean air zones in England, [part III of the Transport Act 2000](#), applies to Wales as well. However, secondary legislation would be required to implement any clean air zone in Wales, and none has so far been passed by the Senedd. In 2019, Cardiff Council decided that a CAZ in Cardiff was not necessary for it to meet its clean air plans, a decision that the Welsh Government accepted.¹²¹

In April 2023 Cardiff Council said they were re-visiting the issue due to concerns over carbon emissions, air pollution and associated health risks in the city. A press release said they intended to “look at a range of schemes including, but not limited to, Road User Payments, Congestion Zones, Clean Air Zones and Workplace Parking Levies.”¹²² The council said no decisions had yet been made, that prior legislation would be required from the Welsh Government to enable any such scheme, and that any such scheme would not come into effect until 2026 at the earliest.¹²³

Northern Ireland

There is currently no legislative authority for road user charging charges in Northern Ireland. The Department of Agriculture, Environment and Rural Affairs (DAERA) carried out a consultation on its Clean Air Strategy for Northern Ireland in 2021 and published a synopsis of responses on 23 June 2022.¹²⁴

This synopsis found mixed support for the idea of low emission zones or clean air zones in Northern Ireland. A number of councils and organisations responding to the consultation felt that vehicle charging cordons introduced in England had been successful in improving air quality in urban centres such as London, Manchester and Birmingham.¹²⁵ Other respondents said that the CAZ policy in England, whilst well-intended, had caused damaging “stranded

¹²¹ Welsh Government Press Release, [£21m for air quality improvements in Cardiff after Minister approves final plan](#), 10 January 2020

¹²² Cardiff Council Press Release, [Cardiff Road User Payment Scheme](#), 17 April 2023

¹²³ Cardiff Council Press Release, [Cardiff Road User Payment Scheme](#), 17 April 2023

¹²⁴ NI Department of Agriculture, Environment and Rural Affairs, [Public synopsis of responses to the Clean Air Strategy discussion](#), 23 June 2022

¹²⁵ NI Department of Agriculture, Environment and Rural Affairs, [Public synopsis of responses to the Clean Air Strategy discussion](#), 23 June 2022, p20

assets”. In other words, vehicles can ‘suddenly’ lose much of their market re-sale value if a CAZ is introduced for which they are non-compliant. It was stressed that DAERA must learn from the experiences gained in England.¹²⁶

¹²⁶ NI Department of Agriculture, Environment and Rural Affairs, [Public synopsis of responses to the Clean Air Strategy discussion](#), 23 June 2022, p21

7

National road user charging

In 2022, the Transport Select Committee published its [report into road pricing](#). This noted that, due to the expected transition to electric vehicles, tax revenues from vehicle excise duty and (especially) fuel duty are expected to decline. As a result, it recommended the Government start work on a national road pricing system, based on miles travelled and vehicle type, which would enable the Government to maintain the existing link between motoring taxation and road usage and avoid a ‘fiscal black hole’.¹²⁷

The committee report noted that there is currently a ‘patchwork’ of local road pricing mechanisms (as described in this briefing) which may make it more difficult to introduce a national scheme, but that it was nevertheless important that the Government start work on a national scheme urgently:

The Government must examine how an alternative road pricing mechanism can be delivered alongside devolved local road charging schemes, while respecting the existing devolution settlement. Any alternative road pricing mechanism must be revenue neutral to the Government rather than causing drivers, as a whole, to pay more than they do currently. Such a mechanism should be phased in before fuel duty and vehicle excise duty decline to zero. The situation is urgent; work must begin without delay.¹²⁸

HM Treasury responded to the report by letter on 9 January 2023, saying “the government does not currently have plans to consider road pricing.”¹²⁹

An overview of the concept of national road pricing is provided in the Library briefing on [Road pricing](#).¹³⁰

¹²⁷ Transport Committee Press Release, [Road pricing: Act now to avoid £35 billion fiscal black hole, urge MPs](#), 4 February 2022

¹²⁸ Transport Committee, [Road pricing](#), 4 February 2022, HC 789, Recommendation 10

¹²⁹ Transport Committee, [Letter to the Chair from Rt Hon Jeremy Hunt MP, Chancellor of the Exchequer](#), 9 January 2023

¹³⁰ Commons Library briefing SN-03732, [Road pricing](#), 6 August 2020

8 The air quality context

8.1 Pollutants of concern

Road vehicles are sources of some key air pollutants; in particular, particulate matter and nitrogen dioxide.¹³¹

Nitrogen oxides (NO_x) are a group of gases that are predominantly formed during the combustion of fossil fuels. The majority of NO_x emitted as a result of combustion is in the form of nitric oxide (NO). When NO reacts with other gases present in the air, it can form nitrogen dioxide (NO₂).¹³²

Particulate matter (PM) is not a single compound. It is made up of a mixture of solid and liquid particles of organic and inorganic chemicals. It includes some naturally occurring substances, such as salt and dust, as well other substances, such as particles from non-exhaust emissions such as brakes, tyre and road wear. PM is split into different categories, such as PM₁₀ and PM_{2.5}, which reflects the size of the particles (PM_{2.5} is smaller). Like other pollutants, PM can travel large distances and it is a transboundary problem. Sometimes, depending on wind direction and other circumstances, around a third of the UK PM_{2.5} levels (more in South East England than other areas) are from sources outside of the UK (for example, continental Europe).¹³³

Exposure to these pollutants can have implications for human health, the severity of which can vary depending on the nature and duration of exposure. This was most recently set out in a [December 2022 report on air pollution from the Chief Medical Officer](#) (CMO), who summarised that air pollution is, “associated with impacts on lung development in children, heart disease, stroke, cancer, exacerbation of asthma and increased mortality, among other health effects.” The report provided more detailed information about the known health impacts of the different air pollutants.¹³⁴

Further information about air pollutants and concerns is available in the Library briefing, [Air quality: policies, proposals and concerns](#) and POSTnote, [Urban outdoor air quality](#).

¹³¹ TFL, [Air quality](#) [downloaded 13 December 2022]

¹³² UK Government, [Clean Air Strategy 2019](#), January 2019

¹³³ UK Government, [Clean Air Strategy 2019](#), January 2019

¹³⁴ [Chief Medical Officer's annual report 2022: air pollution](#), 8 December 2022

8.2 Legal air quality limits

Many of the air quality limits across the parts of the UK stem from what was originally EU legislation. In particular, EU [Directive 2008/50/EC](#) (the “Air Quality Directive”) on ambient air quality and cleaner air for Europe set legally binding standards for ambient air quality (the more immediate air that surrounds us). It did this by setting limit values for concentrations of them.

Limit values are legally binding and must not be exceeded. They are set for individual pollutants and comprise a concentration value, an averaging period for the concentration value, a number of exceedances allowed (per year) and a date by which these must be achieved. Some pollutants have more than one limit value, for example relating to short-term average concentrations (such as the hourly mean) and long-term average concentrations (such as the annual mean).¹³⁵

Following the UK’s departure from the EU and the end of the transition period, these limits in these regulations have been retained in domestic legislation in accordance with the EU (Withdrawal) Act 2018 (as amended) and subsequent regulations.

In the UK, the Air Quality Directive was implemented through:

- [Air Quality Standards Regulations 2010 \(as amended\)](#);
- [Air Quality Standards \(Wales\) Regulations 2010 \(as amended\)](#);
- [Air Quality Standards Regulations \(Northern Ireland\) 2010 \(as amended\)](#); and
- [Air Quality Standards \(Scotland\) Regulations 2010 \(as amended\)](#).

Collectively these are referred to as the “UK’s Air Quality Standards Regulations”. The limit values set by the UK’s Air Quality Standards Regulations in respect of particulate matter and NO₂ are:

- **By January 2010 for NO₂**: a maximum annual mean concentration of no more than 40µg/m³; and an hourly mean concentration of 200µg/m³ not to be exceeded more than 18 times in a year.
- **By January 2005 for PM₁₀**: a maximum annual mean concentration of no more than 40µg/m³; and a 24 hour mean concentration of 50µg/m³ not to be exceeded more than 35 times a year.
- **By January 2015 for PM_{2.5}**: a maximum annual mean concentration of 25µg/m³.

¹³⁵ Defra, [Air Pollution in the UK 2021](#), September 2022

- **Scotland** has set stricter levels for PM₁₀ and PM_{2.5} than the EU requirements. In April 2016, the Scottish Government became the first country in Europe to adopt the 2005 World Health Organisation's (then) recommended guideline value for PM_{2.5} of 10µg/m³ as an annual mean threshold.¹³⁶

µg/m³ is a microgram (one-millionth of a gram) per cubic metre of air.

The duty to work towards meeting the air quality objectives continues beyond the deadlines set out in the regulations. For example, an objective which was due to be met by 2005 must also be met in every subsequent year.

Long-term targets for fine particulate matter

The [Environment Act 2021](#) required the Government to make regulations setting long-term, (15 years or longer), environmental targets for England in a number of areas, including one on air quality. In addition to this the Act also required a specific target to be set in relation to fine particulate matter (PM_{2.5}), as the government considered this to be the air pollutant of greatest harm to human health.¹³⁷

Following a consultation process,¹³⁸ the two targets, both of which relate to PM_{2.5}, have now been set in secondary legislation, [The Environmental Targets \(Fine Particulate Matter\) \(England\) Regulations 2023](#) (SI 2023/96). The targets are:

- An annual mean concentration target: a target of 10 micrograms per cubic metre (µg m³) to be met across England by 2040.
- A population exposure reduction target: a 35% reduction in population exposure by 2040 (compared to a base year of 2018).

The targets are supported by interim targets and policy that are set by government in its [Environmental Improvement Plan](#), January 2023. The aim of interim targets is to help track progress towards the statutory, longer term, targets. They are:

By the end of January 2028:

- The highest annual mean concentration in the most recent full calendar year must not exceed 12 µg/m³ of PM_{2.5}.
- Compared to 2018, the reduction in population exposure to PM_{2.5} in the most recent full calendar year must be 22% or greater.¹³⁹

¹³⁶ The [Air Quality \(Scotland\) Amendment Regulations 2016](#) (SI 2016/162)

¹³⁷ See Defra, [Consultation on Environmental Targets](#), 16 March 2022 and the [Environmental targets consultation summary of responses and government response](#), (opens PDF) 16 December 2022

¹³⁸ See Defra, [Consultation on Environmental Targets](#), 16 March 2022 and the [Environmental targets consultation summary of responses and government response](#), (opens PDF) 16 December 2022

¹³⁹ HM Government, [Environmental Improvement Plan](#), January 2023, p

8.3

Compliance with legal limits

Prior to EU exit, elements of UK air quality legislation were governed by EU law which resulted in the adoption of common standards across the UK. Although much of air quality was (and still is) a devolved policy area, the UK Government was ultimately responsible for meeting the legal limits set by the EU legislation. In February 2022 the UK Government published an [Air quality: provisional common framework](#), which sets out how the UK and devolved governments intend to work together on air quality policy areas.

The UK Government's annual [Air pollution in the UK](#) reports give a high level summary of the UK's compliance with legal limits on air pollution alongside background information on the UK's legal and policy framework and how pollution is measured and modelled. The UK is currently divided into 43 zones for air quality assessment. 28 are agglomerations zones (large urban areas) and 15 non-agglomeration zones (larger regions outside urban areas). The report shows compliance with each pollution limit for all zones. This is based on a mixture of measured concentrations and modelling. In the UK Government's January 2023 Environmental Improvement Plan it said that it would, "Re-align regional air quality zones in line with local government boundaries to drive effective coordinated action."¹⁴⁰

Previous non-compliance with these legal limits has been one of the main reasons why clean air zones have been proposed.

Latest report on compliance

Compliance with limit values, as set out in latest UK Government report using 2021 data, (published in September 2022), is summarised as follows:

Nitrogen dioxide (NO₂): (...) All zones and agglomerations were compliant with the 1-hour limit value (200 µg m⁻³) in 2021, with none exceeding this limit value on more than the permitted 18 occasions. In recent years only a few zones (typically one or two) have exceeded this limit value, 2021 is the second year in which all zones have been compliant.

Thirty-three zones met the annual mean limit value for NO₂ (40 µg m⁻³) in 2021. The 10 zones that exceeded this limit value were:

- Greater London Urban Area
- West Midlands Urban Area
- Greater Manchester Urban Area
- West Yorkshire Urban Area

¹⁴⁰ HM Government, [Environmental Improvement Plan](#), January 2023, p75

- Liverpool Urban Area
- Sheffield Urban Area
- Nottingham Urban Area
- Bristol Urban Area
- Glasgow Urban Area
- South Wales.

(...)

Particulate Matter as PM10: all zones and agglomerations were compliant with the annual mean limit value of 40 µg m⁻³ for PM10. All zones and agglomerations were also compliant with the daily mean limit value of 50 µg m⁻³, which must not be exceeded more than 35 times a year.

(...)

Particulate Matter as PM2.5: all zones met the Stage 1 limit value (25 µg m⁻³ to be achieved by 1st Jan 2015) which came into force on 1st January 2015, and the Stage 2 limit value (20 µg m⁻³ which was to be achieved by 1st Jan 2020). Both limit values apply to the annual mean, based on the calendar year.¹⁴¹

The report highlighted that in 2020 there was a large reduction in the number of zones exceeding the annual mean limit value for NO₂: just five zones exceeded in 2020 compared to 33 zones in 2019. This was attributed to the reduced road traffic flows brought about by the Covid-19 pandemic lockdown restrictions. The report stated that 2021 data suggested that NO₂ concentrations have increased in 2021 compared to 2020, but remain lower than their pre-pandemic levels.¹⁴²

Local authorities with exceedances of the annual mean NO₂ limit value have been required to consider measures needed to meet the statutory limit value within the shortest possible time.¹⁴³

Judicial review of plans to comply with air quality limits

Judicial review proceedings brought by the environmental advocacy charity, ClientEarth, arose out of the admitted and continuing failure of the United Kingdom since 2010 to secure compliance in certain zones with the limits for NO₂ levels under the Air Quality Directive (2008/50/EC).¹⁴⁴

¹⁴¹ Defra, [Air Pollution in the UK 2021](#), September 2022, p56-57

¹⁴² Defra, [Air Pollution in the UK 2021](#), September 2022, p56

¹⁴³ Defra, [Air Pollution in the UK 2021](#), September 2022, p56

¹⁴⁴ R (on the application of ClientEarth) (Appellant) v The Secretary of State for the Environment, Food and Rural Affairs (Respondent), [\[2013\] UKSC 25](#)

Following judicial review challenges in 2015, 2016 and 2017 the Government was directed by the courts to produce and amend a series of plans to show how it would reduce NO₂, in the shortest possible time. The most recent, and still current, plan is the [UK plan for tackling roadside nitrogen dioxide concentrations: Detailed plan](#), July 2017.

Following judicial review proceedings in relation to the July 2017 Plan, the High Court ruled, on 21 February 2018, that a supplement to the 2017 Plan should be produced by the Government by 5 October 2018. This was published on 5 October 2018: [Supplement to the UK plan for tackling roadside nitrogen dioxide concentrations](#). The Welsh Government also produced a plan following these proceedings: [Air quality plan: roadside nitrogen dioxide](#), 1 November 2018.

For more detailed information about the judicial review challenges and the Government plans produced, see Library briefing paper, [Brexit and Air Quality](#), 21 May 2019.

In a technical report published alongside the July 2017 Plan for reducing roadside NO₂, the Government identified, through modelling, that charging Clean Air Zones was the measure able to achieve statutory NO₂ limit values in towns and cities in the shortest possible time.¹⁴⁵ The Government noted however, that if a local authority could identify measures other than charging zones that were at least as effective at reducing NO₂, and were at the same or lower cost, those measures should be preferred “as long as the local authority can demonstrate that this will deliver compliance as quickly as a charging Clean Air Zone.”¹⁴⁶

8.4

Government directions to local authorities in breach of legal limits

Under the part IV of the Environment Act 1995, local authorities in England, Wales, Scotland and Northern Ireland¹⁴⁷ are required to regularly review and assess air quality in their areas against these limits. Local authorities have to consider the current and likely future air quality in their areas, and assess whether the objectives are likely to be achieved by the due dates.

The UK, Welsh and Scottish¹⁴⁸ Governments have powers in the Environment Act 1995 (section 85) to issue “Directions” to local authorities in their areas.¹⁴⁹ Air quality in London is devolved to the Mayor of London, who also has powers

¹⁴⁵ HM Government, [Air quality plan for nitrogen dioxide \(NO₂\) in UK \(2017\): Technical Report](#), July 2017, p30

¹⁴⁶ HM Government, [Air quality plan for nitrogen dioxide \(NO₂\) in UK \(2017\)](#), July 2017, para 271

¹⁴⁷ And in Northern Ireland the Environment (Northern Ireland) Order 2002

¹⁴⁸ In Scotland this is the Scottish Environment Protection Agency (SEPA) acting with the approval of Scottish Ministers

¹⁴⁹ [Section 85 of the Environment Act 1995](#)

under this section to issue Directions to local authorities in Greater London.¹⁵⁰ In Northern Ireland the power to make Directions is given to the Department of Agriculture, Environment and Rural Affairs under the [Environment \(Northern Ireland\) Order 2002](#).

Directions require local authorities to consider (and provide evidence) as to which measures in their areas will deliver compliance with legal limits on air pollutants (such as roadside NO₂ levels) in the shortest possible time. As part of this, the Mayor of London has a duty to achieve the legal limits for air pollutants in Greater London.

Under the UK Government's 2017 [UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations and its further Supplement in 2018](#), 61 local authorities were initially identified as needing to produce plans for delivering NO₂ compliance in the shortest possible time. A further three local authorities were identified following the judicial review proceedings of the Government's plans in 2018. Directions have subsequently been issued by the UK and Welsh Governments requiring specified local authorities to take specified actions to plan for and take actions aimed at delivering compliance with NO₂ limit values in the shortest possible time. The Directions are available on:

- The UK Government's website: [Air quality plan for nitrogen dioxide \(NO₂\) in UK \(2017\): air quality directions](#); and
- The Welsh government's website: [air pollution](#)

It is for local authorities to determine what the appropriate solution is to tackling NO₂ concentrations.¹⁵¹ Under a Direction the Government will consider all the evidence presented by the local authority about which measures are needed and will agree them and sign them off in a Ministerial Decision Letter.

Generally, as part of this work under such a Direction, a local authority will need to demonstrate that it has considered the establishment of a CAZ. The is because a CAZ will often be the most effective way to deliver compliance, in the shortest possible time. It is not the only measure available however and other measures such as building bypasses, reducing speed limits, retro-fitting busses with cleaner technology etc. can also be considered. The UK Government has set this out further in a PQ response:

Government has been consistently clear that if a local authority can identify measures other than charging zones that are at least as effective at reducing NO₂ to legal levels but with less of an impact, those measures should be preferred. Any alternative will need to deliver compliance as quickly as a charging CAZ if it is to be preferred for inclusion in the plans which local authorities develop.¹⁵²

¹⁵⁰ Defra, [London technical guidance](#) [downloaded on 14 December 2022]

¹⁵¹ [PQ 28963 \[Clean Air Zones\], 13 July 2021](#)

¹⁵² [PQ 28963 \[Clean Air Zones\], 13 July 2021](#)

Not all local authorities that were required to consider to clean air zones have had to implement one. This is because it has been agreed that other measures will be sufficient to deliver air quality compliance in the shortest possible time. The specialist publication ENDSReport highlighted in December 2020 that Southampton, Nottingham, Derby, Leeds, Essex, Coventry had all agreed alternative plans with the Government to a charging CAZ.¹⁵³ For an example of a Government revocation letter, formally revoking an air quality direction see [letter to Leeds City Council](#), dated 20 October 2020 (PDF).

Progress towards compliance with the Directions

The Department for Environment, Food & Rural Affairs (Defra) and the Department for Transport (DfT) established the Joint Air Quality Unit (JAQU) in 2016 to oversee delivery of the UK Government's plans to achieve compliance with NO₂ limits in as short a time as possible. In June 2022 the National Audit Office reported on progress made under the UK Government's Ministerial Directions as follows:

As at April 2022, information from JAQU showed that 14 of the 64 directed local authorities had implemented all of the measures agreed with central government, which are expected to bring NO₂ levels below legal limits: two of these local authorities have introduced charging Clean Air Zones, with twelve adopting non-charging measures such as improved road layouts or traffic signalling to reduce traffic queues. Seventeen authorities are in the process of implementing measures, including one which has already introduced a charging Clean Air Zone and is in the process of implementing additional non-charging measures.¹⁵⁴

Once measures have been implemented it is then JAQU's role to determine whether the measures have been successful in meeting the air quality limit values, based on evidence provided by the local authority.

8.5 Local authority air quality funding

Funding for air quality improvements can a mixture of funding given directly and explicitly for that purpose, or more indirect having been given for a different purpose, but also impacting on air quality. For example, funding aimed at encouraging a switch to cycling and walking might have the aim of reducing congestion on the roads, but may also bring improvements for air quality. The following sections provide an overview of the sources of funding given to local authorities that have been explicitly linked to air quality improvements and the establishment of clean air/ low emission zones. This does not include direct funding for vehicle scrappage schemes, which is set out in the above sections of this briefing.

¹⁵³ MAPPED: Whatever happened to clean air zones? [ENDSReport](#), 11 December 2020 [subscription required]

¹⁵⁴ National Audit Office, [Tackling local breaches of air quality](#), June 2022, p9

UK Government

As set out by the National Audit Office (NAO) in its 2022 report, [Tackling local breaches of air quality](#), there are three main tranches of funding available to local authorities to help deliver compliance with NO₂ limits:

- The Implementation Fund, which provides funding to assist local authorities in developing and implementing clean air plans.
- The Clean Air Fund, which is to assist local authorities to support those affected by the plans and help to improve the local acceptability of clean air measures by making it easier, more attractive or more affordable for individuals and businesses to change to cleaner modes of transport, by enabling a local authority to implement plans that collectively impact on fewer people; or by reducing transport costs for people.
- Feasibility funding to support local authorities that were directed to conduct targeted feasibility studies to identify measures that could bring forward compliance.¹⁵⁵

The NAO's report summarises the funding levels awarded as follows:

2.17 As at February 2020 JAQU had awarded £522 million to local authorities through to 2021-22 with more than half (54%) to support individuals and business affected by the plans (through the Clean Air Fund), around one third of this (35%) going towards the implementation of measures (through the Implementation Fund) and 10% towards funding for feasibility studies. Government has also budgeted a further £180 million in 2022-23. HM Treasury told us that it has not set a firm limit for the budget for local authorities' implementation of measures to tackle breaches, in order to meet a legal requirement that cost cannot be a limiting factor to achieving compliance in the shortest possible time. It has set a budget in the usual way for the Clean Air Fund.¹⁵⁶

Scottish Government

The Scottish Government set out its position about funding air quality initiatives in a Scottish Parliament PQ response. It noted that it is given as part of the overall financial support given to local authorities:

It is the responsibility of individual local authorities to manage their own budgets and to allocate the total financial resources available to them, including on reducing vehicle emissions, on the basis of local needs and priorities, having first fulfilled their statutory obligations and the jointly agreed set of national and local priorities.¹⁵⁷

In its Cleaner Air for Scotland 2 Strategy the Scottish Government highlighted Scottish Government funding to households and certain businesses to support adaptation to new low emissions zones (LEZ):

¹⁵⁵ National Audit Office, [Tackling local breaches of air quality](#), June 2022, p33

¹⁵⁶ National Audit Office, [Tackling local breaches of air quality](#), June 2022, p33

¹⁵⁷ Scottish Parliament [Question reference: S6W-10764](#), answered 31 October 2022

The Scottish Government introduced the LEZ Support Fund in 2019 as a form of vehicle disposal scheme to help those who will have the most difficulty in making the transition to the introduction of a LEZ. Rather than a conventional scrappage scheme, it provides targeted mobility grant funding for households (who currently use an LEZ-non-compliant private car) and micro-businesses using non-compliant light commercial vehicles. This approach seeks to encourage lower emission mobility options such as, but not limited to, e-bikes, bikes, public transport season ticket contributions and other incentives which reduce car ownership.¹⁵⁸

Welsh Government

The Welsh Government has announced a [Local air quality management support fund 2023-24](#). The fund is £1 million and local authorities can bid for support for the following types of project:

- Prevention – action that seeks to improve air quality and prevent worsening of concentrations and/or an exceedance of air quality objectives.
- Mitigation – action that seeks to improve air quality in an Air Quality Management Area (AQMA).
- Innovation – action using innovative methods or technologies to improve air quality and/or reduce exposure.¹⁵⁹

Projects must be delivered within the 2023-24 financial year.

Northern Ireland

An overview of specific schemes funded by the Northern Ireland Department for Agriculture, Environment and Rural Affairs (DAERA) is provided in the November 2020, [A Clean Air Strategy for Northern Ireland – Public Discussion Document](#). The document sets out that DAERA has a Local Air Quality Management (LAQM) grants scheme which draws down from its Environment Fund. Councils apply annually for funding from the Department to carry out air quality monitoring and assessment, and to prepare and implement action plans.¹⁶⁰

¹⁵⁸ Scottish Government, [Cleaner Air for Scotland 2](#), July 2021, p79

¹⁵⁹ Welsh Government, [Local air quality management support fund 2023-24](#) (accessed 16 May 2023)

¹⁶⁰ Northern Ireland Department for Agriculture, Environment and Rural Affairs, [A Clean Air Strategy for Northern Ireland – Public Discussion Document](#), November 2020, p118

8.6

Governance and enforcement of air quality standards

As a result of leaving the EU, environmental law and policy (including on air quality), which was derived from the EU, is no longer subject to the oversight of EU institutions, including the Court of Justice of the European Union (CJEU). As environmental matters are generally devolved, each part of the UK has now established, or is working to establish, new environmental governance bodies to monitor environmental law and to provide a mechanism for bringing complaints about breaches of these laws (including on air quality):

- In England and Northern Ireland the [Office for Environmental Protection](#) (the OEP), has been established;
- In Scotland a public sector body called [Environmental Standards Scotland \(ESS\)](#) has been established;
- The [Welsh Government plans to establish a permanent environmental governance oversight body](#). In the interim it has appointed an environmental protection assessor. Further information about bringing a challenge in relation to compliance with environmental law in Wales is set out on the Welsh government website, [Raising a concern about the functioning of environmental law](#), last updated December 2022.

These bodies and frameworks provide the mechanism for legal challenge if a government or local authority fails to meet legal air quality standards. For further information about these bodies see Library briefing, [Air quality: policies, proposals and concerns](#), 6 September 2022.

These bodies also monitor the effectiveness of existing laws and policies. For example, in Scotland, in 2022, ESS completed an investigation into the Scottish Government's plans and approach to ensuring future compliance with legal limits on NO₂ levels. ESS published an improvement report¹⁶¹ in relation to this investigation in September 2022. It recommended (among other things) that the Scottish Government should introduce a monitoring body with the remit to investigate the effectiveness of low emission zones (LEZs):

4) Identify or introduce a monitoring body with the remit to look at the system of air quality monitoring and compliance holistically (including the monitoring of the implementation and effectiveness of LEZs). It is critical that this body should be able to move quickly where air quality does not meet legal requirements, consistent with the principle of achieving compliance within the

¹⁶¹ An improvement report is a report which ESS can issue recommending measures that the Scottish Ministers, or any other public authority, should take in order to comply with environmental law, or improve the effectiveness of environmental law or of how it is implemented or applied. The report is issued to the Scottish Ministers and laid before the Scottish Parliament.

shortest time possible, and thus it should have the requisite power to direct action when deemed necessary.¹⁶²

In March 2023 the Scottish Government published a response to this investigation, which accepted the above recommendation.¹⁶³ The Scottish Government said it would strengthen the guidance used by the Scottish Environment Protection Agency (SEPA) in relation to when local authorities have missed air quality deadlines. This would include an assumption that SEPA's powers to issue a direction should be used more routinely if a series of warning stages had been used and exhausted.¹⁶⁴

8.7 The impact of clean air zones on air quality

It can be difficult to assess the effectiveness of just one action alone in relation to its impact on air quality. This is because different factors can affect air quality levels at any particular time. For example, weather patterns and wind direction have a bearing on levels of transboundary particulate matter and cold weather can lead to increased emissions from a variety of industrial and domestic sources, such as of particulate matter from domestic burning. Events such as Covid-19 lockdowns and restrictions have also affected behaviour and traffic levels in recent years. A small number of studies, however, have attempted to examine the evidence available.

London ULEZ

The CMOs' December 2022 report examined the effect of the original Ultra Low Emission Zone (ULEZ) in inner London on air quality levels since its introduction, noting a fall in levels of both particulate matter and NO₂:

Since the introduction of the central London ULEZ, vehicle air pollution emissions have reduced. While the ULEZ was not introduced until April 2019, the introduction of the Toxicity Charge was confirmed as a stepping stone for the ULEZ in February 2017. The effects of the ULEZ can be measured from this date, as it marked the beginning of an accelerated change in the vehicle fleet, with Londoners and businesses preparing for the new schemes and buses on routes in central London starting to undergo upgrades to become ULEZ compliant. Between February 2017 and February 2020, NO₂ concentrations at roadside sites within the original central zone reduced by 44% and fine particulate matter (PM_{2.5}) reduced by 27%.¹⁶⁵

In a study published in the journal, *Environmental Letters*, in 2021, researchers from Imperial College London used publicly available air quality

¹⁶² Environmental Standards Scotland, [Air Quality Investigation, Improvement Report Case Reference IESS.21.013](#) (opens PDF), September 2022, p54

¹⁶³ Scottish Government, [Environmental Standards Scotland air quality investigation - Scottish Government improvement plan](#), 27 March 2023, p6

¹⁶⁴ Scottish Government, [Environmental Standards Scotland air quality investigation - Scottish Government improvement plan](#), 27 March 2023, p6

¹⁶⁵ [Chief Medical Officer's annual report 2022: air pollution](#), 8 December 2022, chapter 6.3

data to measure changes in pollution in the twelve-week period from 25 February 2019, before the ULEZ was introduced, to 20 May 2019, after it had been implemented. They attempted to control for the effects of weather variations, and then used statistical analysis to look for and quantify changes in pollution.¹⁶⁶ They concluded that the ULEZ had “caused only small improvements in air quality in the context of a longer-term downward trend in London’s air pollution levels.”¹⁶⁷ The authors argued that ULEZ on its own was not an effective strategy to improve air quality and that it worked “best” when combined with a broader set of policies that reduced emissions.¹⁶⁸

The current ULEZ and the planned expansion of it is one of a number of policies to improve air quality, as set out in the London Environment Strategy, and sits in the context of the [Mayor’s Transport strategy](#), which aims (among other things) to encourage more people to walk, cycle and use public transport. The Mayor’s May 2022 report on proposals to expand the ULEZ noted that other actions would also need to be taken to improve air quality:

The expansion of the ULEZ to the North and South Circular Roads, along with cleaning up the bus and taxi fleets are expected to reduce PM_{2.5} emissions from road transport. However, the dominant proportion of road transport emissions are now non-exhaust emissions including tyre and brake wear along with road wear and resuspension of particles as vehicles travel on roads, which also contributes to London’s particulate emissions. Therefore, it is essential to also reduce the number of trips made by motor vehicles and enable more walking, cycling and public transport where possible (modal shift).¹⁶⁹

Bath CAZ

Bath & North East Somerset Council has published a series of monitoring reports in relation to its charging CAZ introduced in Bath in March 2021. In its [Annual Report for 2021](#) (PDF), published in June 2022, the council reported that, “Despite the impacts of Covid and Cleveland Bridge [a project where the bridge was shut for repairs, diverting more traffic through the centre of Bath], NO₂ concentrations in the zone reduced by 21% compared with the baseline year, 2019. This is despite traffic flows in Bath largely returning to those seen pre-pandemic.”¹⁷⁰

Scotland LEZs

In its September 2022 report Environmental Standards Scotland also noted that while the establishment of low emission zones (LEZs) would be a “step in

¹⁶⁶ Imperial College London, [London pollution has improved with evidence for small initial ULEZ effect: study](#), 16 November 2021

¹⁶⁷ Has the ultra low emission zone in London improved air quality? [Liang Ma et al 2021 Environ. Res. Lett. 16 124001](#)

¹⁶⁸ Imperial College London, [London pollution has improved with evidence for small initial ULEZ effect: study](#), 16 November 2021

¹⁶⁹ Mayor of London and TFL, [Our proposals to help improve air quality, tackle the climate emergency, and reduce congestion by expanding the ULEZ London-wide and other measures](#), (opens PDF), May 2022, p27

¹⁷⁰ Bath & North East Somerset Council, [Bath’s Clean Air Zone. Annual Report 2021](#) (PDF), June 2022, p6

the right direction” to improving air quality, it suggested they should be accompanied by other “ambitious strategies”:

In view of the above information, ESS agrees that LEZs are certainly a step in the right direction to achieving compliance with NO₂ limit values in Scotland’s cities. However, the relative ‘effectiveness’ of LEZs as a standalone mitigation may be difficult to ascertain and should almost certainly be accompanied by other ambitious strategies to encourage behaviour change and the uptake of alternative sustainable transport options. There is strong evidence that air pollutants (including NO₂) still cause harm to public health at concentrations well below legal limit values, highlighting the need for urgent action, and increased commitment and collaboration from all key players within this area.¹⁷¹

Forthcoming select committee scrutiny

In May 2023 the House of Commons Environmental Audit Committee launched an inquiry into outdoor and indoor air quality targets. The committee has called for evidence on a number of points, including, “What evidence exists to demonstrate the impact of the Ultra Low Emission Zone in London, and other Clean Air Zones nationwide, on reducing public health risks or improving health outcomes within areas where they have been introduced?” Further information about the Committee’s work is available on its [outdoor and indoor air quality inquiry webpage](#).

¹⁷¹ Environmental Standards Scotland, [Air Quality Investigation, Improvement Report Case Reference IESS.21.013](#) (opens PDF), September 2022, p51

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