



Executive Director Housing, Regeneration & Public Realm

Report title: 2020/21 TfL Ultra Low Emission Zone

Date: 5 March 2021

Key decision: Yes.

Class: Part 1.

Ward(s) affected: All.

Contributors: Kieran Flynn, Alexandra Crush, Oscar Akintoye.

Outline and recommendations

This report seeks approval for the Council to enter into a Section 8 agreement of the Highways Act 1980 with Transport for London, to put in place infrastructure to facilitate the expansion of the London Wide Ultra Low Emission Zone (ULEZ) in Lewisham.

The Executive Director for Housing, Regeneration & Public Realm is recommended to:

- Approve the implementation of the signs, cameras and associated works required to facilitate the expansion of the ULEZ within Lewisham.
- Agree to officers using their existing delegated powers, to progress and implement these measures, as necessary, including:
 - Finalising designs
 - Undertaking the required public/stakeholder engagement
 - Making the necessary traffic orders,
- Approve the entering into the Section 8 legal agreement with TfL to enable them to deliver these works on Lewisham's public highway

Timeline of engagement and decision-making

The expansion of the ULEZ is included in the Lewisham Transport Strategy and Local Implementation Plan, which was agreed by Mayor & Cabinet in January 2019 (see Background Paper 3)

TfL will be responsible for the communications and engagement around the expansion of the ULEZ to raise awareness of the expansion of ULEZ

1. Summary

- 1.1 The purpose of this report is to seek approval to proceed with the expansion of the ULEZ in Lewisham in line with the objectives of the Council's Air Quality Action Plan.
- 1.2 The report also seeks approval to enter into the Section 8 legal agreement.

2. Recommendations

- 2.1 The Executive Director for Housing, Regeneration & Public Realm is recommended to:
 - Approve the implementation of the signs, cameras and associated works required to facilitate the expansion of the ULEZ within Lewisham.
 - Agree to officers using their existing delegated powers, to progress and implement these measures, as necessary, including:
 - Finalising designs
 - Undertaking the required public/stakeholder engagement
 - Making the necessary traffic orders,
 - Approve the entering into the Section 8 legal agreement with TfL to enable them to deliver these works on Lewisham's network.

3. Policy Context

- 3.1 Lewisham Council has welcomed the expansion of the Ultra Low Emission Zone in response to the strategy objectives set out in the Mayor of London's Transport Strategy and the London Plan, and as set out in the Lewisham Transport Strategy & Local Implementation Plan and Lewisham Air Quality Action Plan.
- 3.2 The Lewisham Air Quality Action Plan is Council policy, and it is consistent with other policy. It aligns and supports the priorities of the Borough's Corporate Strategy 2018-2022 especially priorities 1, 4 and 6 below;
 - **Open Lewisham**, Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
 - **Building an inclusive local economy**, everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.

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- **Making Lewisham greener**, everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.

3.3 Below is an outline of the policies that the Air Quality Action Plan aligns with or takes direction from.

- **The Climate Change Act 2008** – This Act saw the UK tasked with reducing emissions by at least 80% by 2050, with London being set a target to reduce annual emissions of CO₂ by 60% in the same time frame. The responsibility was placed on all sectors; however, the Mayor’s Climate Change Mitigation and Energy Strategy (CCMES) suggested the transport sector should contribute to the wider target by making a 48% reduction in transport CO₂ emissions.
- **The Government’s Clean Air strategy** – This strategy was published in January 2019, setting out plans to meet ambitious legally binding international targets to reduce emissions of the 5 most damaging air pollutants by 2020 and 2030. This strategy outlines the government’s ambitions relating to reducing air pollution, making air healthier to breathe, protecting nature and boosting the economy. The strategy sets out a clear direction for future air quality policies and goals. Emissions from road transport have been in the spotlight because of their impact on local air quality, but the government is committed to cutting air pollution from all forms of transport.
- **Mayors Transport Strategy (MTS)** – The MTS introduces the concept of healthy streets and suggests that streets make up 80% of the city’s public space.

A key action within the MTS was the implementation of the Ultra Low Emission Zone (ULEZ), which came into force in 2019 and covers London’s current congestion zone area for vehicles failing to meet the Euro 6 emissions standard for diesel, and Euro 4 for petrol (Euro 3 for motorcycles). An expansion in the ULEZ area (‘ULEX’) is programmed for October 2021 and this new area will include all parts inside the north and south circular which covers approximately 50% of Lewisham.

- **Lewisham Air Quality Action Plan (AQAP) 2016 -2021** – This AQAP has been produced as part of the council’s duty to London Local Air Quality Management. It outlines the action we will take to improve air quality in the London Borough of Lewisham between 2016–2021.

Lewisham Transport Strategy & Local Implementation Plan 2019-2041 (LIP3) – The LIP sets out how the borough is going to achieve the targets set out in the MTS. Several LIP objectives and programmes focus on reducing traffic and improving air quality. It recognises that whilst the overall aim is to encourage a shift to more sustainable modes of transport, there will always be a certain proportion of trips that need to be made by motorised vehicle and the LIP is supportive of strategies that aim to mitigate this.

4. Background

- 4.1 The Ultra Low Emission Zone (ULEZ) came into force within the current congestion charging area on 8 April 2019. From October 2020 the current LEZ standards for buses, coaches, lorries and larger vehicles were strengthened to match the ULEZ Euro VI standard. From 25 October 2021, the ULEZ will be extended to cover the area up to, but not including, the south and north circular roads (see figure 1 below).
- 4.2 Vehicles that don’t meet the ULEZ standards will need to pay a daily charge of £12.50. The zone will be in operation 24hr hours a day, 365 days a year. The charge runs from midnight to midnight so if a vehicle enters the zone before midnight and leaves after midnight it will be liable for two days of charges. This charge is on top of any congestion

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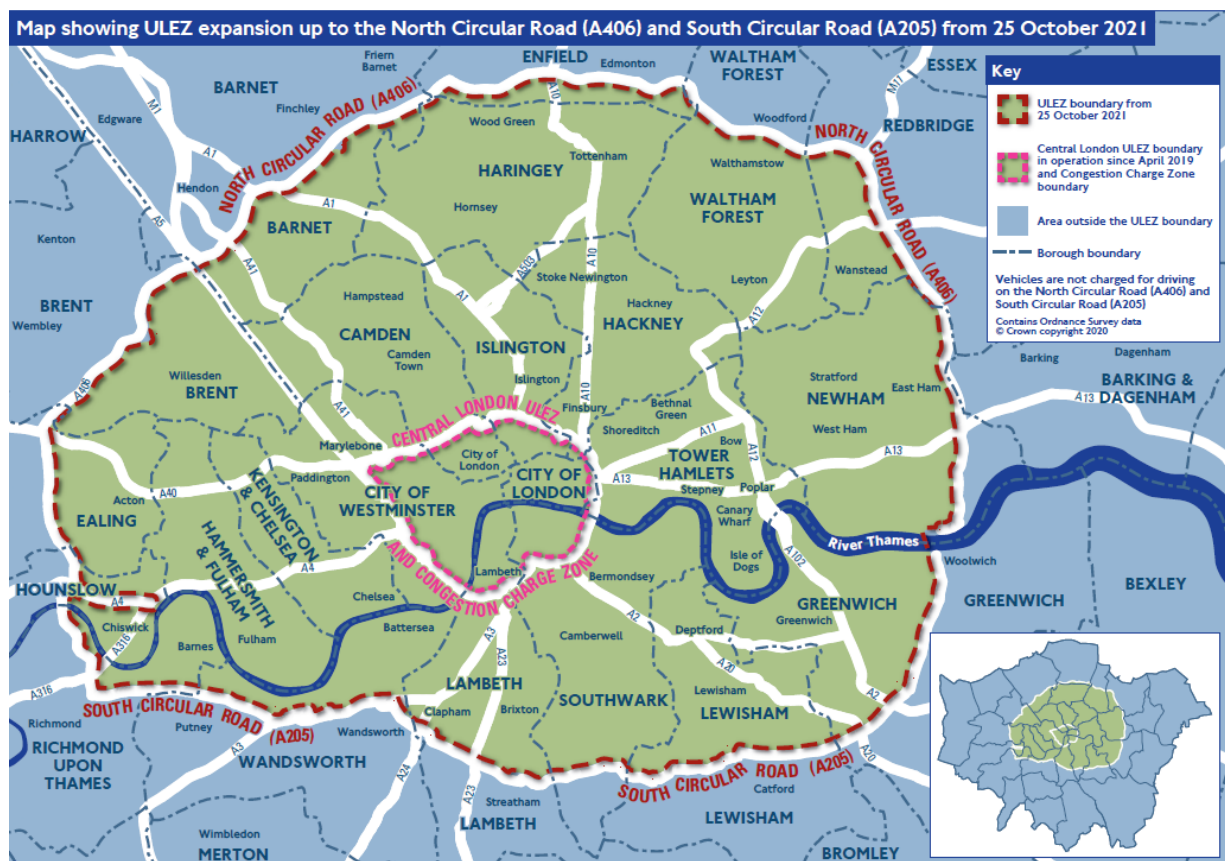
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charge payments that motorists may also be liable for. However, it replaces the current £10 T-Charge. The fine for not paying the ULEZ fees is £160.

4.3 As a rule of thumb petrol cars registered before 2006 and diesel cars registered before 2015 will be liable to pay, although there are some variations. These dates are slightly different for other types of vehicle such as vans, minibuses, motorbikes and mopeds. Residents can check whether their vehicle meets the criteria here and find out further information on the TfL website (see below link). Exemptions/discounts are limited, but do exist, for instance for some disabled users. It should be noted that there is no 'sunset' period of exemption/discount in the lead up to the scheme for Lewisham residents. <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/check-your-vehicle>

4.4 TfL has prepared an enforcement plan for the ULEZ, and has confirmed it intends to carry out enforcement both at the boundary of the zone and within the zone, and will be engaging with boroughs on this in due course to ensure the plan is effective. Only vehicles being driven on a particular day (rather than those parked) are liable to pay the charge. So for instance, if a resident lives within the zone and parks a non-compliant vehicle within the zone, they will only be liable for charges on days that they choose to drive the vehicle.

Figure 1 Map illustrating the scope of the expansion of the Ultra low Emission Zone in London



Borough Communications

4.5 TfL has asked for help from boroughs to raise awareness amongst local communities and stakeholders. Borough officers have been provided with electronic copies of leaflets, posters and flyers and TfL will also supply hard copies on request. TfL has planned awareness raising activities in the lead up to the October 2021 launch, as well as the proposed signage for the scheme.

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- 4.6 We plan to supplement TfL's awareness campaign locally through our main channels and our initial ULEZ communications will include our main online and offline channels, including: Lewisham Life magazine, the website (new ULEZ webpages), Lewisham Life newsletter, social media and internal messages to staff. This messaging has already commenced using twitter.

Purchasing/leasing a cleaner vehicle

- 4.7 To support residents with the transition to cleaner vehicles, Lewisham developed a Low Emission Vehicle Charging strategy in 2019. The results of the strategy consultation showed broad support for the strategy's objectives and key actions. The core objective of the strategy will be to ensure that all residents are within a 500m walk of a charge point by December 2021, to align with introduction of the expanded ULEZ. A variety of different types of charging point will be delivered in order to cater for different users. The borough is currently securing resource to put this plan into action, and is already working with partners at Source London to help deliver 7kw (standard) chargers across the borough in phases. This provision will be supplemented by lamp column chargers and rapid chargers over the coming years.
- 4.8 As the strategic transport authority for London, TfL would like to facilitate the installation of the Ultra Low Emission Zone (ULEZ) Expansion Signage and Automatic Number Plate Recognition (ANPR) cameras and their additional supporting equipment (including electricity supply pillars where required). The Council is the highway authority for the highways upon which the improvement works will be situated. In order to successfully deliver the improvement works TfL will need the support of the Council. The Council supports the implementation of the Improvement Works and has negotiated an Agreement in Principle under Section 8 of the Highways Act 1980 to enable TfL to carry out the improvement works on the Council's public highways. This agreement protects the interests of the council by ensuring that TfL will bear the cost of undertaking the works, maintaining the equipment once installed, and pay any costs such as traffic orders, administrative costs and any other ancillary or incidental costs involved in the process. The Council's Legal team have been involved in the drafting of this agreement.

5. Financial implications

- 5.1 Financial resources are required to implement the expansion of the Ultra Low Emission Zone and the Council has secured a separate section 8 agreement with TfL to cover the following costs; application/administration costs - £5,000, legal costs - £3,000.
- 5.2 TfL will bear the whole cost of undertaking and maintaining the improvement works, including any costs arising from undertaking maintenance; repairs whether emergency or as a result of a routine inspection; any remedial works or performance tests to the improvement works or any part of them and for the avoidance of doubt this will include all related Traffic Order Costs, administrative costs and any other ancillary or incidental costs.
- 5.3 There will be no call on Council resources to fund this project.

6. Legal implications

- 6.1 Section 8 of the Highways Act 1980 enables local highway authorities to enter into agreement with each other for or in relation to the construction, reconstruction, alteration, improvement or maintenance of a highway for which any party to the agreement are the highway authority. The agreement may provide for specified

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functions of one local authority to be exercised by another local authority. The Council intends to enter into a S8 Agreement with TfL in relation to the expansion of the ULEZ in order for them to be able to carry out the works to the Council's highways which are necessary for the expansion to the ULEZ to proceed. Paragraph 4.8 confirms that the agreement will provide that TfL will bear the cost of undertaking the works, maintaining the equipment once installed, and pay any costs such as traffic orders, administrative costs and any other ancillary or incidental costs involved in the process.

- 6.2 The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. The existence of the general power is not limited by the existence of any other power of the Council which (to any extent) overlaps the general power. The Council can therefore rely on this power, where appropriate, to undertake the proposals contained in the expansion of the Ultra low Emission Zone.
- 6.3 The Road Traffic Regulation Act 1984 (RTRA) sets out the legal framework for traffic management orders.
- 6.4 Section 122 of the Act imposes a duty on the Council to exercise the functions conferred on them by the RTRA as (so far as practicable having regard to the matters specified in S122 (2)) to 'secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians and the provision of suitable and adequate parking facilities on and off the highway'.
- 6.5 The matters set out in S122(2) are:-
- a) the desirability of securing and maintaining reasonable access to premises;
 - b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
 - d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - e) any other matters appearing to the local authority to be relevant.
- 6.6 The procedures for making permanent and experimental traffic management orders and the form that they should take are set out within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and they, prescribe inter alia, specific publication, consultation and notification requirements that must be followed. The results of any traffic order process are to be reported separately through the existing delegated approval process and the Council is legally obliged to take account of any representations made during the statutory consultation period before deciding whether or not to make the TMO.
- 6.7 The Department for Transport published advice on 21st April 2020 at: <https://www.gov.uk/government/publications/traffic-orders-advertising-during-coronavirus-covid-19> . This advice suggests ways in which authorities can continue to make traffic orders, whilst complying with the intention of the legislation for making those orders. Certain requirements are difficult for local authorities to implement due to current restrictions under the circumstances of the Covid-19 emergency. Specifically, these are:
- the publishing of order adverts in local newspapers - newspapers may have moved

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to online publication only or closed

- the posting of site notices on streets and concerns about the risks to staff
- making traffic orders available for public inspection at an authority's offices which may be closed

6.8 The Traffic Management Act 2004 (TMA) is the primary legislation for the management of parking in England. It reinforces the legal duty under the RTRA to ensure the expeditious movement of traffic. Part 6 of the TMA affects parking and is accompanied by statutory and operational guidance documents. Councils are legally obliged to 'have regard to' the former, while the latter sets out the principles underlying good parking management and recommends how this can be achieved.

6.9 The main principles advocated in the TMA statutory guidance are:

1. managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the Traffic Management Act 2004 Network Management Duty
2. improving road safety
3. improving the local environment
4. improving the quality and accessibility of public transport
5. meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car
6. managing and reconciling the competing demands for kerb space.

6.10 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.11 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- c) Foster good relations between people who share a protected characteristic and persons who do not share it.

6.12 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

6.13 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes

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steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>.

- 6.14 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.15 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>.

7. Equalities implications

- 7.1 TfL carried out a comprehensive Integrated Impact Assessment on the ULEZ in 2017. The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 7.2 An Equalities Analysis Assessment (Supporting document 5) has been developed alongside the LIP to ensure that any potential adverse impacts were fully considered and, where necessary, appropriate changes made. The overall findings of the assessment were that the proposals within the LIP on balance do not discriminate or have significant adverse impacts on any of the protected characteristics. This includes the expansion of the Ultra low Emission Zone.
- 7.3 Table 2 provides an overall assessment of the current proposals as a whole. The analysis that follows then considers in more detail the protected characteristics where it is considered that there is an impact, and the reasons for this.

Protected Characteristic	Overall Assessed Impact of Proposals
Age	Minor positive
Disability	N/A

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Protected Characteristic	Overall Assessed Impact of Proposals
Gender reassignment	N/A
Marriage and civil partnership	N/A
Pregnancy and Maternity	Minor positive
Race	Minor positive
Religion or Belief	N/A
Sex	N/A
Sexual Orientation	N/A

Table 2 – Overall assessment of proposals

- 7.4 The expansion of the Ultra low Emission Zone is expected to lead to improvements in air quality, with those groups listed as receiving a minor positive impact in Table 2 expected to benefit more from this intervention as they are more susceptible to the negative impacts of poor air quality.

8. Climate change and environmental implications

- 8.1 There is a legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part. The expansion of the Ultra low Emission Zone should result in improvements to air quality.

9. Crime and disorder implications

- 9.1 There are no specific crime and disorder implications resulting from these measures.

10. Health and wellbeing implications

- 10.1 The expansion of the Ultra low Emission Zone with its expected benefits to air quality will be fully compliant with the European Convention clauses on protection from noise and air pollution, and to safeguarding and protecting one's living environment.

11. Background papers

1. Mayors Transport Strategy (MTS)
<https://www.london.gov.uk/what-we-do/transport/our-vision-transport/mayors-transport-strategy>
2. London Plan

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- <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/>
3. Transport Strategy and Local Implementation Plan 2019-2041 (LIP3)
<https://lewisham.gov.uk/inmyarea/regeneration/transport-and-major-infrastructure/local-implementation-plan>
 4. Lewisham Local Implementation Plan - Equalities Analysis Assessment
<http://councilmeetings.lewisham.gov.uk/documents/s62495/Equalities%20Impact%20Assessment.pdf>
 5. Corporate Strategy 2018-2022
<http://councilmeetings.lewisham.gov.uk/documents/s61022/Draft%20Corporate%20Strategy%202018-2022.pdf>
 6. Lewisham Air Quality Action Plan (2016-2021)
<https://www.lewisham.gov.uk/myservices/environment/air-pollution/Documents/LewishamAirQualityActionPlanDec2016.pdf>
 7. Traffic orders: advertising during coronavirus (COVID-19) (DfT April 2020)
<https://www.gov.uk/government/publications/traffic-orders-advertising-during-coronavirus-covid-19>
 8. Transport for London Ultra Low Emission Zone - Further Proposals Integrated Impact Assessment
https://consultations.tfl.gov.uk/environment/air-quality-consultation-phase-3b/user_uploads/integrated-impact-assessment.pdf

12. Glossary

The table below includes a glossary of terms, abbreviations and acronyms used in this report

Term	Definition
COVID-19	Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus
DfT	Department for Transport
EHRC	Equality and Human Rights Commission
EAA	An Equalities Analysis Assessment (EAA) is undertaken when making changes to the way a service is being delivered to ensure that the Council is meeting its obligations in relation to the Equality Act 2010 and the Council's equality objectives
Equality Act 2010	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
ETO	An Experimental Traffic Management Order is a legal order made by a Local Authority which manages the behaviour of all road user where consultation is carried out after the order becomes live, with the restrictions already in place. This type

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Term	Definition
	of order may be in place for up to 18 months.
EV	Electric Vehicle - a vehicle which can be wholly or partially propelled by electrical motive power derived from an electrical storage battery and can be charged from a mains electrical source external to the vehicle.
Highways Act 1980	An Act of the Parliament of the United Kingdom dealing with the management and operation of the road network in England and Wales
LEVCS	Low Emission Vehicle Charging Strategy 2019-2022 published by Lewisham Council in July 2019.
Modal shift	The change from one mode of transport to another, such as from car to bicycle or public transport.
RTRA 1984	The Road Traffic Regulation Act 1984 is an Act of Parliament in the United Kingdom, which provides powers to regulate or restrict traffic on UK roads, in the interest of safety
TfL	Transport for London
TLRN	Transport for London Road Network – a network of roads for which Transport for London is the Highway Authority
TMA	The Traffic Management Act 2004 (TMA) is an act of parliament that was introduced to tackle congestion and disruption on the road network. The TMA places a duty on local authorities to make sure traffic moves freely and quickly on their roads and the roads of nearby authorities
TMO	A Traffic Management Order (TMO) is a legal order made by a Local Authority which manages the behaviour of all road users and which is consulted on prior to restriction being made live
ULEX	An expansion in the ULEZ area programmed for October 2021 to include all roads in London inside the north and south circular, which covers approximately 50% of Lewisham
ULEZ	The TfL Ultra-Low Emission Zone within the same area of central London as the Congestion Charge, which operates 24 hours a day, 7 days a week, every day of the year, except Christmas Day (25 December). Most vehicles, including cars and vans, need to meet the ULEZ emissions standards or their drivers must pay a daily charge to drive within the zone

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Term	Definition
Zero carbon	Achieving net zero carbon dioxide emissions by balancing carbon emissions with carbon removal or simply eliminating carbon emissions altogether

13. Report author and contact

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14. I approve the recommendations in this report

Signed:



Kevin Sheehan

Executive Director for Housing, Regeneration and Public Realm

8th March 2021

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