

**Edinburgh City Council**

**Proposals for a Low Emission Zone**

**Consultation Response**

The Federation of British Historic Vehicle Clubs (“The Federation”) submits this response to The City of Edinburgh Council This response is submitted by e-mail, confirmed as acceptable on 26 June 2019.

This response uses, as its starting point, the document the Federation understands to be the definitive proposals for consultation contained in Item 7.2 of the Minutes of the Transport and Environment Committee of 16 May 2019, entitled “Tackling Air Pollution – Low Emission Zones”, to which we refer as the “Reference Document”. It is also informed by the information provided at the workshop held in the City Chambers on 15 July.

**General**

The Federation is a national organisation with member clubs across Great Britain.

* The Federation represents over 540 member clubs in Great Britain with a total membership of over a quarter of a million historic vehicle owners and enthusiasts.
* Vehicles owned by members of the Federation include historic vehicles of many kinds; cars, motorcycles, buses, coaches, lorries, vans, utility vehicles, military vehicles, tractors and other agricultural vehicles and steam engines.
* Historic vehicles are recognised as representing an integral part of British cultural heritage.
* The Federation is the organisation which represents the United Kingdom in FIVA, the international federation for historic vehicles, which has recently become an approved partner of UNESCO, recognising the significant contribution of vehicles, which to date have been overwhelmingly powered by internal combustion engines, to the culture and social history of the World. The cultural importance of this form of motive power to the history of the World for the past century and more might be thought to increase as its probable end comes into view.
* Federation members restore and preserve these vehicles for their historic interest, exhibit them at exhibitions, shows, community fetes, etc. and currently use the country’s highways both in order to attend at those events, but also to participate in touring events and for general leisure purposes.
* The owners of historic vehicles cover all social classes and the values of individual vehicles vary immensely. But the owner of the most basic survivor of a vehicle from a bygone age is as invested in his possession as the owner of a high-value “prestige” vehicle.
* This interest in historic vehicles sustains economic activity worth £5.5 billion annually to the British economy and supports the employment of nearly 35,000 people.
* Based upon data established by the Federation in its 2016 National Historic Vehicle Survey, the Federation calculates that there are approximately 540,000 historic vehicles located across the entire area of Great Britain.
* Applying available overall DVLA data to that figure, one can properly extrapolate that the number of historic vehicles of all categories kept in the whole of Scotland is no more than 42,000.
* Nationally, Historic Vehicles travel on average only 1000 miles per annum. Historic vehicles in total are estimated to cover only 0.21% of total vehicle mileage in Great Britain. There is no reason to believe the number of miles travelled per historic vehicle would be different in England, Wales or Scotland. Most historic vehicles rarely travel outside their immediate geographical base
* Thus while no data exists to assess how many historic vehicles will ever wish to travel within Edinburgh, the number must be very small and any such travel will be infrequent and cover only a few miles.

**Consultation Matters Commented Upon**

**The Proposals for the LEZ**

The Reference Document notes, at paragraph 4.21 that; “Edinburgh’s proposals are one of the most ambitious approaches to LEZs anywhere in Europe, particularly considering the strict enforcement regime.”

It is important to state at the outset that the Federation does not question the need and the justification for an LEZ. Nor do we question the ambition of Edinburgh to be a leader in combating urban air pollution.

This approach does however mean that the potential consequences for the owners of historic vehicles in and around Edinburgh, and for any business of maintenance, repair and restoration of historic vehicles, may be significant.

The Reference Document provides for two geographical areas; the initial city-centre zone and the city-wide zone.

The Federation understands that it is the intention progressively to increase the categories of vehicles covered by the proposed LEZ. It is intended that by 2025 essentially all categories of vehicles and are covered in both the city centre and city-wide zones.

The adverse potential effect on historic vehicles owned in and around Edinburgh will become increasingly significant as cars, which of course constitute the great majority of historic vehicles, become covered. There will be some potential effect on historic vehicles from the outset, however.

It is particularly noted that, in contrast to the approach taken in England, but in line with the Transport (Scotland) Bill currently passing through the Scottish Parliament, the Reference Document proposes that there be not charging zones but traffic exclusion zones.

Instead of charges for use, penalties for wrongful use would be charged.

The reasons for this approach are understood, in that it negates the possibility of the more prosperous “buying out” of the restrictions. However, it does mean that a non-compliant vehicle using the road within a zone is in breach of the rules for the zone. It is to be expected that detailed provisions would create special penalties for repeat offenders.

It renders each use of the vehicle, even if very occasional and even if only to permit egress from the zone, improper, whereas the owner of a non- compliant vehicle in a charging zone could simply opt to pay the charge when he ventured out.

The Federation has no interest in enabling or encouraging any improper use and, therefore, seeks exemptions which will mean occasional historic vehicle users will not become repeat offenders.

The consequence of any traffic exclusion zone unless it contained a suitable exemption would be twofold:

Those resident in or keeping historic vehicles within the zone, who are currently involved in the previously entirely legal activity of preserving examples of vehicles for posterity, would in practice be prevented from continuing to do so,

 and

those who currently undertake activities of maintenance, repair, conservation and restoration of historic vehicles, who will in the main be SMEs, would be required to cease operating that part of their business.

It is at present impossible to ascertain how many individuals and businesses will fall within the above categories, but it appears safe to assume that the emissions from the affected vehicles resulting from a concession which permitted them to carry out the relevant activities would not to be such as either to produce measurable atmospheric pollution nor prejudice the intent of the Edinburgh LEZ to cause Edinburgh to come within the legal requirements for overall pollution resulting from emissions from vehicles.

The inclusion within the restrictions required by the LEZ might therefore appear to be only a matter of establishing an overall principle rather than being a practical approach to meet legal air quality requirements.

**Principle of a historic vehicle exemption**

The justification for exempting historic vehicles, however these may be identified, may be stated as follows.

One of the perceived benefits of establishment of an LEZ is that owners of older more polluting vehicles currently in regular use as transportation within the LEZ will be encouraged to replace them with more modern, less polluting vehicles. This justification clearly does not apply to historic vehicles.

Historic vehicles are by definition survivals from an earlier age and thus of comparative rarity, whether or not of great financial value.

While it might be difficult to establish exactly how many vehicles would in principle be entitled to take advantage of any exemption within the Edinburgh LEZ, it is clear that actual exercise of the right would be exceptional and exercised at any time only by a minority of what are obviously very small numbers of the entitled vehicle population,

The principle of exemption is well established across many of the European LEZs to which reference is made in the Reference Document including of course in the Greater London LEZ and the London ULEZ.

Historic vehicles as a group do not form a part of the contemporary transportation structure of Scotland. The primary purpose of their journeys is seldom the transportation of either goods or people from one point to another but is rather the movement of the vehicles themselves. Such use is largely an incidental part of their preservation, enjoyment and presentation to the public and to those having an interest in mobile heritage.

The Reference Document makes reference to the Transport (Scotland) Bill currently passing through the Scottish Parliament. That Bill, as previously mentioned, does assume LEZs in Scotland will operate through traffic exclusions, not charging. The Federation is aware that the matter of the extent of historic exemptions, specifically having regard to that assumption, has been raised in Committee during Stage 2 of the Bill.

The Federation has engaged, through various channels, including direct meeting with Transport Scotland and participation in one of the public events mentioned in the Reference Document, regarding whether or not an assumption of some sort of historic vehicle exemption should appear either in the Transport (Scotland) Bill or in Regulations made under the resulting Act.

The Federation has attempted in this response to be consistent in its approach to these discussions.

**Proposals**

 The Federation therefore proposes that the Edinburgh LEZ should include an exemption for historic vehicles over thirty years old, reflecting the UNESCO definition of what constitutes a historic vehicle, with which the Federation, as a member of FIVA, supports.

It is recognised that this definition would permit the use of younger vehicles than an exemption based upon the current “historic” taxation class, which is approximately forty years old, and which applies in the London ULEZ. However, this is justified by the more onerous effect on historic vehicles of the proposed use in the Edinburgh LEZ of a traffic exclusion rather than charging basis.

The Federation would be content if this exemption did not generally apply to vehicles which were being used for wholly commercial purposes. However the Federation is aware that some historic buses and coaches, which are not registered in the “historic” taxation class for technical reasons, do on occasions ply for hire, but in each case are in fact used for essentially cultural purposes, whether to support museums or to provide evidence of their operators’ origins and past activities. The Federation is aware that there is at least one operator who on rare occasions uses “heritage” buses within Edinburgh, and we would propose that this limited use by buses and coaches should be permitted. Use of the vehicles would be rare and thus unlikely to have a measurable effect on air pollution. There are also in Great Britain and may be in Edinburgh some small operators who provide specific commercial services an essential element of which is the age and provenance of the vehicle. As with other historic vehicles, the identity of all of these vehicles is important in their own right as preserved artefacts, and the occasional public visibility of these vehicles provides significant pleasure to the public and in particular to those who get the chance to travel on them.

The Federation is aware both that the intent is that the Edinburgh LEZ would be administered by technology, and that any form of exemption creates a possible additional complexity in administration. The Federation would thus be open to whatever form of administrative approach would enable the removal of what appears otherwise to be an onerous restriction.

The Federation considers we ought also to mention the question of modification to make vehicles compliant. In the view of the Federation, modification of the motive power unit in historic vehicles would adversely affect the authenticity of these vehicles and also would affect so few vehicles as to be of minimal effect overall and thus be a gesture only, with no measurable effect on pollution.

The Federation looks forward to the opportunity of discussing these proposals further as may be suitable to the City of Edinburgh Council.