

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3060

Title: MD3060 London-wide Ultra Low Emission Zone (ULEZ) Scheme

Executive summary:

Transport for London (TfL), on behalf of the Mayor, consulted on proposals (the "Scheme Proposals") to expand the Ultra Low Emission Zone (ULEZ) to outer London so that it would apply London-wide from 29 August 2023, including changes to the current arrangements for Auto Pay (including Fleet Auto Pay), the level of the Penalty Charge Notice for non-payment of the Congestion Charge and ULEZ charge, and minor administrative changes to the two scheme orders covering the ULEZ, Low Emission Zone, and Congestion Charge. The Scheme Proposals aim to help improve air quality, tackle climate change and reduce traffic congestion. Amongst other improvements, they are forecast to make further progress to reduce air pollution, by reducing nitrogen oxides (NO_x) emissions from cars and vans in outer London by 10 and seven per cent respectively, and reducing PM_{2.5} emissions in outer London from cars by nearly 16 per cent, benefitting five million outer London residents.

A consultation ran from 20 May to 29 July 2022 which covered three topics: (a) the above Scheme Proposals, (b) a proposed revision to the current 2018 Mayor's Transport Strategy to allow for the expansion of the ULEZ to outer London, and (c) to ask for respondents' views to help shape the future of road user charging. The consultation received 57,937 responses.

TfL has analysed responses relating to topics (a) and (c) in the Report to the Mayor (RtM) (Appendix 2). In response to feedback from the consultation and engagement with stakeholder groups representing disabled people, the RtM recommends that two further temporary exemptions, or "grace periods", to support disabled people are implemented as modifications to the Scheme Proposals. These new mitigations are in addition to a new scrappage scheme, which was identified as an important mechanism to help specific groups such as those on low incomes comply with the scheme. The analysis and recommendations related to (b) are contained in their own separate RtM and Mayoral Decision MD3047.

TfL has made and submitted to the Mayor the two Variation Orders named below to implement the necessary changes to the relevant scheme orders. The Mayor is requested to consider whether or not to confirm them, with or without modifications.

Decision:

The Mayor:

1. confirms (a) the Greater London Low Emission Zone Charging (Variation and Transitional Provisions) Order 2022 with the modifications incorporated in the Instrument of Confirmation for that order and (b) the Greater London (Central Zone) Congestion Charging (Variation) Order 2022 as set out in the Instrument of Confirmation for that order, without any modifications
2. notes the key details of TfL's proposals for a new London Vehicle Scrappage Scheme as set out in this Form and approves funding for the preparation and implementation of that scheme by means of the transfer by way of a revenue grant to be paid by the Greater London Authority (GLA) to TfL under section 121 of the Greater London Authority (GLA) Act 1999 in the sum of £110 million.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

24/11/22

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

Introduction

- 1.1. Despite recent improvements in air quality, air pollution remains the biggest current environmental risk to the health of Londoners. Air pollution has a negative impact on the health of all Londoners and a disproportionate impact on more vulnerable and deprived people. It has become clear that we are facing a climate emergency and that the impacts of extreme weather can affect us all. We have also seen traffic congestion return as London returns to business as usual with costs to the economy and our quality of life. Last year, the cost of traffic congestion in London was estimated at £5.1 billion with the average driver losing 148 hours to congestion per year¹.
- 1.2. In recent years, both the central London ULEZ and the expansion to inner London have had significant impacts on air quality in London. Following the expansion of ULEZ to inner London, harmful NO₂ concentrations alongside roads in inner London were estimated to be 20 per cent lower than they would have been without the ULEZ and its expansion. In central London, roadside NO₂ concentrations were assessed to be 44 per cent lower than they would have been without ULEZ².
- 1.3. This shows that the ULEZ has been effective in reducing harmful air pollutants, but there is still more to be done. If no further action is taken to reduce air pollution, around 550,000 Londoners will develop diseases related to poor air quality over the next 30 years. In this case, the cost to the NHS and social care system in London is estimated to be £10.4 billion by 2050³.
- 1.4. This decision form relates to the public and stakeholder consultation on proposals to help improve air quality, tackle climate change, and reduce traffic congestion that took place between 20 May and 29 July 2022 ("the consultation"). The consultation included detailed proposals concerning the proposed London-wide ULEZ expansion ("Scheme Proposals") which were as follows:
 - Proposal 1: Expanding the Ultra Low Emission Zone ("ULEZ") to outer London so that it operates London-wide from 29 August 2023, including the proposed extension of certain existing temporary exemptions (known as "grace periods"⁴)
 - Proposal 2: Removing the Auto Pay (including Fleet Auto Pay) £10 annual registration (or administration) fee for the Congestion Charge, London Low Emission Zone ("LEZ") and ULEZ
 - Proposal 3: Increasing the Penalty Charge for non-payment of the Congestion Charge and ULEZ from £160 to £180
 - Proposal 4: Minor administrative changes to the two scheme orders covering the ULEZ, LEZ and Congestion Charge.
- 1.5. The consultation also included a proposed revision to the current Mayor's Transport Strategy ("2018 MTS") to facilitate any future expansion of the ULEZ to outer London and set out the triple challenges of air pollution, climate change and traffic congestion. Consultation responses

¹ <https://inrix.com/press-releases/2021-traffic-scorecard-uk> This figure does not take into account the cost of congestion on bus passengers and bus operating costs.

² https://www.london.gov.uk/sites/default/files/expanded_ultra_low_emission_zone_six_month_report.pdf

³ <https://www.london.gov.uk/press-releases/mayoral/ulez-to-save-billions-for-nhs>

⁴ Grace periods are temporary exemptions where a non-compliant vehicle does not pay the ULEZ charge.

concerning this topic have been considered in a separate Mayoral Decision form (MD3047). The full text of the MTS Revision is provided in Appendix 1.

- 1.6. The consultation also asked for people's views to help shape the future of road user charging ("Future RUC"), which could include replacing existing charges with a road user charging scheme that uses more sophisticated technology to make it as simple and fair as possible for customers. While experts have found that London will need a new kind of road user charging system by the end of the decade to achieve net zero carbon by 2030, the technology to implement such a scheme in a complex city like London is some years away. TfL did not consult on any specific future road user charging scheme at this stage. Any proposals which could be developed in the future would be subject to a further public and stakeholder consultation with information provided on detailed scheme proposals and their likely impacts. The Mayor is asked to note the responses relating to Future RUC, which are included in the Report to the Mayor (Appendix 2). TfL will take them into account in its ongoing consideration of this issue and, if appropriate, in the development of any such scheme.
- 1.7. This form sets out proposed formal modifications to the ULEZ Scheme to support disabled people that are recommended by TfL (should the Mayor confirm the Scheme Proposals) in light of concerns raised in consultation responses and following engagement with stakeholder groups representing disabled people. Specifically, two further grace periods, to support disabled people are recommended as modifications to the Scheme Proposals. These new mitigations, welcomed by stakeholder groups who have informed their development, are in addition to a new scrappage scheme, which was identified as an important mechanism to help support disabled and low income Londoners, microbusinesses and charities comply with the scheme. Full details of TfL's responses to issues raised are provided in the Report to the Mayor (Appendix 2).
- 1.8. This form provides a summary of the findings from the consultation on the Scheme Proposals. 57,937 responses were received, including 342 stakeholder responses.⁵ The individual consultation responses have been made available to the Mayor for his consideration should he wish to read any particular responses in full. Significant concerns raised in the consultation responses include the potential disproportionate impact on disabled people, support for a vehicle scrappage scheme, proposed ULEZ expansion start date, the lack of public transport provision in outer London and the burden imposed by the proposed Penalty Charge Notice increase. As well as the consultation responses received, a representative poll was also carried out by the GLA and forms part of the evidence presented to the Mayor on public opinion towards ULEZ expansion.
- 1.9. The poll of Londoners demonstrated that a majority of Londoners (51 per cent) support ULEZ implementation (see paragraphs 4.36 to 4.39 for more detail). The consultation responses demonstrate that although a majority of respondents believe there is a need to go further on air quality, 59 per cent also believe that the ULEZ proposals consulted on should not be implemented. During the consultation and in the period since, TfL has been considering issues raised and engaging with stakeholder groups to identify mitigations to the scheme consulted on where respondents have raised likely adverse consequences. These mitigations, as mentioned above, and the issues they respond to are explained in more detail in paragraphs 2.15 to 2.23, although it should be noted that they cannot fully resolve all such impacts, and some will remain.
- 1.10. TfL recommends the Mayor proceeds with ULEZ expansion and confirms the Scheme Proposals, notwithstanding the adverse impacts set out in section 3 below.

⁵ 24 abusive responses contravened TfL's policies on work related violence and aggression and so were excluded from the consultation analysis undertaken by TfL's supplier AECOM.

Background

Health impacts of air pollution

- 1.11. Despite recent improvements in air quality, air pollution remains the biggest current environmental risk to the health of Londoners. A report commissioned by the GLA in 2021 highlighted that communities in London that have higher levels of deprivation, or a higher proportion of people from a non-white ethnic background, are more likely to be exposed to higher levels of air pollution⁶. Air pollution also has a disproportionate impact on more vulnerable people, including older people, children, and pregnant women⁷. The two pollutants causing the greatest concern, based on their impact on human health and death, are⁸:
- Nitrogen dioxide (NO₂): Nitrogen oxides (NO_x) are a group of gases (NO and NO₂) that are mainly formed during the combustion of fossil fuels. NO₂ is the main pollutant of concern and at high concentrations, causes inflammation of the airways. Long-term exposure is associated with an increase in symptoms of bronchitis in asthmatic children and reduced lung development and function.
 - Particulate matter (PM): Long-term exposure contributes to the risk of developing cardiovascular and respiratory diseases, including lung cancer. Research shows that particles with a diameter of 10 microns and smaller (PM₁₀) are likely to be inhaled deep into the respiratory tract. The health impacts of particles with a diameter of 2.5 microns or smaller (PM_{2.5}) are especially significant as smaller particles can penetrate even deeper.
- 1.12. United Kingdom law currently sets out various air quality limits (limit values) in the Air Quality Standards Regulations 2010 ("the 2010 Regulations"). They are that levels of PM_{2.5} should not exceed 20 µg/m³, levels of PM₁₀ should not exceed 40 µg/m³ and levels of NO₂ should not exceed 40 µg/m³ over a calendar year (see Schedule 2 to the Regulations). To the extent that limit values for NO₂ and PM₁₀ and PM_{2.5} are not achieved in London, the Mayor must take appropriate measures to improve London's⁹ air quality. Even where limit values have been achieved, the Mayor must still ensure that (a) the levels of those pollutants are maintained below the applicable limit values and (b) he endeavours to maintain the best ambient air quality compatible with sustainable development (see reg 17(2)). This may involve taking steps to secure levels of pollution that are below the limit values currently set out in law.
- 1.13. Based on air quality modelling undertaken as part of the London Atmospheric Emissions Inventory (LAEI) there has been a significant reduction in the number of London residents who live in areas which exceed the current UK legal limits (40 µg/m³) for NO₂ since 2016, with fewer than two per cent of Londoners (around 170,000) living in areas of exceedance in 2019, falling from over two million. All London residents live in areas that are within the PM_{2.5} current UK legal limits.
- 1.14. In September 2021, the World Health Organization (WHO) updated its recommended guidelines for air pollutants¹⁰ reflecting the clear evidence of the health impacts of air pollution, even at low levels. In setting interim targets and guidelines for air pollution the WHO also sets out how fine particulate pollution has health impacts even at very low concentrations, and that there is no safe level. In addition to the guidelines, the WHO has also provided interim targets aimed at achieving

⁶ https://www.london.gov.uk/sites/default/files/air_pollution_and_inequalities_in_london_2019_update_0.pdf

⁷ <https://www.gov.uk/government/publications/health-matters-air-pollution/health-matters-air-pollution>

⁸ [https://www.who.int/en/news-room/fact-sheets/detail/ambient-\(outdoor\)-air-quality-and-health](https://www.who.int/en/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health)

⁹ "London" is defined as the Greater London Urban Zone ("the London Zone") for the purposes of the 2010 air quality regulations. This includes the whole of the administrative area of Greater London (the City of London and the 32 London boroughs) together with some areas outside it within the areas of surrounding districts that are within the M25 motorway.

¹⁰ [https://www.who.int/news-room/fact-sheets/detail/ambient-\(outdoor\)-air-quality-and-health#:~:text=Guideline%20values,-NO&text=The%20current%20WHO%20guideline%20value,effects%20of%20gaseous%20nitrogen%20dioxide](https://www.who.int/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health#:~:text=Guideline%20values,-NO&text=The%20current%20WHO%20guideline%20value,effects%20of%20gaseous%20nitrogen%20dioxide)

a gradual shift from relatively higher to lower concentrations in locations where air pollution is particularly high. The WHO recommended guidelines and interim targets are as shown in Table 1.

Table 1. Recommended WHO 2021 air quality guidelines and interim targets compared to UK limits – all annual average

Pollutant	UK 2010 Air Quality Limits	WHO Interim target*				2021 WHO Air Quality Guideline
		35	25	15	10	
PM _{2.5} µg/m ³	20	35	25	15	10	5
PM ₁₀ µg/m ³	40	70	50	30	20	15
NO ₂ µg/m ³	40	40	30	20	-	10

*WHO interim targets are proposed as incremental steps in a progressive reduction of air pollution and intended for use in areas where pollution is high. WHO has not provided timescales as countries will have their own challenges and will be on different paths.

- 1.15. Almost a third of London residents live in areas which exceed 30 µg/m³ of NO₂, the level 2 interim target set by the WHO, and all Londoners live in areas which exceed the guideline limit of 10 µg/m³.¹¹ As to PM_{2.5}, a significant number of Londoners live in areas exceeding the lowest WHO interim target of 10 µg/m³ (which is also the Mayor's ambition to be achieved in London by 2030) and the even lower guideline of 5 µg/m³. Although there has been a reduction in Londoners living in areas of exceedance since 2016, 88 per cent of Londoners (of which 3.9 million are in outer London) still live in areas which do not meet the lowest interim target (10 µg/m³), and all Londoners live in locations where concentrations exceed the WHO guideline level of 5 µg/m³.¹²
- 1.16. The European Commission has recently (26 October 2022) proposed revisions to its air quality standards, under the Ambient Air Quality Directives, to be achieved by 1 January 2030. They are broadly aligned with the lowest interim targets set by the WHO, and go considerably further than the proposed UK amendments: levels of PM_{2.5} should not exceed 10 µg/m³, levels of PM₁₀ should not exceed 20 µg/m³ and levels of NO₂ should not exceed 20 µg/m³.¹³ Furthermore, the proposals include a zero pollution vision for air in 2050 through exposure reduction obligations.
- 1.17. The UK Government is required to set air quality targets by the Environment Act 2021. In March 2022 the Government published a consultation on what those targets should be. They proposed PM_{2.5} targets of 10 µg/m³, to be met by 2040 in England. This threshold is above the WHO's Guideline and would be a considerably slower process than is currently envisaged in the European Union, and in London where the Mayor's ambition is to achieve 10 µg/m³ PM_{2.5} by 2030. The Government has announced that the consultation response has been delayed and that it will not be published by 31 October 2022.¹⁴
- 1.18. As set out above, the Mayor has a statutory duty to endeavour to maintain the best ambient air quality consistent with sustainable development. He is entitled to elect to go beyond the limit values set out in current UK legislation. TfL recommend that, in considering how to maintain the

¹¹ Source: London Atmospheric Emissions Inventory (LAEI) 2019

¹² Source: London Atmospheric Emissions Inventory (LAEI) 2019

¹³ [https://environment.ec.europa.eu/system/files/2022-](https://environment.ec.europa.eu/system/files/2022-10/Proposal%20for%20revision%20of%20the%20Ambient%20Air%20Quality%20Directives%20-%20Annexes.pdf)

[10/Proposal%20for%20revision%20of%20the%20Ambient%20Air%20Quality%20Directives%20-%20Annexes.pdf](https://environment.ec.europa.eu/system/files/2022-10/Proposal%20for%20revision%20of%20the%20Ambient%20Air%20Quality%20Directives%20-%20Annexes.pdf)

¹⁴ <https://questions-statements.parliament.uk/written-statements/detail/2022-10-28/hcws347>

best ambient air quality the Mayor has regard to the conclusions of the WHO (as to appropriate standards) and the evidence concerning the harmful effects of air pollution in London.

- 1.19. Air pollution has a continuing and serious adverse impact on the health and lives of thousands of Londoners. In 2020, TfL and the GLA commissioned researchers from the Environment Research Group (ERG) at Imperial College London to assess the impact on health of air pollution in London and how this is affected by the Mayor's air quality policies, using current (2019) and future levels of air pollution up to 2050 (projected from 2013). This demonstrated the importance of action to prevent a situation where Londoners' health is at risk and the health care system is put under increasing pressure¹⁵. Its key findings were that:
- in 2019, in Greater London, the equivalent of between 3,600 to 4,100 deaths (61,800 to 70,200 life years lost¹⁶) were estimated to be attributable to PM_{2.5} and NO₂
 - air pollution has a disproportionate impact on more vulnerable and deprived people
 - the policies in the London Environment Strategy (including the inner London ULEZ) are predicted to result in the avoidance of around 300,000 new cases of NO₂ and PM_{2.5} related disease and 1.2 million new air pollution related hospital admissions London-wide by 2050. This equates to a cost saving to the NHS and social care system of £5 billion.
- 1.20. Approximately 60 per cent of deaths related to air pollution are likely to be in outer London boroughs (equating to approximately 2,600 premature deaths), mainly due to the higher proportion of elderly people in these areas who are more vulnerable to the impacts of air pollution. This is because lung function declines with age and older people are more likely to have co-morbidities. Children are also more vulnerable to breathing in polluted air because their airways are smaller and still developing, and they breathe more rapidly than adults¹⁷.
- 1.21. Due to some areas of outer London being less built up, with more green space and a lower density of population, as well as there being different sources of pollution there, on average air quality in outer London is better than in central and inner London. However, concentrations remain highest next to the busiest roads where road traffic emissions are dominant, including the North and South Circular. Considering recent improvements in air quality we estimate that outer London will be largely compliant with the current legal limits for NO₂ in 2023 even without the proposals, but that as many as 55 per cent of people will still not meet the tighter WHO interim target of 20µg/m³ for NO₂ in outer London.
- 1.22. Meeting the tighter WHO guidelines for PM_{2.5} would be challenging across London and while TfL estimate that in 2023 about 16 per cent of the population of outer London will meet the interim target of 10µgm/m³ for PM_{2.5}, no parts of London meet the WHO guidelines of 5 µgm/m³.
- 1.23. Road transport accounts for 44 per cent of NO_x emissions and 31 per cent of PM_{2.5} emissions in London¹⁸. The reduction in NO_x emissions has not happened equally across London, with road transport NO_x emissions in inner London reducing by more than 40 per cent between 2016 and 2019, compared to a reduction of around 22 per cent in outer London over the same time period – this includes the early benefits of central and inner London ULEZ (due to pre-compliance). This means inner London road transport NO_x emissions have reduced at twice the rate as outer London. This pattern is the same for PM_{2.5} emissions from road transport, which fell by almost a quarter in inner London between 2016 and 2019, compared to only seven per cent in outer London. This comparison is shown in Figure 1.

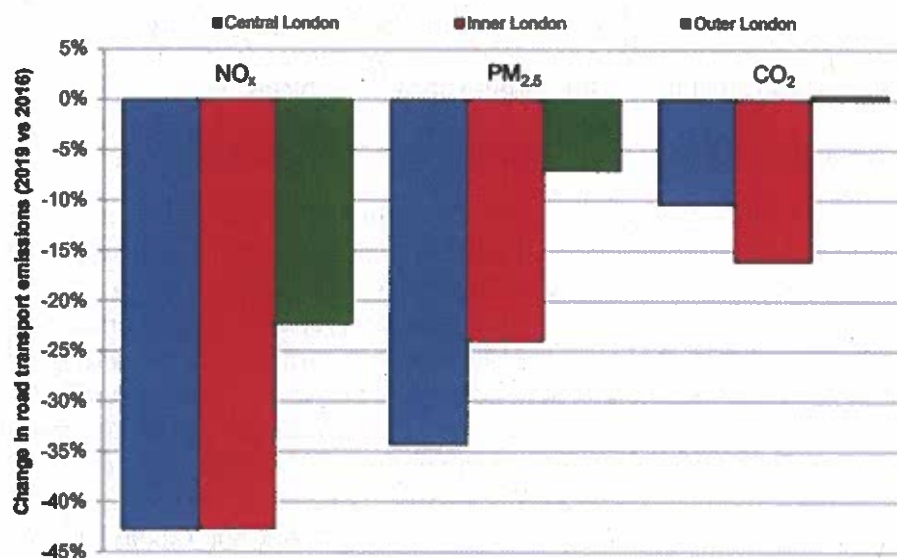
¹⁵ The cost to the NHS and social care system in London is estimated to be £10.4 billion by 2050 if no further action is taken

¹⁶ The original studies were analysed in terms of 'time to death' aggregated across the population. See COMEAP (2010) for further information

¹⁷ <https://www.london.gov.uk/WHAT-WE-DO/environment/environment-publications/health-burden-air-pollution-london>

¹⁸ <https://data.london.gov.uk/dataset/london-atmospheric-emissions-inventory--laei--2019>

Figure 1 Change in NO_x, PM_{2.5} and CO₂ emissions from road transport by spatial area, 2019 vs 2016



Source: LAEI

- 1.24. As a result of the greater percentage reductions made in inner London, outer London accounts for an increasing proportion of emissions from road transport. In 2019, it accounted for 64 per cent of London-wide road transport NO_x emissions and CO₂ emissions, and 65 per cent of London-wide road transport PM_{2.5} emissions.

Development of the ULEZ

- 1.25. The MTS, the London Environment Strategy (LES) and the London Health Inequalities Strategy are clear in their commitment to improving air quality. The MTS outlines the need to take action to reduce emissions from vehicles on London's streets, to improve air quality and support London reaching compliance with UK (and at the time EU) legal limits as soon and effectively as possible.
- 1.26. Recognising the contribution of road transport to emissions (estimated to be 51 per cent of NO_x and 34 per cent of PM_{2.5} in 2016¹⁹) and consequently poor air quality, the ULEZ was introduced in central London in April 2019 to accelerate the switch to cleaner vehicles, building on the success of the "Toxicity-Charge" (a supplement to the Congestion Charge introduced in 2017) and the London-wide Low Emission Zone (LEZ) introduced in 2008.
- 1.27. The primary objective of the ULEZ is to reduce harmful emissions from road transport, particularly those with the greatest potentially adverse impacts on human health, in order to improve air quality and health. The ULEZ is a road user charging (RUC) scheme. It sets minimum emissions standards, by reference to the Euro standards, for different vehicle types and imposes a daily charge (ULEZ charge) of £12.50 on non-compliant light vehicles used within the area to which it applies. Certain grace periods, reimbursements, or exemptions, apply. The ULEZ charge acts as a disincentive to driving a non-compliant vehicle in the Zone, therefore encouraging modal switch or the use of a compliant vehicle, which in turn reduces harmful vehicle emissions.
- 1.28. The ULEZ operates 24 hours a day, every day of the year except Christmas Day. The ULEZ requires that cars, motorcycles, vans and other specialist vehicles (up to and including 3.5 tonnes)

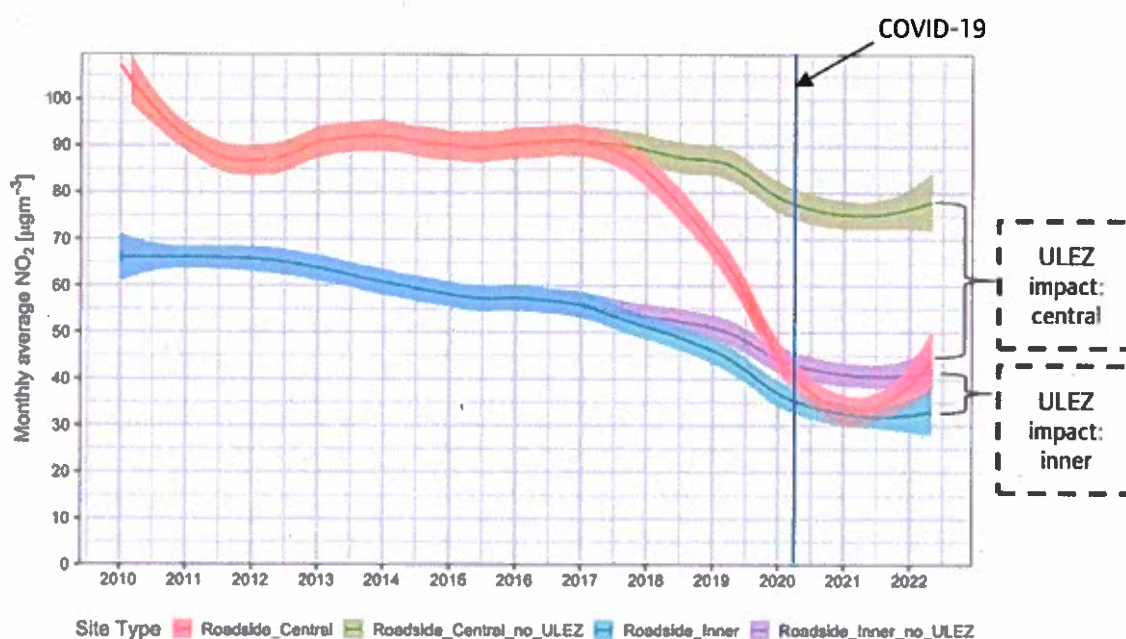
¹⁹ Source: London Atmospheric Emissions Inventory (LAEI) 2019

and minibuses (up to and including five tonnes) meet the following minimum exhaust emissions standards or pay the £12.50 ULEZ charge:

- Euro 3 for motorcycles, mopeds, motorised tricycles and quadricycles (L category)
- Euro 4 (NO_x) for petrol cars, vans, minibuses and other specialist vehicles
- Euro 6 (NO_x and PM) for diesel cars, vans and minibuses and other specialist vehicles.

1.29. Following the introduction of the ULEZ in central London on 8 April 2019, the Zone was expanded to inner London (up to, but not including, the North and South Circular Roads) on 25 October 2021. That expansion extended it to an area 18 times the size of the original Zone and furthered its benefits. In February 2017, when the original proposals for the central London ULEZ scheme were first announced, the compliance rate of vehicles driven within the Zone with what became the approved ULEZ vehicle emissions standards was 39 per cent. By January 2020, the compliance rate in the central London Zone was 77 per cent²⁰. Concentrations of NO₂ at roadside sites in February 2020 reduced by 37 per cent compared to February 2017 (when changes associated with the ULEZ began), as shown in Figure 2²¹. Further assessment undertaken for expanded ULEZ considered data over a longer time period, including during the Covid-19 pandemic. The vertical line on the graph in Figure 2 highlights the point at which national action in response to Covid-19 started to influence traffic and resultant pollution levels. This helped to further reduce NO₂ levels whilst many people avoided unnecessary journeys until 2021 when they started to increase as restrictions ended. While traffic volumes have been increasing back to pre-pandemic levels in inner and outer London, the air quality trends show that the ULEZ has helped to prevent the return to previous pollution levels even when traffic is returning.

Figure 2 Trends in NO₂ in London compared to a no ULEZ scenario



1.30. On 25 October 2021, the Zone expanded to inner London. Compliance with the ULEZ standards in the zone two weeks prior to its launch was 87 per cent compared to 39 per cent in February 2017. Six months after the expansion of the ULEZ, this had risen to nearly 94 per cent. Both the central London ULEZ and the expansion to inner London had significant impacts on air quality in London. Following the expansion of ULEZ to inner London, harmful NO₂ concentrations alongside roads in inner London were estimated to be 20 per cent lower than they would have

²⁰ This relates to compliance in congestion charging hours.

²¹ https://www.london.gov.uk/sites/default/files/expanded_ultra_low_emission_zone_six_month_report.pdf

been without the ULEZ and its expansion. In central London, roadside NO₂ concentrations were assessed to be 44 per cent lower than they would have been without ULEZ. This decrease in concentrations close to roads will have also led to reduced air pollution in locations away from traffic²².

- 1.31. This shows that the ULEZ has been effective in reducing harmful air pollutants, but there is still more to be done.

Option development and assessment

- 1.32. In December 2021, TfL presented the Mayor with four potential approaches to reduce emissions from road based transport to address wider transport emission challenges, including the need to reach net zero carbon by 2030. The report titled 'Next steps for reducing emissions from road transport'²³ outlined that despite significant progress, further action was required to reduce emissions and improve air quality. For carbon, it noted that as the contribution of other sectors has fallen, transport has been responsible for an increasing proportion of total emissions. The report summarised the approaches and set out the key issues to consider for each, including the potential impacts on traffic levels and on the three key emissions of NO₂, particulate matter and CO₂. The four approaches were:
- extending the ULEZ London-wide with the current vehicle charge levels and emissions standards
 - extending the ULEZ London-wide and adding a small clean air charge for all but the cleanest vehicles
 - a small, London-wide, clean air charge for all but the cleanest vehicles
 - an integrated 'next-generation' London-wide RUC scheme which would incorporate existing schemes and charges a single charge per mile. It was noted that this could not be delivered as soon as other approaches, but any approaches taken forward in 2023 could potentially transition to such a scheme in later years.
- 1.33. The report also included an overview of the impacts of a potential Greater London Boundary Charge (GLBC), which would be focussed on cross boundary driving and help reduce traffic and emissions. This has been subject to its own separate feasibility study.
- 1.34. On the 4 March 2022, after careful consideration of the data and wider economic context, including the Element Energy report on pathways to achieve net zero carbon emissions by 2030 (see paragraph 4.50 for more detail), the Mayor announced that his preferred option to take to public and stakeholder consultation was the expansion of the ULEZ to outer London, so it would operate London-wide with the current ULEZ vehicle charge levels and emissions standards. He noted that the rising cost of living was a key consideration in deciding which approach should be taken forward, preferring a scheme that would have the greatest impact on reducing emissions whilst financially impacting the fewest Londoners. He asked TfL to work up detailed proposals on this basis.

2. Objectives and expected outcomes

- 2.1. Analysis of the existing ULEZ scheme has shown it to be an effective tool in reducing vehicle emissions. As described above, following the introduction of the ULEZ in central London in April 2019 there have been considerable improvements in air quality both within and outside the central Zone, as a result of people switching to more sustainable modes and cleaner vehicles. This

²² https://www.london.gov.uk/sites/default/files/expanded_ultra_low_emission_zone_six_month_report.pdf

²³ <https://content.tfl.gov.uk/next-steps-for-reducing-emissions-from-road-transport.pdf>

was further evidenced by the expansion of the scheme to inner London from October 2021, which continues to demonstrate the positive impact of the scheme on emissions and, to a lesser extent, traffic levels. Four million Londoners living in the zone are now breathing cleaner air.

- 2.2. The proposed expansion of the ULEZ London-wide will benefit the further five million Londoners who live in outer London, as well as those visiting and working in the city. The expansion is forecast to reduce NO_x emissions from cars and vans in outer London by 10 and seven per cent respectively in 2023 compared to the baseline without the scheme. London-wide the reduction in road transport NO_x emissions is expected to be five per cent in 2023 compared to the baseline without the scheme, equivalent to 362 tonnes of NO_x. To give a sense of scale, the estimated 35 per cent reduction for the central London ULEZ in 2019 equates to 230 tonnes, and included emissions savings from heavy vehicles. The higher emissions savings for the proposed expansion reflect a much larger area but also include greater savings from cars and vans because the LEZ for heavy vehicles is already operating across London and therefore further emissions reductions are not expected from these vehicles.
- 2.3. As a result of these reductions in emissions, it is estimated that over 20,000 additional people could live in areas (mainly in central and inner London) meeting the WHO interim target 2 of 30µg/m³ NO₂ as a result of the scheme with about 260,000 people or three per cent of the population still living in areas above this level. In outer London over 300,000 additional people could live in areas that meet the even tighter WHO interim target 3 of 20µg/m³. Overall, this would reduce the number of people still living in areas above these targets to about 6.5 million people or 71 per cent of the population – down from 6.9 million or 75 per cent of the population without the proposed scheme – and would mean that approximately 30 per cent of London's population would live in areas meeting this tighter WHO interim target.
- 2.4. The proposed expansion of the ULEZ London-wide is expected to also improve average NO₂ concentrations²⁴ across outer London by two per cent (equivalent to 0.3 µg/m³ NO₂), although the improvements are anticipated to be smaller in central and inner London where ULEZ is already operating, and improvements have already been made. Across the whole of London the average reduction in annual NO₂ concentrations is expected to be a 1.2 per cent reduction (also equivalent to 0.3µg/m³). The reductions in concentrations mean there is relatively little change in the number of people living in areas exceeding the current NO₂ limit value of 40µg/m³ (about 2,500 less people which is less than 0.5 per cent of the population) because this is largely unaffected in areas where it is exceeded in central and inner London (where ULEZ already operates).
- 2.5. It is estimated that there is a small increase in the proportion of the road network in central London that would meet the legal limit for NO₂ from 84 per cent to 85 per cent. In inner London, this would remain at about 98 per cent and in outer London it would remain at over 99 per cent, both with and without the proposals.
- 2.6. Reductions are also expected in PM_{2.5} emissions, with an 11 per cent reduction in tailpipe PM_{2.5} emissions in London and an overall reduction in PM_{2.5} emissions from road transport of 22 per cent in 2023 compared to the baseline without the scheme, which is equivalent to eight tonnes of PM_{2.5}. Carbon emissions from road transport are also expected to reduce by 0.4 per cent London-wide in 2023 compared to the baseline without the scheme, equivalent to 23,000 tonnes. This saving is nearly twice as great as that which was estimated for central London ULEZ in its first year.
- 2.7. This means that under the proposed scheme over 40,000 additional people would be expected to live in areas meeting the WHO interim PM_{2.5} target of 10µg/m³, which means about 48 per cent of the population of London would still live in areas that do not meet this target. These benefits are mainly in outer London but there are also some improvements in inner London, with about 89

²⁴ Note that reductions in overall concentrations are always lower than those in emissions, as they are made up of more than just road transport emissions.

per cent of the population exceeding this level, compared to about 15 per cent of the population of outer London.

- 2.8. In addition to the emissions savings expected directly from the scheme, the ULEZ is also expected to encourage a shift to active, efficient and sustainable modes of transport. The number of trips by car London-wide is expected to reduce by around 146,000 per day soon after scheme launch. Of these, just under 70 per cent are expected to switch to sustainable modes. This means an additional estimated 55,000 walking or cycling trips (0.7 per cent increase), 26,000 bus trips (0.6 per cent increase) and 19,000 rail trips (0.3 per cent increase) every day in London.
- 2.9. For essential car journeys, the expansion of ULEZ London-wide will encourage the switch to less polluting vehicles. Vehicle compliance is expected to increase to over 95 per cent for cars by the end of 2023. This equates to a reduction in the number of non-compliant cars from 160,000 to 46,000. For vans, compliance over the same period is estimated to increase to around 91 per cent, reducing the number of non-compliant vans from 42,000 to 26,000.
- 2.10. In addition, research from the Confederation of British Industry (CBI) has shown that cleaner air could boost the UK economy by £1.6 billion per year and improving air quality in London specifically would provide an economic benefit of almost £500 million per year to the local economy due to fewer days lost due to illness.

Overview of Proposals for London-wide ULEZ expansion

Proposal 1: Expanding the ULEZ London-wide to the Low Emission Zone (LEZ) boundary from 29 August 2023 including changes to existing grace periods

Using the LEZ boundary

- 2.11. This proposal expands the current ULEZ zone to the current LEZ boundary in outer London, so that it would operate "London-wide" covering 96 per cent of the Greater London administrative area. The existing well established LEZ boundary is proposed because it has proven to be an effective boundary for that scheme and provides drivers with appropriate routes to avoid entering the Zone if they do not comply with required emissions standards. There is also existing signage infrastructure which could be adapted.

Commencement date for London-wide ULEZ

- 2.12. It is proposed that the London-wide ULEZ would take effect from Tuesday 29 August 2023 (the day following the bank holiday on Monday 28 August 2023). This date is considered to be the soonest possible date which would allow sufficient time to prepare to launch the scheme and give people reasonable notice to plan ahead.

Changes to existing ULEZ "grace periods"

- 2.13. Certain discounts and exemptions for non-compliant vehicles are available under the current ULEZ scheme, including some grace periods. These were put into place ahead of the launch of the scheme in central London in 2019 and its expansion to inner London in 2021 to support groups that were likely to find it more difficult to switch to a compliant vehicle ahead of the scheme coming into effect in those areas. This was informed by the Integrated Impact Assessments and public consultations for both the central London scheme and its expansion to inner London.
- 2.14. In line with the approach taken to the ULEZ expansion to inner London, the consultation proposed to extend the grace periods for 'disabled' and 'disabled passenger' tax class vehicles, wheelchair accessible Private Hire Vehicles (PHVs) and minibuses used for community transport by two years should the scheme be expanded London-wide. The consultation proposals for two year extensions are set out below:

- 'Disabled' and 'disabled passenger' tax class vehicles grace period extended from 26 October 2025 to 24 October 2027. This is to reflect the additional time needed for these groups to prepare for the newly charged area in the time available.
- Wheelchair accessible PHVs grace period, for TfL licenced PHVs, extended from 26 October 2025 to 24 October 2027. This is to help mitigate the impact on individuals who rely on their services by providing additional time for vehicle owners to upgrade their vehicles.
- Minibuses used for community transport grace period extended from 29 October 2023 to 26 October 2025. This is to reflect the need for these groups to have additional time to prepare for the newly charged area. This also applies to eligible organisations (including state schools) outside Greater London.

New Proposed Mitigations

- New grace periods – recommended variation order modifications

- 2.15. Following the consideration of various points raised in the consultation and in stakeholder meetings, TfL has considered what further mitigations may be needed to support disabled Londoners, recognising that outer London has higher levels of car reliance and fewer sustainable alternatives for some journeys. On the basis of this work, a proposal has been developed to significantly broaden eligibility for grace periods supporting disabled people. Further engagement with representatives of disabled Londoners took place following the consultation which has helped TfL to shape, with their input, several policy modifications to specifically address areas of high concern. These modifications include new provisions for disabled Londoners who may not be covered by the current criteria, improved arrangements to support those with nominated drivers, as well as measures to help those with more costly vehicles designed for wheelchair users and other expensive adaptations for disabled people. The proposed modifications have evolved through this engagement in response to insights from the disabled community.
- 2.16. TfL recommends to the Mayor that he confirms the two new grace periods (as detailed in paragraphs 2.17 to 2.21) to be implemented as formal "modifications" to the LEZ-ULEZ Variation Order. If the Mayor confirms the London-wide ULEZ expansion, this new measure will be available London-wide (including in the current inner London Zone) to eligible applicants' vehicles from 30 January 2023 until 24 October 2027.
- Modification 1: Disabled benefits grace period*
- 2.17. This is a new proposed grace period aimed primarily at recipients of the "standard rate" mobility component of Personal Independence Payment (PIP), in addition to the existing grace periods for 'disabled' and 'disabled passenger' tax class vehicles under the current ULEZ which are proposed to be extended from October 2025 to 24 October 2027. This group has been unable to benefit from the current grace period for 'disabled' and 'disabled passenger' tax class vehicles, as they are not eligible for this tax class. The new grace period will enable recipients of the standard-rate mobility component of the PIP and recipients of any of the other benefits which also qualify for 'disabled' and 'disabled passenger' tax class, to register their own or their nominated driver's vehicle to benefit from the grace period, which will be in place until 24 October 2027.
- 2.18. Recipients of the following benefits will be eligible for the Disabled benefits grace period:
- standard rate mobility component of PIP
 - enhanced rate mobility component of PIP
 - higher rate mobility component of Disability Living Allowance (DLA)
 - enhanced rate mobility component of Adult Disability Payment (ADP)

- higher rate mobility component of Child Disability Payment
- War Pensioners' Mobility Supplement
- Armed Forces Independence Payment.

- 2.19. With the exception of the newly eligible recipients of the standard rate mobility component of PIP, recipients of the above are already eligible for the disabled vehicle tax class and, through that mechanism, are already eligible for the disabled vehicle tax class grace period. This exemption is automatically applied to vehicles registered with the Driver and Vehicle Licensing Agency (DVLA) to the disabled tax class.
- 2.20. However, some recipients may not have registered for the disabled vehicle tax class with the DVLA. In addition to enabling more disabled Londoners to be eligible for a grace period by including the standard mobility component of PIP, the new grace period ensures that those who are eligible, but not registered for, the disabled vehicle tax class will have a way to access the grace period without needing to register for the disabled tax class, should they prefer not to. The relevant rules will also enable nominated drivers (including those who do not live with the disabled person they drive) to benefit from the grace period.
- 2.21. This proposed modification means that anyone who receives benefits that automatically make them eligible for a Blue Badge will also qualify for this new grace period. Those who may be eligible for a Blue Badge but do not automatically qualify may also be covered by this grace period if they meet the above criteria. TfL consider that using disability benefits criteria offers the best and most consistent approach. TfL will continue to explore with London boroughs how those holding Blue Badges who are not automatically eligible under the proposed benefits criteria for the grace period could be eligible while preserving the air quality benefits of the scheme. In London, TfL estimate that more people are likely to be eligible under this criteria than the current number of Blue Badge holders²⁵.

- *Modification 2: Wheelchair accessible vehicles grace period*

- 2.22. Under the current ULEZ rules wheelchair accessible TfL licenced Private Hire Vehicles (PHVs) benefit from a grace period, which in the consultation is proposed to be extended to 24 October 2027. To provide additional support for disabled Londoners TfL proposes the Mayor approves an additional general exemption for all wheelchair accessible vehicles that are not compliant with ULEZ standards, from 30 January 2023 until 24 October 2027. Given the higher cost of replacements for these vehicles this exemption will provide owners additional time to adapt to ULEZ standards.
- 2.23. A limited list of other vehicle adaptations aimed at meeting the needs of disabled drivers or passengers will also qualify. These adaptations, listed below, have been identified in consultation with manufacturers and stakeholders representing disabled Londoners:
- a permanently fitted foldable ramp or powered lift
 - an electric or hydraulic hoist to lift a person or wheelchair into the vehicle
 - a swivel seat on either the passenger or driver side of the vehicle
 - an accelerator ring permanently fitted to the steering wheel of the vehicle.

²⁵ Data from the Department for Work and Pensions in July 2022 showed that 282,520 Londoners claimed benefits which would make them eligible for the new grace period, and data from the Department for Transport published in January 2022 showed that 247,000 Londoners had a Blue Badge.

New London vehicle scrappage scheme

- 2.24. It is proposed that a new large-scale and targeted vehicle scrappage scheme will be launched if the ULEZ expansion London-wide proceeds in order to help mitigate a number of potentially adverse impacts on individuals and groups identified in the ULEZ Scheme IIA and by relevant stakeholder groups. The commitment to provide a potential scrappage scheme should the ULEZ expansion be progressed, was included in the consultation. TfL has designed its proposed scheme, as recommended to the Mayor for GLA grant funding, having regard to the IIA, consultation responses and such discussions.
- 2.25. Table 2 (under paragraph 3.32) highlights how a variety of protected characteristic groups could benefit from such a scheme. TfL will design and administer the scheme under the Mayoral delegation previously provided in MD2661. It will initially be funded by a section 121 revenue grant from the GLA, approved under this Mayoral Decision, and it is envisaged the scheme will be operational from Monday 30 January 2023.
- 2.26. This new scheme will provide scrappage grants and other assistance to help eligible Londoners to scrap (i.e. dispose of) or retrofit vehicles that are not compliant with the ULEZ standards thereby removing older, more polluting vehicles from London's roads. The scheme will help clean up the city's toxic air by helping successful applicants to use cleaner vehicles or greener and more sustainable forms of transport, including car clubs. The scheme will build on the success of the previous scrappage schemes which supported the ULEZ in central London and expansion to inner London. This saw the removal of more than 15,200 older, more polluting non-ULEZ compliant vehicles from London's roads and a third of car and motorcycle scrappage recipients choosing not to replace their vehicles.
- 2.27. A new £110 million scrappage scheme will be targeted at supporting people on lower incomes, disabled Londoners, micro businesses and charities to scrap or retrofit their non-compliant vehicles in preparation for the London-wide expansion of the ULEZ. It is proposed eligibility will be limited to Greater London residents and eligible micro businesses and charities based in Greater London.
- 2.28. The key features of the proposed scheme are as follows:
- Scrappage grants for low income and disabled Londoners will be £1,000 for a motorcycle; £2,000 for a car or £5,000 for a wheelchair accessible vehicle.
 - Successful applicants can opt for a mobility credit package made up of an annual Bus & Tram pass alongside a reduced scrappage payment, which together will exceed the value of the standard scrappage payment. All buses and trams are wheelchair accessible. There will also be an option for two annual Bus & Tram passes alongside a further reduced scrappage payment which may be attractive to those who transport others with their vehicle.
 - Microbusinesses and charities scrapping vans and minibuses would receive a £5,000 grants for a van, £7,000 for a minibus or, for those replacing their vehicles with an electric alternative, an additional payment of £2,500.
 - Microbusinesses and charities will now also have the option of a £5,000 grant to retrofit their vehicle to meet the ULEZ standards.
 - TfL will seek to secure complementary offers from third parties for those who use the scrappage scheme, in order to support and encourage them to consider alternatives to private vehicle ownership.
 - To reach eligible audiences, TfL will launch a comprehensive multi-channel marketing campaign, including targeting of representative stakeholder groups.

- Rigorous accessibility testing on TfL's scappage webpages will be done, and alternative options for those not able to complete an online application will be available.

2.29. TfL has published a scappage evaluation report of the previous scappage scheme²⁶. This has included looking at the scappage application process, the impact of scappage and details of a survey with car and motorcycle scappage scheme recipients. Lessons learned from the report have helped us to devise the new scheme. This has included ensuring that the application process is as straightforward as possible, the need to carry out targeted awareness raising and introducing alternatives to the grant payment to further support mode shift to sustainable modes of transport including working with third-party industry partners to offer a wide range of third-party offers.

Proposal 2: Removing the annual £10 per vehicle Auto Pay (including Fleet Auto Pay) registration (or administration) fee for the ULEZ, LEZ and Congestion Charge

2.30. Customers registered for Auto Pay (including Fleet Auto Pay²⁷) are automatically charged for the number of charging days their registered vehicles are detected in the zone (Congestion Charge, ULEZ or LEZ), if the vehicle does not meet the required emissions standards for the LEZ and ULEZ, and when, if eligible, it is driven in the Congestion Charging zone during charging hours. Auto Pay removes the risk of customers being issued with a Penalty Charge Notice (PCN) for non-payment of the Congestion Charge, LEZ or ULEZ charges. The current Auto Pay system (including Fleet Auto Pay) requires an administration fee of £10 per vehicle per year. This proposal removes that fee so there is no cost associated with setting up or maintaining an Auto Pay or Fleet Auto Pay account for the ULEZ, LEZ or Congestion Charge. Removing the annual administration fee removes the financial disincentive to sign up to an Auto Pay account by ensuring there is no cost differential between those paying the daily charges not using the automated system and those paying by Auto Pay. It is proposed that the annual £10 Auto Pay administration fee for the ULEZ, LEZ and Congestion Charge is removed on 30 January 2023. On this basis, should the proposed expansion of the ULEZ proceed, customers with non-compliant vehicles will have nearly seven months prior to the expansion to sign up for an Auto Pay account to remove the risk of receiving a PCN.

Proposal 3: Increasing the penalty charge level from £160 to £180 for non-payment of the ULEZ charge and Congestion Charge

2.31. A Penalty Charge Notice (PCN) may be issued if the ULEZ charge or Congestion Charge are not paid within the time allowed (up to three days after the date of travel) and the vehicle is not exempt or registered for a 100 per cent discount. The level of penalty charge for non-payment of the ULEZ charge and Congestion Charge is £160, discounted to £80 if paid within 14 days. The ULEZ penalty charge has been the same since the ULEZ scheme was first implemented in April 2019. The Congestion Charge penalty charge has been the same since January 2018, when it increased from £130 to £160. This proposal increases the penalty charge from £160 to £180 for the ULEZ and Congestion Charge from 30 January 2023. This reflects that the deterrent effect of receiving a PCN has decreased over time due to a number of factors including inflation, increases to public transport fares and the level of the Congestion Charge itself. This is reflected in the proportion of vehicles given multiple PCNs. For the ULEZ, the proportion of Vehicle Registration Marks (VRMs) given multiple PCNs has increased from 25 per cent to 32.3 per cent²⁸ between 2019 (when the scheme was introduced) and 2021. For the Congestion Charge, it has increased from 25 per cent in 2018 to 28 per cent in 2021.

2.32. Increasing the PCN but keeping it at a consistent level for both schemes helps to maintain the deterrent effect of receiving a PCN and helps to achieve the respective scheme objectives for

²⁶ <https://tfl.gov.uk/corporate/publications-and-reports/ultra-low-emission-zone#on-this-page-2>

²⁷ Fleet Auto Pay is available to businesses with six or more vehicles.

²⁸ Repeat offenders have been calculated separately for each contravention year, and are based upon unique vehicles for which more than one PCN has been issued for the relevant scheme and year of contravention.

both the ULEZ and the Congestion Charge. Being registered for Auto Pay (which is proposed to be cost free, as per Proposal 2) also removes the risk of customers being issued with a PCN for non-payment of the Congestion Charge, LEZ or ULEZ.

Proposal 4: Minor administrative scheme changes

- 2.33. This proposal relates to minor administrative changes to the Congestion Charge and LEZ-ULEZ Scheme Orders to make them more streamlined, flexible and to remove spent or redundant provisions (see the Report to the Mayor for the full list). The two scheme orders will then align and have standard payment channels, payment methods and communication channels that are available at any given time. It is proposed that the minor changes to the two Scheme Orders would take effect immediately.

3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010 (the Equality Act), as public authorities, the Mayor and TfL must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity, and foster good relations, between people who share a protected characteristic and those who do not when exercising their functions. This is known as the Public Sector Equality Duty. Protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination and other prohibited conduct under the Act only). In line with best practice, the impact on groups who also have the potential to be socially excluded – in this case, people on low incomes or from deprived communities – has also been considered, notwithstanding that these specific attributes are not protected under the Equality Act but may be common to people with protected characteristics.
- 3.2. The Public Sector Equality Duty applies to the Mayor's decision about whether to proceed to implement the Scheme Proposals by confirming the two Variation Orders with or without modifications.
- 3.3. TfL commissioned consultants Jacobs to undertake an Integrated Impact Assessment (IIA), including an equality impact assessment, of the London-wide ULEZ expansion proposals i.e. the Scheme Proposals. The IIA identified the expected impact of the proposals on a range of themes and groups (below), this included a range of negative impacts (ranging from minor to moderate), alongside positive or beneficial impacts. This IIA formed part of the consultation materials and can be found appended to the Report to the Mayor (Appendix 2 to this form).
- 3.4. To inform the ULEZ Scheme IIA about anticipated impacts and potential mitigation/enhancement measures, Jacobs held six stakeholder workshops. Workshops were held on the themes of: business and economy, health, environment, equality, taxis and private hire, and London boroughs. A separate discussion was held with TfL's Independent Disability Advisory Group. A list of the workshop attendees is provided in Appendix C of the IIA.
- 3.5. The IIA considered three themes: London's people (including a health impact assessment and equality impact assessment (EqIA)); London's economy; and London's environment. The people category includes an assessment of groups of people that share a protected characteristic ('protected characteristic groups'). Each assessment identifies impacts against the relevant IIA objectives as short-term and medium-term. Long-term was considered not applicable on the assumption that the Mayor is investigating how TfL could replace ULEZ and other schemes with a single, integrated road user charging scheme within this timeframe. Also in the longer term, it is expected that there would be almost total compliance with the scheme. In addition to duration, impacts were determined against two assessment parameters: breadth (scale and distribution of positive and negative impacts) and sensitivity (e.g. of people, environmental assets or economic

sectors to identified impacts). The impact rating was assessed taking account of mitigation measures committed to by TfL, such as the exemptions, discounts and reimbursements, as originally proposed in the consultation materials. Full details can be found in the ULEZ Scheme IIA. A summary of the impacts on protected characteristic groups is provided below in order to help comply with the Public Sector Equality Duty.

Using the ULEZ Scheme IIA to develop, and consider the impact of, the Consultation Proposals

- 3.6. In developing the London-wide ULEZ proposals, TfL carefully considered the potential impacts as identified by the ULEZ Scheme IIA (including alongside the likely impacts on emissions, air quality and traffic congestion). Following the close of the consultation, TfL considered the issues raised by respondents including stakeholders, some of which mirror the findings of the IIA and some of which raise further issues. TfL has considered and responded to additional issues raised in Chapter 5 of the Report to the Mayor (Appendix 2).

Equalities-related impacts (ULEZ expansion)

- 3.7. The identified impacts (those originally identified in the ULEZ Scheme IIA and additional ones identified following consultation) and mitigations are discussed in more detail in section 4 of this form, with the exception of impacts and mitigations concerning groups with protected characteristics, which are summarised below. Additional mitigations have been informed by and developed with key stakeholders following the consultation.
- 3.8. The IIA states that the Proposed Scheme is expected to contribute towards the improvement of health outcomes and reduction of health inequalities for all population groups.

Age

- 3.9. The ULEZ Scheme IIA identified improvements to air quality resulting in short-to-medium term disproportionately greater health benefits for older people and children and differential²⁹ benefits for older people and children living in outer London.
- 3.10. The IIA identified a short-to-medium term differential minor negative impact on young people attending special educational needs (SEN) schools in outer London who travel by non-compliant private minibus/car and their carers or families on low incomes. It identified a short-term differential minor negative impact on perceptions of safety for young people who travel by non-compliant vehicle but cannot afford to upgrade to a compliant vehicle. This group may be reluctant to use public transport due to perceptions of the risk to personal safety and therefore may travel less.
- 3.11. The IIA identified a short-term differential moderate negative impact of increased cost for some older people who travel by non-compliant private vehicle to access regular medical appointments at specialist facilities in outer London (and outer London residents accessing healthcare outside London), which may result in adverse health outcomes for this group. Older people who receive domiciliary care, mobile healthcare services and/or informal care in outer London are likely to experience a short-to-medium term differential moderate negative impact, resulting in poorer health outcomes. The IIA also identified a short-to-medium term differential and disproportionate moderate negative impact on social exclusion and isolation for older people who rely on a non-compliant vehicle, which may result in poorer socio-economic and wellbeing outcomes.

Disability

- 3.12. The ULEZ Scheme IIA identified a neutral impact on disabled people travelling by car in outer London who qualify for the Motability scheme and the disabled vehicle tax exemption. The IIA identified a short-to-medium term differential moderate negative financial impact on disabled

²⁹ A differential equality effect is one which affects members of a protected group differently from the rest of the general population because of specific needs or a recognised sensitivity or vulnerability associated with their protected characteristic.

people who make journeys by non-compliant private vehicle and do not qualify for the Motability scheme and/or current disabled vehicle tax exemption from paying ULEZ charges. It also identified a short-to-medium moderate negative disproportionate financial impact on disabled people who travel by non-compliant private vehicle in outer London to access employment (particularly in the night time economy) or opportunities, who do not have a disabled vehicle tax class, due to their lesser capacity to switch to a compliant vehicle and/or change mode.

- 3.13. The IIA identified a differential minor negative impact on disabled people attending SEN schools in outer London travelling by non-compliant private minibus/vehicle and their carers or families on lower incomes. The IIA identified a short-term differential minor negative impact on perceptions of safety for disabled people who travel by non-compliant private vehicle but cannot afford to upgrade to a compliant vehicle. This group may be reluctant to use public transport due to perceptions of the risk to personal safety and therefore may travel less.
- 3.14. The IIA identified a short-term differential moderate negative impact of increased cost for some disabled people and people with underlying health conditions who travel by non-compliant private vehicle to access medical appointments at specialist facilities in outer London (and outer London residents accessing healthcare outside London), which may result in adverse health outcomes for this group. Disabled people and people with underlying health conditions who receive domiciliary care, mobile healthcare services and/or informal care in outer London are likely to experience a short-to-medium term differential moderate negative impact, resulting in poorer health outcomes.
- 3.15. A short-to-medium term differential minor negative impact was identified on disabled people who rely on services provided by charities and community organisations undertaking activities using non-compliant vans and minibuses within outer London.
- 3.16. The IIA identified a short-to-medium term differential moderate negative impact on stress and anxiety and a short-to-medium term differential and disproportionate moderate negative impact on social exclusion and isolation for disabled people who rely on a non-compliant vehicle and do not qualify for the disabled tax class vehicle exemption, which may result in poorer socio-economic and wellbeing outcomes.

Sex

- 3.17. The ULEZ Scheme IIA identified a short-term moderate negative impact due to the increased cost of operating LGVs on tradespeople, likely to be disproportionately experienced by men, who rely on a non-compliant vehicle to undertake work in outer London. It also reported a short-term disproportionate minor negative impact on men working as PHV drivers in outer London in a non-compliant vehicle³⁰, due to the higher representation of this protected group in the sector³¹.
- 3.18. The IIA identified a short-to-medium term disproportionate minor negative impact on women taking children to school in outer London in a non-compliant vehicle³². It also reported a short-to-medium term differential minor negative impact on women who rely on services provided by charities and community organisations undertaking activities using non-compliant vans and minibuses within outer London. In addition, the IIA identified a short-term differential minor negative impact on perceptions of safety for women who travel by non-compliant private vehicle but cannot afford to upgrade to a compliant vehicle. This group may be reluctant to use public transport due to perceptions of the risk to personal safety, and therefore may travel less.

³⁰ The IIA baseline report (Appendix J of the Report to the Mayor) states London PHVs are currently 97 per cent compliant with ULEZ

³¹ The IIA baseline report (Appendix J of the Report to the Mayor) states men make up 93 per cent of the taxi/PHV workforce

³² The IIA baseline report (Appendix J of the Report to the Mayor) states women are three times more likely to take children to school than men

- 3.19. The IIA identified a short-term differential minor negative impact for women who work for the NHS in lower paid positions³³ who travel by non-compliant private vehicle to access employment in outer London. Where employers do not reimburse care workers for upgrading their vehicle or paying the charge, the IIA identified a short-to-medium term disproportionate moderate negative impact on women serving the outer London area as a result of the additional cost associated with the scheme. This is likely to result in stress and anxiety.

Race

- 3.20. The predicted air quality improvements would have benefits that would be relatively evenly distributed across all ethnic groups, with Asian people expected to experience the greatest benefit from changes in the average concentration of NO₂. The ULEZ Scheme IIA also identified a short-term disproportionate minor negative impact on Black, Asian and minority ethnic PHV drivers working in outer London in a non-compliant vehicle due to the higher representation of this protected group in the sector. In addition, the IIA identified a short-term differential minor negative impact on perceptions of safety for Black, Asian and minority ethnic people who travel by non-compliant private vehicle but cannot afford to upgrade to a compliant vehicle. This group may be reluctant to use public transport due to perceptions of the risk to personal safety, and therefore may travel less.
- 3.21. The IIA identified a short-term differential minor negative impact for Black, Asian and minority ethnic people who work for the NHS in lower paid positions³⁴ who travel by non-compliant private vehicle to access employment in outer London. Where employers do not reimburse care workers for upgrading their vehicle or paying the charge, the IIA identified a short-to-medium term disproportionate moderate negative impact on Black, Asian and minority ethnic people serving the outer London area as a result of the additional cost associated with the scheme. This is likely to result in stress and anxiety.
- 3.22. The IIA identified a short-term moderate negative impact due to the increased cost of operating LGVs on tradespeople, likely to be disproportionately experienced by members of the Gypsy and Traveller Community, who rely on a non-compliant vehicle to undertake work in outer London.

Pregnancy and maternity

- 3.23. The ULEZ Scheme IIA identified a short-to-medium term disproportionate moderate negative financial impact on pregnant women or new mothers/ parents with young children, who travel by non-compliant private vehicle in outer London to access employment or opportunities, who due to their restricted mobility have less capacity to change mode. Pregnant women and new mothers/parents with young children who receive domiciliary care, mobile healthcare services and/or informal care in outer London may also experience a short-to-medium term differential moderate negative impact resulting in poorer health outcomes.
- 3.24. The IIA also identified a short-term differential minor negative impact of increased cost for some pregnant women or new mothers/parents with young children, who travel by non-compliant private vehicle to access medical appointments at paediatric/maternity centres in outer London, which may result in adverse health outcomes.

³³ The IIA baseline report (Appendix J of the Report to the Mayor) states women make up 76.7 per cent of the total NHS workforce in England and are more likely to be in lower paid roles within the NHS with a lower average monthly basic pay than men.

³⁴ Black, Asian and minority ethnic people are more likely to be in lower paid positions within the NHS workforce. Sources: <https://www.england.nhs.uk/london/our-work/equality-and-diversity/london-workforce-race-strategy/>; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7563090/>

Religion or belief

- 3.25. The ULEZ Scheme IIA identified a short-to-medium term differential minor negative financial impact on some people of different faiths who access places of worship in outer London by non-compliant vehicle.

Gender reassignment

- 3.26. The ULEZ Scheme IIA identified a short-term differential minor negative impact on perceptions of safety for trans people who travel by non-compliant private vehicle but cannot afford to upgrade to a compliant vehicle. This group may be reluctant to use public transport due to perceptions of the risk to personal safety, and therefore may travel less.

Sexual orientation

- 3.27. The ULEZ Scheme IIA identified a short-term differential minor negative impact on perceptions of safety for Lesbian, Gay, Bisexual and Transgender (LGBT+) people who travel by non-compliant private vehicle but cannot afford to upgrade to a compliant vehicle. This group may be reluctant to use public transport due to perceptions of the risk to personal safety, and therefore may travel less.

Other impacts

- 3.28. The ULEZ Scheme IIA identified other likely significant impacts relevant to protected characteristics. It noted there could be a short-to-medium differential minor negative impact on refugees, asylum seekers and homeless people who rely on services provided by charities and community organisations undertaking activities using non-compliant vans and minibuses within outer London.

Deprivation

- 3.29. The ULEZ Scheme IIA identified impacts on people on low incomes. All deciles will experience air quality improvement, with those towards the more deprived end of the scale experiencing a slightly greater percentage reduction in average NO₂ concentrations than the least deprived. This included a short-to-medium term disproportionate moderate negative financial impact on people on low incomes travelling by non-compliant private vehicle in outer London to access employment (particularly in the night time economy) or other opportunities, due to their lesser capacity to switch to a compliant vehicle. The IIA also identified a short-to-medium term differential and disproportionate moderate negative impact on social exclusion and isolation for people on low incomes who rely on the use of a non-compliant private vehicle, which may result in poorer socio-economic and wellbeing outcomes.
- 3.30. The IIA noted a short-to-medium term disproportionate minor negative impact on low income people living in communities adjacent to the London-wide ULEZ boundary who are required to travel into outer London by non-compliant private vehicle to access employment, services and facilities.
- 3.31. A potential short-to-medium term differential minor negative impact on families on low incomes was identified due to implications around the increased cost of providing dedicated SEN travel to schools in outer London.

Recommended modifications and further mitigations

- 3.32. As set out in Section 2, TfL recommends to the Mayor modifications to the original Scheme Proposals and that further mitigations are implemented, noting that these are not likely to address all of the negative disproportionate impacts identified. Table 2 summarises these modifications and further mitigations according to the relevant protected characteristic group or vulnerable group identified as impacted by the ULEZ Scheme IIA.

Table 2. Summary of modifications and further mitigations

Modifications and mitigation measures	Relevant protected characteristic group / vulnerable group
TfL proposes two new grace periods for those in receipt of disability related benefits and wheelchair accessible vehicles, from 30 January 2023 until 24 October 2027 (see paragraphs 2.17 to 2.21).	Disabled people, carers (if nominated drivers of disabled people).
A large-scale and targeted scrappage scheme (see paragraphs 2.22 to 2.27 for more details).	Older people; disabled people; women; men; members of the Gypsy and Traveller Communities; Black, Asian and minority ethnic people; pregnant women and new mothers/parents with young children; people on low incomes. In addition to people who directly benefit, there are those who are reliant on, or supported by, the work of charities with non-compliant vehicles who may indirectly benefit from the scrappage scheme. Those who may benefit include refugees, women, asylum seekers, homeless people and disabled people
TfL will continue to work with the NHS and relevant charities to help disseminate information about the existing NHS patient reimbursement scheme, engaging actively with any new organisations within the proposed expanded area.	Older people; disabled people; pregnant women; people on low incomes; people with underlying health conditions.
TfL will promote relevant schemes such as the Access to Work scheme when undertaking engagement with relevant stakeholders.	Disabled people.
TfL will work with businesses and the freight industry to identify suitable sustainable alternatives.	Men; members of the Gypsy and Traveller Communities.
TfL will continue to work with boroughs to support sustainable school travel. This includes the provision of concessionary fares for children and other measures such as School Streets.	Women (this will also benefit young people).
TfL will include discussion and awareness raising of schemes to help encourage sustainable commuting such as hospital Green Travel Plans when engaging NHS Trusts.	Women; Black, Asian and minority ethnic people.
TfL holds regular meetings and forums with all local authorities which would be used to engage with relevant stakeholders about ULEZ expansion London-wide should it be approved.	People on low incomes.

- 3.33. In addition, TfL will monitor the impacts of the scheme, including the identified modifications and further mitigations, on protected characteristic groups and keep these under review. As part of this, TfL will continue to regularly engage with relevant stakeholders to ensure their concerns are considered and discussed.

Equalities-related impacts (other proposals)

- 3.34. An IIA on the proposed changes to Auto Pay and Fleet Auto Pay annual administration fees for the Congestion Charge and LEZ and proposed increase to PCNs levels for the Congestion Charge was also undertaken and included in the consultation materials. This section is intended only as a summary of that EqIA and should be understood in the context of its specific remit rather than as a summary of how the three RUC schemes work.
- 3.35. That IIA concluded that some individuals within the protected characteristics groups could be adversely affected by the PCN level increase. The groups most likely to be affected are those where people are more likely to have a low income: older and younger people, people with disabilities, women and those in low-income households.
- 3.36. However, the numbers affected are small in size, as some of these groups are less likely to own a car and, in any case, most drivers will meet ULEZ standards and do not drive in the Congestion Charge Zone (CCZ), and of those that do, most do not receive PCNs. As a result, the assessed disproportionate negative impact on those groups would be limited in scale. There are also potential positive impacts on protected characteristic groups from the proposals.
- 3.37. Specifically, it is considered that the proposed removal of the £10 annual administration fee for Auto Pay and Fleet Auto Pay would be an effective mitigation. Registering their vehicle(s) for Auto Pay will remove the possibility of a customer receiving a PCN and the associated cost; three-quarters of customers are already signed up to Auto Pay and the numbers would be expected to increase if the administration fee is removed.
- 3.38. There are also other scheme related mitigations which either alert drivers to the need to pay the daily charges if applicable or facilitate ease of payment so that a PCN will not be issued:
- Clear signage is in place on the approach roads with 'rings' of signage at approximately a half-mile, three miles and seven miles from the boundary, alerting the driver to the zone. There are also 'repeater' signs inside the zone and at the exits reminding drivers to pay.
 - The charging zone is integrated on driving/mapping apps and details are all available on the TfL website.
 - As well as paying in advance or by midnight on the charging day, there is an opportunity for drivers to pay in the three days following travel for TfL road user charging schemes (for the Congestion Charge there is a higher charge of £17.50 if paying after the day of travel).
- 3.39. If a driver receives a PCN for non-payment of the Congestion Charge³⁵, the penalty is halved if paid within 14 days (this also applies to ULEZ and LEZ). Representation and appeals processes are in place for drivers to challenge a PCN by referral to independent adjudicators if they believe it was issued incorrectly or unfairly or there were other mitigating circumstances.
- 3.40. The disproportionate adverse impacts described above in paragraphs 3.9 to 3.39 regarding protected characteristic groups should be carefully considered by the Mayor alongside the benefits of the London-wide ULEZ expansion and all other relevant matters. TfL recommends the Mayor proceeds with the Scheme Proposals, notwithstanding the adverse impacts set out above.

³⁵ The EqIA concerns only the impacts on the Congestion Charge, however the same applies for ULEZ

4. Other considerations

Impact assessments

4.1. As outlined in paragraph 3.3, TfL commissioned consultants Jacobs to undertake the ULEZ Scheme IIA. The assessment undertaken by Jacobs to understand the likely impacts of the proposals was informed by modelling and analysis, and uses technical assessment criteria, including definitions of scale and intensity of impact, based on a number of factors including the sensitivity of receptors (see section 3.5 for further detail). TfL undertook strategic traffic modelling to compare the situation in 2023 (proposed year of implementation) with and without the expansion of the ULEZ London-wide. The model outputs provided by TfL comprised of traffic demand (by mode of travel and journey purpose), road traffic emissions and air pollutant concentrations. The analysis was based on forecast rates of vehicle compliance with ULEZ for the proposed year of implementation.

4.2. A summary of the identified impacts that are not specific to groups of persons who share protected characteristics (and therefore not listed in paragraphs 3.9 to 3.39) is as follows:

4.2.1. People impacts

- Short-to-medium term improvements to air quality, resulting in better health outcomes for all Londoners.
- Neutral impact on health outcomes for vulnerable populations expected as a result of reduced Urban Heat Island effects.
- Short-to-medium term minor negative community severance impacts for people living in communities adjacent to the London-wide ULEZ boundary who are required to travel into outer London by non-compliant vehicle to access employment, services and facilities.
- Short-to-medium term disproportionate moderate negative impact on people with restricted mobility including parents with young children, who travel by non-compliant private vehicle in outer London to access employment (particularly in the night time economy) or opportunities, due to their lesser capacity to switch to a compliant vehicle and/or change mode.
- Short-to-medium term moderate negative impact on care workers serving the outer London area, who rely on using a non-compliant vehicle to provide care, where employers do not reimburse care workers for upgrading their vehicle or paying the charge.

4.2.2. Economic and business impacts

- Medium-term minor negative impacts on localised labour markets due to fewer people entering Greater London with a short-term minor negative impact on the labour market at Heathrow Airport.
- Medium-term minor negative impact for a significant proportion of tradespeople, street markets, delivery companies and similar due to increased cost of operating LGVs.
- Neutral impact on taxi and PHVs licensed outside London.
- Short-term minor negative impact on London's town centres from a loss of retail spend by those living outside Greater London.

- Neutral impact from loss of night time economy spend by those living outside Greater London.

4.2.3. Environmental impacts

- Medium-term moderate (NO_x) to minor (PM₁₀ and PM_{2.5}) beneficial impact³⁶ on road traffic emissions of air pollutants across Greater London.
- Medium-term minor (NO₂) to negligible (PM_{2.5}) beneficial impact on exposure to air pollution and achieving WHO Interim Targets³⁷ across Greater London.
- Medium-term minor beneficial impact on compliance with current legal limits across Greater London.
- Negligible beneficial impact on carbon emissions in Greater London.
- Negligible beneficial impact on nature conservation sites from decreases in NO_x concentrations.
- Medium-term minor positive impact on cultural heritage assets from reduced risk of acid rain in London as a result of NO_x reductions.
- Neutral impact from reductions in PM emissions on the soiling of historic buildings.
- Neutral impact on waste management due to anticipated additional tonnage of vehicles scrapped.
- Neutral impact on fly-tipping in those parts of outer London which would not fall within the London-wide ULEZ boundary.
- Short-to-medium term localised minor landscape negative impacts of new street furniture in some rural areas.
- Neutral impact on the built environment or streetscape within urban/suburban areas of outer London as a result of the installation of new street furniture.

4.3. It should be noted that although the technical assessment of emissions reductions is in some cases minor to negligible, it is also important to understand the impact of this policy in absolute terms. For example, although NO₂ concentration reductions are smaller in percentage terms than for the central London ULEZ, in absolute terms there is a much larger volume of NO_x emissions saved (see Section 2.2).

4.4. Similarly, though the impact on carbon emissions is assessed as negligible, this equates to a saving of 27,000 tonnes of CO₂ saved in outer London, which is a comparatively larger saving than has been seen with other similar policy interventions³⁸. It is nearly double that which the central London ULEZ achieved in its first year of operation (see section 2.6). Whilst there is no single solution that will achieve the decarbonisation of transport, this represents a material saving.

4.5. The ULEZ Scheme IIA also considered the likely cumulative impacts for each theme (people, economy and environment) from other RUC schemes (in operation or with formal approval to proceed) in combination with the proposed expansion of the ULEZ London-wide. The following schemes were considered: the Congestion Charge, current ULEZ, the LEZ, Silvertown Tunnel and

³⁶ The definition of 'major', 'minor', 'moderate' and 'neutral' impacts is set out in section 3.2.1.1 of the ULEZ Scheme IIA

³⁷ The WHO Interim targets and descriptions are set out in section 5.1.2 of the ULEZ Scheme IIA

³⁸ For example, it is comparable to carbon savings made from new development through the Mayor's climate change policies in the London Plan, which reduced emissions by 38,000 tonnes in 2021.

the Heathrow drop-off charge. The IIA concluded it was not considered that any cumulative impacts are likely to result from the implementation of the proposed scheme alongside other existing or planned road user charging schemes. The responses to the consultation are considered in the Report to the Mayor (Appendix 2) which should be read in conjunction with this form.

Data Protection Impact assessment (DPIA)

- 4.6. This seeks to ensure that potential data protection and privacy risks are identified at an early stage and that measures are put in place to mitigate those risks. The DPIA considers the additions to the Automatic Number Plate Recognition (ANPR) camera infrastructure required to allow the enforcement of the new, further extended boundary area (in the region of 2,750 cameras), the back office systems and infrastructure testing, additional volumes of personal data requiring processing, awareness campaign activities and the potential for camera sharing with the police. The DPIA outlines how TfL will manage and process personal data associated with the proposal and comply with the UK GDPR and Data Protection Act 2018. It includes steps that will be taken to protect data and reduce risks and ensure that data is securely held and only used for its intended purposes. The draft DPIA was updated to take account of the privacy and data protection related responses to this consultation, and the final version can be found in Appendix N of the Report to the Mayor.

Consultation

- 4.7. The first Mayor of London issued statutory guidance to TfL entitled 'Guidance from the Mayor of London on charging schemes pursuant to schedule 23 of the Greater London Authority Act 1999', to which TfL is required to have regard when exercising its road user charging powers. The proposed amendments constitute a major variation to a scheme for the purposes of that Guidance. In line with the Guidance a ten week consultation was undertaken by TfL on the Scheme Proposals between 20 May 2022 and 29 July 2022. The consultation was hosted on TfL's online consultation portal, more detail on the information that was made available can be found within Chapter 3 of the Report to the Mayor (Appendix 2).
- 4.8. TfL used a variety of channels to raise awareness of the consultation. These are described in Chapter 3 of the Report to the Mayor (Appendix 2) and included an extensive email campaign; national, regional and specialist press, and digital advertising; radio advertising; social media; letter drops to local centres such as community centres; and a press release issued to all relevant media. TfL contacted a number of stakeholders prior to the consultation launch, and again in the last week of the consultation, to provide them with advance notice and to remind them that the consultation would shortly be closing. Both TfL and the GLA offered where possible to meet with stakeholders.
- 4.9. Respondents to the consultation were asked to complete and submit an online survey to provide their feedback about the proposals. It included a number of open and closed questions, providing an opportunity for respondents to indicate their views about each of the proposals and ideas and give additional comments and feedback in a free-text box. TfL offered a number of ways for respondents to respond, which are detailed within Chapter 3 of the Report to the Mayor (Appendix 2).
- 4.10. TfL commissioned AECOM, an independent consultancy, to analyse the consultation responses. All closed questions were reviewed and the results tabulated and reported. All open questions, where respondents provided comments, were read and analysed in detail. AECOM developed a 'code frame' for each of the open questions. Each code frame is a list of the issues raised during the consultation, together with the frequency with which each issue was raised.
- 4.11. The remainder of this section is an overview of the responses received to the consultation. This is intended only as a summary. A detailed quantitative analysis of the public and business responses is set out in Chapter 4 of the Report to the Mayor prepared by TfL (Appendix 1) and in AECOM's

report (which is appended to the Report to the Mayor). Chapter 5 of the Report to the Mayor provides more detail on the responses, including a qualitative analysis of the comments made via the survey or other means. It also sets out TfL's detailed response to these issues.

Responses received

- 4.12. A total of 57,937 responses were received during the consultation period, of which 334 were from stakeholders. An additional eight responses categorised as stakeholders were submitted to TfL after the deadline. (These are not included in AECOM's analysis and report but have been considered and summarised in TfL's Report to the Mayor.) All responses to the consultation have been read, analysed, and are included in the Report.
- 4.13. The only exception to this is when a response breaches TfL's policy on abusive or threatening communications. Twenty-four ULEZ consultation responses breached this policy, and these have not been included. This resulted in a total of 57,913 responses being analysed. During the review and analysis process it was also established that seven email responses had been uploaded twice by mistake, and as such seven emails were discounted from the analysis. Other than these exceptions, no other responses have been filtered out.
- 4.14. AECOM's analysis indicated that there have been five sets of organised responses. Organised responses, or campaigns, are created by organisations that provide template responses which can be submitted by those who share their views. Some organised responses provided a statement of support or opposition, which AECOM coded into the thematic analysis to TfL's open/free-text consultation question. This is reflected in the section of the report relating to the key themes/issues raised. Other organised responses provided both a statement and directly answered a number of the closed consultation survey questions. In these cases, survey answers could also be recorded in the closed section of the report. All organised responses to the consultation have been read, analysed and are included in the Report.
- 4.15. Copies of all consultation responses have been made available to the Mayor.

Responses to proposals

- 4.16. This section summarises the responses received. It also summarises the main issues raised in relation to each proposal, drawing on AECOM's analysis of the text in the two comment boxes from the open questions in the survey. It should be noted that as respondents were not obliged to answer all questions, the percentages shown only include those that responded to each question, with the total number of respondents varying by question. A full summary of issues raised is provided in Chapter 5 of the Report to the Mayor (Appendix 2).

Proposal 1: Expanding the ULEZ London-wide to the LEZ boundary from 29 August 2023 including changes to grace periods

Public responses

- 4.17. Of the respondents answering the survey:
- 54 per cent said that they were 'concerned' or 'very concerned' about air quality where they live.
 - 40 per cent said that they owned one or more vehicles, all of which meet the standard. 47 per cent said that they owned at least one vehicle which did not meet the standard. Two per cent said 'don't know' and 11 per cent of respondents answered that they did not own a vehicle.
 - Two per cent answered that they were registered for a discount or entitled to an exemption for the current ULEZ. 91 per cent said that they were not registered for a discount or entitled to an exemption. Seven per cent answered 'don't know'. Of those who were registered for a

discount or entitled to an exemption, 45 per cent said that the relevant discount/exemption was vehicles for disabled people (with 'disabled' or 'disabled passenger vehicle' tax class), 13 per cent said historic vehicles, and six per cent said taxis. The remaining respondents were split between 'Other' and the remaining categories.

- 0.2 per cent said that they had claimed a reimbursement of the ULEZ charge under the NHS patient reimbursement scheme. 99 per cent answered that they had not, and one per cent answered 'don't know'.
- 66 per cent said they considered it 'important' or 'very important' that TfL continues the existing discounts, exemptions and reimbursements for the ULEZ.
- In terms of whether TfL should consider providing any further discounts, exemptions, or reimbursements for the ULEZ, 54 per cent yes, 29 per cent said no, and 17 per cent said 'don't know'.
- Regarding the proposed implementation date of 29 August 2023, 59 per cent said it should not be implemented at all, 21 per cent said it was the right date, 12 per cent said it should be implemented earlier, eight per cent said implemented later, and one per cent said 'don't know'.
- 69 per cent said it was 'important' or 'very important' that the proposed expansion of the ULEZ is supported by a scrappage scheme.
- The top ten issues raised in the comments box in the survey, in order of number of times raised were:
 - proposed changes are a tax/money-making scheme/money raised is not used to improve infrastructure
 - oppose/disagree with the expansion of the ULEZ
 - cannot afford daily charge/to upgrade to a compliant vehicle/concerns about current vehicles being devalued
 - does not consider the current cost of living crisis/financial crunch/bad timing/impacts from Covid-19 pandemic
 - will have detrimental impacts on people's lives
 - will have detrimental impacts on London/London's economy/businesses
 - will increase the cost of living
 - public transport provisions are poor/not a viable alternative/safety concerns with using public transport
 - having and using a car is a necessity because of needs/cannot use other transport modes
 - support discounts/exemptions.

Stakeholder responses

- 4.18. Some political representatives and organisations expressed concern about the impact of the proposals on low income households, the timing of the proposals/implementation date in the context of a cost of living crisis and the impact of the proposals on small businesses and tradespeople. Some stakeholders criticised lack of detail on a scrappage scheme and mitigations. Some political representatives and organisations supported the proposals due to the need to tackle air quality.

- 4.19. Most inner London boroughs expressed support for the proposals. Outer London boroughs provided mixed feedback with some supportive of the proposals and some opposed.
- 4.20. Health stakeholders suggested that action to address air quality, the climate emergency and congestion is needed quickly, further action is needed in addition to ULEZ expansion, and that a scrappage scheme should be fully developed and accessible. Stakeholders expressed concern about impacts on recruitment and retention of NHS staff and impacts on health and care workers. Stakeholders also suggested further discounts and exemptions for NHS staff/health workers and patients.
- 4.21. Most environmental stakeholders expressed support for the proposals because of its impact on reducing air pollutants.
- 4.22. Transport and road user groups provided varied comments on the implementation date, with some agreeing with the date or wanting it earlier and some wanting it delayed. Active travel groups were strongly in favour of the proposals. Motorist interest groups were strongly opposed to the proposals. Some stakeholders commented on the disability exemptions, calling for there to be a Blue Badge exemption.
- 4.23. Business, freight and emergency service stakeholders in the main suggested the timing was wrong in the context of a cost of living crisis. Some stakeholders also noted that there are supply chain issues in relation to acquiring new vans at present. Some stakeholders called for an exemption for ambulance providers/private emergency vehicles.
- 4.24. Charities and community organisations expressed concern that the proposals would impact the services many charities provide and that they would make recruitment and retention of volunteers more difficult. Stakeholders also suggested the timing was wrong in the context of a cost of living crisis. Some stakeholders commented on the differences between inner and outer London, suggesting a one-size-fits-all approach does not work. Some stakeholders sought discounts or exemptions for vehicles registered to charities. Some stakeholders noted that many volunteers use their own vehicles and cannot afford the charge, nor can the charities afford to cover the charge for their volunteers.
- 4.25. Neighbouring local authorities outside London suggested a scrappage scheme should be available in their areas. Stakeholders also expressed concern that residents in neighbouring authorities have no democratic say in the Mayor or his policies, suggesting it is unjust for them to pay the ULEZ charge.
- 4.26. Various stakeholders raised the point that public transport provision is less extensive in parts of outer London and more needs to be done to improve travel options by public transport, walking, and cycling.
- 4.27. TfL has considered and responded to these issues raised in Chapter 5 of the Report to the Mayor (Appendix 2), and mitigations are described in section 2 above.

Proposal 2: Removing the annual £10 per vehicle Auto Pay registration (or administration) fee for the ULEZ, LEZ and Congestion Charge

- 4.28. The survey asked respondents what they thought about the proposal to remove the annual £10 Auto Pay administration fee per vehicle for existing road user charges in London. 68 per cent said that this was 'important' or 'very important'.
- 4.29. Where stakeholders expressed a view on this proposal, most were supportive.
- 4.30. Other issues raised are summarised in Chapter 5 of the Report to the Mayor (Appendix 2).

Proposal 3: Increasing the penalty charge level from £160 to £180 for non-payment of the ULEZ charge and Congestion Charge

- 4.31. The survey asked respondents to provide their views on the proposed £180 PCN level and whether this would be effective in achieving TfL's aims. 64 per cent of respondents said the proposed £180 PCN level was too high. 25 per cent said it was sufficient to act as a deterrent. Five per cent said it was not high enough to act as a deterrent. Three per cent had no opinion and two per cent said 'don't know'.
- 4.32. Stakeholder views on this proposal were mixed with 34 per cent stating it was sufficient to act as a deterrent and 57 per cent advising it was too high.
- 4.33. Other issues raised are summarised in Chapter 5 of the Report to the Mayor (Appendix 2).

Proposal 4: Minor administrative changes

- 4.34. There were no closed questions relating to this proposal. The survey gave respondents the opportunity to provide further comments on any aspect of the proposals, including the minor administrative changes. These are summarised in Chapter 5 of the Report to the Mayor (Appendix 2).

Issues raised other than those directly related to the Consultation Proposals

- 4.35. TfL has considered and responded to additional issues raised in Chapter 5 of the Report to the Mayor (Appendix 2).

Poll of Londoners' views on London-wide ULEZ

- 4.36. Significant attempts were made when consulting stakeholder organisations to achieve a representative response to the consultation and ensure all voices were heard. For the general public and organisations, both London-based and nationally, this was an opportunity for those with concerns about the London-wide ULEZ proposals to register their point of view. Respondents to the consultation are therefore self-selecting, and it is likely that these respondents will tend to hold strong opinions. The issues raised in all consultation responses including representations from stakeholders from within and beyond London and organised responses, have been analysed, considered and responded to.
- 4.37. Because consultation respondents were not representative of the London population, their responses cannot be treated as a fully representative poll of Londoners' opinions on the Scheme Proposals. For this reason, in order to understand the views of a representative sample of Londoners, the GLA commissioned a poll, run alongside the public consultation. The survey was carried out online by YouGov between 15th and 20th July 2022 with 1,245 responses which have been weighted in line with industry best practice to be representative of all London adults. This means that it provides a relatively representative sample of all Londoners' views, as opposed to the consultation results which reflect only the views of those Londoners who chose to respond to the consultation.
- 4.38. Results from the poll indicate that just over half of Londoners support the ULEZ expansion to outer London (51 per cent); which is comprised primarily of people who are keen to see it put into place on the planned implementation date of 29 August 2023 (21 per cent) or earlier (22 per cent). A smaller proportion agree that it should be enacted, but at a later date (eight per cent). Over a quarter of Londoners say that the expansion should not be implemented at all (27 per cent), with a further fifth of Londoners saying that they 'don't know' (22 per cent).
- 4.39. Poll respondents from inner London are considerably more likely to support the expansion than outer Londoners (61 per cent compared to 46 per cent of outer Londoners) – with half

supporting implementation at the proposed date or earlier (53 per cent compared to 38 per cent of outer Londoners).

Key risks and issues

- 4.40. GLA officers consider that TfL has adopted sound project management techniques in making the proposals set out in this Decision Form; and that risks have been appropriately identified and mitigated. Officers have taken the following steps to mitigate the risks:
- the consultation (including on the two Variation Orders) was conducted in accordance with relevant standards and the guidance issued by the Mayor (please see the Report to the Mayor (Appendix 2) and section 3 above)
 - TfL commissioned Jacobs to prepare the ULEZ Scheme IIA which considered the impacts of the proposals, including on targeted groups, which is provided to the Mayor for the purposes of informing his decision on whether to implement the proposals (see Appendix C to the Report to the Mayor, which is attached to this form at Appendix 2)
 - the consultation responses have been analysed and properly considered, and the Report to the Mayor has been prepared to assist the Mayor in deciding whether to implement the Scheme Proposals
 - GLA and TfL officers have sought legal advice throughout the process.
- 4.41. No officer involved in the drafting or clearing of this Mayoral Decision has any interests to declare.

Links to Mayoral Strategies and priorities

Mayor's Transport Strategy

- 4.42. The 2018 MTS outlines the Mayor's vision for transport in London including policies and proposals that will contribute to achieving it. The Mayor, London borough councils and other bodies exercising statutory functions must have regard to the MTS when exercising relevant functions. TfL must exercise its functions for the purpose of implementing or facilitating the MTS. The central aim of the MTS 2018 is to increase the active, efficient and sustainable mode share of trips in London to 80 per cent by 2041. This aim can only be achieved if there is a reduction in car use in London. In combination, an increase in sustainable trips made by public transport, walking or cycling, and a reduction in car use will also help to address poor air quality. The MTS is clear in its ambition to reduce harmful emissions from road transport.
- 4.43. The Mayor is required to include policies and proposals in the MTS for the achievement in Greater London of the national air quality strategy and the air quality standards and objectives (identical to limit values under the 2010 Air Quality Standards Regulations). The MTS may contain such other proposals and policies relating to the improvement of air quality in Greater London as the Mayor considers appropriate.
- 4.44. The MTS sets out that air pollution can exacerbate health conditions and shorten the health of Londoners. It also notes that the communities suffering most from poor air quality are often the most vulnerable in society.
- 4.45. Paragraph 4.53 discusses the recently approved and published revision to the MTS 2018 which includes the new Proposal 24.1, which provides for the London-wide expansion of the ULEZ.

- 4.46. Other policies and proposals from MTS 2018 relevant to the matters discussed in this form include:
- Proposal 20: to keep RUC and other schemes under review to ensure they prove effective in furthering or delivering the policies and proposals of this strategy
 - Policy 6: to take action to reduce emissions from vehicles on London's streets to support reaching compliance with UK and EU legal limits as soon as possible
 - Proposal 25: to ensure all TfL buses meet the Euro VI diesel standards for NO_x and particulate matter by 2020
 - Proposal 26: to create a comprehensive alert system to inform Londoners about air pollution episodes
 - Proposal 27: to tackle pollution from transport in local air quality hotspots and at sensitive locations
 - Proposal 28: proposes that Government implements a national diesel vehicle scrappage fund.

London Environment Strategy (LES)

- 4.47. In May 2018 the Mayor published a new LES, following a public consultation. The LES complements the MTS and sets out the Mayor's aspiration to achieve a zero-carbon capital, including the need to implement a Healthy Streets approach and move to more sustainable transport including ultra-low and zero-emission vehicles. The Strategy recognises the relationship between vehicles, congestion and air pollution and the need to set out a number of objectives and policies, in line with the Mayor's duties.
- 4.48. The Mayor must have regard to provisions of the LES as relevant to the discharge of his functions, including whether or not to confirm the Scheme Proposals, with or without modification. London borough councils must also have regard to the LES when exercising their functions. Relevant policies include:
- Policy 4.2.4: the Mayor will work with the government, the London boroughs and other partners to accelerate the achievement of legal limits in Greater London and improve air quality
 - Policy 4.2.1: reduce emissions from London's road transport network by phasing out fossil fuelled vehicles, prioritising action on diesel, and enabling Londoners to switch to more sustainable forms of transport.

London Health Inequalities Strategy

- 4.49. In September 2018, the Mayor published his Health Inequalities Strategy, setting out his vision for London to be a healthier, fairer city, with all Londoners having the best opportunities to live a long life in good health. The document sets out the Mayor's summary of commitments and outlines the areas the Mayor has committed to working on with partners. The following commitment is directly relevant to proposals:
- reduce the exposure of Londoners to harmful air pollution, especially in the most deprived areas and near schools, through programmes such as the ULEZ and the Mayor's Air Quality Fund.

London Net Zero 2030: An Updated Pathway

- 4.50. In 2022, Element Energy published a report, commissioned by the Greater London Authority (GLA), analysing pathways to achieving net zero carbon. The GLA published the Mayor's response

'London Net Zero 2030: An Updated Pathway', in which the Mayor sets out his preferred pathway to net zero - the Accelerated Green pathway. Amongst other things, achieving this will require:

- 27 per cent reduction in car vehicle km travelled by 2030
- fossil fuel car and van sales ended by 2030 and enforced in line with the government's existing commitments.

Making changes to the ULEZ Scheme

- 4.51. The MTS is the principal policy tool through which the Mayor exercises his responsibilities for the planning, development, provision and management of transport in London. The Mayor is required to prepare and publish a transport strategy and to keep it under review.³⁹ The MTS must contain the Mayor's policies for the promotion and encouragement of safe, accessible, integrated, efficient and economic transport facilities and services to, from and within Greater London, his policies and proposals for discharging that duty, and a timetable for the implementation of such proposals.⁴⁰
- 4.52. The MTS is key to defining the parameters of any RUC scheme. A scheme may only be made if it appears desirable or expedient for the purpose of directly or indirectly facilitating the achievement of any policy or proposal set out in the MTS. A scheme must also be in conformity with the MTS, with such schemes usually being referred to and described in the MTS given their significance to the Mayor's discharge of the transport duty. Surplus revenues raised from RUC schemes must be used to facilitate the implementation of the MTS policies and proposals.⁴¹
- 4.53. The 2018 MTS commits the Mayor and TfL to keep RUC schemes under review to ensure they continue to further or deliver the vision of the MTS. This commitment is set out in Proposal 20 of the MTS. Proposal 24 said that the ULEZ was to be expanded to inner London in 2021. This took place in October 2021. In May 2022, the Mayor directed TfL to prepare a draft revision to the 2018 MTS (the "MTS Revision") that would provide for RUC addressing the "triple challenges" of toxic air pollution, the climate emergency and congestion, including as a next step, the potential expansion of the ULEZ London-wide⁴². The 2018 MTS has now formally been revised (see Appendix 1) to provide for expansion of the ULEZ London wide in a new proposal 24.1 which states:

The Mayor, through TfL and the boroughs, will seek to address the triple challenges of toxic air pollution, the climate emergency and traffic congestion through road user charging schemes including by expanding the Ultra Low Emission Zone London-wide.

Use of ULEZ scheme revenue

- 4.54. The GLA Act 1999 requires that any net revenues from road user charging may only be used for the purpose of directly or indirectly facilitating the implementation of the MTS, including by investing in walking, cycling and other schemes to improve London's air quality. Information about the gross and net revenue of the ULEZ Scheme is published in TfL's Annual Report and Accounts, which are available on TfL's website.

³⁹ Sections 41 and 142 of the GLA Act 1999. The following paragraphs also summarise key requirements of these sections.

⁴⁰ <https://www.london.gov.uk/what-we-do/transport/our-vision-transport/mayors-transport-strategy-2018?intcmp=46686#>

⁴¹ Each of these requirements is set out in Schedule 23, GLA Act.

⁴² <https://www.london.gov.uk/decisions/md2987-revision-mts-and-road-user-charging-guidance>

5. Financial comments

- 5.1. There would be costs to TfL of implementing the proposals to expand and operate the ULEZ on a London-wide basis, together with other ULEZ-related proposals, and to implement the proposed vehicle scrappage scheme and other mitigations mentioned above.
- 5.2. The total implementation cost based on current assumptions is estimated at £159.5m for expansion of the ULEZ. Separately, a £110m scrappage scheme is proposed as a key mitigation. It is proposed that the GLA provides TfL with funding and finance to support the implementation of the scheme, which includes:
 - financing for the expansion of the ULEZ (£159.5m)
 - grant funding for the scrappage grant and the implementation of the scrappage scheme (£110m)
- 5.3. The expansion is expected to generate an incremental net operating surplus of c.£200 million with a range +/- c.50 per cent in the first full year of operation.
- 5.4. These figures are provided for information only. They serve as context to the forecast operation of the London-wide ULEZ and scrappage schemes rather than being a relevant consideration for the Mayor when deciding whether or not to confirm the Scheme Proposals. Road user charging revenue must be applied for 'relevant transport purposes' – that is, to facilitate directly or indirectly the implementation of the MTS.
- 5.5. Finance for the expansion of the ULEZ will be provided through the GLA's Green Finance Programme, recovered over the period of the benefits of the scheme.
- 5.6. Funding for the scrappage scheme and the implementation of the scrappage scheme is to be provided by means of a grant under section 121 of the GLA Act 1999. Under the terms of MD 2661 TfL establishes, administers and operates vehicle scrappage schemes under a delegation by the Mayor of general powers under section 30 of the Act. That delegation is made under section 38, and by virtue of section 38(7) functions delegated by the Mayor to TfL become TfL's own functions. Section 121 allows the GLA (acting by the Mayor) to pay revenue grants towards meeting expenditure incurred by TfL for the purposes of, or in connection with, the discharge of TfL's functions which include those delegated under MD 2661. Any such revenue grant must not be made subject to any limitation in respect of the expenditure which it may be applied towards meeting and the grant must be applied by the recipient body solely towards meeting revenue expenditure.

6. Legal comments

Air quality law

- 6.1. The 2010 Regulations (SI 2010 No. 1001) set legal limits (called 'limit values') for concentrations of pollutants in outdoor air which were based on EU Directives, notably the Ambient Air Quality Directive (2008/50/EC). The 2010 Regulations define London as the Greater London Urban Zone ("Zone"), which covers the administrative area of Greater London (the City of London and the 32 London boroughs) and some areas of surrounding non-London districts that are within the M25 motorway.
- 6.2. Under Regulation 17(1) the Secretary of State must ensure that levels of nitrogen dioxide and particulate matter (amongst others) do not exceed the limit values set out in Schedule 2 of the regulations. (The limit values are the same as the "air quality objectives" prescribed by the Air

Quality (England) Regulations 2000 (SI 2000 No. 928) made under section 87(2)(a) and (b) of the Environment Act 1995.)⁴³

- 6.3. Where limit values are not met in any part of a Zone then the whole of the Zone is regarded as being in exceedance.
- Under regulation 17(1) the Secretary of State must ensure that levels of (amongst others) nitrogen dioxide and particulate matter do not exceed the limit values set out in Schedule 2. Where this is the case, the courts have ruled that the Secretary of State must aim to achieve compliance by the soonest date possible, they must choose a route to that objective which reduces exposure as quickly as possible, and they must take steps which mean meeting the limit values is not just possible, but likely⁴⁴.
 - Under regulation 17(2) in zones where levels of the pollutants mentioned are below the limit values set out in Schedule 2, the Secretary of State must ensure that levels are maintained below those limit values and must also endeavour to maintain the best ambient air quality compatible with sustainable development.⁴⁵ The obligation is to attempt to go beyond limit values and ensure that air quality standards are better than those levels require rather than an absolute duty to do so (akin to a duty to use reasonable endeavours to secure such an outcome). "Sustainable development" is a term that is not defined in the 2010 Regulations or the Ambient Air Quality Directive from which they derive. It would appear to refer to a series of relatively high level goals that are concerned primarily with planetary and environmental health. It is to be contrasted with unsustainable health and growth i.e. growth that is at the expense of environmental and human health.
- 6.4. In seeking to improve London's air quality the Mayor should use his statutory powers in a way that mirrors the Secretary of State's duties under regulation 17, so as to ensure limit values are not exceeded anywhere in the Zone. If limit values are being met, the Mayor must also endeavour to maintain the best quality compatible with sustainable development. This may involve going further than merely meeting existing limit levels. One way of achieving limit value compliance and best ambient air quality would be to pursue more exacting air quality standards, such as the WHO targets or guidelines. Such an approach is consistent with the Mayor's general environmental and air quality functions under the GLA Act 1999 such as the achievement of limit values and prescribed air quality objectives, which is the primary objective of the air quality provisions of the LES (section 362), and the Mayor's general powers to do anything that facilitates environmental improvement and social development (section 30) including in a way that has regard to promoting health, reducing health inequalities, mitigating and adapting to climate change and achieving sustainable development. It also supports the Mayor's functions regarding local air quality management (LAQM) in London under Part IV of the Environment Act 1995, the responsibility for which has been delegated to the Mayor by the Secretary of State.

Road user charging

- 6.5. Under section 295 and Schedule 23 of the GLA Act 1999 RUC schemes can be made by TfL in Greater London (all or part) as the charging authority for the scheme in question. TfL is the charging authority for the Congestion Charge, LEZ and ULEZ schemes. A RUC scheme allows for charges to be imposed by the charging authority in respect of the keeping or use of motor vehicles on roads in the area of the scheme. A charging scheme specifies or describes the circumstances in which a charge is incurred by a motor vehicle kept or used on a road in a charging area. The ULEZ scheme sets minimum emissions (Euro) standards for various classes of

⁴³ Limit values can be assessed at most outdoor locations generally accessible by the public, but air quality objectives tend to be applied where there is relevant public exposure and exclude locations where there is no regular access. This is the advice for local authorities assessing air quality objectives as part of the LAQM duties (paragraphs 1.62 - 1.65 <https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>)

⁴⁴ Clientearth (No. 2) v. SSEFRA and Others: [2016] EWHC 2740 (Admin) per Garnham J. at paragraph 95(1)

⁴⁵ The text of regulation 17 of the 2010 regulations derives from Article 12 of Directive 2008/50/EC

vehicle and sets a daily non-compliance charge if a vehicle not meeting those standards is kept or used on roads within the Zone.

- 6.6. The legal rules of a RUC scheme are set out in its “scheme order”, and are changed by means of a “variation order” which amends the scheme order text. The Scheme Proposals involve changes to the ULEZ, LEZ and Congestion Charge scheme orders. Variation orders do not take effect unless and until confirmed by the Mayor, with or without modifications.
- Scheme Proposal 1 affects the ULEZ (only) and Proposals 2, 3 and 4 affect both the ULEZ and LEZ. The consultation materials included a draft of a variation order– called the “Draft Greater London Low Emission Zone Charging (Variation and Transitional Provisions) Order 2022” (“LEZ-ULEZ Variation Order”) - to make the necessary changes to its scheme order⁴⁶. The order was formally made by TfL on 21 November 2022 in exactly the same form as it was consulted on.
 - Scheme Proposals 2 to 4 also involve changes for the Congestion Charging scheme⁴⁷. On 16 May 2022 TfL formally made a variation order – called the Greater London (Central Zone) Congestion Charging (Variation) Order 2022 - (“CC Variation Order”) to make the necessary changes, which was also included in the consultation materials.
- 6.7. TfL has submitted the two Variation Orders to the Mayor to consider whether or not they should be confirmed. Formal confirmation is effected by the Mayor executing an Instrument of Confirmation (“IOC”) subject to modifications (if any) set out in a schedule to the Instrument.
- 6.8. The MTS provides an important legal basis for road user charging schemes. The Scheme Proposals which the two Variation Orders implement must be considered by the Mayor to be desirable or expedient for facilitating (directly or indirectly) the achievement of the policies and proposals of the MTS 2018 (including as recently revised), as well as being in conformity with them. These requirements apply to any modifications to the Variation Orders that the Mayor is minded to approve. The Mayor’s confirmation is considered by officers to be in conformity with the MTS 2018 (as recently revised by Proposal 24.1) and is desirable and/or expedient to its delivery. The proposed modifications do not materially alter the consultation proposals, and provide support to people with disabilities in line with the Mayor’s Public Sector Equality Duty.
- 6.9. Schedule 23 provides, as relevant, that the Mayor, acting on behalf of the GLA, may do the following:
- consult, or require TfL to consult, other persons
 - require TfL to publish its proposals for the scheme and to consider objections to the proposals
 - hold an inquiry, or cause an inquiry to be held, for the purposes of any order containing a charging scheme, and appoint the person or persons by whom any such inquiry is to be held
 - make modifications to any such order, whether in consequence of any objections or otherwise, before such order takes effect
 - require TfL to publish notice of the order and of its effect.
- 6.10. Paragraph 34 of Schedule 23 provides that the Mayor may issue guidance to TfL in relation to the discharge of its RUC functions and guidance was issued by the then Mayor on 16 February 2007. Supplementary guidance was issued on 16 May 2022 (see MD2987). TfL must have regard to this

⁴⁶ The London Emissions Zones Charging Scheme Order (“the LEZ-ULEZ Scheme Order”) is the scheme order that governs the ULEZ and the LEZ. This is a schedule to the Greater London Low Emission Zone Charging Scheme 2006 (as amended)

⁴⁷ The Central London Congestion Charging Scheme Order 2004 (as amended) is the scheme order governing the Congestion Charge.

guidance when exercising its RUC functions and has done so. In compliance with Mayoral Guidance, TfL undertook the consultation and its publicity obligations.

- 6.11. Under section 6 of the Human Rights Act 1998, it is unlawful for a public authority to act in a way that is incompatible with the European Convention on Human Rights. As a public authority, the Mayor is required to consider possible interferences with people's Convention rights before deciding whether to confirm a Variation Order. The Convention rights which might be engaged if the Scheme Proposals are implemented are the right to privacy and family life (article 8); the right to the peaceful enjoyment of and protection against deprivation of possessions (article 1 of the First Protocol) (A1P1); and the protection against unlawful discrimination (article 14). Article 14 may also be engaged if the measure is within the scope or ambit of article 8 or A1P1, even if there is no interference with those rights. These are qualified human rights – that is, they are subject to limitations that permit the rights to be restricted for certain specified purposes. In assessing whether any established interference with a convention right falls lawfully within a permitted category of restriction, the public body must demonstrate that the relevant interference is provided for by law; pursues a legitimate objective; and is a proportionate means of pursuing that objective (that is, is necessary in a democratic society), having regard in particular to the public benefit to be derived from the action.
- 6.12. The Mayor is advised to proceed on the basis that the decisions he is asked to take are within the ambit or scope of article 8 and A1P1, and that article 14 is engaged (because the Scheme Proposals fall within the ambit or scope of a Convention right and will have a disproportionate adverse impact on a wide range of groups (see the equalities assessment above)), but that the interference and any differential impact under article 14 is necessary and proportionate. The Mayor's decision is in accordance with the law; pursues a number of legitimate objectives including public safety, the protection of economic wellbeing, the protection of health, the protection of the rights and freedom of others (including the right to life) and the general interest. It is necessary to achieve those objectives to the standard selected by the Mayor, and the ULEZ expansion offers a proportionate means of doing so. Various alternatives that were suggested in the consultation, such as limiting the area in which the expanded ULEZ applies, relaxing the restrictions on the kinds of vehicles that will meet the standards, or bringing the ULEZ expansion into force at a later date would not provide the same level of protections as ULEZ expansion in accordance with the current timetable and on the current proposed terms. Therefore, TfL has concluded that the Mayor's objectives could not be achieved by way of a less intrusive alternative.
- 6.13. Paragraph 4(3) of Schedule 23 provides that the Mayor may "hold an inquiry, or cause an inquiry to be held, for the purposes of any order containing a charging scheme". Whether an inquiry should be held to consider the implementation of the Scheme Proposals as set out in the Variation Orders is a matter for the Mayor to decide. It is not recommended that a public inquiry be held as it is unlikely to elicit any additional information which has not already been stated in consultation responses or identified in the ULEZ Scheme IIA.
- 6.14. To make a lawful decision as to whether to confirm the two Variation Orders which implement the Scheme Proposals, with or without modifications, the Mayor must comply with the statutory procedural requirements relevant to the exercise of his functions under Schedule 23; and make a rational decision, after having taken into account all relevant considerations and discounting any irrelevant ones.

7. Planned delivery approach and next steps

- 7.1. The Mayor is asked to consider the Report to the Mayor which is appended to this report (Appendix 2). He is also asked to consider whether further consultation, further information, or the holding of a public inquiry is necessary or appropriate prior to deciding whether or not to confirm the two Variation Orders. If the Mayor considers that further consultation and the

holding of a public inquiry are not necessary or appropriate, and that no further information is required, it is recommended that:

- i. the Greater London Low Emission Zone Charging (Variation and Transitional Provisions) Order 2022 is confirmed with modifications incorporated into its IOC to implement the two new grace periods to support people with disabilities, as described at paragraphs 2.17 to 2.21 above
 - ii. the Greater London (Central Zone) Congestion Charging (Variation) Order 2022 is confirmed without any modifications as set out in its IOC.
- 7.2. If the two Variation Orders are confirmed, notice of their confirmation will be published in the London Gazette and other media in accordance with the Mayoral Guidance. The PCN increase, Auto Pay annual administration fee removal and the two new disability-related grace periods would come into effect on 30 January 2023. The administrative changes to the ULEZ, LEZ and Congestion Charge schemes (Proposal 4), and the extensions to the current three grace periods will take place the day after the Mayor formally confirms them. The expansion of the ULEZ to outer London would take place on Tuesday 29 August 2023.
- 7.3. As set out in 2018 MTS Proposal 20, the changes will be kept under review by TfL to ensure their continued effectiveness.
- 7.4. With regards to Future RUC, the Mayor is asked to note the responses which were received and that they will inform TfL's future thinking around how any such scheme could be designed and developed. TfL is not consulting on any specific future road user charging scheme at this stage. Any proposals which could be developed would be subject to public and stakeholder consultation with information provided on detailed scheme proposals and their likely impacts.

Activity	Timeline
Announcement	Tbc – estimated 25 Nov 2022
London-wide ULEZ public awareness campaign begins	9 January 2023
Removal of Autopay fees	30 January 2023
PCN levels increased	30 January 2023
Scrappage scheme opens for applications	30 January 2023
Two new grace periods open for applications	30 January 2023
ULEX expansion to outer London takes effect	29 August 2023

Appendices and supporting papers:

Appendix 1 – Text of MTS Revision including Proposal 24.1

Appendix 2 – Report to the Mayor on the consultation

Appendix 3 – Instrument of Confirmation for the Greater London Low Emission Zone Charging (Variation and Transitional Provisions) Order 2022

Appendix 4 - Instrument of Confirmation for the Greater London (Central Zone) Congestion Charging (Variation) Order 2022

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? YES

If YES, for what reason: To coincide with public announcement of a new scheme.

Until what date: Expected to take place on 25 November 2022

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Catherine Seaborn has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Phil Graham has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Shirley Rodrigues and Seb Dance have been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on the 21 November 2022

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

D. Gene

24 November 2022

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date

D. Bellamy

24 November 2022