

GM Air Quality Administration Committee

Date: 20 January 2022

Subject: GM Clean Air Plan – Clean Air Zone Discount & Exemptions Applications

Report of: Simon Warburton, Transport Strategy Director, TfGM

Purpose of Report

In the agreed GM Clean Air Plan Policy, the owners or registered keepers of certain vehicle types will need to apply for the agreed discount or exemptions, as there is no national database of these vehicles. This report sets out the information required to support an application for the agreed discount or exemptions and to seek agreement to open the application process on 31 January 2022.

Recommendations:

The Air Quality Administration Committee is requested to:

1. Agree the information owners or registered keepers will need to provide to support an application for the Clean Air Plan discount or exemptions where there is no national database of these vehicles.
2. Agree to open the Clean Air Zone local exemptions and discounts application process on 31 January 2022.

Contact Officers

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Equalities Impact, Carbon and Sustainability Assessment:

The GM CAP is a place-based solution to tackle roadside NO₂ which will have a positive impact on carbon.

Risk Management

Initial risk register set out in Clean Air Plan OBC (March 2019).

Legal Considerations

The legal consideration has been set out in the GMCA report of the GM Clean Air Plan, published on 21 June 2021¹

Financial Consequences – Revenue

Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government.

Financial Consequences – Capital

Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government.

Number of attachments to the report: 0 (zero)

Comments/recommendations from Overview & Scrutiny Committee

Not applicable.

Background Papers

- 18 November 2021, report to AQAC: GM Clean Air Plan – GM Clean Air Funds assessment mechanism
- 18 November 2021, report to CACC: GM Clean Air Plan – GM Clean Air Plan Policy updates
- 13 October 2021, report to AQAC: GM Clean Air Plan – Operational Agreement for the Central Clean Air Service

¹ <https://democracy.greatermanchester-ca.gov.uk/documents/s15281/GMCA%20210621%20Report%20Clean%20Air%20Plan%20-%20FINAL%20FINAL.pdf>

- 13 October 2021, report to CACC: GM Clean Air Plan – Showmen’s Vehicle Exemption
- 13 October 2021, report to CACC: GM Clean Air Plan – Clean Air Zone daily charge refund policy
- 13 October 2021, report to CACC: GM Clean Air Plan – A628/A57, Tameside – Trunk Road Charging Scheme
- 21 September 2021, report to AQAC: GM Clean Air Plan – Clean Air Zone: Camera and Sign Installation
- 21 September 2021, report to AQAC: GM Clean Air Plan – Bus Replacement Funds
- 25 June 2021, report to GMCA: GM Clean Air Final Plan
- 31 January 2021, report to GMCA: GM Clean Air Plan: Consultation
- 31 July 2020, report to GMCA: Clean Air Plan Update
- 29 May 2020, report to GMCA: Clean Air Plan Update
- 31 January 2020, report to GMCA: Clean Air Plan Update
- 26 Jul 2019, report to GMCA: Clean Air Plan Update
- 1 March 2019, report to GMCA: Greater Manchester’s Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside - Outline Business Case
- 11 January 2019, report to GMCA/AGMA: Clean Air Update
- 14 December 2018, report to GMCA: Clean Air Update
- 30 November 2018, report to GMCA: Clean Air Plan Update
- 15 November 2018, report to HPEOS Committee: Clean Air Update
- 26 October 2018, report to GMCA: GM Clean Air Plan Update on Local Air Quality Monitoring
- 16 August 2018, report to HPEOS Committee: GM Clean Air Plan Update
- UK plan for tackling roadside nitrogen dioxide concentrations, Defra and DfT, July 2017

Tracking/ Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution

No

Exemption from call in

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency? No

GM Transport Committee Not applicable

1. Background

- 1.1. The Government has instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO₂) levels following the Secretary of State issuing a direction under the Environment Act 1995. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM) are working together to develop a Clean Air Plan to tackle NO₂ Exceedances at the Roadside, herein known as Greater Manchester Clean Air Plan (GM CAP).
- 1.2. The core goal of the GM CAP is to address the legal requirement to achieve compliance with the legal Limit Value (40 µg/m³) for NO₂ identified through the target determination process in Greater Manchester in the “shortest possible time” in line with legislation and Government guidance.
- 1.3. The Secretary of State issued a direction to the 10 local authorities in Greater Manchester in March 2020 that requires them to take steps to implement the local plan for NO₂ compliance, so that compliance with the legal limit for nitrogen dioxide is achieved in the shortest possible time, and by 2024 at the latest, and so that exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.
- 1.4. An eight-week statutory consultation on the GM CAP proposals took place in Autumn 2020. A report that set out the Greater Manchester Final Clean Air Plan and policy following a review of all the information gathered through the GM CAP consultation and wider data, evidence and modelling work has been agreed by the ten GM Local Authorities.
- 1.5. This includes the GM Clean Air Plan Policy², that outlines the boundary, discounts, exemptions, daily charges of the Clean Air Zone as well as the financial support packages offered towards upgrading to a compliant vehicle, including the eligibility criteria to be applied.
- 1.6. The anticipated implementation date of the charging GM CAZ is Monday 30 May 2022³.

2. Local exemptions and discounts application process

- 2.1. The policy outlines that where GM is using an existing database to identify exempted vehicles, it is the responsibility of the owner/registered keeper of a vehicle to ensure their information held with the relevant agencies, e.g. DVLA, is up to date and accurate and where an application is required it is the responsibility of the owner/registered keeper of a vehicle to apply for the discount/exemption.

²https://assets.ctfassets.net/tlpgbv1k6h2/2VNncClzejAvGh3CrVn0oo/827368f3971b13b9d79525c7c7a60094/GM_Clean_Air_Plan_Policy_following_Consultation.pdf

³ subject to joint GM and JAQU agreement on overall ‘readiness’, including that the Central Charging Portal and national Vehicle Checker is GM ready.

- 2.2. The policy outlines that there are several instances where there is no national database of these vehicles and the owners or registered keepers of these vehicle types will need to apply for the agreed discount or exemption.
- 2.3. The committee is recommended to open the Clean Air Zone local exemptions and discounts application process on 31 January 2022. This will enable those owner/registered keepers of vehicles eligible for discounts or exemptions to put in place their discount/exemption before the launch of the Clean Air Zone.
- 2.4. The application process will, in addition to confirming exemption / discounts before launch, allow GM to capture information about delivery dates to further evidence the supply chain issues discussed in the Financial Support Scheme report which is also on the Committee's agenda.

3. Information required to support an application

- 3.1. The tables in this section set out the exemptions where there is no national database of these vehicles and the information the owners or registered keepers of these vehicle types will need to supply on application for the agreed discount/exemption.

Permanent local exemptions	Description	Information on Application
Specialist Heavy Goods Vehicles	<p>Certain types of heavily specialised HGVs, such as certain vehicles used in construction or vehicle recovery.</p> <p>The following are eligible to apply for exemption:</p> <ul style="list-style-type: none"> • Vehicles in the DVLA Special Types Tax Class⁴ and specified in an Order under Section 44 of the Road Traffic Act 1988; • Vehicles in the DVLA Special Vehicles Tax Class and meeting the definition of a "special vehicle" under Part IV of Schedule 1 of the Vehicle Excise and Registration Act 1994 (VERA); 	<ul style="list-style-type: none"> • An image or copy of the V5C document which shows the Vehicle Registration Mark (VRM) and the vehicle classification • Declaration that the vehicle is in one of the stated tax classes (and as shown on the vehicle's V5C) • Declaration that the vehicle meets the legal definition and criteria for the relevant vehicle as set out in the GM CAP Policy • Declaration that the non-compliant vehicle is registered to the applicant, or an authorised employee, director or trustee of the applicant/organisation (as evidenced on the V5C)

⁴ Information on tax classes for vehicles is available at: <https://www.gov.uk/government/publications/v3551-notes-about-tax-classes>

Permanent local exemptions	Description	Information on Application
	<ul style="list-style-type: none"> • Vehicles in the DVLA Recovery Vehicle Tax Class and meeting the definitions and criteria in Part V of Schedule 1 of the VERA; • Vehicles in the DVLA Special Concessionary Tax Class and meeting the definitions and criteria in paragraphs 20B, 20C, 20D, 20E, 20F, 20H or 20J of Schedule 2 of the VERA. • Vehicles in the DVLA Limited Use Tax Class and meeting the definition and criteria in paragraph 20A of Schedule 2 of the VERA. 	
Community minibuses	<p>Those operating under a permit under section 19 or section 22 of the Transport Act (1985), issued by a body designated by the Secretary of State.</p>	<ul style="list-style-type: none"> • An image or copy of the V5C document which shows the VRM and the vehicle classification • An image or copy of the Section 19 or Section 22 permit in the name of the Applicant • Declaration that the minibus is operated under and used for activities pursuant to a Section 19 or Section 22 permit • Declaration that the minibus is not used as a licenced taxi or private hire vehicle (PHV) • Declaration that the vehicle is not used on a registered bus service • Declaration that the non-compliant vehicle is registered to the applicant, or an authorised employee, director or trustee of the applicant/organisation (as evidenced on the V5C)
Showmen's vehicles	<p>Fairground/funfair vehicles which are in the tax classification of Showman's HGV or Showman's Haulage under the DVLA Special</p>	<ul style="list-style-type: none"> • An image or copy of the V5C document which shows the VRM and the vehicle classification

Permanent local exemptions	Description	Information on Application
	Vehicles Tax Class and meet the definition of a 'showman's vehicle' or a 'showman's goods vehicle' within the meaning of section 62 of the VERA.	<ul style="list-style-type: none"> • Declaration that the vehicle is in one of the stated tax classes (and as shown on the vehicle's V5C) • Declaration the vehicle meets the definition of a 'showman's vehicle' or a 'showman's goods vehicle' within the meaning of section 62 of the VERA^{Error!} Bookmark not defined. • Declaration that the non-compliant vehicle is registered to the applicant, or an authorised employee, director or trustee of the applicant/organisation (as evidenced on the V5C)
LGVs and minibuses adapted for a disabled user	LGVs and Minibuses specifically adapted for use by a disabled user and not used for hire or reward. These vehicles will have a substantial and permanent adaptation to the vehicle, specific to suit a disabled wheelchair user's particular needs to enable them to travel in the vehicle, or enter and drive it ⁵ .	<ul style="list-style-type: none"> • An image or copy of the V5C document which shows the VRM and the vehicle classification • Images of the vehicle showing the substantial and permanent adaptations to the vehicle aligning to GM CAP Policy requirements

⁵ The definition of substantial and permanent adaptation draws on guidance from HMRC that: The adaptation to the vehicle must be both necessary and specific to suit the disabled wheelchair user's particular needs to enable them to travel in the vehicle, or enter and drive it. The adaptation should alter the vehicle in a meaningful way, enabling the wheelchair user to use the vehicle which they could not use before it was adapted. For a vehicle to be considered as substantially and permanently adapted it is expected that significant change to the vehicle has been made with the adaptations being bolted or welded to the body or chassis of the vehicle. Adaptations that are wired into the electrics of the vehicle could also qualify as substantially and permanently adapted. For adaptations to be considered permanent it's expected that they should be fitted to the vehicle for the shorter of either a minimum of 3 years or the lifetime of the vehicle. If the adaptation is removed before this time, then the adaptation may not be considered to be permanent and therefore the vehicle should not have been eligible for exemption. A disabled person who usually uses a wheelchair needs to be able to take it with them in the vehicle. Vehicles often need to be substantially adapted to allow a fixed frame or motorised wheelchair designed for permanent use to be transferred into the

Permanent local exemptions	Description	Information on Application
		<ul style="list-style-type: none"> • Description of the substantial and permanent adaptations to the vehicle • Declaration that the vehicle is LGV or minibus with a substantial and permanent adaptation to the vehicle, specific to suit a disabled wheelchair user's particular needs to enable them to travel in the vehicle, or enter and drive it, as defined by the GM CAP Policy • Declaration that the vehicle is not covered by the Disabled Tax Class or Disabled Passenger Vehicle Tax Class (and as evidenced on the V5C) • Declaration that the vehicle is not operating under a permit under section 19 or section 22 of the Transport Act (1985), issued by a body designated by the Secretary of State • Declaration that the vehicle is not used as a licenced taxi or private hire vehicle (PHV) • Declaration that the vehicle is not used on a registered bus service • Declaration that the vehicle is not used for hire or reward

vehicle, using a ramp and a winch or a hoist, and for it to be held safely and securely in place throughout the journey. Where a wheelchair can be folded and stowed in the boot of a vehicle, the vehicle does not need to be substantially and permanently adapted to carry it. Whilst some minor adaptations may be required, it's not sufficient to meet the 'substantially and permanently adapted' qualifying condition and the vehicle will not qualify for exemption. The following are not considered as substantial and permanent adaptations because they are widely available accessories or upgrade options the: fitting of a roof rack or standard roof box; attachment of a trailer to the back of a vehicle; fitting of automatic transmission; fitting of parking or reversing sensors. This list is not exhaustive. Further information available at: <https://www.gov.uk/guidance/vat-relief-on-adapted-motor-vehicles-for-disabled-people-and-charities-notice-1002#sec3>

Permanent local exemptions	Description	Information on Application
		<ul style="list-style-type: none"> • Declaration that the non-compliant vehicle is registered to the applicant (as evidenced on the V5C)
Heritage buses not used for hire or reward	Heritage buses which are over 20 years old and which are not used for hire or reward.	<ul style="list-style-type: none"> • An image or copy of the V5C document which shows the VRM and the vehicle classification. • An image or copy of the vehicle insurance document which shows the absence of business insurance • Declaration that the vehicle is in the PLG Tax Class (as evidenced by the V5C) • Declaration that the vehicle is over 20 years old at the date of Application (as evidenced by the V5C) • Declaration that they are not used for hire or reward (at any point) • Declaration that the non-compliant vehicle is registered to the applicant, or an authorised employee, director or trustee of the applicant/organisation (as evidenced on the V5C)

Temporary local exemptions	Description	Information on Application
Coaches and buses not used on a registered bus service.	<p>Coaches and buses not used on a registered bus service are eligible for a temporary exemption until 31st May 2023.</p> <p>After 31st May 2023, non-compliant vehicles will be charged.</p>	<ul style="list-style-type: none"> • An image or copy of the V5C document which shows the VRM and the vehicle classification • Declaration that the vehicle is not used on a registered bus service • Declaration that the non-compliant vehicle is registered to the applicant, or an authorised employee, director or trustee of the applicant/organisation (as evidenced on the V5C)
Outstanding finance or lease on non-compliant vehicles	<p>Non-compliant vehicles subject to finance or lease agreements entered into before 3rd December 2020 which will remain outstanding at the time at which the GM CAZ becomes operational, are eligible for a temporary exemption until the agreement ends or until 31st May 2023, whichever is sooner.</p> <p>After 31st May 2023, non-compliant vehicles will be charged.</p>	<ul style="list-style-type: none"> • An image or copy of the V5C document which shows the VRM and the vehicle classification • An image or copy of the proof of outstanding finance or lease on non-compliant vehicle (for which the exemption application is for) showing the agreement end date • Declaration that the non-compliant vehicle is registered to the applicant, or an authorised employee, director or trustee of the applicant/organisation (as evidenced on the V5C or finance/lease agreement)
Limited supply (awaiting delivery of a compliant vehicle)	Owners or registered keepers of non-compliant vehicles that can demonstrate they have placed an order for a compliant replacement vehicle or retrofit solution, are eligible for a temporary exemption until such a time as they are in receipt of the compliant replacement vehicle or retrofit solution, or for 12 weeks,	<ul style="list-style-type: none"> • An image or copy of the V5C document for the non-compliant vehicle which shows the VRM and the vehicle classification

Temporary local exemptions	Description	Information on Application
	<p>or until 31st May 2023, whichever is sooner.</p> <p>After 31st May 2023, non-compliant vehicles will be charged.</p>	<ul style="list-style-type: none"> • An image or copy of an invoice showing a purchase from a supplier of a replacement compliant vehicle or CVRAS accredited retrofit solution by the applicant. This will be crossed checked with a funds report to confirm an application has been made. The invoice should show: • The name and address of the supplier providing the replacement compliant vehicle or CVRAS accredited retrofit solution; • The name and address of the applicant as it appears in the Application for exemption; • The delivery date of the replacement compliant vehicle or CVRAS accredited retrofit solution; • The compliant replacement vehicle awaiting delivery or the CVRAS accredited retrofit solution being applied to the non-compliant vehicle(s) the exemption is being requested for; and • Where a vehicle is being retrofitted, the registration number of the vehicle(s) order for retrofit matches the non-compliant vehicle(s) on the application for exemption. • Declaration that the non-compliant vehicle is registered to the applicant, or an authorised employee, director or trustee of the applicant/organisation (as evidenced on the V5C)

Permanent local discounts	Description	Information on Application
Private HGV Tax Class vehicles	<p>Owners or registered keepers of vehicles in the DVLA Private HGV Tax Class⁶ and meeting the definition of a “special vehicle” in paragraph 4(2) (bb) of Part IV of Schedule 1 to the VERA..</p> <p>The vehicle would be subject to a charge equivalent to the LGV daily charge (£10 a day), rather than the HGV daily charge (£60 a day).</p>	<ul style="list-style-type: none"> • An image or copy of the V5C document for the non-compliant vehicle which shows the VRM and the vehicle classification • Declaration that the non-compliant vehicle is registered to the applicant, or an authorised employee, director or trustee of the applicant/organisation (as evidenced on the V5C or finance/lease agreement) • Declaration that the non-compliant vehicle meets the definition of a “special vehicle” in paragraph 4(2)(bb) of Part IV of Schedule 1 to the VERA^{Error! Bookmark not defined.}

4. Recommendations

4.1. The recommendations are set out at the front of the report.

⁶ Information on tax classes for vehicles is available at: <https://www.gov.uk/government/publications/v3551-notes-about-tax-classes>