

# TRANSPORT ACT 2000

## Portsmouth Clean Air Zone Charging Order 2021

*Made 23<sup>rd</sup> November 2021*

*Coming into force in accordance with articles 1 and 2*

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Whereas—

- (1) It appears to Portsmouth City Council desirable, for the purposes of facilitating the achievement of Portsmouth City Council's local transport policies, that it should make the following Order:
- (2) Appropriate persons have been consulted in accordance with section 170 of the Transport Act 2000:

Now, therefore, Portsmouth City Council, in exercise of the powers conferred on it by Part III and Schedule 12 of the Transport Act 2000, Parts 2 and 6 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013, and of all other powers enabling it in that behalf, as the relevant charging authority under the Transport Act 2000 hereby makes the following Order:—

#### **Citation and commencement**

1. This Order is made on the 23<sup>rd</sup> day of November 2021 and comes into force on the same day and may be cited as the "Portsmouth Clean Air Zone Charging Order 2021".

#### **The Scheme**

2.— (1) The Scheme in the Schedule to this Order ("the Scheme") has effect in accordance with paragraphs (2) and (3).

(2) The Scheme, other than article 7 of the Scheme, comes into force on the day following the day on which this Order is made.

(3) Article 7 of the Scheme comes into force on 29<sup>th</sup> November 2021.

THE COMMON SEAL of

PORTSMOUTH CITY COUNCIL

was hereunto affixed in the presence of:

Authorised signatory



## SCHEDULE

### PORTSMOUTH CLEAN AIR ZONE CHARGING SCHEME

#### Interpretation

1.—(1) In this Scheme—

- (a) “1994 Act” means the Vehicle Excise and Registration Act 1994;
- (b) “alternative fuel vehicle” means a positive ignition vehicle constructed or retrofitted so as to be capable of being powered by liquid petroleum gas, compressed natural gas or bio-ethanol;
- (c) “approved retrofit scheme” means the Clean Vehicle Retrofit Accreditation Scheme and such other accreditation scheme or schemes as may from time to time be specified by the Council in accordance with any requirements of the Central Clean Air Zone Service;
- (d) “Central Clean Air Zone Service” means the national body through which road user charges pursuant to clean air zone charging schemes may be paid;
- (e) “category” in relation to a vehicle shall be construed in accordance with the vehicle categories set out in Part A of Annex II to Council Directive 2007/46/EC;
- (f) “charge” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;
- (g) “charging day” means the period of twenty four hours from midnight to midnight;
- (h) “Class L” vehicles are those falling within class L(a) and class L(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (i) “Class M<sub>1</sub>” vehicles are those falling within class M<sub>1</sub>(a) and class M<sub>1</sub>(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (j) “Class M<sub>2</sub>” vehicles are those falling within class M<sub>2</sub>(a) and class M<sub>2</sub>(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (k) “Class M<sub>3</sub>” vehicles are those falling within class M<sub>3</sub>(a) and class M<sub>3</sub>(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (l) “Class N<sub>1</sub>” vehicles are those falling within class N<sub>1</sub>(a) and class N<sub>1</sub>(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (m) “Class N<sub>2</sub>” vehicles are those falling within class N<sub>2</sub>(a) and class N<sub>2</sub>(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (n) “Class N<sub>3</sub>” vehicles are those falling within class N<sub>3</sub>(a) and class N<sub>3</sub>(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (o) “Clean Air Fund” means a fund operated by the Council alongside the Scheme providing financial assistance to individuals and businesses to upgrade their non-compliant vehicles, including taxis and private hire vehicles, buses and coaches, and heavy goods vehicles;
- (p) “Clean Air Zone” means the area shown edged in blue on the Clean Air Zone Plan, the boundaries of which are defined on the Clean Air Zone Boundary Plans;
- (q) “Clean Air Zone Boundary Plan” means a deposited plan specified in Part 2 of Annex 1 defining part of the boundary of the Clean Air Zone by showing the boundary in blue;
- (r) “Clean Air Zone Plan” means the plan specified in Part 1 of Annex 1;
- (s) “commencement date” means 29<sup>th</sup> November 2021;
- (t) “compliant vehicle” has the meaning given by article 4;
- (u) “compression ignition engine” means an internal combustion engine in which combustion is initiated by heat produced from compression of the air in the cylinder or combustion space;
- (v) “compression ignition vehicle” means a vehicle powered wholly by a compression ignition engine;
- (w) “Council” means Portsmouth City Council;
- (x) “deposited plans” means the portfolio of plans comprising the Clean Air Zone Plan and the Clean Air Zone Boundary Plans —

- (i) deposited at the offices of the Council at Civic Offices, Guildhall Square, Portsmouth, Hampshire PO1 2AL; and
- (ii) consisting of the plans bearing the titles, sheet numbers, drawing numbers and revision numbers specified in Annex 1 to the Scheme;
- (y) “designated road” means one of the designated roads specified in article 2(2);
- (z) “electric vehicle” means a vehicle—
  - (i) that is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 20G (electrically propelled vehicles) of Schedule 2 to that Act; or
  - (ii) that the Central Clean Air Zone Service is satisfied operates wholly by means of an electrically powered propulsion system that draws its motive power from either a hydrogen fuel cell or from a battery that can be fully recharged from an external source of electricity, and has tailpipe CO<sub>2</sub> emissions of 0 grams per kilometre;
- (aa) “Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;
- (bb) “ETC test” means a test as described in section 2.14 of Annex I to Council Directive 88/77/EEC carried out using the procedure described in Appendices 2 and 3, Annex III of that Directive or a test carried out by means of a chassis dynamometer using a test cycle that the Central Clean Air Zone Service is satisfied replicates so far as practicable the standard ETC test cycle;
- (cc) “Euro 4” means the emissions limit values set out in the rows corresponding with Category B in the first of the tables at section 5.3.1.4 of Annex I to Council Directive 70/220/EEC;
- (dd) “Euro 6” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (ee) “Euro IV” means the emissions limit values set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (ff) “Euro VI” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;
- (gg) “hybrid vehicle” means a vehicle that operates partly by means of an electrically powered propulsion system that draws motive power from a battery and partly by means of an internal combustion engine;
- (hh) “licence” means a licence purchased under article 9;
- (ii) “local register” means the register of non-chargeable vehicles to be maintained by the Council under article 10;
- (jj) “local road” means any road in respect of which the Council is the local traffic authority;
- (kk) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (ll) “national register” means the register or registers of compliant and non-chargeable vehicles to be maintained by the Central Clean Air Zone Service under article 10;
- (mm) “NEDC” means the drive cycle Annex 4a of Regulation No. 83 of the Economic Commission for Europe of the United Nations;
- (oo) “non-chargeable vehicle” is to be construed in accordance with article 5 and article 16 and Annex 2 and Annex 4;
- (pp) “NO<sub>x</sub>” means oxides of nitrogen;
- (qq) “penalty charge” and “penalty charge notice” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
- (rr) “positive ignition engine” means an internal combustion engine in which combustion is initiated by a localised high temperature in the combustion chamber produced by energy supplied from a source external to the engine;
- (ss) “positive ignition vehicle” means a vehicle powered wholly or partly by a positive ignition engine;

- (tt) “private hire vehicle” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
- (uu) “reference mass” in relation to a vehicle means the mass of the vehicle with bodywork and, in the case of a towing vehicle, with coupling device, if fitted by the manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device (including liquids and tools, and spare wheel if fitted, and with the fuel tank filled to 90% and the other liquid containing systems, except those for used water, to 100% of the capacity specified by the manufacturer), increased by a uniform mass of 100 kilograms;
- (vv) “registered keeper” means—
  - (i) in relation to a vehicle registered in the United Kingdom, the person in whose name the vehicle is registered under the 1994 Act; or
  - (ii) in relation to any other vehicle, the person by whom the vehicle is kept;
- (ww) “relevant vehicle” has the meaning given by article 3;
- (xx) “retrofitted” means adapted so as to meet the emissions standards required of a compliant vehicle in accordance with an approved retrofit scheme;
- (yy) “taxi” means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;
- (zz) “type-approved” is to be construed in accordance with article 3 of Council Directive 2007/46/EC;
- (aaa) “Type I test” means a test carried out in accordance with Annex III of Council Directive 692/2008 applying the NEDC or the appropriate WLTC test cycle;;
- (bbb) “Vehicle Classes Regulations” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;
- (ccc) “WHSC” means the World Harmonised Steady state Driving Cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
- (ddd) “WHTC” means the World Transient Steady state Driving cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
- (eee) “WLTC” means the Worldwide Light-Duty Test Cycles as defined in Annex 1 of Global Technical Regulation No. 15 of the Economic Commission for Europe of the United Nations; and
- (fff) “working day” means a day other than—
  - (i) a Saturday or Sunday;
  - (ii) New Year’s Day;
  - (iii) Good Friday;
  - (iv) Christmas Day; and
  - (v) any other day which is a bank holiday in England and Wales specified by or appointed in accordance with section 1 of the Banking and Financial Dealings Act 1971.

(2) In this Scheme—

- (a) a reference in any provision to an instrument of the European Community is to that instrument—
  - (i) as amended at the commencement date, if the instrument concerned is in force at that date; or
  - (ii) as amended at the date of its repeal, if that instrument has been repealed before the commencement date;
- (b) a reference in any provision to an authorised person is to a person authorised by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
- (c) where a person has been authorised to act on behalf of the Council in relation to any matter a reference to the Council is taken to include a reference to that person.

### **Designation of roads in respect of which charges are imposed**

- 2.—(1) Charges are imposed by this Scheme in respect of the designated roads.  
(2) The designated roads are all local roads within the Clean Air Zone.

### **Relevant vehicles**

- 3.—(1) A relevant vehicle is a vehicle of a Class and type specified in paragraph (2) that is not—  
(a) a compliant vehicle; or  
(b) a non-chargeable vehicle.  
(2) The vehicles specified for the purpose of paragraph (1) are—  
(a) taxis and private hire vehicles of Class M<sub>1</sub> and Class M<sub>2</sub>; and  
(b) all vehicles of Class M<sub>3</sub>, Class N<sub>2</sub> and Class N<sub>3</sub>; and  
(c) vehicles of Class L falling within rows 13a to 16 of Table 1 of Annex 3 or rows 8 to 11 of Table 2 of Annex 3.

### **Compliant vehicles**

4. A vehicle is a compliant vehicle if—  
(a) the vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme; and  
(b) particulars of the vehicle are for the time being entered in the national register.

### **Non-chargeable vehicles**

5. Annex 2 to this Scheme, which specifies categories of non-chargeable vehicles, has effect.

### **Emissions standards required of compliant vehicles**

6. A vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme if the Central Clean Air Zone Service is satisfied that the vehicle is—  
(a) an electric vehicle;  
(b) a positive ignition vehicle that meets the standards specified for that vehicle in Table 1 of Annex 3 (Euro 4/IV Standards For Positive Ignition Vehicles); or  
(c) a compression ignition vehicle that meets the standards specified for that vehicle in Table 2 of Annex 3 (Euro 6/VI Standards For Compression Ignition Vehicles).

### **Imposition of charges**

- 7.—(1) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(1) is imposed—  
(a) in respect of any relevant vehicle of Class M<sub>3</sub>, Class N<sub>2</sub> or Class N<sub>3</sub>; and  
(b) in respect of any relevant vehicle of Class L falling within rows 13a to 16 of Table 1 of Annex 3 or rows 8 to 11 of Table 2 of Annex 3.

for each charging day on which it is at any time used on one or more designated roads.

- (2) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(2) is imposed in respect of any relevant vehicle of Class M<sub>1</sub> or Class M<sub>2</sub> for each charging day on which it is at any time used on one or more designated roads.

### **Amount of charge payable by purchase of a licence**

- 8.—(1) The amount of a charge imposed by article 7(1) is £50.00 per charging day.  
(2) The amount of a charge imposed by article 7(2) is £10.00 per charging day.

### **Payment of charges**

9.—(1) A charge imposed by article 7 must be paid by the purchase of a licence in accordance with the provisions of this article.

(2) A licence must be issued in respect of a particular vehicle and for a single charging day.

(3) A vehicle referred to in paragraph (2) must be identified by its registration mark, and—

- (a) the purchaser of a licence must specify the registration mark of the vehicle in respect of which that charge is paid;
- (b) a licence will not be valid in respect of any vehicle having a registration mark different from the mark so specified.

(4) A licence may only be purchased—

- (a) on the charging day concerned;
- (b) on any of the first six charging days immediately following that charging day concerned; or
- (c) on a day falling within a period of six charging days immediately preceding that charging day.

(5) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website as being acceptable.

### **Register of compliant and non-chargeable vehicles**

10.—(1) The Council will maintain a local register which will identify non-chargeable vehicles for the purposes of Part 2 of Annex 2 and Annex 4 which require particulars of such vehicles to be entered in the local register.

(2) The Central Clean Air Zone Service will maintain a national register which will identify compliant vehicles and non-chargeable vehicles for the purposes of article 4, article 5 and Part 1 of Annex 2.

(3) An application to enter particulars of a vehicle in the national register—

- (a) must include all such information as the Central Clean Air Zone Service may reasonably require; and
- (b) must be made by such means as the Central Clean Air Zone Service may accept.

(4) An application to enter particulars of a vehicle in the local register—

- (a) must include all such information as the Council may reasonably require; and
- (b) may be made by such means as the Council may accept.

(5) If the Central Clean Air Zone Service is satisfied that a vehicle—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle set out in Part 1 of Annex 2,

it will enter particulars of the vehicle in the national register.

(6) If the Council is satisfied that a vehicle falls within a class of non-chargeable vehicle set out in Part 2 of Annex 2 or in Annex 4 it will enter particulars of the vehicle in the local register.

(7) If the Council or the Central Clean Air Zone Service respectively is satisfied that a vehicle, particulars of which are entered in the relevant register, no longer—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it may remove the particulars of the vehicle from the relevant register.

(8) Where the registered keeper of such a vehicle, particulars of which are entered into the local or national register, is aware that the vehicle has ceased or will cease to—

- (a) comply with the standards required of a compliant vehicle; or
- (b) fall within a class of non-chargeable vehicle,

the registered keeper must notify the Council or the Central Clean Air Zone Service respectively of the fact and the Council or the Central Clean Air Zone Service may remove the particulars of the vehicle from the relevant register forthwith, or from the date notified to the Council or the Central Clean Air Zone Service as the date on which it will cease to be such a vehicle.

(9) Nothing in this article prevents the making of a fresh application under paragraph (2) for particulars of a vehicle to be entered in the relevant register after they have been removed from it in accordance with any provision of this article.

### **Refunds of charges for user errors**

**11.—**(1) The purchaser of a licence in respect of a charge imposed under article 7 may surrender the licence and, subject to the requirements of the Central Clean Air Zone Service, obtain a refund in accordance with the following provisions of this article.

(2) An application for a refund must be made no later than 6pm on the day before the charging day to which the licence relates and in such manner and within such time period as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website.

(3) An application for a refund must be accompanied by such information as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website.

(4) Subject to paragraph (5), the amount of a refund for a charge imposed under article 7 will be the charge paid for the licence.

(5) An administrative charge of three pounds (£3.00) will be deducted, in accordance with the refunds policy published on the Council's website, from any refund due to the purchaser of a licence following a successful application for a refund.

### **Penalty charge for non-payment of charge**

**12.—**(1) A penalty charge will be payable, in addition to the charge imposed under article 7, for each charging day on which—

- (a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 7;
- (b) that charge has not been paid in full in the manner in which and within the time by which it is required to be paid by article 9.

(2) A penalty charge payable by virtue of paragraph (1) must be paid within the period ("the payment period") of 28 days beginning with the date on which a penalty charge notice is served under regulation 7 of the Enforcement Regulations and in a manner specified in the penalty charge notice.

(3) The amount of a penalty charge payable in accordance with paragraph (1) is £120 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount will be reduced by one half to £60.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Enforcement Regulations, the amount of the penalty charge to which it relates will be increased by one half to £180.

### **Immobilisation of vehicles**

**13.—**(1) Provided that—

- (a) none of the circumstances in paragraph (2) of Regulation 25 of the Enforcement Regulations apply; and
- (b) the conditions in paragraph (3) of that Regulation apply,

an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that Regulation.

(2) A vehicle to which an immobilisation device has been fixed in accordance with the provisions of this Scheme —

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (a), will be released—
  - (i) if all outstanding charges under article 7 are paid;
  - (ii) if all outstanding penalty charges are paid; and
  - (iii) if a penalty charge of £70 for the release of the vehicle from the immobilisation device is so paid.



### **Removal, storage and disposal of vehicles**

14. —(1) Provided Regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in, and subject to the provisions of, Regulation 28 of the Enforcement Regulations.

(3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (1) the Council or the custodian may (whether or not any claim is made under Regulation 30 or 31 of the Enforcement Regulations) recover from the person who was the keeper of the vehicle when the vehicle was removed—

- (a) all outstanding charges under article 7;
- (b) all penalty charges that are outstanding in relation to the vehicle;
- (c) a penalty charge of £200 for its removal;
- (d) a penalty charge of £40 for each complete day or part of a day on which it has been held by the Council or a custodian; and
- (e) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

### **Duration of scheme**

15. This Scheme will remain in force indefinitely.

### **Transitional provisions – temporary non-chargeable vehicles**

16. Annex 4 to this Scheme which contains transitional provisions specifying classes of temporary non-chargeable vehicles has effect.

### **Ten and five year plans for net proceeds**

17.—(1) Part 1 of Annex 5 to this Scheme constitutes the general plan, under paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening ten year period.

(2) Part 2 of Annex 5 to this Scheme constitutes the detailed programme, under paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening five year period.

ANNEX 1 TO THE SCHEME  
DEPOSITED PLANS

PART 1 – CLEAN AIR ZONE PLAN

<b>Title</b>	<b>Drawing Number</b>	<b>Revision</b>
Clean Air Zone Plan	CAZ Boundary	1.0

PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

<b>Title</b>	<b>Drawing Number</b>	<b>Revision</b>
Clean Air Zone Boundary Plan	Map 1	1.0
Clean Air Zone Boundary Plan	Map 2	1.0
Clean Air Zone Boundary Plan	Map 3	1.0
Clean Air Zone Boundary Plan	Map 4	1.0
Clean Air Zone Boundary Plan	Map 5	1.0
Clean Air Zone Boundary Plan	Map 6	1.0
Clean Air Zone Boundary Plan	Map 7	1.0

## ANNEX 2 TO THE SCHEME

### NON-CHARGEABLE VEHICLES

#### Part 1 - Non-Chargeable Vehicles Entered in the National Register

##### **Historic Vehicles**

1. A vehicle is a non-chargeable vehicle if it is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 1A(1) of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the national register.

##### **Military vehicles**

2. A vehicle is a non-chargeable vehicle if it belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces and particulars of the vehicle are for the time being entered in the national register.

##### **Vehicles for disabled people**

3. A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within paragraphs 19 or 20 (vehicles for disabled people) of Schedule 2 to that Act is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the national register.

#### Part 2 - Non-Chargeable Vehicles Entered in the Local Register

##### **Agricultural and similar vehicles**

4. A vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the local register—

- (a) paragraph 20A (vehicles used between different parts of land);
- (b) paragraphs 20B, 20C and 20D (tractors and certain agricultural vehicles);
- (c) paragraphs 20E (mowing machines);
- (d) paragraph 20F (steam powered vehicles);
- (e) paragraph 20H (snow ploughs); and
- (f) paragraph 20J (gritters).

##### **Emergency service vehicles**

5.—(1) A qualifying emergency service vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying emergency service vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act—
  - (i) paragraph 3A (police vehicles);
  - (ii) paragraph 4 and paragraph 5 (fire engines etc.);
  - (iii) paragraph 6 and paragraph 7 (ambulances and health service vehicles);
  - (iv) paragraph 9 (veterinary ambulances);
- (b) paragraph 10 (mine rescue vehicles); and

- (c) paragraph 11 (lifeboat vehicles);

### **Specialist recovery vehicles**

6.—(1) A qualifying recovery vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying recovery vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it falls within the definition of, and it is licensed as, a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act.

### **Special vehicles**

7.—(1) A qualifying special vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying special vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that the vehicle is—

- (a) a vehicle of a type specified in an Order under section 44 of the Road Traffic Act 1988;
- (b) a vehicle registered under the 1994 Act that falls to be treated as a “special vehicle” by falling within any of the definitions of exempt vehicles in the following paragraphs of paragraph 4 of Schedule 1 to the 1994 Act—
  - (i) Paragraph 2(ee) (road roller)
  - (ii) paragraph 4(4) (digging machine);
  - (iii) paragraph 4(5) (mobile crane);
  - (iv) paragraphs 4(5A) and 4(5B) (mobile pumping vehicle); and
  - (v) paragraphs 4(6) (works trucks);
- (c) a vehicle of Class N<sub>2</sub> or Class N<sub>3</sub> that falls within the definition of, and is registered under the 1994 Act as, a “showman’s goods vehicle” within the meaning of section 62 of the 1994 Act.

### **Non-commercial vintage buses**

8.—(1) A qualifying vintage bus is a non-chargeable vehicle on an eligible non-chargeable day provided particulars of the vehicle are entered in the local register.

(2) A vehicle is a qualifying vintage bus if it has been specified by the Council as a vintage bus pursuant to an application under paragraph (3).

(3) An application to specify a vehicle as a vintage bus must—

- (a) include such information relating to the age, construction and use of the vehicle as the Council may specify on its website, and all such other information as the Council may reasonably require; and
- (b) be made by such means as the Council may accept.

(4) An application to enter particulars of a qualifying vintage bus on the local register—

- (a) may only be made once a vehicle has been specified by the Council as a vintage bus pursuant to an application under paragraph (3);
- (b) may only be made in respect of a single eligible non-chargeable day; and
- (c) must be made no later than the working day immediately following the eligible non-chargeable day concerned,

and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register in respect of the eligible non-chargeable day concerned only and shall thereafter remove particulars of the vehicle from the local register.

(5) In this paragraph—

- (a) “vintage bus” means a vehicle of Class M<sub>3</sub> that—
  - (i) at any time during a given financial year was constructed more than 20 years and less than 40 years before 1 January in that financial year; and

- (ii) the Council is satisfied is not used on a designated road for hire or reward or in connection with a trade, business or any other commercial purpose or activity;
- (b) “eligible non-chargeable day” means each of the first 10 charging days in any financial year on which a qualifying vintage bus is used on one or more designated roads;
- (c) “financial year” means a period of 12 months beginning with 1 April.

### **Retrofitting and upgrading of vehicles**

**9.—**(1) A “retrofitting and upgrading vehicle” is a non-chargeable vehicle on any given charging day provided particulars of the vehicle are for the time being entered in the local register.

(2) In this paragraph a “retrofitting and upgrading vehicle” means a vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require—

- (a) has at any time before or on the charging day concerned has been approved by the Council as being eligible for funding from the Clean Air Fund and the registered keeper has received the grant approval letter from the Council; and
  - (b) the vehicle is being or will be retrofitted, upgraded or replaced through the Clean Air Fund but due to reasons beyond reasonable control of the registered keeper, the retrofit, upgrade or replacement has not been completed before the commencement date;
- or
- (c) the registered keeper has placed an order on or before 29<sup>th</sup> August 2021 for:
    - (i) retrofitting the vehicle concerned that would result in the vehicle becoming a compliant vehicle; or
    - (ii) a compliant vehicle to replace that vehicle.

but due to reasons beyond reasonable control of the registered keeper, the retrofit, upgrade or replacement has not been completed before the commencement date.

### **Emergency rail replacement vehicle**

**10.—**(1) An emergency rail replacement vehicle is a non-chargeable vehicle on any given charging day provided particulars of the vehicle are entered in the local register.

(2) An application to enter particulars of an emergency rail replacement vehicle on the local register may only be made in respect of a single charging day and must—

- (a) specify the charging day concerned;
- (b) be made before or on the charging day concerned or any of the first two days immediately following that charging day; and
- (c) be made by such means as the Council may accept,

and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register in respect of the charging day concerned only and shall thereafter remove particulars of the vehicle from the local register.

(3) In this paragraph—

- (a) “emergency rail replacement vehicle” means a vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, is being operated by or on behalf of train operating companies for the purpose of providing rail replacement services due to an un-planned event; and
- (b) “un-planned event” means any event or circumstance that the Council is satisfied—
  - (i) is beyond the reasonable control of, and is not due to the fault or negligence of, a train operating company; and
  - (ii) could not have been avoided by a train operating company's exercise of reasonable care or due diligence.

### **Horse-transporting vehicles**

**11.—**(1) A qualifying horse-transporting vehicle is a non-chargeable vehicle on an eligible non-chargeable day provided particulars of the vehicle are entered in the local register.

(2) A vehicle is a qualifying horse-transporting vehicle if it has been specified by the Council as a horse-transporting vehicle pursuant to an application under paragraph (3).

(3) An application to specify a vehicle as a horse-transporting vehicle must—

- (a) include such information relating to the construction and use of the vehicle as the Council may specify on its website, and all such other information as the Council may reasonably require; and
- (b) be made by such means as the Council may accept.

(4) An application to enter particulars of a qualifying horse-transporting vehicle on the local register—

- (a) may only be made once a vehicle has been specified by the Council as a qualifying horse-transporting vehicle pursuant to an application under paragraph (3);
- (b) may only be made in respect of a single eligible non-chargeable day; and
- (c) must be made no later than the working day immediately following the eligible non-chargeable day concerned,

and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register in respect of the eligible non-chargeable day concerned only and shall thereafter remove particulars of the vehicle from the local register.

(5) In this paragraph—

- (a) “eligible non-chargeable day” means each of the first 10 charging days in any scheme year on which a horse-transporting vehicle is used on one or more designated roads;
- (b) “horse-transporting vehicle” means a vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, is—
  - (i) a vehicle that is being used for horse transporting purposes; and
  - (ii) a Class N<sub>2</sub> or Class N<sub>3</sub> vehicle; and
- (c) “scheme year” means a period of one year commencing on the commencement date or any anniversary of the commencement date.

### **Lighthouse authority vehicles**

**12.—**(1) A qualifying lighthouse authority vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying lighthouse authority vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is being operated by the general lighthouse authority in relation to its statutory functions under the Merchant Shipping Act 1995 or an order under the Harbours Act 1965, or any relevant local enactment.

## **Part 3 - Non-Chargeable Vehicles - Miscellaneous Provisions**

### **Diverted Vehicles**

**13.** Where the Council is satisfied that a vehicle has been used on one or more designated roads solely as a result of a traffic diversion on a route approved or designated by the Council (including diversions caused by or related to road works and emergencies) that vehicle will be treated as if it were a non-chargeable vehicle.

## ANNEX 3 TO THE SCHEME

### EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

1.—(1) A vehicle meets the standards set out in Tables 1 and 2 if—

- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the EC emissions standard specified for that vehicle in column (e) of the Table;
- (b) the vehicle has been retrofitted so that the limit values for the emission of NO<sub>x</sub> specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table; or
- (c) in respect of all other vehicles, the Central Clean Air Zone Service is satisfied that the limit values for the emission of NO<sub>x</sub> specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.

(1) A reference to a vehicle of Class L in any row of Table 1 or 2 is to be construed, for the purpose of assessing its emissions, as a reference to a vehicle that has been type-approved as the relevant M or N category specified in that row of the Table concerned

Table 1 — EURO 4/IV STANDARDS FOR POSITIVE IGNITION VEHICLES

(a) Row No.	(b) Vehicle Class	(c) Maximum mass of vehicle, where relevant (kg)	(d) Reference mass of vehicle, where relevant (kg)	(e) EC emissions standard	(f) Limit values for NO <sub>x</sub>	(g) Appropriate test
(1)	L, M <sub>1</sub>	not exceeding 2,500		Euro 4	0.08g/km	Type I
(2)	L, M <sub>1</sub>	exceeding 2,500	not exceeding 1,305	Euro 4	0.08g/km	Type I
(3)	L, M <sub>1</sub>	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(4)	L, M <sub>1</sub>	exceeding 2,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(5)	L, M <sub>2</sub>	not exceeding 2,500		Euro 4	0.08g/km	Type I
(6)	L, M <sub>2</sub>	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(7)	L, M <sub>2</sub>	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(8a)	L, M <sub>2</sub>	exceeding 3,500	not exceeding 2,840	Euro 4	0.11g/km	Type I
(8b)	L, M <sub>2</sub>	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(9)	L, M <sub>2</sub>	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	ETC

(10)	L, N <sub>1</sub> sub-class (i)		not exceeding 1,305	Euro 4	0.08g/km	Type I
(11)	L, N <sub>1</sub> sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(12)	L, N <sub>1</sub> sub-class (iii)		exceeding 1,760	Euro 4	0.11g/km	Type I
(13a)	L, N <sub>2</sub>		not exceeding 2,840	Euro 4	0.11g/km	Type I
(13b)	L, N <sub>2</sub>		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(14)	L, N <sub>2</sub>		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	L, N <sub>3</sub>			Euro IV	3.5g/kWh	ETC
(16)	L, M <sub>3</sub> ,			Euro IV	3.5g/kWh	ETC

Table 2 — EURO 6/VI STANDARDS FOR COMPRESSION IGNITION VEHICLES

(a) Row No.	(b) Vehicle Class	(c) Maximum mass of vehicle, where relevant(kg)	(d) Reference mass of vehicle, where relevant (kg)	(e) EC emissions standard	(f) Limit values for NO <sub>x</sub>	(g) Appropriate tests
(1)	L, M <sub>1</sub>		not exceeding 2610	Euro 6	0.08g/km	Type I
(2)	L, M <sub>1</sub>		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(3)	L, N <sub>1</sub> sub- class (i)		not exceeding 1,305	Euro 6	0.08g/km	Type I
(4)	L, N <sub>1</sub> sub- class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 6	0.105g/km	Type I
(5)	L, N <sub>1</sub> sub- class (iii)		exceeding 1,760	Euro 6	0.125g/km	Type I
(6)	L, M <sub>2</sub>		not exceeding 2610	Euro 6	0.125g/km	Type I
(7)	L, M <sub>2</sub>		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(8)	L, N <sub>2</sub>		not exceeding 2610	Euro 6	0.125g/km	Type I



(9)	L, N <sub>2</sub>		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(10)	L, N <sub>3</sub>			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(11)	L, M <sub>3</sub>			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC

## ANNEX 4 TO THE SCHEME

### TRANSITIONAL PROVISIONS – TEMPORARY NON-CHARGEABLE VEHICLES

#### Community transport vehicles

1.—(1) During the community transport vehicles transitional period the Council will treat any vehicle that is a qualifying community transport vehicle and that does not fall within Annex 2 as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying community transport vehicle on any charging day if—

- (a) it is a vehicle of Class M<sub>2</sub> or Class M<sub>3</sub>;
- (b) the Council is satisfied, by the production of such evidence as it may reasonably require, that the vehicle is used for the purposes of community transport;
- (c) it has been specified by the Council pursuant to an application under sub-paragraph (3); and
- (d) particulars of the vehicle are for the time being entered in the local register.

(3) A person or organisation operating vehicles for the purposes of community transport may apply to the Council to specify a vehicle as a qualifying community transport vehicle for any charging day or days.

(4) An application under sub-paragraph (3) shall be made by such means as the Council may accept and be accompanied by such information as the Council may reasonably require.

(5) In this paragraph—

- (a) “community transport” means the carriage of passengers for purposes concerned with—
  - (i) education;
  - (ii) religion;
  - (iii) social welfare; or
  - (iv) other activities of benefit to the community; and
- (b) “community transport vehicles transitional period” means the period of twenty four (24) months beginning with the commencement date and ending on 28 November 2023.

#### Wheelchair-accessible taxis and private hire vehicles

2.—(1) During the wheelchair-accessible vehicles transitional period the Council will treat any qualifying wheelchair-accessible taxi or private hire vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying wheelchair-accessible taxi or private hire vehicle if it appears on a list of vehicles maintained under section 167(1) of the Equality Act 2010.

(3) In this paragraph “wheelchair-accessible vehicles transitional period” means the period of six (6) months beginning with the commencement date and ending on 28 May 2022.

#### School buses

3.—(1) During the school bus transitional period the Council will treat any vehicle that is a qualifying school bus as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying school bus on any charging day if the Council is satisfied that it is being used for the purpose of taking Portsmouth school pupils to or from school.

(3) In this paragraph—

- (a) “Portsmouth school pupil” means a pupil—
  - (i) attending a school in Portsmouth other than a private school; or
  - (ii) living in Portsmouth and attending a school other than a private school;

- (b) “private school” means an independent school within the meaning of section 463 of the Education Act 1996 that is supported by the payment of school fees;
- (c) “pupil” has the meaning given by section 3 of the Education Act 1996;
- (d) “school bus” means any vehicle, other than a private hire vehicle, of Class M2 or Class M3 that is operated by or on behalf of a school for the purpose of transporting Portsmouth school pupils to and from school; and
- (e) “school bus transitional period” means the period of twenty four (24) months beginning with the commencement date and ending on 28 November 2023.

#### **Domestic refuse collection vehicles**

4.—(1) During the domestic refuse collection vehicles transitional period the Council will treat any qualifying domestic refuse collection vehicle as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying domestic refuse collection vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require that—

- (a) it is a vehicle which uses hydrotreated vegetable oil as its main source of energy and fuel;
- (b) it is a Class N2 or Class N3 vehicle;
- (c) it is being used for the purpose of domestic refuse collection within the Clean Air Zone;
- (d) it is being operated by or on behalf of the Council;
- (e) the operator of the domestic refuse vehicle concerned uses only electric vehicles or vehicles that satisfy the condition in paragraph (a) for any domestic refuse collection in Portsmouth, and particulars of the vehicle are entered in the local register prior or to on the charging day concerned.

(3) In this paragraph “domestic refuse collection vehicle transitional period” means the period of time beginning with the commencement date and ending on 31 October 2023.

**PART 1 –  
THE COUNCIL’S GENERAL PLAN FOR APPLYING ITS SHARE OF THE  
PROCEEDS OF THIS SCHEME DURING THE OPENING TEN YEAR PERIOD**

It is proposed that the Scheme would commence on 29 November 2021. This plan therefore covers the ten-year period from 29 November 2021 to 28 November 2031.

The revenue generated by the Scheme will in the first instance be used to cover the cost of operation, including the maintenance of cameras, operational staff etc. It is not intended that the Scheme should generate substantial net proceeds after covering these costs. Government policy is that the level of any charges should not be set as a revenue raising measure and the purpose of the scheme is not to generate revenue but to encourage vehicle operators to modify or replace their vehicles, or change modes, so as to maximise the air quality and health benefits of the zone. Therefore, the more successful the Scheme is in encouraging change, the less revenue will be generated.

In the event that net proceeds are generated from the Scheme over the opening ten year period, the net proceeds would be applied, in such proportions as may be decided by the Council, to directly or indirectly facilitate the achievement of the transport policies set out in Portsmouth Transport Strategy (2020- 2036) - improving journeys for a greener, healthier and better connected future, and as may be amended or supplemented from time to time.

These improvements could include those listed in Part 2 to this Annex.

**PART 2 –  
THE COUNCIL'S DETAILED PROGRAMME FOR APPLYING ITS SHARE OF  
THE PROCEEDS OF THIS SCHEME DURING THE OPENING FIVE YEAR  
PERIOD**

It is proposed that the Scheme would commence on 29 November 2021. This plan therefore covers the five-year period from 29 November 2021 to 28 November 2026.

As set out Part 1 of this Annex, it is not anticipated that the proposed Scheme would generate substantial net proceeds. The Council's detailed plan for applying any net proceeds during this period would therefore depend to a large extent on:

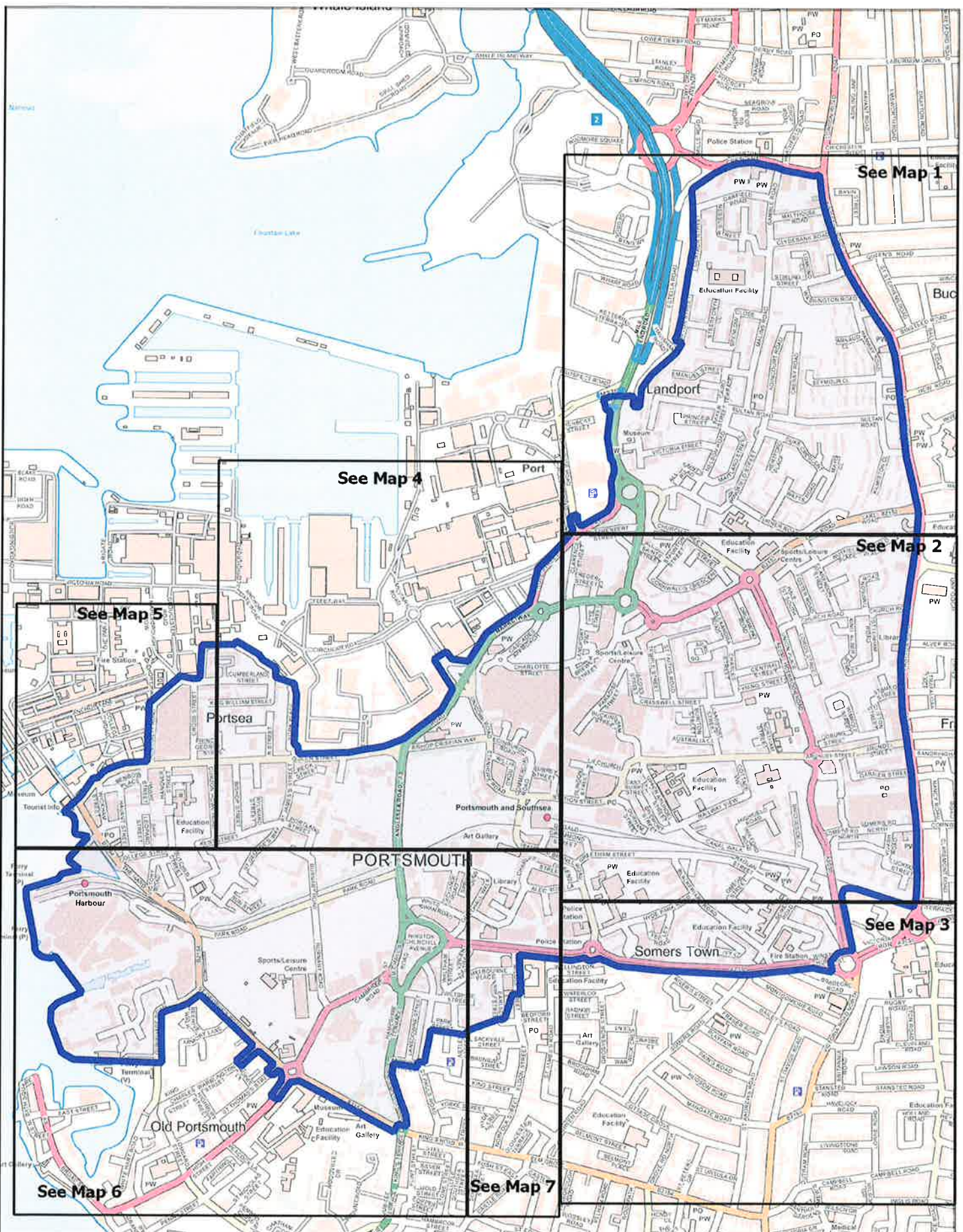
- The level of net proceeds generated;
- The progress made towards meeting the required limit values for NO<sub>2</sub>;
- To what extent the Scheme has impacted on the affected groups identified in the Equalities Impact Assessment for the Scheme;
- To what extent the proposed improvements have already been implemented by other means.

Given these uncertainties the Council's Air Quality Executive Board will review and prioritise the proposed improvements before granting approval in its discretion. These improvements could include:

- Supporting infrastructure for alternative fuelled vehicles
- Make parking easier in residential areas through encouraging fewer vehicles and supporting shared transport modes
- Expanding the Portsmouth Park & Ride to reduce pollution and congestion in the city and increase transport choices
- Exploring private non-residential parking restrictions to encourage mode shift
- Deliver and support residential and business behaviour change initiatives to encourage people to walk, cycle and use public transport and to travel more safely
- Establish a cohesive and continuous network of attractive, inclusive, safe and accessible walking and cycling routes accompanied by cycle parking facilities
- Introduce a network of low traffic neighbourhoods and school streets that reduce through traffic in residential streets
- Improve the city centre, local and district centres by reducing or removing general traffic, with access focused on walking, cycling and public transport
- Prioritise local bus services over general traffic to make journeys by public transport quicker and more reliable and support demand-responsive transport services
- Develop a rapid transit network that connects key locations in the city with South East Hampshire and facilitates future growth
- Deliver high quality transport interchanges, stations and stops
- Continue to work with public transport operators to deliver integrated, efficient, affordable, attractive services promoting local and regional connectivity
- Protect the main road network and maintain access to the ports, HM Naval Base, Portsmouth and other key industry, business and retail sites
- Deliver micro and macro freight-consolidation measures, supporting businesses and other organisations to consolidate their operational journeys, including use of zero emission vehicles for last mile delivery
- Explore a lane rental scheme to maximise co-ordination of street works and roadworks, in order to minimise impacts on traffic sensitive routes during peak periods
- Maintain our highway infrastructure
- Proactively manage kerbside space to enable flexible use for essential access







## Clean Air Zone Plan

### Legend

 Clean Air Zone

See the corresponding map  
for further detail.

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Portsmouth Clean Air  
Zone Charging Order  
2021 ("the Order")

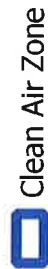
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Schedule to the Order

Clean Air Zone  
Boundary Plan

Map 1



Legend

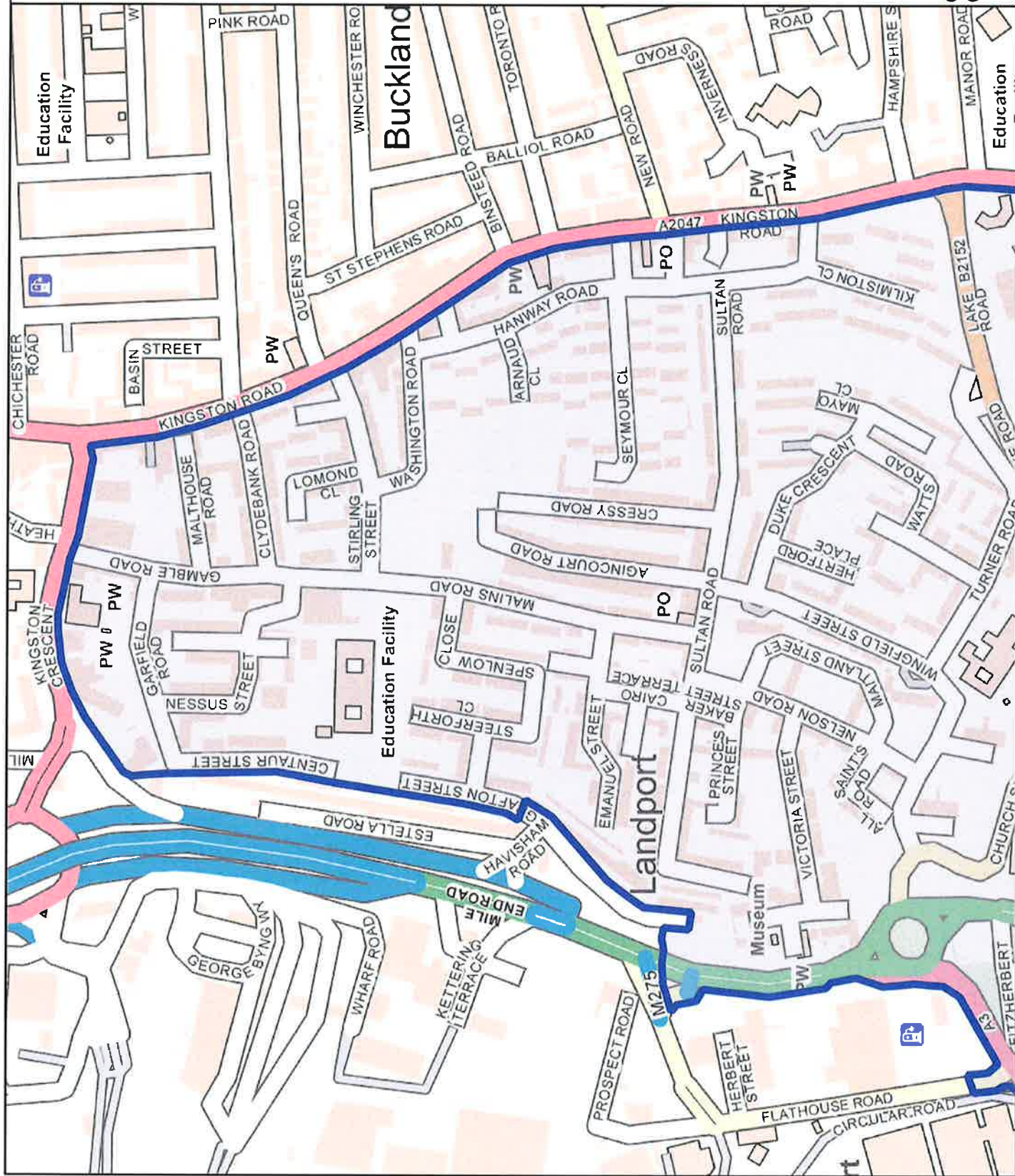


Clean Air Zone

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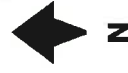


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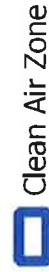
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Schedule to the Order

Clean Air Zone  
Boundary Plan

Map 2



Legend

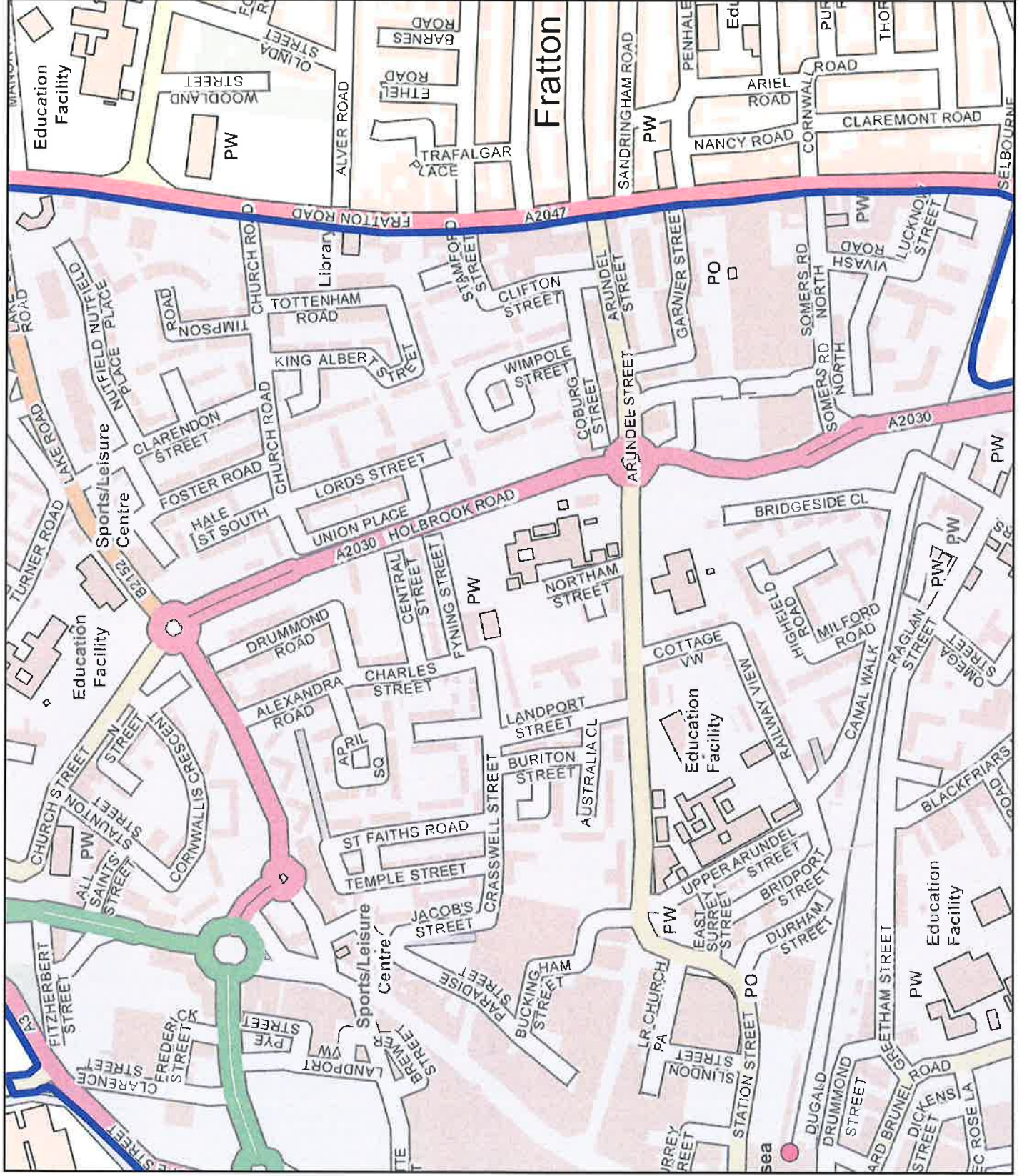


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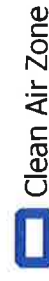
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Clean Air Zone  
Boundary Plan

Map 3



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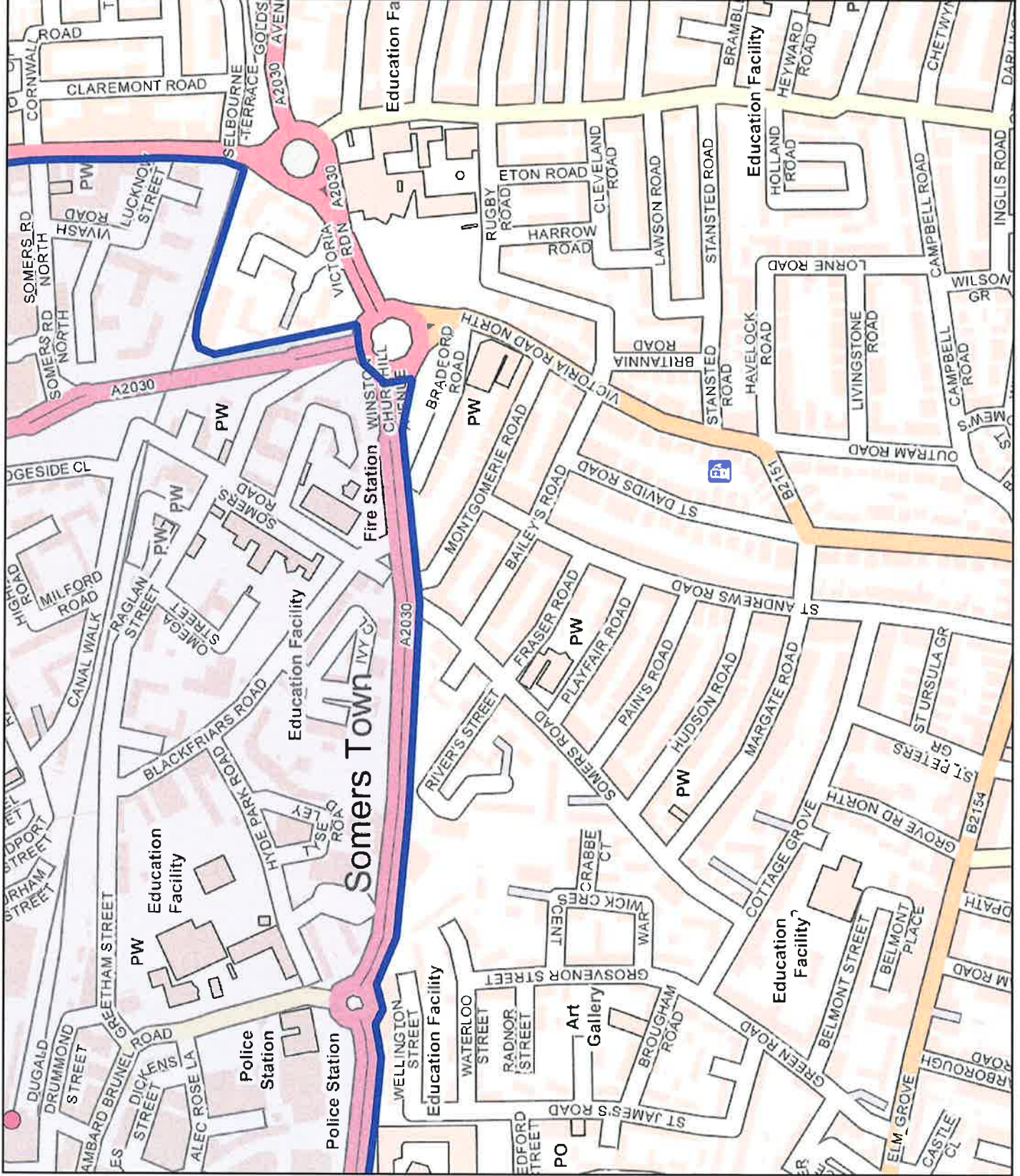


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## Clean Air Zone Boundary Plan

Map 4



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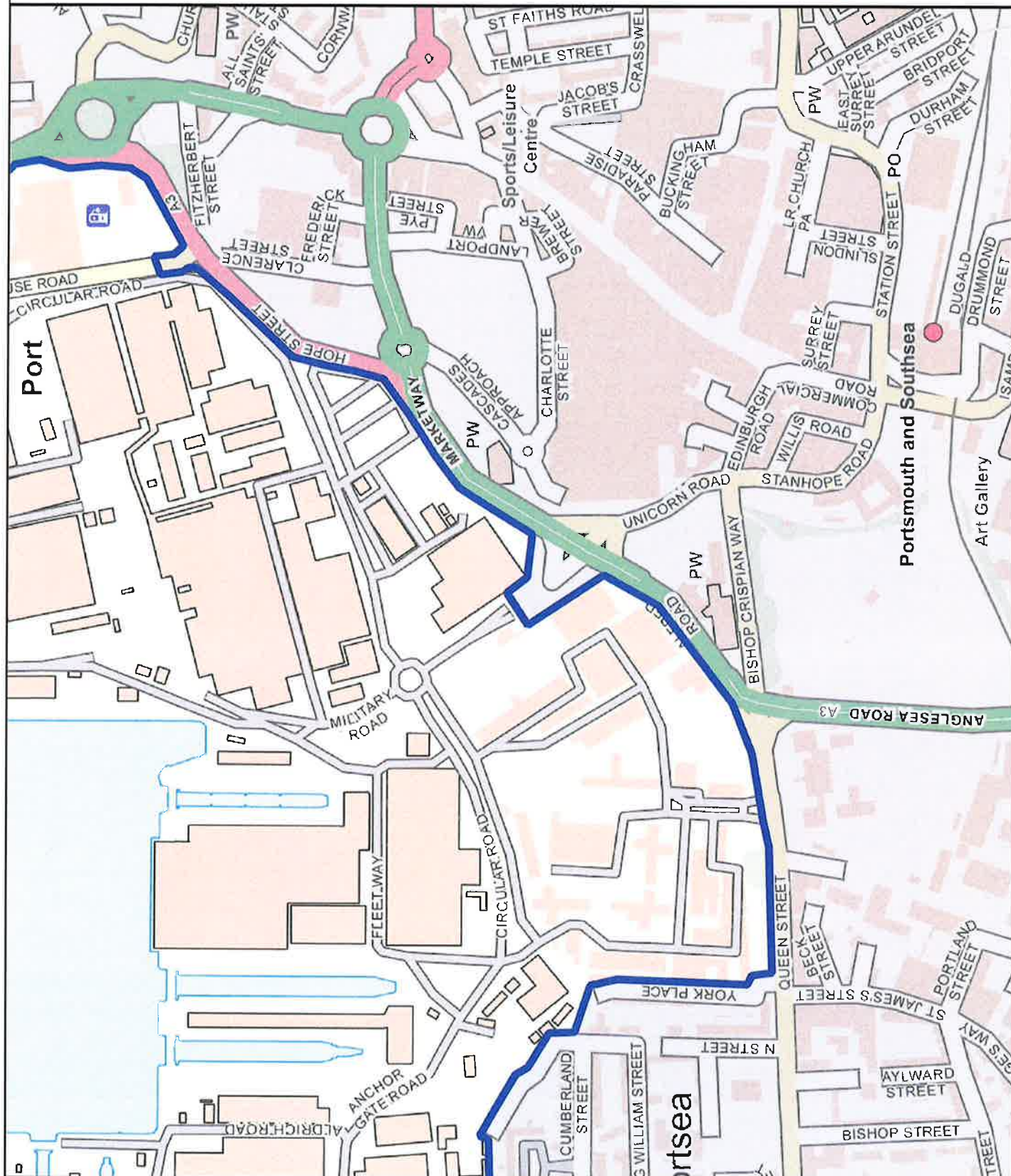
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 Clean Air Zone

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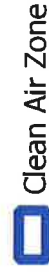
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**Clean Air Zone  
Boundary Plan**

**Map 5**



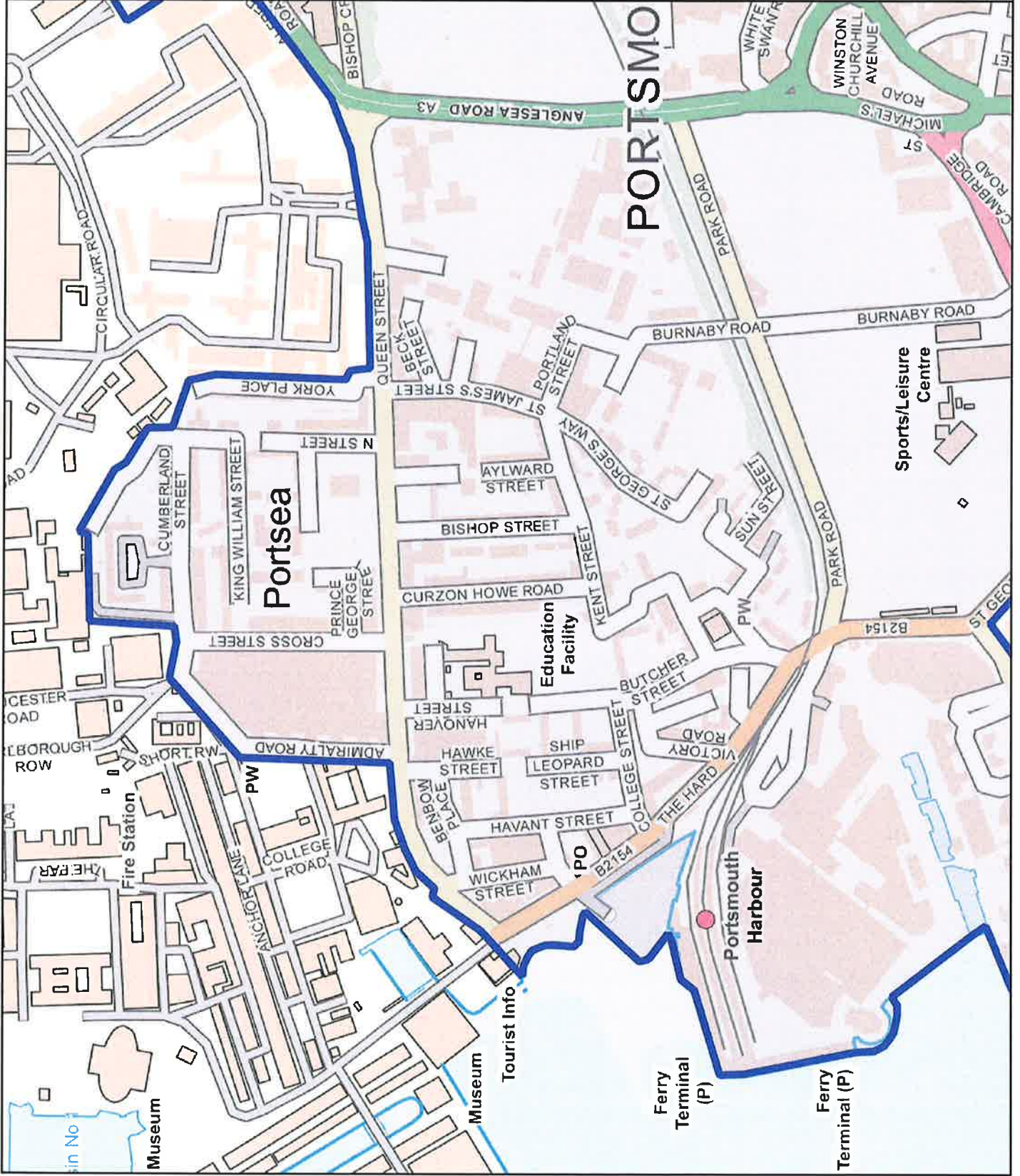
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## Clean Air Zone Boundary Plan

Map 6



### Legend

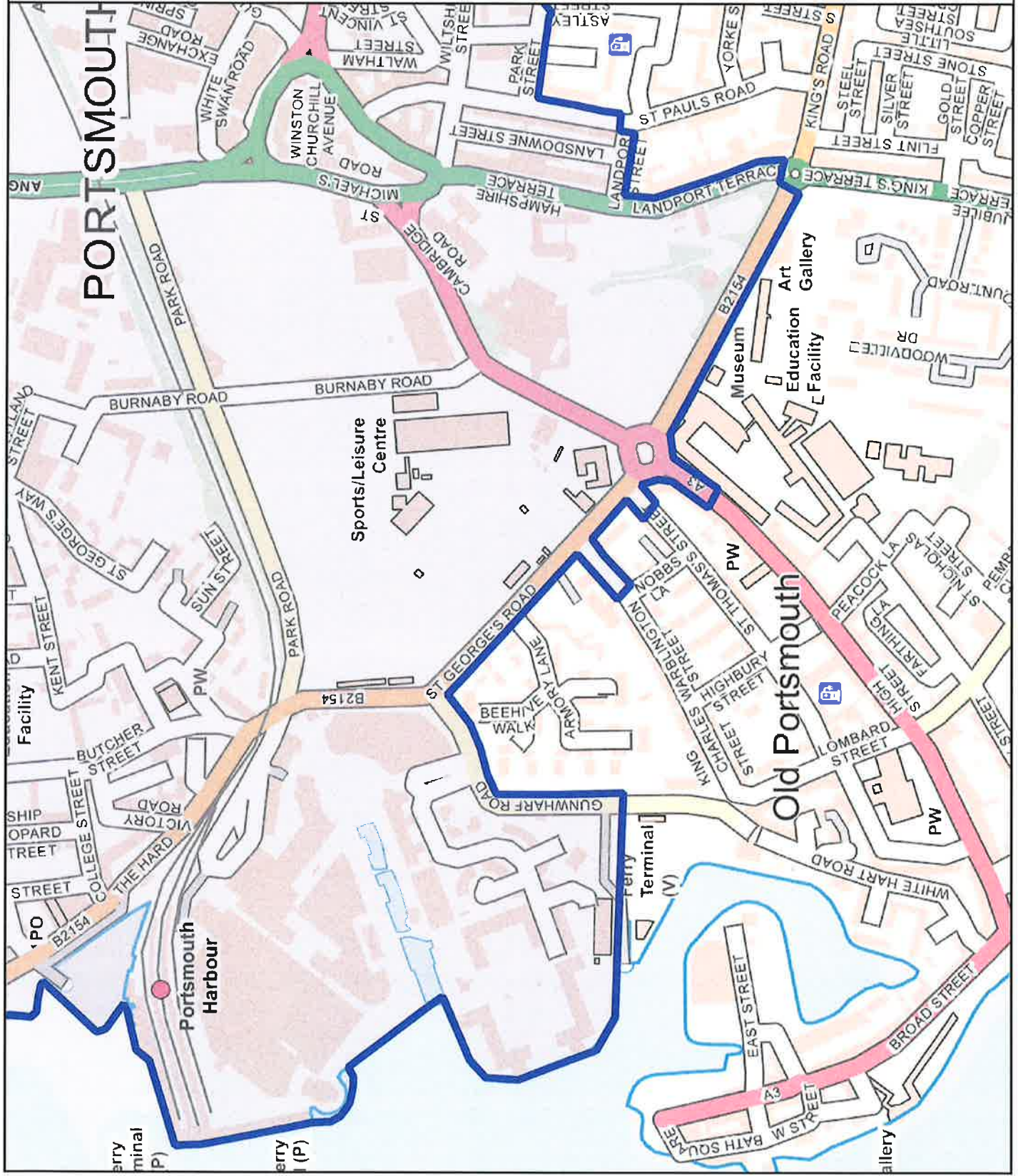


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## Map 7

