

TRANSPORT ACT 2000

Bristol Clean Air Zone Charging Order 2022

Made 30 August 2022

Coming into force In accordance with Articles 2(2) and 2(3)

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THE ORDER

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WHEREAS

(1) It appears to the City Council of Bristol (“the Council”) desirable, for the purposes of facilitating the achievement of the Joint Local Transport Plan 2011 to 2026 and the West of England Combined Authority’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 the 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 all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order is made on the thirtieth day of August 2022 and may be cited as the “Bristol Clean Air Zone Charging Order 2022”

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 on which this Order is made

(3) Article 7 of the Scheme comes into force on 28 November 2022

THE COMMON SEAL of
THE CITY COUNCIL of BRISTOL
was hereunto affixed in
the presence of:

SCHEDULE TO THE ORDER
BRISTOL CLEAN AIR ZONE CHARGING SCHEME

Interpretation

1.—(1) In this Scheme—

- (a) “1994 Act” means the Vehicle Excise and Registration Act 1994;
- (b) “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;
- (c) “business” includes a trade, profession or employment and includes an activity carried on by a body of persons, whether corporate or unincorporated;
- (d) “business premises” means premises that the Council is satisfied, by the production of such evidence as it may reasonably require, are permanently occupied for the purposes of carrying on a business;
- (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) “Central Clean Air Zone Service” means the national body through which road user charges pursuant to clear air zone charging schemes may be paid;
- (g) “charge” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;
- (h) “charging day” means the period of twenty four hours from midnight to midnight;
- (i) “Class L” vehicles are those falling within class L(a) and class L(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (j) “Class M1” vehicles are those falling within class M1(a) and class M1(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (k) “Class M2” vehicles are those falling within class M2(a) and class M2(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (m) “Class M3” vehicles are those falling within class M3(a) and class M3(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (n) “Class N1” vehicles are those falling within class N1(a) and class N1(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (o) “Class N2” vehicles are those falling within class N2(a) and class N2(b) as specified in Schedule 1 of the Vehicle Classes Regulations;

- (p) “Class N3” vehicles are those falling within class N3(a) and class N3(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (q) “Clean Air Zone” means the area shown shaded yellow on the Clean Air Zone Plan, the boundaries of which are defined on the Clean Air Zone Boundary Plans;
- (r) “Clean Air Zone Boundary Plans” means the deposited plans specified in Part 2 of Annex 1 each defining part of the boundary of the Clean Air Zone by showing areas within the Clean Air Zone as shaded yellow;
- (s) “Clean Air Zone Plan” means the plan specified in Part 1 of Annex 1;
- (t) “commencement date” means 28 November 2022;
- (u) “commercial vehicle” means—(i) a relevant vehicle of Class M2 other than a taxi or private hire vehicle, or any relevant vehicle of Class M3, Class N2 or Class N3; and (ii) a relevant vehicle of Class N1 that the Council is satisfied is owned by a company or a sole trader;
- (v) “compliant vehicle” has the meaning given by article 4;
- (w) “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;
- (x) “compression ignition vehicle” means a vehicle powered wholly or partly by a compression ignition engine;
- (y) “Council” means the City Council of Bristol;
- (z) “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 City Hall, College Green, Bristol BS1 9NE ; and (ii) consisting of the plans bearing the sheet numbers or letters, dates and revision numbers specified in Annex 1 to the Scheme;
- (aa) “designated road” means one of the designated roads specified in article 2(2);
- (bb) “electric vehicle” means a vehicle—
- (i) which 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 for which a nil licence is in force by virtue of it being 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) which 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 CO₂ emissions of 0 grams per kilometre;
- (cc) “Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;

- (dd) “ESC test” means a test as described in section 2.14 of Annex I to Council Directive 2005/55/EC and carried out using the procedure described in Annex III paragraph 1.3.1 and Annex III Appendix 1 of that Directive;
- (ee) “ETC test” means a test as described in section 2.16 of Annex I to Council Directive 2005/55/EC carried out using the procedure described in Annex III paragraph 1.3.3 and Annex III Appendix 2 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;
- (ff) “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;
- (gg) “Euro 6” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007 as amended;
- (hh) “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;
- (ii) “Euro VI” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009 as amended;
- (jj) “licence” means a licence purchased under article 9;
- (kk) “local register” means the register of non-chargeable vehicles to be maintained by the Council under article 10;
- (ll) “local road” means any road in respect of which the Council is the local traffic authority;
- (mm) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (nn) “national register” means the register of compliant and non-chargeable vehicles to be maintained by the Central Clean Air Service under article 10;
- (oo) “NEDC” means the drive cycle defined in Annex 4a of Regulation No.83 of the Economic Commission for Europe of the United Nations
- (pp) “non-chargeable vehicle” is to be construed in accordance with articles 5 and 15 and Annexes 2 and 4;
- (qq) “NOx” means oxides of nitrogen;
- (rr) “penalty charge” and “penalty charge notice” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
- (ss) “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;
- (tt) “positive ignition vehicle” means a vehicle powered wholly or partly by a positive ignition engine;

(uu) “private hire vehicle” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

(vv) “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;

(ww) “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;

(xx) “relevant vehicle” has the meaning given by article 3;

(yy) “retrofitted” means adapted so as to meet the emissions standards required of a compliant vehicle in accordance with an approved retrofit scheme;

(zz) “type-approved” is to be construed in accordance with article 3 of Council Directive 2007/46/EC;

(aaa) “sole trader” means an individual who is self-employed and registered for self - assessment within the meaning of section 9 of the Taxes Management Act 1970;

(bbb) “taxi” means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;

(ccc) “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;

(ddd) “Vehicle Classes Regulations” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;

(eee) “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;

(fff) “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;

(ggg) “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.

(2) In this Scheme—

(a) a reference in any provision to an instrument of the European Community is to that instrument—

(i) as amended as at the date on which this Order is made 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 date on which this Order is made.

(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 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 Class L, Class M1, Class M2, Class M3, Class N1, Class N2 and Class N3

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. —(1) Annex 2 to this Scheme, which specifies categories of non-chargeable vehicles, has effect.

(2) Where the Council is satisfied that a vehicle has been used on one or more designated roads solely as a result of an official diversion of traffic from a non-designated road onto a designated road that vehicle will be treated as if it were a non-chargeable vehicle.

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 M3, Class N2 or Class N3; 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 of more designated roads

(2) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(2) is imposed -

- (a) in respect of any relevant vehicle of Class M1, Class M2 or Class N1; and
- (b) in respect of any relevant vehicle of Class L falling within rows 1 to 12 of Table 1 of Annex 3 or rows 1 to 7 of Table 2 of Annex 3;

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

Amount of charge payable by purchase of a licence

8.—(1) The cost of a charge imposed by article 7(1) is £100.00 per charging day.

(2) The cost of a charge imposed by article 7(2) is £9.00 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; 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 the requirements of the Central Clean Air Zone Service specify on its website as being acceptable.

Registers of compliant and non-chargeable vehicles

10.—(1) The Council will maintain the local register which will identify non-chargeable vehicles for the purposes of Part 2 of Annex 2 and Annex 4.

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

(3) An application to enter particulars of a vehicle on 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 on the local register must include all such information as the Council may reasonably require and shall 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,

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 Annex 4 it will enter particulars of the vehicle in the local register.

(7) If the Council is satisfied that a vehicle, particulars of which are entered in the local 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 local register.

(8) Where the registered keeper of a vehicle, particulars of which are entered in 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 of the fact and the Council or the Central Clean Air Zone Service may remove the particulars of the vehicle from the national 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 (3) or (4) for particulars of a vehicle to be entered in the national or local register after they have been removed from it in accordance with any provision of this article.

Penalty charge for non-payment of charge

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

(a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 7; and

(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 £120.00 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 £60.00.

(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 £180.00.

Immobilisation of vehicles

12. (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 to the Council;

(ii) if all outstanding penalty charges are paid to the Council; and

(iii) if a penalty charge of £70.00 for the release of the vehicle from the immobilisation device is so paid.

Removal, storage and disposal of vehicles

13. (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 £200.00 for its removal;

(d) a penalty charge of £40.00 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 £70.00 for its disposal.

Duration of scheme

14. This Scheme will remain in force indefinitely.

Transitional provisions and temporary non-chargeable vehicles

15. Annex 4 to this Scheme which contains transitional provisions specifying classes of temporary non chargeable vehicle has effect.

Ten and five year plans for net proceeds

16.—(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

LIST OF DEPOSITED PLANS

PART 1 – CLEAN AIR ZONE PLAN

Drawing No. E19015-CH14-2 entitled “Charging Order Overview No.2”

PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

Drawing No. E19015-CH14-1-B entitled “Charging Order Overview No.1”

Drawing No. E19015-CH15-A entitled “Charging Order Plan 1”

Drawing No. E19015-CH16-A entitled Charging Order Plan 2”

Drawing No. E19015-CH17-A entitled “Charging Order Plan 3”

Drawing No. E19015-CH18-A entitled “Charging Order Plan 4”

ANNEX 2 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 that 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

Agricultural and similar vehicles

4.—A vehicle is a non-chargeable vehicle if it is a vehicle which is classified for tax purposes within tax class 11.1 (Agricultural Vehicles) as identified in DVLA document reference V355/1 and particulars of the vehicle are for the time being entered in the national register.

PART 2 – NON-CHARGEABLE VEHICLES ENTERED IN THE LOCAL REGISTER

Specialist vehicles

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

(2) In this paragraph a “specialist vehicle” means a vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a vehicle which is classified for tax purposes within

(a) tax class 4 (Special Types); or

(b) tax class 8 (Special Vehicles); or

(c) one of tax classes 11.2 (Mowing Machines), 11.3 (Electrically Propelled Vehicles), 11.4 (Gritters), 11.5 (Snow Ploughs) or 11.6 (Steam Vehicles)

as identified in DVLA document reference V355/1

Emergency service vehicles

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

(2) In this paragraph 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 it is a vehicle which is classified for tax purposes within tax class 12 (Emergency Vehicles) as identified in DVLA document reference V355/1

Visitors to specified hospitals

3.—(1) A specified hospital visitor’s vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register

(2) In this paragraph a vehicle is a specified hospital visitor’s vehicle if—

(a) it is a private vehicle;

(b) it is used for the purposes of visiting an inpatient in a specified hospital; and

(c) it has been entered on the local register by a specified hospital as a vehicle being used by a visitor to a specified hospital

(3) In this paragraph—

(a) “private vehicle” means any vehicle other than a taxi, a private hire vehicle, a bus or a coach;

(b) “bus” means a vehicle used for carrying passengers for hire or reward and operated pursuant to a licence granted under section 14 of the Public Passenger Vehicles Act 1981;

(c) “coach” means any vehicle of Class M2 or Class M3 other than a bus, taxi or private hire vehicle, used for carrying passengers for hire or reward; and

(d) “specified hospital” means one of -

(i) the Bristol Royal Infirmary

(ii) the Bristol Heart Institute

(iii) the Bristol Royal Hospital for Children

(iv) the Bristol Haematology and Oncology Centre

(v) St Michael’s Hospital

(vi) the Bristol Dental Hospital

(vii) the Bristol Eye Hospital

(viii) the Central Health Clinic

Patients attending frequent hospital appointments at a specified hospital

4.—(1) The Council will treat a specified patient attendee’s 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 patient attendee’s vehicle on any charging day or number of charging days if—

(a) it is a private vehicle;

(b) it is used for the transportation of a person attending an appointment at a specified hospital; and

(c) it has been entered on the local register by a specified hospital as a vehicle being used for the transportation of a person required to attend hospital appointments on a frequent basis

(3) In this paragraph—

(a) “private vehicle” means any vehicle other than a taxi, a private hire vehicle, a bus or a coach;

(b) “bus” means a vehicle used for carrying passengers for hire or reward and operated pursuant to a licence granted under section 14 of the Public Passenger Vehicles Act 1981;

(c) “coach” means any vehicle of Class M2 or Class M3 other than a bus, taxi or private hire vehicle;

(d) “specified hospital” means one of—

(i) the Bristol Royal Infirmary

(ii) the Bristol Heart Institute

(iii) the Bristol Royal Hospital for Children

- (iv) the Bristol Haematology and Oncology Centre
 - (v) St Michael's Hospital
 - (vi) the Bristol Dental Hospital
 - (vii) the Bristol Eye Hospital
 - (viii) the Central Health Clinic
- (e) “on a frequent basis” means at least three times in a month for a period of at least three months (with “month” being a period of 30 days)

ANNEX 3

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_x 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_x specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.

(2) A reference to a vehicle of Class L in any row of Table 1 or Table 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 _x	(g) Appropriate tests
(1)	L, M1	not exceeding 2,500		Euro 4	0.08 g/km	Type I
(2)	L, M1	exceeding 2,500	not exceeding 1,305	Euro 4	0.08 g/km	Type I
(3)	L, M1	exceeding 2,500	exceeding 3,500 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(4)	L, M1	exceeding 2,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(5)	L, M2	Not exceeding		Euro 4	0.08g/km	Type I

		2,500				
(6)	L, M2	exceeding 2,500 and not exceeding 3,500	exceeding 3,500 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(7)	L, M2	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(8a)	L, M2	exceeding 3,500	not exceeding 2,840	Euro 4	0.11g/km	Type I
(8b)	L, M2	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(9)	L, M2	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	ETC
(10)	L, N1 subclass (i)		not exceeding 1,350	Euro 4	0.08g/km	Type I
(11)	L, N1 subclass (ii)		exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(12)	L, N1 subclass (iii)		exceeding 1,760	Euro 4	0.11g/km	Type I
(13a)	L, N2		not exceeding 2,840	Euro 4	0.11g/km	Type I
(13b)	L, N2		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(14)	L, N2		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	L, M3, N3			Euro IV		ETC

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

(a) Row No	(b) Vehicle Class	(c) Maximum mass of vehicle,	(d) Reference mass of vehicle, where	(e) EC emissions standard	(f) Limit values for NOx	(g) Appropriate tests
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		where relevant(kg)	relevant (kg)			
(1)	L, M1		not exceeding 2,610	Euro 6	0.08g/km	Type I
(2)	L, M1		exceeding 2,610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(3)	L, M2		not exceeding 2,610	Euro 6	0.125g/km	Type I
(4)	L, M2		exceeding 2,610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(5)	L, M3			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(6)	L, N1 subclass (i)		not exceeding 1,350	Euro 6	0.08g/km	Type I
(7)	L, N1 subclass (ii)		exceeding 1,305 and not exceeding 1,760	Euro 6	0.105g/km	Type I
(8)	L, N1 subclass (iii)		exceeding 1,760	Euro 6	0.125g/km	Type I
(9)	L, N2		not exceeding 2,610	Euro 6	0.125g/km	Type I
(10)	L, N2		exceeding 2,610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(11)	L, N3			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC

ANNEX 4

**TRANSITIONAL PROVISIONS AND
TEMPORARY NON-CHARGABLE VEHICLES**

Residents' vehicles

1.—(1) During the residents' vehicles transitional period the Council will treat a qualifying resident's 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) In this paragraph "residents' vehicles transitional period" means the period beginning with the commencement date and ending on 31 March 2023.

(3) A vehicle is a qualifying resident's vehicle if it is a relevant vehicle of Class M1 or Class N1 other than a commercial vehicle, a taxi or a private hire vehicle, and the Council is satisfied that—

(a) the registered keeper of the vehicle is a qualified resident and the address of the registered keeper shown on the vehicle registration document is the same as that of the premises referred to in subparagraph (4);

(b) the registered keeper of the vehicle is the employer of a qualified resident or the vehicle is hired by or leased to the qualified resident by their employer, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified resident and members of the qualified resident's household residing at the same address as the qualified resident; or

(c) the registered keeper of the vehicle is a company that has leased or sold the vehicle to the qualified resident, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified resident and members of the qualified resident's household residing at the same address as the qualified resident.

(4) In this Scheme "qualified resident" means an individual in respect of whom the Council is for the time being satisfied, by the production of such evidence as it may reasonably require, that the individual's only or main residence is at premises situated in the Clean Air Zone.

(5) Where a qualified resident ceases to reside at the premises in relation to which the Council was satisfied that the requirement in sub-paragraph (4) was met but resides at other premises in the Clean Air Zone, that person shall cease to be a qualified resident unless that person has notified the change of residence to the Council and the Council is satisfied that the requirement in sub-paragraph (4) is met in relation to those other premises.

Community transport vehicles

2.—(1) During the community transport vehicles transitional period the Council will treat a qualifying community transport 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) In this paragraph “community transport vehicles transitional period” means the period beginning with the commencement date and ending on 31 March 2023.

(3) In this paragraph—

(a) “community transport vehicle” means a vehicle of Class M2 or M3 that is being used pursuant to a community transport permit;

(b) “community transport permit” means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985.

Recovery vehicles

3.—(1) During the recovery vehicles transitional period the Council will treat a qualifying recovery 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) In this paragraph “recovery vehicles transitional period” means the period beginning with the commencement date and ending on 31 March 2023.

(3) In this paragraph 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 is a vehicle which is classified for tax purposes within tax class 10 (Emergency Vehicles) as identified in DVLA document reference V355/1.

Those travelling into the Clean Air Zone for work

4.—(1) During the CAZ workers transitional period the Council will treat a qualifying CAZ worker’s 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) In this paragraph “CAZ workers transitional period” means the period beginning with the commencement date and ending on 31 March 2023

(3) A vehicle is a “qualifying CAZ worker’s vehicle” if it is a relevant vehicle of Class M1 or Class N1 other than a taxi or private hire vehicle and the Council is satisfied that—

(a) the registered keeper of the vehicle is a qualified CAZ worker and the address of the registered keeper shown on the vehicle registration document is the same as that of the premises referred to in sub-paragraph (4)(a);

(b) the registered keeper of the vehicle is the employer of a qualified CAZ worker or the vehicle is hired by or leased to the qualified CAZ worker by their employer, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is for the exclusive use of the qualified CAZ worker and members of the qualified CAZ worker's household residing at the same address as the qualified CAZ worker; or

(c) the registered keeper of the vehicle is a company that has leased or sold the vehicle to the qualified CAZ worker, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified CAZ worker and members of the qualified CAZ worker's household residing at the same address as the qualified CAZ worker.

(4) An individual is a "qualified CAZ worker" if the Council is for the time being satisfied, by the production of such evidence as it may reasonably require, that:

(a) the individual's only or main residence is at premises situated outside the Clean Air Zone;

(b) the individual's income does not exceed a maximum hourly rate of £13.51;

(c) the individual works for more than 18 hours per week at business premises situated in the Clean Air Zone; and

(d) the individual's income for the tax year ending on 5 April 2022 was no greater than £26,000.

(5) In this paragraph—

(a) "income" means—

(i) "earnings" within the meaning of section 62 of the Income Tax (Earnings and Pensions) Act 2003 ("the 2003 Act");

(ii) earned income derived from carrying on a trade profession or vocation; and

(iii) any other taxable income not falling within sub-paragraphs (i) and (ii), excluding any chargeable gain computed in accordance with Part II of the Taxation of Chargeable Gains Act 1992;

(b) section 29 of the 2003 Act shall apply for the purposes of determining whether, in relation to an employee within the meaning of section 4 of the 2003 Act, earnings are "for" a particular tax year.

(6) Where a qualified CAZ worker ceases to reside or work at the premises in relation to which the Council was satisfied that the requirements in sub-paragraph (4) were met but resides or works at other premises that person shall cease to be a qualified CAZ worker unless that person has notified the change of residence or business premises to the Council and the Council is satisfied that those requirements are met in relation to those other premises.

(7) At no time may more than one qualifying CAZ worker's vehicle be entered in the local register in relation to any one individual who is a qualifying CAZ worker.

Commercial vehicles subject to finance agreements

5.—(1) During the financing transitional period the Council will treat any commercial vehicle—

(a) that meets the conditions specified in sub-paragraph (2); and

(b) particulars of which are for the time being entered in the local register,—

as if it were a non-chargeable vehicle.

(2) The conditions referred to in sub-paragraph (1)(a) are that the Council is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) the owner of the vehicle had on or before 30 November 2021 entered into a contractual arrangement for financing the purchase or leasing of the vehicle concerned;
- (b) one or more payments pursuant to that contractual arrangement are due on or after the commencement date; and
- (c) the vehicle is—
 - (i) owned by a qualified business and kept at or operating out of qualifying business premises for the use of the qualified business; or
 - (ii) regularly kept overnight in the Clean Air Zone for the primary purpose of carrying on a business in the Clean Air Zone.

(3) In this paragraph—

- (a) “financing transitional period” means the period beginning with the commencement date and ending on the earlier of—
 - (i) the date on which the payment for the purchase of the vehicle concerned is completed and the contractual arrangement referred to in sub-paragraph (2) ceases to apply; and
 - (ii) 31 March 2023;
- (b) “owner” includes a lessee of a vehicle, a person using a vehicle pursuant to a hire purchase agreement, and such other forms of use or ownership as the Council may specify on its website;
- (c) “qualified business” means a company or sole trader that the Council is satisfied, by the production of such evidence as it may reasonably require, occupies qualifying business premises;
- (d) “qualifying business premises” means business premises situated within the Clean Air Zone

Blue Badge Holders

6.—(1) During the blue badge transitional period the Council will for the duration of such transitional period treat any qualifying blue badge vehicle as if it were a non-chargeable vehicle if:

- (a) it meets the conditions specified in sub-paragraph (2); and
- (b) particulars of the vehicle are for the time being entered in the local register.

(2) For the purposes of paragraph 6(1)(a) a vehicle is a qualifying blue badge vehicle if –

- (a) the registered keeper of the vehicle is resident at the same address as an eligible person; and
 - (b) the vehicle is being used for the transport of an eligible person.
- (3) In addition to the exemption contained in (1) the Council will on a particular charging day treat any qualifying blue badge vehicle as if it were a non-chargeable vehicle if:
- (a) the vehicle is being used for the transportation of an eligible person; and
 - (b) particulars of the vehicle have been entered in the local register as a vehicle being used for the transportation of an eligible person on such charging day.
- (4) An application may be made to the Council by an individual or an eligible organisation to:
- (i) specify a vehicle under sub-paragraph (2) in relation to the use of a vehicle for the blue badge transitional period; and
 - (ii) specify a vehicle under sub-paragraph (3) in relation to the use of a vehicle on a specified charging day.
- (5) In this paragraph –
- (a) “blue badge” means any badge issued to an individual or institution under section 21 of the Chronically Sick and Disabled Persons Act 1970 or under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;
 - (b) “blue badge transitional period” means the period beginning with the commencement date and ending on 31 March 2023;
 - (c) “eligible organisation” means any organisation issued with and holding a blue badge
 - (d) “eligible person” means any person issued with and holding a blue badge

Home to School Transport

7. —(1) During the Home to School vehicles transitional period the Council will treat a specified home to school transport vehicle as if it were non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) In this paragraph “Home to School vehicles transitional period” means the period beginning with the commencement date and ending on 31 March 2023

(3) In this paragraph “Home to School transport vehicle” means a bus, minibus or coach that is

- (i) funded by the Council, Bath and North East Somerset Council, North Somerset Council or South Gloucestershire Council; and
- (ii) being used to transport a child or children to or from a school or educational setting as part of a Home to School Travel service operated by any of the authorities listed in (i)

Patients attending hospital appointments at a specified hospital

8.—(1) During the specified patient attendee’s transitional period the Council will treat a specified patient attendee’s 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) In this paragraph “patient attendee’s transitional period” means the period beginning with the commencement date and ending on 31 March 2023.

(3) A vehicle is a patient attendee’s vehicle on any charging day or number of charging days if—

(a) it is a private vehicle; and

(b) the Council is satisfied that it is used on the charging day concerned by a patient attendee for the purposes of

(i) travelling to or from a specified hospital for the purpose of attending a hospital appointment; or

(ii) transporting a patient to or from a specified hospital; and

(c) particulars of the vehicle are entered in the local register before the end of day of travel (or in the case of a number of days, the first day of travel).

(4) An application to enter particulars of a patient attendee’s vehicle on the local register shall be made by such means and accompanied by such details relating to the specified hospital, the vehicle and its use as the Council may reasonably require.

(5) In this paragraph—

(a) “private vehicle” means any vehicle other than a taxi, a private hire vehicle, a bus or a coach;

(b) “bus” means a vehicle used for carrying passengers for hire or reward and operated pursuant to a licence granted under section 14 of the Public Passenger Vehicles Act 1981;

(c) “coach” means any vehicle of Class M2 or Class M3 other than a bus, taxi or private hire vehicle,

(d) “specified hospital” means one of—

(i) the Bristol Royal Infirmary

(ii) the Bristol Heart Institute

(iii) the Bristol Royal Hospital for Children

(iv) the Bristol Haematology and Oncology Centre

(v) St Michael’s Hospital

(vi) the Bristol Dental Hospital

(vii) the Bristol Eye Hospital

(viii) the Central Health Clinic

Families who receive Personal Travel Budgets who travel through the zone on their school route

9. —(1) During the Personal Travel Budget vehicles transitional period the Council will treat as a non-chargeable vehicle a specified vehicle the registered keeper of which is a member of and living at the same address as a family receiving the Personal Travel Budget provided particulars of the vehicle are for the time being entered in the local register.

(2) In this paragraph “Personal Travel Budget vehicles transitional period” means the period beginning with the commencement date and ending on 31 March 2023

(3) In this paragraph “a family receiving the Personal Travel Budget” means a family identified by the Council as —

(a) receiving the Personal Travel Budget from the Council, Bath and North East Somerset Council, North Somerset Council or South Gloucestershire Council; and

(b) having at least one child whose route to school involves travel through the Clean Air Zone

Vehicles granted a temporary exemption under the Financial Assistance Scheme

10. —(1) During the Financial Assistance Scheme transitional period the Council will treat a qualifying vehicle as if it were a non-chargeable vehicle.

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

(a) it has been specified by the Council under sub-paragraph (3) pursuant to an application under the Financial Assistance Scheme; and

(b) particulars of the vehicle are entered in the local register in accordance with sub-paragraph (4).

(3) The Council shall specify a vehicle for the purpose of sub-paragraph (2)(a) if it is satisfied, by the production of such evidence as it may reasonably require, that—

(a) pursuant to an application to the Financial Assistance Scheme made prior to 28 November 2022:

(i) the applicant has been notified that the vehicle which is the subject of the application is required to undergo a telematics assessment; or

(ii) the applicant has received an Eligibility Letter

(b) pursuant to a successful application to the Financial Assistance Scheme an order has been placed for the purchase of a compliant vehicle to replace the vehicle concerned but the replacement vehicle has not yet been made available for use; or

(c) pursuant to a successful application to the Financial Assistance Scheme an order has been placed for the vehicle concerned to be retrofitted but the retrofitting has not yet been completed.

(4) The Council shall enter in the local register particulars of any vehicle which is a qualifying vehicle by virtue of subparagraph (3)(a)(i) or (ii), (b) or (c) until the end of the Financial Assistance Scheme transitional period.

(5) In this paragraph—

(a) “Financial Assistance Scheme” means the Clean Air Zone Financial Support Scheme as contained on the Council’s website as may be amended from time to time

(b) “Financial Assistance Scheme transitional period” means—

(i) in respect of a vehicle falling within sub-paragraph (3)(a)(i), the period beginning with the commencement of the telematics assessment for that vehicle and ending on the date falling thirty days after the date on which the application for financial assistance is refused

(ii) in respect of a vehicle falling within sub-paragraph (3)(a)(ii), the period beginning on the date of the Eligibility Letter and ending on the earlier of:

(a) the date which is thirty days after the date after which the application was refused; or

(b) the date which is ninety days after the date of the Eligibility Letter.

(iii) in respect of a vehicle falling within sub-paragraphs (3)(b) or (c), the period beginning with the date of the commencement of the telematics assessment for that vehicle (or the date of the Eligibility Letter if sooner) and ending on the earlier of:

(a) the date on which the new vehicle is delivered or the retrofitting of the existing vehicle is completed (whichever is the case); or

(b) 31 July 2023.

(c) “telematics assessment” means the process set by the Council under which an applicant can demonstrate their entitlement to financial support under the Financial Assistance Scheme

(d) “Eligibility Letter” means the letter sent by the Council to an applicant under the Financial Assistance Scheme which confirms that the application has met the basic eligibility requirements for the scheme and that the applicant has a further 90 days to complete the application and to place an order either for a new vehicle or for the retrofitting of their existing vehicle

ANNEX 5

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 will commence on 28 November 2022. This plan therefore covers the ten year period from 28 November 2022 to 30 November 2032.

The revenue generated by the Scheme will in the first place be used to cover the cost of operation, including the maintenance of cameras, installation of signage, and engagement of operational staff etc. as well as setting up a reserve to cover any costs of decommissioning and to enable the creation of a contingency fund to help in mitigating any potential risks during operation that may impact on short term revenue generation to cover fixed/semi-fixed costs.

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 the use of cleaner vehicles and discourage use of more polluting vehicles. The more vehicles that are compliant with the Scheme standards, the less revenue the Council will make from charges and any penalty charge notices.

In the event that net proceeds are generated from the Scheme over the opening ten year period, these proceeds would be applied, in such proportions as may be decided by the Council, to directly or indirectly facilitate the achievement of the Council's local transport policies in accordance with the following high level spending objectives, set out below:

- Supporting the delivery of the ambitions of the Scheme and promoting cleaner air by offering packages for non-compliant vehicles to upgrade or retrofit their vehicles to meet the standards required by the Scheme;
- Supporting active travel and incentivising public transport use;
- Supporting green infrastructure along the most polluted roads where public exposure is the highest;
- Supporting the maintenance of infrastructure to promote active travel and public transport use.

PART 2

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

The Council's detailed programme for applying any net proceeds during this period will depend on:

- The level of net proceeds generated;
- How quickly compliance with Scheme standards is achieved across the various sectors (and the identification of which sectors will still require support to meet those standards);
- What other work will already have been implemented via other means and what the demand for further support is;
- How long the Scheme stays in place and when compliance with relevant air quality standards will be achieved.

The funding objectives are set out below

Objective 1

Ensure that the Scheme is sustainable and that future enforcement activity is adequately funded from any excess revenue generated in earlier years, to avoid demands on Council resources as compliance is achieved and revenue declines accordingly.

Objective 2

The funding will be awarded on a priority basis and in considering the prioritisation the following factors will be considered:

- Impact on air quality
- Value for money

Objective 3

Enabling vehicles which are subject to the exemptions or transitional arrangements set out in this Order to upgrade or retrofit where possible in order to meet the Scheme emissions standards.

Objective 4

The fourth objective will be to support and increase the use of active transport, public transport and low emission vehicles.

Scheme List

Funding will in part be assigned as match to the City Region Sustainable Transport Programme, which may include the following schemes.

- Bristol City Centre

- Long Ashton metrobus
- Bristol to Bath Sustainable Transport Corridor
- M32 Sustainable Transport Corridor
- Portway Sustainable Transport Corridor and Hub
- Stockwood to Cribbs Causeway Sustainable Transport Corridor
- Bristol to Hengrove metrobus extension
- Bristol City Liveable Neighbourhoods

Further funding over and above that required for match funding the CRSTS programme will be used for schemes that meet the objectives above, likely to include but not restricted to:

- Further liveable neighbourhoods
- Bus service improvements, both physical infrastructure and operational services
- Improve and maintain infrastructure on active travel routes and bus corridors.

ANNEX 6
PLANS ILLUSTRATING THE CLEAN AIR ZONE