



Driver and Vehicle Agency

Changing the exhaust emissions test for light vehicles with a modern diesel engine

Synopsis of Consultation Responses

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Section 1: Introduction

The Driver and Vehicle Agency (DVA) is an Executive Agency within the Department for Infrastructure (DfI). The Agency's key business activities include:

- Driver and vehicle testing and standards
- Driver licensing and passenger transport licensing
- Compliance and enforcement
- Regulation of Approved Driving Instructors and Motorcycle Instructors

On 24 July 2024, the Department issued a consultation on changing the exhaust emissions test for light vehicles with a modern diesel engine. The consultation document sets out the proposals in detail, but at a high level proposes introducing a Particle Number (PN) emissions test that involves inserting a probe into the vehicle's exhaust tailpipe and measuring the number of particulates in the exhaust emissions using a PN tester. The test process is similar to the current petrol emissions test and takes a similar time to complete. The proposed test limit values are based on the European Commission's recommendations of $\leq 1,000,000$ particles per cubic centimetre of measured exhaust emissions, for cars and light goods vehicles first registered from 1 January 2013. It is also proposed to introduce a similar PN emissions test for heavy vehicles subject to roadside enforcement checks. The implementation of PN testing would require a legislative amendment.

This document provides a synopsis of the responses to the public consultation.

The consultation ran for eight weeks from 24 July 2024 to 18 September 2024 and in total 490 responses were received. Detailed email responses were received from The Alliance Party of Northern Ireland, Logistics UK and the NI Commissioner for Children and Young People (NICCY). A further 487 individuals responded anonymously through the Citizen Space portal.

A Section 75 Equality of Opportunity Screening Analysis was conducted regarding the proposed changes to the exhaust emissions test for vehicles with a modern diesel engine. The screening, which was published on the Department for Infrastructure's website, concluded that there were no groupings that would be subject to a significant disproportionate impact.

Section 2: Overview

General observations

The consultation asked four questions that collectively sought support for the introduction of the more effective PN diesel emissions test at the earliest opportunity. Whilst a total of 490 responses were received the consultation was only viewed 364 times, which may suggest that a significant number of respondents neglected to read the consultation before answering the related questions.

The Alliance Party, Logistics UK and NICCY all strongly supported the proposed changes to the emissions test.

The Alliance Party expressed support for the proposals and welcomed the fact that the new PN test can be introduced at existing MOT centres, without the need for major adaptations to the centres themselves.

Logistics UK (whose membership of over 20,000, includes global, national and regional businesses) sought the views of their NI members, and they expressed support for all the proposals.

NICCY welcomed the proposals to introduce a more robust test procedure to measure exhaust particle emissions for all diesel light-duty vehicles (passenger cars and vans) equipped with diesel particulate filters and urged that this is expedited as soon as possible.

Each individual respondent provided a similar response to each of the four questions, with approximately 18% supporting the proposal to introduce the more effective PN emissions test for light vehicles fitted with a modern diesel engine, and with the related proposal to conduct similar emissions tests during roadside enforcement checks on light and heavy diesel vehicles. Approximately 82% of individual respondents failed to support these proposals.

Changing the exhaust emissions test for light vehicles with a modern diesel engine

In the consultation we explained that the diesel smoke test for cars and light goods vehicles was suspended in June 2006 and that we currently conduct a fully compliant diesel emissions test on all heavy goods vehicles, buses and vans over 3,500kgs, and a partial diesel emissions test for cars and light goods vehicles. This includes a visual inspection of the vehicle's emissions and a check of the engine Malfunction Indicator Lamp (MIL), which indicates a defect in the vehicle emission control systems. The reintroduction of a diesel smoke test for cars and light goods vehicles under 3,500kgs, will require a substantial capital investment in the vehicle testing estate to create a safe environment for staff and customers, to enable the test to be conducted.

Recently the European Commission recommended a diesel emissions PN test for younger vehicles as an alternative to the current diesel smoke test. This is because younger vehicles, which due to their design may produce high levels of hazardous particulate matter if not properly maintained, are unlikely to fail the diesel smoke test. Trials of the new PN test equipment have indicated that the new PN emissions test could potentially be introduced throughout the existing test centre network to test light diesel vehicles, and to conduct roadside enforcement emissions checks on private and commercial vehicles including taxis, light and heavy goods vehicles and buses.

In light of the above, we believe it is sensible to consider introducing a new alternative annual vehicle emissions test for modern light diesel vehicles, with provision for related roadside checks on both light and heavy vehicles – in particular, to check for the correct fitment and operation of emissions control equipment including diesel particulate filters (DPFs). A DPF is a device fitted within the exhaust pipe of a diesel vehicle which filters hazardous particulate matter from exhaust gases. It does this by trapping solid particles while letting gaseous components escape. These filters enable significant reductions in emissions of particulate matter from diesel vehicles, reducing negative effects on air quality and thereby public health.

Poor maintenance of DPFs can affect vehicle performance and ultimately lead to the need for repairs. This has led to some diesel vehicle owners removing (or bypassing) their DPFs to avoid repair costs, which is illegal and will lead to excessive air pollution.

The PN test should take no longer to conduct than the existing petrol emissions test, and on that basis, no related test fee increase is envisaged at this time.

We ran the consultation exercise to help us understand what business and the public think about the proposed change to the vehicle emission test for modern diesel vehicles.

We asked a number of preliminary, identifier questions, for example the capacity in which the respondent was replying to the consultation. Further questions asked if the responder agreed or disagreed to the questions relating to the proposal.

Section 3: Consultation questions, responses and analysis on points raised

A total of 490 responses were received. Detailed email responses were received from The Alliance Party, Logistics UK and NICCY. A further 487 individuals responded anonymously through the Citizen Space portal.

Question 1: Do you agree that implementing more effective testing of particulate emissions from diesel vehicles will benefit the environment and citizens?

The Alliance Party, Logistics UK and NICCY agreed with the implementation of the more effective PN test. Approximately 18% of the individual respondents agreed that implementing the more effective testing of particulate emissions from diesel vehicles will benefit the environment and citizens. Approximately 82% of the individual respondents disagreed.

Question 2. Following advances in emission testing equipment, do you support modern diesel-powered cars and light goods vehicles being subject to an alternative particle number (PN) test at annual (MOT) inspection?

The Alliance Party, Logistics UK and NICCY supported the introduction of the alternative PN test. Approximately 18% of the individual respondents supported modern diesel-powered cars and light goods vehicles being subject to an alternative particle number (PN) test at annual (MOT) inspection. Approximately 82% of the individual respondents failed to support the proposal.

Question 3. Do you support modern light and heavy diesel-powered vehicles being subject to an alternative particle number (PN) enforcement check at the roadside?

The Alliance Party, Logistics UK and NICCY supported conducting the alternative PN enforcement check at the roadside. Approximately 18% of the individual respondents supported modern light and heavy diesel-powered vehicles being subject to an alternative particle number (PN)

enforcement check at the roadside. Approximately 82% of the individual respondents failed to support the proposals.

Question 4. Do you agree that the Department, subject to Ministerial approval, should proceed with amending domestic legislation and introduce PN testing for modern diesel vehicles at the earliest opportunity?

The Alliance Party, Logistics UK and NICCY supported amending domestic legislation and introducing PN testing at the earliest opportunity. Approximately 18% of all respondents agreed with amending domestic legislation and introducing PN testing for modern diesel vehicles at the earliest opportunity. Approximately 82% of respondents disagreed.

Analysis

The consultation promoted the air quality benefits associated with introducing PN diesel emissions testing, referred to in the EC Recommendation, which also makes reference to the relatively ineffective statutory diesel smoke test for modern vehicles.

The Alliance Party expressed agreement with the proposals in the consultation as indicated by the following extract from their response – ‘Overall, the Alliance Party agrees with the proposals suggested and would therefore support the Department proceeding with the introduction of PN testing for modern diesel vehicles at the earliest opportunity. A long period of time has elapsed without any kind of emissions testing for cars in Northern Ireland, and it is an opportune time to introduce a new, safer test that will successfully identify modern diesel vehicles that are excessively emitting dangerous particulate matter’.

Logistics UK sought the views of their NI members on the consultation proposals. They supported the implementation of a Particle Number (PN) test as part of the MOT and indicated that this would help to improve air quality and enhance the wellbeing of citizens. They also indicated that implementing the PN test for light vehicles registered from 1 January 2013 was reasonable and would assist in creating a level playing field for all operators. They urged the Department to provide a reasonable period of grace between legislative change and implementation and asked for further clarity on implementation dates and the type of engine that this

would apply to. Logistics UK highlighted the benefits of a clear and effective communication plan prior to the introduction of the new test.

NICCY highlighted the negative effect that road transport has on air quality and public health, and the Department's delay in reintroducing the legally required diesel smoke test for light vehicles. However, they summarised their general support for the Department's consultation proposals by stating 'I therefore welcome the Department's proposals to introduce a more robust test procedure to measure exhaust particle emissions for all diesel light-duty vehicles (passenger cars and vans) equipped with diesel particulate filters. I note that subject to the outcome of this consultation, the Department will seek Ministerial approval to progress an amendment to the Motor Vehicles (Construction and Use) Regulations 1999. I would urge that, subject to consultation, this is expedited as soon as possible and would welcome clarification following the amendment to the Regulations as to when the first cars may be tested'.

Approximately 82% of individual respondents failed to support the introduction of the new test, with the responses to each of the 4 questions being within 1 percentage point of each other. This is perhaps reflective of an anticipated increase to the MOT test failure rates and the associated vehicle repair costs for affected customers. A concern that the new test will help to stifle the illegal practice of bypassing the vehicle's diesel particulate filter (DPF) and emissions control systems may also have contributed to the number of negative responses.

The costs for reintroducing the diesel smoke test, which is relatively ineffective for modern vehicles, would likely be significantly greater than those associated with introducing the new PN test, and if progressed, may lead to an increase in MOT test fees, potentially affecting all MOT customers. As referenced in the consultation document, it is not anticipated at this time that there will be a fee increase associated with PN testing.

Section 4: Next Steps

The European Commission Recommendation C(2023) 1796 on PN testing highlights the significant benefits of PN testing over diesel smoke testing, and considers PN testing as making a positive contribution to improving air quality. The PN test also represents a more cost-effective means of delivering MOT emissions tests on light vehicles fitted with a modern diesel engine. In addition, no equality issues were identified which would affect us progressing the proposed changes to the exhaust emissions test.

Whilst there have been a significant number of negative responses from individuals, the responses from organisations representing many thousands of stakeholders, was particularly positive in their collective support for the proposed introduction of PN testing.

The results of the consultation will be passed to the Minister for Infrastructure, and the Committee for Infrastructure, for consideration of the proposal to introduce PN emissions testing on modern light diesel vehicles subject to MOT, and the proposal to conduct similar PN emissions enforcement checks, on all modern diesel vehicles, at the roadside.

If Ministerial approval is given, the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 will be amended to provide for the introduction of the new PN emission tests at the earliest opportunity.