

Environment (Air Quality and Soundscapes) (Wales) Bill

About Healthy Air Cymru

Healthy Air Cymru (HAC) is a collation of organisations working towards a Wales where people do not develop health conditions due to the pollution around them. The objectives of the group are: To raise awareness of the harmful effects of air pollution on public health, inform Welsh Government, local government, policy makers and opposition politicians of the powers and responsibilities that exist at different levels of government, to influence policy decisions and to make the case for devolved solutions to air pollution in Wales.

Air pollution in Wales

There is no safe level of air pollution. An air pollutant is any substance in the air that could harm people. Particulate matter, known as PM, and nitrogen dioxide are particularly damaging.

When people are exposed to high pollution levels, for example on a busy road or during a high pollution episode, they breathe in these toxic materials into their lungs. Many people initially experience immediate symptoms such as irritated airways, feeling out of breath and coughing.

Poor air quality has been linked to several conditions, with growing emerging evidence that highlights the high levels of air pollution impacting every level of society by increasing the chances of lung cancer, childhood asthma, COPD, miscarriage, premature birth/low birth weight, heart disease, dementia, mental health, obesity and, many other conditions.

Air pollution is the biggest environmental threat to public health, second only to smoking. At a cost £1bn per year to our NHS, air pollution is draining our resources, straining our health system and cutting short almost 2000 lives a year in Wales. It is a public health crisis.

The main sources of nitrogen dioxide and particulate matter pollution are:

Top sources of Nitrogen dioxide (NO₂)



Top sources of Particulate matter (PM₁₀, PM_{2.5})



All parties promised a Clean Air Bill in their 2021 manifestos and Healthy Air Cymru was pleased to see it promised in the 2022/23 Legislative Statement. We were surprised to see

the Bill renamed as the Environment (Air Quality and Soundscape) Bill, but it is still largely based on the Clean Air Bill White Paper.

The Environment (Air Quality and Soundscapes) Bill

Healthy Air Cymru have long campaigned for legislation to clean up our air, and introducing this bill to the Senedd is a big step forward. Air pollution is not only a public health issue, it is also a social justice issue and an environmental issue. It affects the most vulnerable in our society who have done the least to cause it, and it is bad for the planet, with air pollution contributing to climate-wrecking emissions. We need bold action from Welsh Government and local authorities.

The 22 page Bill contains 28 sections and 2 schedules. Healthy Air Cymru have summarised what is included and not included.

- **National targets** – In sections 1-7 the Bill provides Welsh Ministers with new powers to set, review and monitor targets for different pollutants. Section 1 gives Ministers wide scope to set targets on any pollutant at any time in the future through regulations, whilst clause 2 gives specific powers to set targets on PM_{2.5}. The explanatory memorandum (EM) states: ‘This could include, for example, international evidence on the health and environmental effects of air pollution, including the [World Health Organisation guidelines for air quality](#), and the economic, technical and social analyses, and the feasibility of meeting targets.’ We welcome the commitment in the EM, but worry that there is nothing in the Bill to ensure that this actually happens. In theory there would be nothing to prevent a Minister for choosing a much less rigorous target.
- **Promoting awareness** - Section 8 places a duty on the Welsh Ministers to take steps to promote awareness of the risks of air pollution to human health and the natural environment as well as ways to reduce or limit air pollution. The EM explains this duty might include ‘encouraging, supporting and promoting local initiatives about air pollution; or by improving the provision of air pollution resources for health professionals and reviewing current information on the sources of air pollution and the health and environmental impacts, taking into account accessibility and requirements of different groups.’ The White Paper instead proposing ‘cross sector guidance to empower workforces across Wales to tackle air pollution. It is expected this guidance will deliver air quality, health and decarbonisation benefits simultaneously.’ We are unsure if this is more or less ambitious.
- **National air quality strategy** – Sections 9-11 are focussed on the national air quality strategy, but we are unclear if this is a UK strategy or a Welsh strategy. The Clean Air Bill White Paper proposed a provision in Bill to publish a Clean Air Plan or Strategy within 12 months of the Bill being passed and reviewed every 5 years. The Bill refers to the national air quality strategy in the UK Environment Act 1995, which appears to be one UK strategy rather than 4 separate ones. This section could be clearer.
- **Local authority air quality reviews** – Sections 13-15 are focussed on reforming local air pollution monitoring processes. The current Local Air Quality Management

framework has existed since the 1995 Act and it isn't fit for purpose. Air quality management areas can exist for years with limited improvement to air quality. The Bill seeks to strengthen the powers, requiring annual reviews rather than from time to time. Sections 14 and 15 outline what the new action plans must contain and the powers that Ministers have. These changes are welcomed but it is unclear how this links with sections 1-9. The current arrangements have national and local monitoring recorded and reported differently. Healthy Air Cymru would like the Bill to bring these regimes together.

- **Smoke control** – Section 16-19 focus on smoke control areas which are used to tackle domestic and industrial burning in communities. Domestic burning accounts for 38% of PM_{2.5}, so in order to meet the ambitious new air pollution limits that Wales needs, we need to tackle domestic burning. Rather than create new powers in this Bill, Welsh Government are instead amending the Clean Air Act 1993 and adding sections that appear similar to the ones added for England in the UK Environment Act 2021. It is welcomed that it moves from a criminal to civil offence as this will hopefully make local enforcement possible, but the responsibility to seek a smoke control area to declare a smoke control area remains with the local authority.
- **Road charging** – Section 19 and 20 focus on trunk road charging. Ministers have powers in the UK Transport Act 2000 already but they are restricted to where the road on which it is proposed to institute the charging scheme, is carried by a bridge, or passes through a tunnel, of at least 600 metres in length, or where the creation of a combined charging scheme is requested by certain other traffic authorities. This section would give Ministers power to introduce charges to tackle air pollution specifically. This does not include Clean Air Zones as Welsh Ministers already have the power to implement these and they can't legislate on this due to it being a reserved area (Section E1 in Schedule 7A of the Government of Wales Act 2006)
- **Anti-idling measures** – Section 21 focusses on vehicle idling and will give Ministers more powers to set fines for people who leave their vehicles idling. Whilst the change is welcomed it is unclear who would enforce the law
- **Noise pollution** – sections 22-24 relate to the new area of soundscape that led to the Bill being renamed. These sections require Ministers to publish a soundscape strategy, review and, if appropriate, modify the strategy within 5 years of the date on which the strategy is first published and, subsequently, within each period of 5 years beginning with the day on which the last review was completed. It is a positive addition that will tackle a form of pollution that not only impacts on the ears but on mental health, learning, the cardiovascular system, and can impact on dementia and cognitive function.

Potential questions to raise

- Is the Bill ambitious enough? Does it deliver on the commitments made in the Clean Air Plan and the Clean Air Bill White Paper?
- Why has the Bill been renamed?
- Will the Minister commit to reducing nitrogen dioxide and PM2.5 in line with WHO guidelines?
- Why does the Bill say that a target for PM2.5 'must' be set but for other pollutants it is 'may'?
- Will the Bill bring national and local air pollution monitoring together?
- Will the new air pollution monitoring network allow data collected by individuals, organisations or companies to be included to increase the accuracy?
- How will the changes to air pollution monitoring protect health and the environment?
- What will be the benefits of having a statutory duty to promote awareness about air pollution?
- What has the proposal for a duty on workforces to take steps to reduce air pollution been dropped?
- Is the national air quality strategy a new Welsh strategy or a UK strategy?
- Will the Minister give a statement on how she plans to address the rise in PM2.5 associated with domestic burning?
- If Welsh Government have already many of the powers they need to tackle domestic burning pollution, what plans does the Minister have to use these powers?
- The smoke control amendments seem to replicate changes in England, but these have been criticised for not going far enough. Will the Minister commit to going further?
- Will the Minister consider making all of Wales a smoke control area?
- How will the Welsh Government enforce smoke control areas and vehicle idling?
- Will the Minister be publishing guidance on Clean Air/Low Emission Zones?

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