



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Response to WG consultations on the White Paper on a Clean Air (Wales) Bill.

Submission by Natural Resources Wales

Role of Natural Resources Wales

- Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.
- Natural Resources Wales is responsible for regulating industrial (including waste treatment) sites minimising their impact on the surrounding environment including their contribution to air pollution.
- Natural Resources Wales is principal adviser to Welsh Government, adviser to industry and the wider public and voluntary sector, and communicator about issues relating to the environment and its natural resources.
- Natural Resources Wales is committed to supporting local authorities in achieving their responsibilities relating to the attainment of the EU and UK Air Quality Standards / Objectives. We do so by regulating industrial sites in line with the Environmental Permitting Regulations 2016, ensuring that their contribution to air pollution is minimised and does not lead to a breach of these objectives.
- We are also responsible for the production to the State of Natural Resources report every 5 years. This report informs the development of the national Natural Resources Policy as well as individual Area Statements.
- We lead on the development of the Area Statements working with public bodies and other stakeholders across Wales.
- We welcome the development of the Clean Air Plan and this consultation in relation to progressing some of the aspects within the Plan. We look forward to continuing to work with Welsh Government (WG) to support the delivery of the plan. Our State of Natural Resources report (SoNaRR) and Area Statements will be used to evidence and encourage action to deliver on air quality improvements across Wales.

Chapter 1 – Our strategic approach to improving air quality and supporting a healthier Wales.

Clean Air Plan for Wales

1. Do you agree with the proposal to create a requirement within the Bill for a Welsh Clean Air Plan or Strategy to be reviewed and published at least every 5 years? If no, please provide details.

We support the commitment to review the plan/strategy every 5 years. This will ensure that it reflect changing and continuing issues especially given the pace of change following COVID 19 and the drive to decarbonise our economy. The 5-yearly revision of the plan will maximise the contribution to both the climate and nature emergencies.

2. Do you agree with the proposed timescales for the review of the Clean Air Plan or Strategy? If not, please provide detail.

We agree with the proposed timescales which are in line with the review timetable for the State of Natural Resources (SoNaR) report which is produced by Natural Resources Wales every 5 years. The SoNaR report will act as a critical piece of evidence to inform the revision of the Clean Air Plan.

Air Quality Target setting framework (p13 – 18)

3. Do you agree Welsh Government should introduce a framework to set new air quality targets?

NRW welcome the introduction of a target setting framework which would review and report against evidence-based air quality targets. Such an approach will focus efforts to continually improve ambient air quality.

We will require clarity on the status of any 'target' set in relation to our environmental permitting responsibilities. The current legislative framework for environmental permitting and case law is such that our permitting decisions are based on statutory limits alone. The need to consider impact of air quality beyond statutory ambient air quality standards and the wider impact of poor air quality has been highlighted in this consultation in relation to LAQMs. This reflects both the WFGA and the Environment Act which promote wider consideration of health and environment.

If there is an expectation (either by government, other public bodies or members of the public) that the non-statutory target values should be considered within our permit application assessment work, then there will be a need for a legislative change to enable us to do so. Without such legislative change, permitting decisions taken on the basis of a breach of non-statutory target values will be open to challenge and subject to a successful appeal.

4. Do you agree with the proposed air quality target setting framework? If not, please provide evidence to support your answer, if available.

We agree with the proposed air quality target setting framework.

The framework should provide greater flexibility for revising targets as new information or technologies become available. The basic framework appears sound being evidence-based whilst considering the achievability and political/economic impacts.

We advise that there needs to be consideration of how targets that are not set at the level considered to be protective of human health, due to achievability and economic impacts, are communicated to a wider audience.

The update to the Welsh Government's Advice on LAQM, published in 2017, and Section 6.72 of Welsh Government's recently published Planning Policy Wales 11th Edition both state that air quality objectives are not 'safe' levels of air pollution. This has created reasonable concern amongst members of the public in relation to permitted sites which are regulated to meet those objectives. There needs to be a consideration of how to build confidence in the use of these objectives (or any revised targets that are not set purely to protect human health) and how the proposed target setting process can be used to address some of the issues that drive the target being set such that it is not 'safe', as more information becomes available.

There is the potential for the early engagement with developers, discussed as part of LAQM process, to provide greater scope for permitted operations to achieve emissions that will not compromise ambient air quality objectives, through improved consideration of issues such as site location and the technology used in the operation. This would enable these types of development to better meet the ambitions of the Sustainable Management of Natural Resources and the Well-being of Future Generations Act.

We will support WG by working with various stakeholders to work towards achievement of any new 'target' values, but it should be noted that we will not be able to regulate to contribute towards the achievement of the 'target' unless they are statutory requirements in law.

Chapter 2 – A fit for purpose legislative framework.

Local Air Quality Management (LAQM)

In terms of the range of potential actions proposed on page 22 we particularly support the early engagement by developers with the local authorities. This has the potential to better ensure developments meet the intention of Wellbeing of Future Generations and SMNR and avoid many of the issues that arise later on in the planning and permitting stages. There will need to be a mechanism to drive early engagement by developers.

We recommend that further consideration is given to the potential for unintended consequences as a result of actions such as reducing parking spots in the city centre and changing delivery times. Reducing parking spots can lead to commuters parking in more residential areas without the provision of viable alternatives and choosing less busy delivery times can lead to increased noise outside normal working hours.

5. Do you agree there is a need to clarify and strengthen the legislation? If so, do you agree with the approach outlined?

We believe that strengthening the LAQM to take account of Well-being of Future Generations (Wales) Act 2015 to take a more proactive than reactive approach to improving air quality should help drive further improvement. It is key that this be suitably resourced to achieve the desired outcomes.

We welcome consideration of the wider determinants of health in this process.

We recommend that the LAQM regime is not purely health focused but also considers the impacts of air pollution on the environment and biodiversity. A healthy surrounding environment can make a significant contribution to the health and wellbeing of the people of Wales.

6. Do you think a mutually agreed compliance date on a case by case basis will help to achieve air quality improvements in AQMAs, in the soonest possible time? Please provide detail.

We would support assigning a mutually agreed compliance date on a case by case basis as this will lead to improved focus on the achievement of the improvements required.

7. How can we ensure the 'partners' concept improves and supports collaboration in improving air quality?

Many of the relevant partners should already be represented on Public Services Boards and already have established links. We believe that Wellbeing Plans and Area Statements could play a key part as vehicles for facilitating collaboration between partners.

We note that the consultation envisages a 'partner' can be any organisation the Local Authority deems to be relevant. We suggest that clear guidance should be developed on how different organisations should engage as 'partners' where there may be conflict in relation to objectives and statutory roles.

Further clarification is also required as to which body assesses any justification not to be a designated partner.

8. Will these proposals collectively help to deliver a more proactive LAQM regime?

We believe that these proposals have the potential to deliver a more proactive LAQM regime. Ultimately, the success of the proposals will depend on how engaged partners are within the process. We suggest that the proposed system should work with and influence the work of the Public Service Boards (PSBs).

To date, the PSBs appear to more focussed on climate change matters rather than air pollution per se, but it should be recognised that many changes can benefit both aspects.

We believe it is essential that the various mechanisms and initiatives relating to environmental improvements in Wales are encouraged to work together and consideration needs to be given to how the different parties interact and support each other and manage potentially conflicting priorities.

There needs to be sufficient flexibility for the generic approach presented within the consultation to be tailored on a local level.

Consolidated road user charging scheme powers

9. Do you think the proposals would support the efficient and effective roll-out of Clean Air Zones / Low Emission Zones in Wales?

We believe the proposals will support the efficient and effective roll-out of Clean Air Zones / Low Emission Zones in Wales. The development of such zones will need to be supported by a good, alternative transport infrastructure such as integrated public transport and safe cycle routes. Such alternative transport infrastructure would need to be in place prior to the establishment of the Clean Air Zones / Low Emission Zones to avoid certain sectors of society being disproportionately disadvantaged.

10. Do you believe revenue raised through trunk road charges should be available for purposes other than to support local transport policies (please specify)?

This would seem a reasonable approach as air quality improvements can also be achieved by means other than local transport policies. An example would be the development of urban green infrastructure.

Anti-idling measures

11. Do you agree with the proposals relating to tackling engine idling?

Unnecessary engine idling can have a significant impact on local air quality. We believe that additional powers for local authorities will help promote the required behavioural change by drivers but this needs to be supported by adequate resources.

12. What do you think are the advantages/disadvantages of the proposals?

The proposals should lead to more consistency of approach to enforcement as long as the Local Authorities are adequately resourced.

13. Can you suggest any additional approaches to tackle engine idling?

We suggest that behavioural change initiatives will be key in reducing idling. For example:

[National air quality guidance for schools launches in Greater Manchester | Living Streets](#)

14. Do you have any evidence to present on the links between emissions and exposure in respect of idling?

We recommend the following

[The Challenge \(idlingaction.london\)](#)

It is also worth noting that movement away from diesel and petrol cars will also contribute to improvements in air quality in the urban environment.

Tackling air pollution from domestic burning.

15. Do you agree with the proposal to transpose Part 3 of the Clean Air Act 1993 (Smoke Control) into Welsh legislation?

We welcome the consideration of the potential impact of this approach on fuel poverty. We will submit further comments in response to the consultation on Domestic Burning of solid fuel.

16. Are there any other aspects of the Clean Air Act 1993 which you would consider appropriate for inclusion within Welsh legislation?

No specific aspects over and above those already captured within this consultation.

17. Do you agree changing the enforcement regime from criminal to civil action will assist in improving enforcement?

This change would lower the burden of proof but obtaining powers of entry are still likely to remain a barrier for enforcement in relation to domestic burning.

18. Would you agree in light of the evidence there should be a presumption in favour of Smoke Control, at a minimum in urban areas?

We have no comment to make in relation to this.

Empowering workforces to tackle air pollution.

19. Do you agree with the proposals?

We support this proposal in principle but we would like to see a wider range of public bodies listed as falling under this requirement. This should include Welsh Government, and the wider Welsh Civil Service, who, we feel, should lead by example on this.

The guidance should also refer to the environmental benefits of clean air as well as those for health. The NHS guidance does refer to reducing the impacts of the NHS estate on the environment. This guidance could be used, in a more integrated way, to incorporate climate and biodiversity actions which have the potential to deliver multiple benefits.

20. What are the advantages/disadvantages of the proposals?

We suggest that six monthly reporting appears unnecessarily burdensome and consideration should be given to a less frequent reporting requirement. We also recommend that the reporting should be more outcome focussed rather than based on mechanisms that have been put in place.

We believe that the key to success with this change is to embed cultural and behavioural changes within an organisation.

21. In what other ways or by whom could the guidance be delivered? Please provide detail.

We believe that the development of guidance should be WG led and involve other public bodies as well as consultants with behavioural change expertise.

22. What would be best way(s) for stakeholders to report progress to the Welsh Government?

We believe that there may be a role for the PSBs in collating and reviewing progress and advising on changes that may need to occur as a result of initiatives within organisations.

For example, an organisational decision to move to agile working with workers being based at home a higher percentage of time would have an impact on transport demand and therefore influence transport policy.

23. Do you have any additional points to make?

No additional comment.

Impact on Welsh Language

24. We would like to know your views on the effects these provisions would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.
25. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?
26. Please also explain how you believe the proposed provisions could be formulated or changed to have positive or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

We do not believe that the aims and objectives of the Clean Air Plan will have a direct impact on opportunities for people to use the Welsh language or treat the Welsh language less favourably than the English language.

All forms of communication in Welsh need to be in “Cymraeg Clir” (Clear Welsh). This will help ensure that the Welsh and English languages are treated equally at all times and help Welsh Government and those working with them to build trust with those they wish to influence to improve air quality in Wales for the future.