

# Agenda – Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

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Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 4 Tŷ Hywel a fideogynadledd drwy Zoom	Marc Wyn Jones Clerc y Pwyllgor
Dyddiad: Dydd Iau, 4 Mai 2023	0300 200 6565
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## Rhag-gyfarfod preifat (09.15–09.30)

## Cyfarfod cyhoeddus (09.30–14.10)

### 1 Cyflwyniad, ymddiheuriadau, dirprwyon, a datgan buddiannau (09.30)

### 2 Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) – sesiwn dystiolaeth 1

(09.30–10.45)

(Tudalennau 1 – 52)

Dr Victoria Jenkins, Athro Cyswllt, y Gyfraith, Prifysgol Abertawe

Yr Athro Enda Hayes, Athro Ansawdd Aer a Rheoli Carbon – Prifysgol

Gorllewin Lloegr

Dogfennau atodol:

Briff Ymchwil

Papur – Dr Victoria Jenkins (Saesneg yn unig)

Papur – Yr Athro Enda Hayes (Saesneg yn unig)

## Egwyl (10.45–10.55)



### **3 Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) – sesiwn dystiolaeth 2**

(10.55–12.15)

(Tudalennau 53 – 96)

Joseph Carter, Pennaeth y Cenhedloedd Datganoledig – Asthma and Lung UK

Yr Athro Gwyneth Davies, Athro Meddygaeth Anadlol a Meddyg Anadlol –

Coleg Brenhinol y Meddygon

Dr Sarah Jones, Ymgynghorydd mewn Iechyd Amgylcheddol y Cyhoedd –

Iechyd Cyhoeddus Cymru

Dogfennau atodol:

Papur – Awyr Iach Cymru (Saesneg yn unig)

Papur – Asthma and Lung UK (Saesneg yn unig)

Papur – Coleg Brenhinol y Meddygon (Saesneg yn unig)

Papur – Iechyd Cyhoeddus Cymru

### **Egwyl ginio (12.15–12.45)**

### **Rhag-gyfarfod preifat (12.45–12.55)**

### **4 Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) – sesiwn dystiolaeth 3**

(12.55–14.10)

(Tudalennau 97 – 101)

Y Cynghorydd Matthew Vaux, Llefarydd Gwasanaethau Rheoleiddio –

Cymdeithas Llywodraeth Leol Cymru

Ian Jones, Pennaeth Gwasanaeth, Diogelu'r Cyhoedd – Cyngor Bwrdeistref

Sirol Wreccsam, ac Arweinydd Diogelu'r Amgylchedd ar ran Cyfarwyddwyr

Diogelu'r Cyhoedd Cymru

Steven Manning, Uwch Swyddog Gwyddonol (Cymunedau a'r Amgylchedd) –

Cyngor Dinas Casnewydd

Tom Price, Arweinydd Tîm, Rheoli Llygredd – Cyngor Abertawe

Dogfennau atodol:

Papur – Cyngor Dinas Casnewydd (Saesneg yn unig)

## **5 Papurau i'w nodi**

### **5.1 Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru)**

(Tudalennau 102 – 111)

Dogfennau atodol:

Ymateb gan y Gweinidog Newid Hinsawdd at lythyr y Cadeirydd ar 31 Mawrth ynghylch Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru)

### **5.2 Llygredd dwr yn afonydd a moroedd Cymru**

(Tudalennau 112 – 114)

Dogfennau atodol:

Llythyr gan y Gwir Anrhydeddus Stephen Crabb AS, Cadeirydd y Pwyllgor Materion Cymreig at y Cadeirydd ynghylch llythyr a anfonwyd at y Gweinidog Newid Hinsawdd ynghylch llygredd dŵr yn afonydd a moroedd Cymru (Saesneg yn unig)

## **6 Cynnig o dan Reol Sefydlog 17.42(vi) a (ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod**

(14.10)

### **Cyfarfod preifat (14.10–14.40)**

## **7 Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) – trafod y dystiolaeth a ddaeth i law**

## **8 Craffu blynyddol ar waith Cyfoeth Naturiol Cymru – trafod adroddiad drafft y Pwyllgor**

(Tudalennau 115 – 135)

Dogfennau atodol:

Dogfen i ddilyn

## **9 Trafod blaenraglen waith y Pwyllgor**

(Tudalennau 136 – 139)

Dogfennau atodol:

Papur – Blaenraglen waith (Saesneg yn unig)

Document is Restricted

**AQS 07 Dr Victoria Jenkins, Associate Professor, HRC School of Law,  
Swansea University**

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Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change,  
Environment, and Infrastructure Committee**

**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment  
(Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan Dr Victoria Jenkins, Athro Cysylltiol, Ysgol y Gyfraith HRC, Prifysgol  
Abertawe | Evidence from Dr Victoria Jenkins, Associate Professor, HRC School of  
Law, Swansea University

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**Evidence to the Committee on Climate Change, Environment and Infrastructure on the Environment (Air Quality and Soundscapes) (Wales) Bill.**

**Dr Victoria Jenkins, Associate Professor, HRC School of Law, Swansea University.**

**25<sup>th</sup> April 2023**

**Overview**

**Please note: these comments relate only to the air quality provisions of this Bill.**

The Bill is very timely in addressing the important issue of air quality in Wales in light of increasing scientific evidence of the effects of a range of pollutants on human health and the environment.

Air quality is clearly a matter that requires a multi-level governance approach. It is important, especially in the context of Brexit, to ensure that the Welsh Government has the necessary powers to address air pollution concerns at a national and local level and contribute to wider UK and international goals.

There are several key considerations in developing air quality legislation. First, recognising the pressing nature of the problem and the need to adopt targets that are achievable and enforceable. Secondly, understanding the complexities of the problem: the fact that air pollution has multiple sources, that pollutants may interact with one another and that the issue is transboundary in nature. Air pollution is also an area that is subject to continuing developments in scientific understanding. For all these reasons the law needs to be flexible/adaptable, but without losing sight of the importance of accountability and legal certainty.

In Wales, it is also important to ensure that any new laws comply with the principles of the well-being of future generations. This is particularly important with respect to key environmental legislation such as this. Those principles require the legislation to: provide for long term thinking; support preventive action; ensure a collaborative and participative approach; and recognise the interconnections between air quality and other social, economic, environmental and cultural goals.

The Bill aims to strengthen the existing law on the development of targets for air quality and adopt a strategic, action focused approach to meeting those targets. It will also address some specific concerns around the regulation of smoke and fuels in smoke control areas and vehicle emissions.

Going forward it is very important that the Welsh Government bring forward proposals to set up an environmental body that will have the powers to hold it to account in relation to air quality targets under current national legislation (including EU retained law) as well as this new legislation.

### **Air Quality Targets**

The aim of the new framework for air quality targets was to “enable Welsh Ministers to tighten existing air quality targets and to introduce targets for newly identified pollutant risks based on evidence as it emerges in the future.”

### **Framework for the introduction of long-term targets.**

EU retained law, introduced on a Wales only basis, creates a framework for achieving limit values for a range of pollutants whilst UK legislation provides for national emission ceilings for some of these and others. This new legislation will, however, provide Welsh Government with a power to introduce long-term targets for air pollutants. There is no obligation to do so with the exception of targets for PM 2.5 (see section below). This provides flexibility but raises issues of accountability and may need further consideration.

When creating a legislative framework for target setting it is important to support the introduction of: (i) appropriate targets; (ii) in an appropriate time frame; (iii) that can be achieved; and (iv) that will be carefully monitored and measured.

‘Appropriate’ air pollution targets – This depends on scientific understanding which, of course, develops over time. In the Bill this will rest on the duty of Welsh Government to: seek advice from persons they consider to be independent and to have relevant expertise; and to have regard to scientific knowledge on air pollution. This allows Welsh Government quite wide discretion in this respect, especially the reference to Welsh Government adopting its own view of what is an independent source and the expertise of that source. The ‘have regard’ duty with respect to ‘scientific knowledge’ also provides Welsh Government with discretion. However, in



an area where there will undoubtedly a number of experts, who may change over time and have competing views, this discretion may be necessary to ensure the practicability of the system.

Appropriate time frame – providing for more long-term thinking on environmental matters is generally viewed as a pressing need across the board. It is a concern that is supported by the well-being legislation. With that in mind the inclusion of 10 year plus targets is to be welcomed. The introduction of system of 5 year reviews of those targets will also ensure that action by Welsh Government remains focused. That said the provisions for review are fairly stringent and it will be important to ensure that, in practice, the system does not become ‘process oriented’ rather than ‘action focused’. However, this will perhaps be alleviated by the ability to draw on evidence from the annual reporting system.

Ensuring the targets are met – there is a very clear obligation on Welsh Government in ss3 and 4 to set targets that are achievable and to meet those targets. This is important because targets are clearly only useful if they are achievable and achieved. There are also detailed provisions allowing Welsh Government to reduce existing targets in some circumstances. There is, of course, a need to balance a duty to meet targets with a means of providing an exception. The circumstances for reducing targets are also clearly defined in this Bill and there is a duty to refer to the Senedd if this power is used.

The introduction of a novel framework for setting targets that are achievable and achieved is to be welcomed. However, it is also important to ensure that the targets set are ambitious and there is nothing in s3 to support this. That said, given the novelty of the provisions, it may well be appropriate to move forward with this approach and review the implementation of the legislation in due course in order to see how it plays out in practice.

#### Monitoring and measuring progress.

There is a clear and stringent framework for reporting on the targets. As outlined above, this should feed into the 5 year reviews. There are, however, wide discretionary powers for Welsh Government with respect to monitoring. Given the significance of data to the reporting system and measurement of progress this may be an area that requires further consideration.

## **PM 2.5 targets**

Special provision is made in the Bill for the introduction of a target on PM 2.5. s2 (1) provides Welsh Ministers with a duty to introduce at least one target in this respect.

The Clean Air Advisory Panel has “determined the strongest body of evidence connecting an air pollutant with mortality and other morbidity effects involves fine particulate matter. Therefore, we have addressed this by identifying a target for fine particulate matter (PM2.5) as a first priority.”

It is notable however, that s2(2) states that a ‘PM2.5 air quality target may be a long-term target but need not be so’. This means that, overall, the legislative framework only allows for the introduction of a shorter-term target for PM 2.5. It may be that this provision was included to address discrepancies between this and other limit values and emissions ceilings for air pollutants; to ensure the priority of PM 2.5; or because there is a particular reason why a short term target might be appropriate to PM 2.5. However, the legislative framework will have significant longevity and it is not clear that PM 2.5 is the only air pollutant that might benefit from shorter term targets in future.

## **The Legislative Framework and Future Challenges.**

The need to ensure the legal framework is fit for purpose in providing for emerging pollutant risks is demonstrated by the example of ammonia.

In the White Paper Welsh Government stated that the aim of the legislation was to “place a particular focus on protecting vulnerable individuals and sensitive habitats from the harmful effects of air pollution.” Environmental groups such as the United Kingdom Environmental Law Association and Wales Environmental Link are clear that one of the biggest threats to the environment and sensitive habitats is from ammonia.

There are currently emission ceiling standards for ammonia but no limit values. Whilst Welsh Government have stated that there needs to be more evidence on this, they are also open to introducing targets in this respect in future. This is also in line

with the ambition to provide a legal framework that will allow them to “introduce targets for newly identified pollutant risks based on evidence as it emerges in the future.” It may be the case that it would be beneficial to introduce short term as well as longer term targets in this respect, but this would not be possible under the legislation in its current form.

It may be argued that the Bill is deliberately trying to focus attention on long-term targets but, if that is the case, there is still a need to understand the justification for a different approach for PM 2.5.

## **Other Provisions on Air Pollution**

### General duty for Welsh Government on Public Awareness

The duty on Welsh Government to take steps to promote awareness in Wales of the risks to human health and the natural environment caused by air pollution; and ways of reducing or limiting air pollution is to be welcomed. However, note the specific issues with respect to public knowledge and understanding set out below in the sections on Smoke Control and the Accessibility of Welsh Law on Air Pollution.

### National Air Quality Strategy (NAQS)

The Bill includes a number of provisions to amend the parts of the Environment Act 1995 that relate to the creation and implementation of the National Air Quality Strategy.

*Time for review* - The provisions on the power to amend the time for review of the national air quality strategy appear to be appropriate.

*Consultation on the strategy* - There are also changes to the way the strategy is consulted on. The new provisions are more relevant to the situation in Wales, including for example reference to Public Health Wales. It is notable that this has resulted in dropping the reference to ‘any other body the Welsh Ministers consider appropriate’. Whilst discretionary powers need to be considered carefully this may be appropriate in this instance given the need to account for future developments in our understanding of air pollution and its effects on human health and the environment.

*The 'have regard' duty* – This provides Welsh Government with powers to introduce Regulations defining the Welsh public authorities who will be subject to a duty to have regard to the NAQS. It will be important to carefully consider the nature of a Welsh public authority in Regulations produced under this legislation. There are now several pieces of legislation with different definitions of this which may be appropriate but also causes some confusion.

Regulations on the implementation of the NAQS, EU retained law on air quality, international agreements and the assessment and management of air quality.

s87 Environment Act 1995 sets out detailed provisions on the powers of Welsh Ministers to create Regulations to meet these wide objectives. The Bill includes provision to change the sections on consultation on these Regulations in line with those discussed above with respect to the NAQS.

However, it is notable that these Regulations may, inter alia, prescribe standards relating to the quality of air and/or objectives for the restriction of the levels at which particular substances are present in the air. This Bill presents the opportunity to provide a power or duty to ensure that, as with target setting, these are based on independent, expert advice in line with scientific knowledge. This may not be necessary if those standards and objectives align entirely with those set out in other areas of law (which will be based on this advice and knowledge). However, it may be useful when considering an appropriate contribution through local action to a particular target, especially given the power to provide different provision for different cases including different provision in relation to different localities. As a result, it may be an issue that is worthy of further consideration.

#### Local air quality reviews

The provisions to strengthen the requirement to carry out a review every 12 months rather than from 'time to time' is appropriate given the urgency of the need to tackle air quality. Clearly, however, there are significant resource implications here for local authorities which were raised in many responses to the consultation on the White Paper.

The Bill also strengthens current provisions in the Environment Act 1995 on action planning by local authorities to meet the standards and objectives set out in the

Regulations referred to above. These provisions also appear to be appropriate. However, the review of such plans may be carried out 'at any time'. This leaves local authorities with wide discretion in this regard. This may, however, be appropriate to ensure the system does not become 'process driven' and unnecessarily resource intensive.

## **Smoke Control**

The Bill includes detailed provisions around offences for the acquisition and sale of certain fuels; the emission of smoke in a Smoke Control Area (SCA) and the exemption of certain fireplaces in this regard. It is undoubtedly sensible to focus on the standards of fireplaces and fuels rather than rely on domestic approaches to the control of smoke. However, there are important gains to be made through public knowledge and understanding. There is a real need for better public information on the best practice in the use of domestic burners (in terms of both appliances and fuels) as well as the risks they pose to air quality. This should perhaps, therefore, be a priority in furthering the new general duty on public awareness.

Beyond the need for general advice to householders there are important offences in this legislation with respect to the emission of smoke in Smoke Control Areas. With this in mind, there is an urgent need for publicly accessible information on Smoke Control Areas. At present, SCAs are introduced through a Local Order but there is no duty to ensure this information is made publicly available; or at least in a way that is clearly accessible, for example by publishing this information on the local authority website. This means there are duties in place to publish the lists of fuels and fireplaces that are prohibited in Smoke Control Areas but not to make clear where those areas are. This is an issue that needs to be urgently addressed and this Bill would provide an opportunity to do so.

## **The Accessibility of Welsh Law on Air Pollution.**

Air pollution is complex and the responses to it are necessarily driven by detailed and in-depth scientific evidence. The need for different approaches in terms of targets, limit values and emissions ceilings is linked to this complexity. However, there is still a need to ensure public understanding of Welsh Government action on air quality and their responsibilities under air quality law. The latter is particularly important given the significance of recent litigation in holding governments in the UK to account in meeting air quality standards.

This new legislation will in some respects create an additional 'layer' of legislation. In other respects, it will amend existing laws, such as the Environment Act 1995, which include provisions relevant to nations across the UK. This will undoubtedly increase the complexity of Welsh law on air pollution. This should perhaps be considered a priority for consideration under the Legislation (Wales) Act 2019.

## **The Enforceability of Welsh Law on Air Pollution.**

The point made in the introduction about the importance of a Welsh body on environmental protection is very important to the future success of this legislation.

## **AQS 04 Professor Enda Hayes on behalf of staff at the Air Quality Management Resource Centre, University of the West of England**

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**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan Yr Athro Enda Hayes | Evidence from Professor Enda Hayes

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### **General principles**

#### **What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?**

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Historically, the air quality management process in Wales (and the UK) has been very effective and efficient at identifying and diagnosing air quality problems. However, the process has failed to improve air quality and achieve compliance with some National Air Quality Objectives (and EU Limit Values) due to poorly worded primary legislation (e.g. Environment Act, 1995), insufficient funding for interventions, lack of political will, policy disconnects etc. Overall, we welcome the Bill and we support the principles underpinning it as it seeks to close these gaps and provide a robust yet flexible mechanism to support air quality management in Wales, improve air quality and maximise the public health outcomes.

It is notable that the focus is very much orientated towards road transport and solid fuel burning which is understandable due to our current understanding and concerns. However, the nature of some elements of the Bill (e.g. target-setting) are designed to be futureproofed and flexible (which we support) but we worry, that the Bill doesn't have the same flexibility to tackle other sources and emerging pollutants e.g. ammonia from agriculture.

#### **What are your views on the Bill's provisions (set out according to sections below), in particular are they workable and will they deliver the stated policy intention?**

##### **National air quality targets (sections 1 to 7)**

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Creating a process within the Bill to have a target-setting framework that is scientifically robust yet adaptable makes sense as it allows the Bill to be accommodating of new evidence and to be proactive in targeting emerging issues. Using evidence from WHO, Air Quality Expert Group (AQEG), Committee on the Medical Effects of Air Pollutants (COMEAP) and the Welsh Clean Air Advisory Board will be essential for this process.

It is understandable that robust data is needed to support the design and evaluation of these targets. However, we have been measuring air quality in Wales for decades and therefore have a very good understanding of spatial and temporal trends in concentrations and we must ensure that action paralysis doesn't set in while data collection is being improved.

I have some concerns about the timeline for target setting and compliance with that target. My understanding is (1) a specific target in respect of PM2.5 in ambient air will be set within three years of the Bill receiving Royal Assent; (2) this long-term target must be achieved within 10 years; (3) if it is not achieved then a report should be produced with 12 months to explain why; and (4) that report should outline the actions to be taken to achieve it "as soon as reasonably practicable". If we assume the Bill gets Royal Assent in 2024, then the targets are set by 2027, non-compliance is determined in 2037, a report explaining why and what actions should be taken in 2038 and then "reasonably practicable" action taken for an undetermined amount of time to achieve the target. This does not appear to be a timeline to tackle a public health crisis of 1,000 to 1,400 deaths each year! Long-term targets are fine but lessons from 20+ years of air quality management suggests that long-term targets can result in inaction in the early years. What are the interim evaluation steps and proactive measures that can be taken if Wales is not on track to achieve the targets?

It is good to see that there are provisions in place so that Welsh Ministers must ensure that the targets are met but there must be meaningful consequences if they are not achieved. What are these consequences?

### **Promoting awareness about air pollution (section 8)**

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«This is a very important part of the Bill but it feels under developed. There has been a notable failure of existing policy to bring citizens, communities and organisations on board with understanding air quality and more importantly helping people to take ownership of the problem and the solutions. 'Promoting awareness', as outlined in the Bill, is very passive and appears to be focussed on traditional 'Transmit and Receive' models of public engagement (e.g. putting data on websites, time-limited consultations etc). We need meaningful public



collaborative and participatory engagement mechanisms, where we can connect people's lived experience (driving to work, taking children to school, shopping, leisure, home heating) to the air quality challenge and then encourage greater ownership by the public of the solutions.

Only by moving beyond 'promoting awareness' can we tackle communication issues related to air pollution such as (1) poor perception of health risk; (2) psychological distance from the consequences and the cost/health elements not being immediately recognised; (3) the negative framing of environmental issues against society e.g. higher taxation, low quality of life etc; (4) better contextualisation to allow people to make sense of data in relation to the real world; (5) overwhelming people with information.

Finally, the wording suggests a one-way transaction of information (i.e. Government to public). Should the Bill be more receptive of a two-way transaction whereby citizen and community evidence can be utilised for awareness raising and evidence gathering to inform Welsh Government e.g. citizen science?

Please note my comment regarding awareness raising and education under the LAQM question 2.v.

### **National air quality strategy (sections 9 to 11)**

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The inclusion of a requirement to update the National Air Quality Strategy (NAQS) every 5 years is supported. A NAQS is a very important document if properly co-created and correctly calibrated. Not only can it embrace and operationalise other policies (e.g. making formal connections to Llwybr Newydd 2021, Wellbeing and Futures Generation Act) but it is also one of the primary levers to ensure that the air quality management process is focussed both on prevention and moving beyond compliance. However, for that to happen the NAQS must have meaningful actions rather than vague "policy intentions".

The aim is that air quality management in Wales should be preventative, proactive and focussed on achieving the best air quality to protect public health rather than just compliance. There appears to be a policy disconnect within the Bill in that there are no local/regional mechanisms to support a preventative approach. Therefore, is there a need for explicit legislation that requires the localisation of the NAQS through a series of Regional AQS? The Local Air Quality Management process requires Action Plans (mitigation) where an Air Quality Management Area exists but these plans are not created if there is compliance with the current Air Quality Objective. The creation of Regional AQS can

encourage greater partnership opportunities across policy areas, across local authorities and if co-created with National Government can localise the NAQS to empower proactive measures.

### **Air quality regulations (section 12)**

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No substantive comments of this section. It makes sense to update the regulations to be more inclusive in consultation processes. How these consultation processes are run to ensure that they include a broad and representative public voice is most important.

### **Local air quality management (sections 13 to 15)**

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The Local Air Quality Management (LAQM) process is no longer fit for purpose and needs a substantial overhaul to incorporate the evolution of our scientific understanding and lessons learnt over the last two decades. As previously stated, the LAQM process is effective and efficient at identifying and diagnosing hotspots but not effective at resolving them. Clarifying and strengthening LAQM legislation to ensure the regime operates more effectively is essential and many of the issues that it faces could be addressed in statutory guidance.

- The LAQM process is a health-based risk management process but the consideration of people beyond “relevant exposure” is largely absent – this could be addressed through innovation in the Review and Assessment process.

- The declaration of the Air Quality Management Area (AQMA) has traditionally been a very techno-centric step. This process could be redefined to consider maximising the public health benefits.

- As previously stated, Local / Regional Air Quality Strategies, with meaningful actions, will be an essential mechanism for collaborative and coordinated prevention of poor air quality and negative public health impacts.

- LAQM can be a powerful tool for improving public engagement and education and ensuring that it goes beyond just ‘raising awareness’. For example, making air quality data available and easy to interpret through interactive tools, timely and regular publishing of air quality reports, public friendly and non-technical summaries of air quality reports, and providing support in the interpretation of data and policies etc.

Finally, it is pleasing to see that the language used to determine compliance has been strengthened. The use of the term “in pursuit of the achievement of the air quality standard” in Section 84(2) of Environment Act 1995 was a notable

weakness. The strengthening of the policy intention to “secure” the standards is very welcome.

### **Smoke control (sections 16 to 18)**

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Solid fuel burning is a (re)emerging issue that needs to be addressed urgently, so steps for better enforcement are important.

Lessons can be learned from the LAQM process. At the moment there are only four Smoke Control Areas in Wales and these are focussed on larger urban areas but the LAQM process has shown us that smaller rural towns can also have notable air quality issues. The implementation of Smoke Control Areas needs to be proportionate, targeted, and impactful to address this challenge.

### **Vehicle emissions (sections 19 to 21)**

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No substantial comments on this section. Powers to implement interventions are essential as they address a major weakness in existing provisions.

The implementation of CAZ should be carefully evaluated. While evidence does suggest that they have a notable impact on air pollution there are also a substantive social equity issues linked to them, especially if charging is involved.

Targeting anti-idling enforcement on locations where vulnerable groups are makes sense. However, it is important define who are considered “vulnerable”. Certainly, from a health perspective, evidence suggests that young, elderly and those with existing health conditions are most vulnerable to the effects of air pollution so the focus on schools, care homes and health care locations is sensible. Clarity on which agency will be tasked with enforcing vehicle idling offences would be welcome.

### **National soundscapes strategy (sections 22 and 23)**

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No substantive comment for this section. This innovative approach is welcome, and it is important to ensure coordinated action across policy areas and environmental concerns (e.g. air quality, noise, climate) to maximise co-benefits and avoid trade-offs.

### **Strategic noise map and noise action plans (sections 24)**

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No comment

### **General provisions (sections 25 to 28);**

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No comment

**What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

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No comment

**How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?**

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No comment

**Are any unintended consequences likely to arise from the Bill?**

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None that I am aware of.

**What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?**

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No comment

**Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

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No comment

## AQS 01 Healthy Air Cymru

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**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan Awyr Iach Cymru | Evidence from Healthy Air Cymru

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### General principles

**What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?**

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Thank you for the opportunity to respond to the Environment (Air Quality and Soundscapes) Bill consultation. We welcome the need for clean air legislation and have been calling for a 'Clean Air Act' since 2017. 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. We also know that deprived communities are often in areas with higher levels of air pollution, contributing to health inequalities. 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. As well as longer term impacts, 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. Air pollution also has a damaging impact on nature, and emissions from pollutants also contribute to climate change, worsening the climate and nature emergency that we urgently face. Healthy Air Cymru (HAC) brings together organisations that share a common vision for a cleaner and greener Wales. We want our nation

to be a better place, where people have the right to breathe clean air and do not have to suffer from the harmful effects of air pollution.

We raise awareness of the impact of poor air quality on our everyday lives. We aim to shape the conversation in Wales about how we tackle these problems and influence policy decisions; to make the case for practical local solutions to reduce air pollution. We have campaigned for a 'Clean Air' Act and since 2017 calling for it to include: - Enshrine in law WHO air quality guidelines - Mandate the Welsh Government to produce a statutory air quality strategy every 5 years - Provide a statutory duty on local authorities to appropriately monitor and assess air pollution, and take action against it - Introduce a 'right to breathe' whereby local authorities are obliged to inform vulnerable groups when certain levels breach recommended guidance The Welsh Government has stated that the Environment Bill will address all these areas, but regulations and implementation will be key. We support the principles of the Bill.

## **What are your views on the Bill's provisions (set out according to sections below), in particular are they workable and will they deliver the stated policy intention?**

### **National air quality targets (sections 1 to 7)**

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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 section 2 gives a specific requirement to set target(s) on PM2.5.

### **The health and environmental impact of different pollutants**

In the 2020 Clean Air Plan - Healthy Air, Healthy Wales the Welsh Government committed to focussing on a wide range of pollutants, including nitrogen dioxide (NO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>2.5</sub>/PM<sub>10</sub>), ozone (O<sub>3</sub>), sulphur dioxide (SO<sub>2</sub>) and benzo[a]pyrene (B[a]P). These were all highlighted as priorities where action would be needed to reduce levels. The World Health Organization have published new guidelines for not only particulate matter, but NO<sub>2</sub> and O<sub>3</sub> as well.

### **Particulate matter**

Particulate matter consists of fine particles that, once in the air, are harmful to human health. They can be classified as either particles with a diameter of less than 10 micrometres (PM<sub>10</sub>) or even smaller, as PM<sub>2.5</sub> (particles with a diameter of less than 2.5 micrometers). PM<sub>2.5</sub> is more harmful as it can penetrate deeper

into the lungs and enter the bloodstream, causing blood vessel walls to narrow and harden over time, increasing blood pressure and strain to your heart, even causing blood clotting. Particulate matter can cause more long-term damage to the health of people with existing heart and lung conditions, elderly people, pregnant women and their unborn children, and the very young. The majority of air pollution early deaths are linked to

particulate matter pollution. Emissions of black soot from incomplete combustion are associated with effects on climate change. The top sources of PM<sub>2.5</sub> are domestic wood and coal burning (38%), industrial combustion (16%), road transport (exhaust emissions and tyre/brake wear) (12%) and use of solvents and industrial processes (13%). Particulate matter can come from natural sources such as wind-blown dust, sea salt, pollen and soil particles. It can travel long distances meaning that pollution from England and even parts of northern Europe can impact on levels in Wales.

Ammonia emissions from agriculture can react with other pollutants to form particulate matter. A recent study also found that agricultural emissions are responsible for more than a quarter of particle pollution in UK cities (Diagnosing domestic and transboundary sources of fine particulate matter (PM<sub>2.5</sub>) in UK cities using GEOS-Chem - ScienceDirect). The study found that particle pollution from the rest of Europe also affected the UK, especially the south and east of England, but less so than the impact from UK farming. UK agriculture was responsible for 38% of particle pollution in Leicester, 32% in Birmingham and 25% in London in 2019, according to the study. In each case, the contribution from rural agriculture was greater than all the sources within the cities themselves.

WHO states that there is no threshold below which PM<sub>2.5</sub> does not damage health (WHO Guidelines for Indoor Air Quality. World Health Organization. 2014. <https://rb.gy/8t50xc>). At present the law on PM<sub>2.5</sub> pollution in Wales says annual average concentrations cannot exceed 25µg/m<sup>3</sup> (micrograms per cubic metre of air), an incredibly high level of air pollution that thankfully hasn't been exceeded. Pre-2021 the WHO guideline was 10 µg/m<sup>3</sup>, and analysing 2019 air pollution data, Asthma + Lung UK Cymru was able to estimate that 1.9% care homes, 0.9% hospitals, 3.3% GPs and 1% schools were in areas above the limit. However, the new 2021 WHO guidelines have reduced the recommended PM<sub>2.5</sub> limit to 5 µg/m<sup>3</sup> due to dangers of these pollutants. Analysing the 2019 data again 100% of Welsh care homes, hospitals, GPs and schools are in areas where the levels are currently too high.

Reducing the particulate matter pollution levels will save lives. The 2023 joint report by British Heart Foundation Northern Ireland and the Irish Heart

Foundation (<https://www.bhf.org.uk/-/media/files/what-we-do/in-your-area-northern-ireland-pages/air-pollution-and-mortality-on-the-island-of-ireland-report.pdf?rev=7f884a2856784374928acb956f2706b9&hash=B6714D212095722B95909C93C2E03279>) estimated approximately 950 lives could be saved each year across the island of Ireland if PM<sub>2.5</sub> levels were reduced to 5.0 µg/m<sup>3</sup> – 382 in Northern Ireland and 564 in the Republic of Ireland. Air pollution levels are higher in Wales so a similar study if commissioned here would likely show even more deaths prevented.

## Nitrogen oxides

Nitrogen oxides comprises nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>), and as a group of pollutants they have significant impact on health and the environment. The top sources of NO<sub>2</sub> are road transport (34%), energy generation (22%), domestic and industrial combustion (19%) and other transport (17%).

Nitrogen dioxide causes inflammation of the airways, increased susceptibility to respiratory infections and to allergens. If someone already has a respiratory condition such as asthma and COPD, short term exposure could lead to exacerbations of the condition and hospitalisation.

Long term exposure can cause certain respiratory conditions including asthma, and is associated with mortality and morbidity. NO<sub>2</sub> and NO<sub>x</sub> impact on the environment by damaging crops and contributing to climate change.

At present the law on nitrogen dioxide (NO<sub>2</sub>) pollution in Wales says annual average concentrations cannot exceed 40 µg/m<sup>3</sup> (micrograms per cubic metre of air). In 2017 Welsh Government was taken to court by Client Earth due to these limits being exceeded in Cardiff, Caerphilly (Hafod Yr Ynys) and trunk roads. Action was taken to restrict vehicle access, demolish homes and reduce speeds to reduce these levels. The most recent DEFRA compliance assessment (on air in 2021) shows the South Wales Zone still failing to meet the NO<sub>2</sub> annual limit value ([https://uk-air.defra.gov.uk/library/annualreport/assets/documents/annualreport/air\\_pollution\\_uk\\_2021\\_Compliance\\_Assessment\\_Summary\\_Issue1.pdf](https://uk-air.defra.gov.uk/library/annualreport/assets/documents/annualreport/air_pollution_uk_2021_Compliance_Assessment_Summary_Issue1.pdf)), when this was meant to be met by 2010, or 2015 at the latest. Analysing 2019 air pollution data, Asthma + Lung UK Cymru was able to estimate NO<sub>2</sub> and PM<sub>2.5</sub> levels around care homes, libraries, sports grounds, hospitals, GPs and schools. The data showed that at least according to modelled data, none of these locations were in areas where NO<sub>2</sub> levels were exceeded.



In September 2021, the World Health Organization (WHO) published new Air Quality Guidelines (AQGs) reducing the recommended maximum annual average for NO<sub>2</sub> pollution to 10 µg/m, down from 40ug/m<sup>3</sup>. Meeting this level will be challenging with an estimated 21.7% of care homes, 22% of libraries, 18.9% of sports grounds, 26.1% of hospitals, 34.9% of GPs and 21.8% of schools being in areas of unsafe levels according to 2019 modelled data analysed by Asthma + Lung UK Cymru.

Given the new WHO guidelines on NO<sub>2</sub>, much reduced on health grounds, the Bill must also specify that new NO<sub>2</sub> targets must be set. This could for instance be as a section between 2 and 3. It should be noted that at the time the UK Environment Bill was being developed the WHO had not yet produced their updated AQGs.

## Ozone

Ozone is produced by the effect of sunlight on NO<sub>x</sub> and hydrocarbons (from combustion). High up in the stratosphere ozone keeps Wales safe from the radiation, but at ground level it can negatively impact on human health and the environment. O<sub>3</sub> can travel long distances and reach high concentrations far away from the original source of the original pollutants.

High ozone levels can be dangerous for people with existing respiratory conditions, worsening asthma symptoms and causing chest problems potentially resulting in hospitalisation. It negatively impacts the environment, affecting the growth of plants and reducing crop yields.

The target value for O<sub>3</sub> is 120 µgm<sup>-3</sup> as an 8-hour mean, not to be exceeded more than 25 times per year averaged over 3 years. In 2020 there were less than 10 exceedances ([https://airquality.gov.wales/sites/default/files/documents/2022-10/AQ-Wales-2021\\_English\\_Final.pdf](https://airquality.gov.wales/sites/default/files/documents/2022-10/AQ-Wales-2021_English_Final.pdf)).

In September 2021, the World Health Organization (WHO) published new Air Quality Guidelines (AQGs) the recommended 8 hour mean concentration (with 3-4 exceedances per year) to 100µg/m. They also proposed a 'Peak season' target of 60 µg/m defining this long-term target as the 'Average of daily maximum 8-hour mean O<sub>3</sub> concentration in the six consecutive months with the highest six-month running-average O<sub>3</sub>.' Both these new targets are needed to protect human health, but will be challenging to meet.

## Legislating for new targets

In the explanatory memorandum (EM 3.13) it states: “Our Programme for Government for 2021 to 2026 reiterated our commitment to introduce a Clean Air Act for Wales, consistent with World Health Organization (WHO) guidance and to extend the provision of air quality monitoring. This will include taking account of the latest scientific information, including the updated WHO guideline levels, alongside taking independent expert advice, to inform the development of new air quality targets.” and EM 14 states: ‘Pursuant to subsection (1), before making regulations under sections 1 or 2 Welsh Ministers must: (a) seek advice from persons they consider to be independent and have relevant expertise; and (b) have regard to scientific knowledge on air pollution. This could include, for example, international evidence on the health and environmental effects of air pollution, including the World Health Organization guidelines for air quality, and the economic, technical and social analyses, and the feasibility of meeting targets.’ We welcome the commitment in the Bill to seek relevant advice and to have regard to scientific knowledge, and the references to the new WHO guidelines in the EM, but worry that there is nothing in the Bill to ensure that targets will be set to be consistent with WHO guidance, as committed to. In theory there would be nothing to prevent a Minister from choosing a much less rigorous target. It must be made clear in the Bill itself that the up to date WHO guidelines need to be the foundation of the target setting process, and that targets must be consistent with them - and must be met in the shortest time possible. We would like to see this captured on the face of the Bill, potentially listed in section 3, 5, 6 or become its own section.

We are disappointed that S.1(1) states that Ministers ‘may set long-terms targets’, whilst S.2(1) states that they ‘must’. We would like the Bill to capture in law the Welsh Government commitment to legislate to deliver the World Health Organization limits on air pollution and give citizens the ‘right to breathe clean air.’

New air pollution targets need to be set for all pollutants included in the 2021 guidelines, so we would like to see all the pollutants covered by section 1 required to have new targets, so S.1(1) would need to become ‘must’ rather than ‘may.’

We welcome the inclusion of section 5 and a reporting process that allows for Senedd scrutiny, but we are concerned about the time it would take for action to be taken. The targets will be set with regulations described in sections 1 and 2, but these targets may be for future dates rather than now. Delivering WHO limits on NO<sub>2</sub> and PM<sub>2.5</sub> will take many years, so the targets set by Ministers might be for 2035 or 2040, potentially with some interim targets in the years preceding this. Therefore, the timeline described in section 5 wouldn’t start until

many years into the future. We would therefore like to see S.5(2) amended to require Ministers to report on progress on air pollution targets annually rather than simply the 'reporting date.'

Some targets might be set immediately, but even with those we are concerned about the speed of reporting. S.5(4) states 'Where the Welsh Ministers make a statement that a target has not

been met, the Welsh Ministers must, before the end of 12 months beginning with the date on which the statement is laid, lay before the Senedd, and publish, a report.'

With almost 2,000 lives cut short every year due to air pollution, we worry that 12 months to publish a report setting out what the Welsh Government will do to correct air pollution exceedance is too long. We would like to see this reduced to 6 months, if not further.

Finally, it is unclear at what an individual, institution or organisation would be able to seek legal redress if the legal limits continued to be exceeded. Through membership of the EU, citizens previously had this right through the EU Ambient Air Quality Directive 2008/50/EC. S.5(5)(b) states that a report must set out the steps the Welsh Ministers have taken, or intend to take, to ensure the specified standard is achieved as soon as reasonably practicable.' We are concerned this wording is unclear and would like the Bill to set a timescale, for example 'within 6 months.'

### **Promoting awareness about air pollution (section 8)**

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Welsh Government should run targeted informational campaigns on the environmental and health impacts of air pollution and burning, as well as providing advice and support to suppliers and households on how to reduce the moisture content of wood.

In promoting awareness about air pollution, Welsh Government should also commit to promoting awareness of behaviour-change solutions that can reduce air pollution. Just as public bodies will be required to have due regard for the impact on air quality, raising awareness of air pollution should be linked to promotion of healthy behaviours to improve our air quality such as active travel and the need for modal shift.

Research (Physical Activity through Sustainable Transport Approaches, 2019) has shown that social factors impact on behaviours. Those who valued low air pollution exposure and low environmental impacts, amongst others values,

tended to walk more; “this suggests that if people could see the importance of these values, they may be encouraged to walk more” (Imperial College London News, 19 September 2019)

The current Net Zero Plan to reduce passenger miles by 10% and increase the modal share for active travel and public transport to 39% by 2030 are ambitious. However, regulatory tools within this legislation combined with a whole-system approach to promoting awareness on air pollution and modal shift will go some way towards meeting our existing Net Zero targets.

### **National air quality strategy (sections 9 to 11)**

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We worked with Welsh Government to develop the 2020 Clean Air Plan - Healthy Air, Healthy Wales - and have called for the successor documents to be statutory strategies with the added importance and status that this would bring.

Sections 9 to 11 are therefore welcomed in principle but we are concerned about the way that the Bill attempts to achieve this.

The Bill attempts to amend the Environment Act 1995 (section 80) in order to state that the powers to make a ‘national air quality strategy’ in Wales would now rest with Welsh Ministers at the Senedd, rather than a Secretary of State and the UK Parliament. This provision was made possible by the UK Environment Act 2021 amending the same section to specify that the UK Government would use this power to make a nation air quality strategy.

This seems a very unusual way to draft a Bill and we are concerned about unforeseen consequences. We would therefore like to see this section redrafted so that it is clear that the Environment (Air Quality and Soundscape) Bill is granting Welsh Ministers clear powers to develop a Clean Air strategy with a clear review process defined in the Bill. Section 22 provides a useful template that a revised Section 9 could follow.

If Section 9 was rewritten this would require changes to Section 10 and 11 also. Whether the wording stays in the amended Environment Act 1995 or preferably moves to this Bill, we are concerned that s.11(1) is not strong enough. It states ‘the following persons must have regard to the policies.’ We worry that the strategy could be ignored by public authorities if it is only ‘have regard to.’ We would propose ‘must reflect the policies’ or something similar.

### **Air quality regulations (section 12)**

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We don’t have any specific comments on this section.

## **Local air quality management (sections 13 to 15)**

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The current process of monitoring national and local air pollution is inadequate, creates confusion for the public and gives a false picture of the air pollution challenges that Wales faces. The existence of two different monitoring systems - one based on a small number of monitors for previous EU directive purposes and local monitoring based largely on diffusion tubes is unhelpful. When the Welsh Government faced legal action for NO<sub>2</sub> exceedances this was due to national monitoring. Welsh Government has taken action to reduce these, but there are other areas with exceedances where monitoring is not taking place.

Welsh Government recognise in the explanatory memorandum, (EM 3.127) that the current system is not working so section 14 is designed to tackle these issues. We welcome the need for local authorities to require an annual review of local air quality, and to need to commit to a compliance date agreed with Welsh Government. As EM 3.133 states the current framework only requires local authorities to develop actions 'in pursuit' of compliance. This could lead to the same air quality management areas remaining for years.

What is unclear from the Bill and the explanatory memorandum is how the local authority reporting cycle aligns with Welsh Government's reporting cycle to the Senedd. If a national monitoring network is established and is reporting data to both Welsh Government and to local authorities, should S.13(3) still be a local authority requirement or should the duty lie with Welsh Government?

S.5(4) requires the Welsh Government to make a statement within 12 months of a target not being met. Would Section 14 need to be aligned with section 5 to ensure that Welsh Ministers had this information before they make their statement to the Senedd?

Finally, the current local air quality management is struggling based on the current air pollution exceedances. As the targets are reduced to meet the World Health Organization limits, there will be a lot more exceedances in both NO<sub>2</sub> and PM<sub>2.5</sub>.

## **Smoke control (sections 16 to 18)**

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We welcome the inclusion of the 3 smoke control sections (S.16-18), but we are concerned that they don't go far enough.

### **The challenge of domestic burning**

Domestic burning is the burning of solid fuels in the household for purposes such as cooking, heating, or lighting, for example log burners or bonfires.

National Atmospheric Emissions Inventory states that domestic burning of solid fuels is the largest single contributing source of the UK's levels of PM2.5, producing as much as transport and industry combined (NAEI, <https://naei.beis.gov.uk/>)

Despite improvements in their design, academic research has found that even homes with “eco” wood burners are three times more polluted than those without ([Atmosphere | Free Full-Text | Indoor Air Pollution from Residential Stoves: Examining the Flooding of Particulate Matter into Homes during Real-World Use \(mdpi.com\)](#)). In fact, wood burners and open fires produce more harmful PM2.5 than road transport in the UK. The government's own data has suggested that emissions of PM2.5 from domestic heating has increased by 125% in 10-years, implying a significant increase in the use of domestic wood burners ([Emissions of air pollutants in the UK - Summary - GOV.UK \(www.gov.uk\)](#)).

Often, domestic burning is for aesthetic purposes and only 1% of Welsh households rely on burning solid fuels as their primary source of heating (Welsh Housing Conditions Survey, Welsh Government, <https://www.gov.wales/welsh-housing-conditions-survey>).

Wood which hasn't been dried out and traditional bituminous coal are some of the most polluting fuels. Less harmful alternatives include dried wood and authorised biomass fuels manufactured into briquettes ([Reducing Emissions from Domestic Burning of Solid Fuels, Welsh Government. https://rb.gy/c7u40i](#)).

What action would we like to see?

Not all the actions needed require primary legislation, with Welsh Government already having powers, and some of it being down to behaviour change.

- **Better fuel:** A ban on sales of wet wood and suppliers should also be legally required to maintain wood at a moisture content of 20% or less, this should be regulated with an administered certification scheme to carry out robust testing and auditing. There should also be a ban on the sale of traditional bituminous coal, and a move to greener more cost-effective alternatives.

- **Better appliances:** Welsh Government should commit to regulation which ensures only the most efficient stoves are available to buy and are fitted and maintained regularly by a competent professional.

- **Better information:** Welsh Government should run targeted informational campaigns on the environmental and health impacts of burning, as well as

providing advice and support to suppliers and households on how to reduce the moisture content of wood.

- **Moving away from domestic burning:** To ensure a reduction of emissions from domestic burning there should be long term ambitions to move away from domestic burning altogether. Any policies must be accompanied by support for households to move to safer, cleaner alternatives to domestic burning.

### What changes will the Bill make?

In EM 3.153 Welsh Government states that it is their objective to 'improve the use and implementation of smoke control legislation to reduce air pollution for the benefit of current and future generations.' We support this objective and agree that these sections will make a positive impact. The change from a criminal to a civil offence is a positive one and we agree that it will help local authorities to enforce the current rules.

However, we are unclear whether the Welsh Government do want to expand smoke control areas and protect public health or not. At present there are only 4 local authorities operating smoke control areas and neither the Explanatory Memorandum or the Bill makes it clear whether the Welsh Government would encourage local authorities to apply for them. In theory new, lower air pollution targets might require local authorities to introduce smoke control areas in order to meet the targets, but the Bill as drafted doesn't appear to give Ministers the power to roll them out Wales-wide. As stated earlier domestic burning is a huge public health issue, in particular for people living close by. It would be possible to have a localised PM2.5 spike on a road, street or even a village that wouldn't be picked up by modelled air pollution, only if a monitor was nearby. If air pollution levels elsewhere in the city or county were not poor, then a smoke control area might not be considered.

We would like the Bill to roll out smoke control restrictions across the whole nation, giving everyone the protection, they need from the dangers of burning the most polluting fuels. Regulations could provide for a system of exemptions for people who live in very remote areas, but domestic burning in the rest of Wales should be minimised and only using dry/smokeless fuels.

We are concerned that section 16 and schedule 1 appear to largely duplicate the existing legislation for England in the Clean Air Act 1993 rather than develop something bespoke for Wales. We would like those powers to be transferred into this Environment Bill to create a new legal landscape around clean air in Wales instead.

## Vehicle emissions (sections 19 to 21)

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Vehicle emissions, particularly from private cars, are one of the greatest contributors to air pollution. As a result, there is an inevitable link between the number of vehicles on our roads and the quality of our air. The number of people choosing to travel actively will be important in tackling air pollution and reducing vehicle emissions.

Existing targets in the Net Zero Plan to reduce emissions by 22% between 2019 and 2025, and by 98% by 2040, and highlights the need for this legislation to utilise all tools at Welsh Government's disposal including the introduction of clean air zones under existing powers in addition to exercising trunk road charging that would be introduced in this bill.

### Trunk Road charging

Sections 19 and 20 give Welsh Ministers power to introduce vehicle charging on trunk roads where air pollution continues to exceed. The Bill doesn't cover clean air zones or towns and cities due to the Senedd not having legislative competence in this area. Welsh Ministers already have power to introduce clean air zones due to the UK Transport Act 2000.

Vehicle charging through Clean Air Zones has been used to reduce air pollution in cities across Europe and in England. London has the most successful one (<https://www.london.gov.uk/programmes-strategies/environment-and-climate-change/environment-and-climate-change-publications/inner-london-ultra-low-emission-zone-expansion-one-year-report>) with benefits including:

- An almost 50 percent reduction in toxic Nitrogen Dioxide (NO<sub>x</sub>) pollution in central London
- Pollution has decreased five times faster in London than anywhere else in the UK (between 2016 and 2020)
- One million hospitalisations averted in total by 2050
- 94 percent of vehicles seen driving in the current zone now meet the strict emissions standards on an average day, significantly higher than the 39 percent in 2017 when the ULEZ was first announced.

In 2018 Welsh Government introduced 50mph restrictions on 5 trunk road locations. In all but one location, air pollution limits have been reduced below the current NO<sub>2</sub> legal limits. However, if air pollution limits are reduced in the short term, more radical action will be needed.



Welsh Government are seeking powers to introduce vehicle charging on trunk roads to help reduce air pollution further. We support Clean Air Zones and vehicle charging, but we are unsure whether charging on trunk roads will have the desired impact. A city centre Clean Air Zone works on the basis that people can substitute cars for public or active travel to get into the centre. A trunk road clean air zone might not work as well with the risk that traffic and air pollution are diverted onto smaller, residential roads rather than on public transport.

### Vehicle idling

We strongly welcome S.21 amendments to the Environment Act 1995 to make stationary idling an offence under the S.42 of the Road Traffic Act 1988. Every minute, an idling car produces enough exhaust emissions to fill 150 balloons with harmful chemicals, including cyanide, NOx and PM2.5.

A 2016 study found that one factor in people choosing to make journeys on foot was environmental aesthetics, including air quality and fresh air (Dadpour et al. 2016, Int J Environ Res Public Health: 731). With cleaner air we can encourage people to travel actively and promote the benefits of outside physical activity.

However, we would welcome clarity on how the Welsh Government expects penalties for stationary idling to be issued, and which bodies will be tasked with the enforcement of the offence.

### **National soundscapes strategy (sections 22 and 23)**

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We welcome the commitment to produce and publish a Soundscapes Strategy. We were initially surprised to see noise and sound added to what would have been a Clean Air Bill, but can now see the benefits to advance the discourse with respect to the role that soundscapes have to play in air pollution, air quality, and public health. This is an encouraging step from the Welsh Government as it shows not only an interest but a desire and commitment to take tangible action to both improve the environment and public health.

We welcome the commitment within the Bill that states that local authorities can use existing soundscape strategies, as considerable time and resource would have been spent on producing them to date.

We have several questions regarding the proposed actions time frames. While it is reasonable to review the strategy every five years, the Bill provides scant detail as to what actions will be firmly taken during this review period. While the Bill mentions in S.22(6)(a)(i) that Ministers must 'have regard to scientific knowledge

relating to soundscapes', it is unclear what actions will be taken by Ministers to ensure that the most appropriate scientific knowledge will be sought.

S.22(6)(a)(ii) of the Bill refers to Minister having regard to 'recent strategic noise maps.' We wish to highlight that under S.7(2) Environmental Noise (Wales) Regulations 2006 strategic noise maps need to be reviewed every five years. In local authorities where strategic noise maps have not been reviewed within the previous 12 – 24 months, they are unlikely to have considered lifestyle changes that have occurred over the past three years owing to the COVID-19 pandemic.

Over the previous three years, more people are working from home, there are more mixed-use developments and conversions, while more and more people are relying on home deliveries etc. All these changes will have made a considerable impact on strategic noise maps, with more recent consideration to be afforded to noise impacts on public health.

We are also somewhat concerned about the proposed review period. S.22(5)(a) indicates that the Bill is to reviewed 'within 5 years of the publication of the strategy and (b) within each period of 5 years beginning with the day on which the Welsh Ministers completed their most recent review under this subsection.' We believe such a review period to be reasonable. However, there is a lack of in the explanatory memorandum, on several items such as how the impacts on soundscapes are to be measured throughout the five-year period, who will be responsible for monitoring this data, how local monitoring could be coordinated nationally, and who will be responsible for leading the soundscapes strategy review. Furthermore, S.22(7) enables the Minister to alter the review period outlined in (5) to enable the Minister to potentially prolong the period in which a review must be concluded. We are concerned that such a clause would enable the review period to be extended beyond the 5 years. We would like such a review period to be set at 5 years maximum and that should the Minister wish to review the soundscapes strategy sooner, S.22(5) enables the Minister to do so. Therefore, we wish to question the decision to include (7) if not for the sole purpose of enabling the Minister to prolong the review period and wish to argue that S.22(7) be removed from the Bill.

While S.24 enables Ministers to change the intervals at which strategic noise maps must be made and adopted under regulation 7(2) of the Environmental Noise (Wales) Regulations 2006 and to change the period within which reviews of noise action plans under regulation 17(3)(b) of those Regulations must take place, para 105 provides no further information as to under what circumstances this would take place. We wish to question the decision to include S.24 if not for the sole purpose of enabling the Minister to prolong the review period by which

strategic noise maps are to be reviewed and wish to argue that S.22(7) be removed from the Bill.

S.23 (1) of the Bill, and expanded in EM 101 in the explanatory memorandum, highlights that local authorities and relevant Welsh public authorities are required to 'have regard to the policies in the national strategy on soundscapes published under section 22 when exercising any function of a public nature that could affect soundscapes in Wales.' We are concerned that this requirement does not go far enough as 'having regard' does not impose a mandatory requirement for the local authority or relevant Welsh public authority to abide by the policies in the national strategy on soundscapes when exercising their duties. Amidst competing, and often conflicting priorities, local authorities could consider, but ultimately dismiss, the policies in the national soundscapes strategy in exercising their duties. We are in favour of strengthening this aspect of the Bill to include 'having due regard

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### **Strategic noise map and noise action plans (sections 24)**

Nothing further to add to the above.

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### **General provisions (sections 25 to 28);**

Nothing to add to this section

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### **What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

As mentioned in previous sections there are some areas where it could be clearer what was a Welsh Government vs local authority responsibility.

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### **How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?**

In many ways the Bill gives too wide-ranging powers, but there are sections where these powers don't go far enough. Sections 1 and 2 for examples give powers to set targets but Ministers are not constrained by how ambitious or how urgent these targets are in improving air quality. As stated earlier, we would like to see the World Health Organization limits recognise somewhere within the legislation itself rather than just referenced in the appendix. However, there are other areas where ministerial powers are constrained. On smoke control areas, the power to establish one seems to remain with the local authority, whilst S.19(1)(b) places constraints on when Ministers would be able to introduce trunk road charging.

## **Are any unintended consequences likely to arise from the Bill?**

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If the Bill does not go far enough there is the consequence that it will take many years to find legislative time to pass another Environment Bill.

## **What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?**

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Welsh Government has set out a detailed breakdown of the estimated costs of the Bill in pages 79-156 in the Explanatory Memorandum. The calculations would have been done with a clear methodology, and we support the investments in monitoring, consultancy support, awareness campaigns and governance, but there are some areas where the amounts proposed seem far too low.

### **LAQM**

The EM proposes a budget of £1 million per year to provide a revenue/capital allocation to assist councils in meeting the new targets locally. This seems very small if it is truly going to make a difference locally. In 2019 Welsh Government allocated a fund of £20 million to tackle air pollution mostly directed at Cardiff and Caerphilly councils. The cost of road and traffic changes and the compulsory purchasing of houses were huge and this fund also helped with better monitoring and purchasing electric buses. £1 million for all of Wales would make very little difference, so doesn't seem very realistic.

### **Smoke control areas**

The total budget proposed for this is set out in Table 9 and varies from £15.8k to £18.4k. There is a missing row where it states 'local authority costs to follow guidance', but the row marked 'local authority costs to enforce new regime' is only £18.4k. If domestic burning is to be tackled locally and then this will require a dramatically increased enforcement provision with staff operating day and night to investigate complaints of wet wood or burning, and technology to identify the sources. This could potentially cost millions of pounds every year.

### **Trunk roads**

The EM only includes a one-off cost of £30k for the trunk road powers in 2024/25. This might be the cost of the civil service time to develop the guidance, but it seems disingenuous to say that Road User Charging will be completely revenue neutral. In the long term this might be the case, but the preparation and introduction years would be expensive with the costs only recovered later.

## Statutory idling

The EM proposes a budget of only £16.4k for 2024/25 with no further costs. There is a missing row where it states 'local authority costs to follow guidance.' Similar to smoke control areas, this is an area where most councils would need to employ new staff so these costs will be large. Table 11 states that 'a level of support will be available from the LAQM Support Fund', but as stated earlier, we worry this fund is far too small.

## **Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

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N/A

## AQS 02 Asthma and Lung UK

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Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan Asthma and Lung UK | Evidence from Asthma and Lung UK

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### General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

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Asthma + Lung UK Cymru At some point in our lives, one in five of us will have a lung disease. Across the UK, millions more are at risk. Asthma + Lung UK Cymru are the only UK charity looking after the lungs of Wales, and in this manifesto we aim to bring the needs of people with lung conditions to the forefront of policy-making.

As we've seen with the COVID-19 crisis, acute respiratory symptoms can bring countries to a standstill and cause thousands of deaths. The recent pandemic has highlighted the need for clear and robust guidelines and support for people with a lung condition, but has also shone a spotlight on the patchy provision of support and treatment for everyone who has a respiratory disease.

Through research, we can find new ways to prevent, manage (and self-manage), treat and eventually cure lung diseases.

With support, we provide for people who struggle to breathe the skills, knowledge and confidence to take control of their lives.

Together, we're campaigning for clean air, better services and investment in research and innovation.

One day, everyone will breathe clean air with healthy lungs. Only through action and commitment to change can we make that happen.

General principles

Thank you for the opportunity to respond to the Environment (Air Quality and Soundscapes) Bill consultation. We welcome the need for clean air legislation and have been calling for a 'Clean Air Act since 2017 alongside Healthy Air Cymru partners.

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. We also know that deprived communities are often in areas with higher levels of air pollution, contributing to health inequalities.

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. As well as longer term impacts, 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.

Air pollution also has a damaging impact on nature, and emissions from pollutants also contribute to climate change, worsening the climate and nature emergency that we urgently face.

The Welsh Government has stated that the Environment Bill will address all these areas, but regulations and implementation will be key. We support the principles of the Bill.

### **What are your views on the Bill's provisions (set out according to sections below), in particular are they workable and will they deliver the stated policy intention?**

National air quality targets (sections 1 to 7)

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 section 2 gives a specific requirement to set target(s) on PM2.5.

The health and environmental impact of different pollutants

In the 2020 Clean Air Plan - Healthy Air, Healthy Wales the Welsh Government committed to focussing on a wide range of pollutants, including nitrogen dioxide (NO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>2.5</sub>/PM<sub>10</sub>), ozone (O<sub>3</sub>), sulphur dioxide (SO<sub>2</sub>) and benzo[a]pyrene (B[a]P). These were all highlighted as priorities where action would be needed to reduce levels. The World Health Organisation have published new guidelines for not only particulate matter, but NO<sub>2</sub> and O<sub>3</sub> as well.

Particulate matter

Particulate matter consists of fine particles that, once in the air, are harmful to human health. They can be classified as either particles with a diameter of less than 10 micrometers (PM<sub>10</sub>) or even smaller, as PM<sub>2.5</sub> (particles with a diameter of less than 2.5 micrometers). PM<sub>2.5</sub> is more harmful as it can penetrate deeper into the lungs and enter the bloodstream, causing blood vessel walls to narrow and harden over time, increasing blood pressure and strain to your heart, even causing blood clotting. Particulate matter can cause more long term damage to the health of people with existing heart and lung conditions, elderly people, pregnant women and their unborn children, and the very young. The majority of air pollution early deaths are linked to particulate matter pollution. Emissions of black soot from incomplete combustion are associated with effects on climate change.

The top sources of PM<sub>2.5</sub> are domestic wood and coal burning (38%), industrial combustion (16%), road transport (exhaust emissions and tyre/brake wear) (12%) and use of solvents and industrial processes (13%). Particulate matter can come from natural sources such as wind-blown dust, sea salt, pollen and soil particles. It can travel long distances meaning that pollution from England and even parts of northern Europe can impact on levels in Wales.

Ammonia emissions from agriculture can react with other pollutants to form particulate matter. A recent study also found that agricultural emissions are responsible for more than a quarter of particle pollution in UK cities (Diagnosing domestic and transboundary sources of fine particulate matter (PM<sub>2.5</sub>) in UK cities using GEOS-Chem - ScienceDirect). The study found that particle pollution from the rest of Europe also affected the UK, especially the south and east of England, but less so than the impact from UK farming. UK agriculture was



responsible for 38% of particle pollution in Leicester, 32% in Birmingham and 25% in London in 2019, according to the study. In each case, the contribution from rural agriculture was greater than all the sources within the cities themselves.

WHO states that there is no threshold below which PM<sub>2.5</sub> does not damage health (WHO Guidelines for Indoor Air Quality. World Health Organisation. 2014. <https://rb.gy/8t50xc>). At present the law on PM<sub>2.5</sub> pollution in Wales says annual average concentrations cannot exceed 25µg/ m<sup>3</sup> (micrograms per cubic metre of air), an incredibly high level of air pollution that thankfully hasn't been exceeded. Pre-2021 the WHO guideline was 10 µg/ m<sup>3</sup>, and analysing 2019 air pollution data, Asthma + Lung UK Cymru was able to estimate that 1.9% care homes, 0.9% hospitals, 3.3% GPs and 1% schools were in areas above the limit. However, the new 2021 WHO guidelines have reduced the recommended PM<sub>2.5</sub> limit to 5 µg/m due to dangers of these pollutants. Analysing the 2019 data again 100% of Welsh care homes, hospitals, GPs and schools are in areas where the levels are currently too high.

Reducing the particulate matter pollution levels will save lives. The 2023 joint report by British Heart Foundation Northern Ireland and the Irish Heart Foundation (<https://www.bhf.org.uk/-/media/files/what-we-do/in-your-area-northern-ireland-pages/air-pollution-and-mortality-on-the-island-of-ireland-report.pdf?rev=7f884a2856784374928acb956f2706b9&hash=B6714D212095722B95909C93C2E03279>) estimated approximately 950 lives could be saved each year across the island of Ireland if PM<sub>2.5</sub> levels were reduced to 5.0 µg/m<sup>3</sup> – 382 in Northern Ireland and 564 in the Republic of Ireland. Air pollution levels are higher in Wales so a similar study if commissioned here would likely show even more deaths prevented.

## Nitrogen oxides

Nitrogen oxides comprises nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>), and as a group of pollutants they have significant impact on health and the environment. The top sources of NO<sub>2</sub> are road transport (34%), energy generation (22%), domestic and industrial combustion (19%) and other transport (17%).

Nitrogen dioxide causes inflammation of the airways, increased susceptibility to respiratory infections and to allergens. If someone already has a respiratory condition such as asthma and COPD, short term exposure could lead to exacerbations of the condition and hospitalisation. Long term exposure can cause certain respiratory conditions including asthma, and is associated with mortality and morbidity. NO<sub>2</sub> and NO<sub>x</sub> impact on the environment by damaging crops and contributing to climate change.

At present the law on nitrogen dioxide (NO<sub>2</sub>) pollution in Wales says annual average concentrations cannot exceed 40 µg/m<sup>3</sup> (micrograms per cubic metre of air). In 2017 Welsh Government was taken to court by Client Earth due to these limits being exceeded in Cardiff, Caerphilly (Hafod Yr Ynys) and trunk roads. Action was taken to restrict vehicle access, demolish homes and reduce speeds to reduce these levels. The most recent DEFRA compliance assessment (on air in 2021) shows the South Wales Zone still failing to meet the NO<sub>2</sub> annual limit value ([https://uk-air.defra.gov.uk/library/annualreport/assets/documents/annualreport/air\\_pollution\\_uk\\_2021\\_Compliance\\_Assessment\\_Summary\\_Issue1.pdf](https://uk-air.defra.gov.uk/library/annualreport/assets/documents/annualreport/air_pollution_uk_2021_Compliance_Assessment_Summary_Issue1.pdf)), when this was meant to be met by 2010, or 2015 at the latest. Analysing 2019 air pollution data, Asthma + Lung UK Cymru was able to estimate NO<sub>2</sub> and PM<sub>2.5</sub> levels around care homes, libraries, sports grounds, hospitals, GPs and schools. The data showed that at least according to modelled data, none of these locations were in areas where NO<sub>2</sub> levels were exceeded.

In September 2021, the World Health Organization (WHO) published new Air Quality Guidelines (AQGs) reducing the recommended maximum annual average for NO<sub>2</sub> pollution to 10 µg/ m<sup>3</sup>, down from 40ug/ m<sup>3</sup>. Meeting this level will be challenging with an estimated 21.7% of care homes, 22% of libraries, 18.9% of sports grounds, 26.1% of hospitals, 34.9% of GPs and 21.8% of schools being in areas of unsafe levels according to 2019 modelled data analysed by Asthma + Lung UK Cymru.

Given the new WHO guidelines on NO<sub>2</sub>, much reduced on health grounds, the Bill must also specify that new NO<sub>2</sub> targets must be set. This could for instance be as a section between 2 and 3. It should be noted that at the time the UK Environment Bill was being developed the WHO had not yet produced their updated AQGs.

## Ozone

Ozone is produced by the effect of sunlight on NO<sub>x</sub> and hydrocarbons (from combustion). High up in the stratosphere ozone keeps Wales safe from the radiation, but at ground level it can negatively impact on human health and the environment. O<sub>3</sub> can travel long

distances and reach high concentrations far away from the original source of the original pollutants.

High ozone levels can be dangerous for people with existing respiratory conditions, worsening asthma symptoms and causing chest problems

potentially resulting in hospitalisation. It negatively impacts the environment, affecting the growth of plants and reducing crop yields.

The target value for O<sub>3</sub> is 120 µg/m<sup>3</sup> as an 8-hour mean, not to be exceeded more than 25 times per year averaged over 3 years. In 2020 there were less than 10 exceedances ([https://airquality.gov.wales/sites/default/files/documents/2022-10/AQ-Wales-2021\\_English\\_Final.pdf](https://airquality.gov.wales/sites/default/files/documents/2022-10/AQ-Wales-2021_English_Final.pdf)).

In September 2021, the World Health Organization (WHO) published new Air Quality Guidelines (AQGs) the recommended 8 hour mean concentration (with 3-4 exceedances per year) to 100 µg/m<sup>3</sup>. They also proposed a 'Peak season' target of 60 µg/m<sup>3</sup> defining this long term target as the 'Average of daily maximum 8-hour mean O<sub>3</sub> concentration in the six consecutive months with the highest six-month running-average O<sub>3</sub>.' Both these new targets are needed to protect human health, but will be challenging to meet.

#### Legislating for new targets

The explanatory memorandum at Point 3.13 says “ Our Programme for Government for 2021 to 2026 reiterated our commitment to introduce a Clean Air Act for Wales, consistent with World Health Organisation (WHO) guidance and to extend the provision of air quality monitoring. This will include taking account of the latest scientific information, including the updated WHO guideline levels, alongside taking independent expert advice, to inform the development of new air quality targets.” and the EM states (eg Point 14, Annex 1): ‘Pursuant to subsection (1), before making regulations under sections 1 or 2 Welsh Ministers must: (a) seek advice from persons they consider to be independent and have relevant expertise; and (b) have regard to scientific knowledge on air pollution. 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 Bill to seek relevant advice and to have regard to scientific knowledge, and the references to the new WHO guidelines in the EM, but worry that there is nothing in the Bill to ensure that targets will be set to be consistent with WHO guidance, as committed to. In theory there would be nothing to prevent a Minister from choosing a much less rigorous target. It must be made clear in the Bill itself that the up to date WHO guidelines need to be the foundation of the target setting process, and that targets must be consistent with them - and must be met in the shortest time possible. We would like to see this captured on the face of the Bill, potentially listed in section 3, 5, 6 or become its own section..

We are disappointed that s1(1) states that Ministers 'may set long-term targets', whilst s2(1) states that they 'must'. We would like the Bill to capture in law the Welsh

Government commitment to legislate to deliver the World Health Organization limits on air pollution and give citizens the 'right to breathe clean air.'

New air pollution targets need to be set for all pollutants included in the 2021 guidelines, so we would like to see all the pollutants covered by section 1 required to have a new target, so s1(1) would need to become 'must' rather than 'may'

We welcome the inclusion of section 5 and a reporting process that allows for Senedd scrutiny, but we are concerned about the time it would take for action to be taken. The targets will be set with regulations described in sections 1 and 2, but these targets may be for future dates rather than now. Delivering WHO limits on NO<sub>2</sub> and PM<sub>2.5</sub> will take many years, so the targets set by Ministers might be for 2035 or 2040, potentially with some interim targets in the years preceding this. Therefore the timeline described in section 5 wouldn't start until many years into the future. We would therefore like to see s.5(2) amended to require Ministers to report on progress on air pollution targets annually rather than simply the 'reporting date.'

Some targets might be set immediately, but even with those we are concerned about the speed of reporting. s.5(4) states 'Where the Welsh Ministers make a statement that a target has not been met, the Welsh Ministers must, before the end of 12 months beginning with the date on which the statement is laid, lay before the Senedd, and publish, a report.'

With almost 2,000 lives cut short every year due to air pollution, we worry that 12 months to publish a report setting out what the Welsh Government will do to correct air pollution exceedance is too long. We would like to see this reduced to 6 months, if not further.

Finally It is unclear at what an individual, institution or organisation would be able to seek legal redress if the legal limits continued to be exceeded. Through membership of the EU, citizens previously had this right through the EU Ambient Air Quality Directive 2008/50/EC. s.5(5)(b) states that a report must set out the steps the Welsh Ministers have taken, or intend to take, to ensure the specified standard is achieved as soon as reasonably practicable.' We are concerned this wording is unclear and would like the Bill to set a timescale, for example 'within 6 months.'

## Promoting awareness about air pollution (section 8)

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Welsh Government should run targeted informational campaigns on the environmental and health impacts of air pollution and burning, as well as providing advice and support to suppliers and households on how to reduce the moisture content of wood.

In promoting awareness about air pollution, Welsh Government should also commit to promoting awareness of behaviour-change solutions that can reduce air pollution. Just as public bodies will be required to have due regard for the impact on air quality, raising

awareness of air pollution should be linked to promotion of healthy behaviours to improve our air quality such as active travel and the need for modal shift.

Research (Physical Activity through Sustainable Transport Approaches, 2019) has shown that social factors impact on behaviours. Those who valued low air pollution exposure and low environmental impacts, amongst others values, tended to walk more; “this suggests that if people could see the importance of these values, they may be encouraged to walk more” (Imperial College London News, 19 September 2019)

The current Net Zero Plan to reduce passenger miles by 10% and increase the modal share for active travel and public transport to 39% by 2030 are ambitious. However, regulatory tools within this legislation combined with a whole-system approach to promoting awareness on air pollution and modal shift will go some way towards meeting our existing Net Zero targets.

## National air quality strategy (sections 9 to 11)

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We worked with Welsh Government to develop the 2020 Clean Air Plan - ‘Healthy Air, Healthy Wales’ - and have called for the successor documents to be statutory strategies with the added importance and status that this would bring.

Sections 9 to 11 are therefore welcomed in principle but we are concerned about the way that the Bill attempts to achieve this.

The Bill attempts to amend the Environment Act 1995 (section 80) in order to state that the powers to make a ‘national air quality strategy’ in Wales would now rest with Welsh Ministers at the Senedd, rather than a Secretary of State and the UK Parliament. This provision was made possible by the UK Environment Act 2021 amending the same section to specify that the UK Government would use this power to make a nation air quality strategy.

This seems a very unusual way to draft a Bill and we are concerned about unforeseen consequences. We would therefore like to see this section redrafted so that it is clear that the Environment (Air Quality and Soundscape) Bill is granting Welsh Ministers clear powers to develop a Clean Air strategy with a clear review process defined in the Bill. Section 22 provides a useful template that a revised Section 9 could follow.

If Section 9 was rewritten this would require changes to Section 10 and 11 also. Whether the wording stays in the amended Environment Act 1995 or preferably moves to this Bill, we are concerned that s.11(1) is not strong enough. It states 'the following persons must have regard to the policies...' We worry that the strategy could be ignored by public

authorities if it is only 'have regard to.' We would propose 'must reflect the policies' or something similar

#### Air quality regulations (section 12)

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We don't have any specific comments on this section.

#### Local air quality management (sections 13 to 15)

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The current process of monitoring national and local air pollution is inadequate, creates confusion for the public and gives a false picture of the air pollution challenges that Wales faces. The existence of two different monitoring systems - one based on a small number of monitors for previous EU directive purposes and local monitoring based largely on diffusion tubes is unhelpful. When the Welsh Government faced legal action for NO<sub>2</sub> exceedances this was due to national monitoring. Welsh Government has taken action to reduce these, but there are other areas with exceedances where monitoring is not taking place.

Welsh Government recognise in the explanatory memorandum, (EM 3.127) that the current system is not working so section 14 is designed to tackle these issues. We welcome the need for local authorities to require an annual review of local air quality, and to need to commit to a compliance date agreed with Welsh Government. As EM 3.133 states the current framework only requires local authorities to develop actions 'in pursuit' of compliance. This could lead to the same air quality management areas remaining for years.

What is unclear from the Bill and the explanatory memorandum is how the local authority reporting cycle aligns with Welsh Government's reporting cycle to the Senedd. If a national monitoring network is established and is reporting data to

both Welsh Government and to local authorities, should section 13(3) still be a local authority requirement or should the duty lie with Welsh Government?

Section 5(4) requires the Welsh Government to make a statement within 12 months of a target not being met. Would Section 14 need to be aligned with section 5 to ensure that Welsh Ministers had this information before they make their statement to the Senedd?

Finally, the current local air quality management is struggling based on the current air pollution exceedances. As the targets are reduced to meet the World Health Organization limits, there will be a lot more exceedances in both NO<sub>2</sub> and PM<sub>2.5</sub>.

### Smoke control (sections 16 to 18)

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We welcome the inclusion of the 3 smoke control sections (s16-18), but we are concerned that they don't go far enough.

#### The challenge of domestic burning

Domestic burning is the burning of solid fuels in the household for purposes such as cooking, heating, or lighting, for example log burners or bonfires.

National Atmospheric Emissions Inventory states that domestic burning of solid fuels is the largest single contributing source of the UK's levels of PM<sub>2.5</sub>, producing as much as transport and industry combined (NAEI, <https://naei.beis.gov.uk/>)

Despite improvements in their design, academic research has found that even homes with "eco" wood burners are three times more polluted than those without ([Atmosphere | Free Full-Text | Indoor Air Pollution from Residential Stoves: Examining the Flooding of Particulate Matter into Homes during Real-World Use \(mdpi.com\)](#)). In fact, wood burners and open fires produce more harmful PM<sub>2.5</sub> than road transport in the UK. The government's own data has suggested that emissions of PM<sub>2.5</sub> from domestic heating has increased by 125% in 10-years, implying a significant increase in the use of domestic wood burners ([Emissions of air pollutants in the UK - Summary - GOV.UK \(www.gov.uk\)](#)).

Often, domestic burning is for aesthetic purposes and only 1% of Welsh households rely on burning solid fuels as their primary source of heating (Welsh Housing Conditions Survey, Welsh Government, <https://www.gov.wales/welsh-housing-conditions-survey>).

Wood which hasn't been dried out and traditional bituminous coal are some of the most polluting fuels. Less harmful alternatives include dried wood and authorised biomass fuels manufactured into briquettes (Reducing Emissions from Domestic Burning of Solid Fuels, Welsh Government. <https://rb.gy/c7u40i>).

What action would we like to see?

Not all the actions needed require primary legislation, with Welsh Government already having powers, and some of it being down to behaviour change.

- **Better fuel:** A ban on sales of wet wood and suppliers should also be legally required to maintain wood at a moisture content of 20% or less, this should be regulated with an administered certification scheme to carry out robust testing and auditing. There should also be a ban on the sale of traditional bituminous coal, and a move to greener more cost-effective alternatives.

- **Better appliances:** Welsh Government should commit to regulation which ensures only the most efficient stoves are available to buy and are fitted and maintained regularly by a competent professional.

- **Better information:** Welsh Government should run targeted informational campaigns on the environmental and health impacts of burning, as well as providing advice and support to suppliers and households on how to reduce the moisture content of wood.

- **Moving away from domestic burning:** To ensure a reduction of emissions from domestic burning there should be long term ambitions to move away from domestic burning altogether. Any policies must be accompanied by support for households to move to safer, cleaner alternatives to domestic burning.

What changes will the Bill make?

In EM 3.153 Welsh Government states that it is their objective to 'improve the use and implementation of smoke control legislation to reduce air pollution for the benefit of current and future generations.' We support this objective and agree that these sections will make a positive impact. The change from a criminal to a civil offence is a positive one and we agree that it will help local authorities to enforce the current rules.

However we are unclear whether the Welsh Government do want to expand smoke control areas and protect public health or not. At present there are only 4 local authorities operating smoke control areas and neither the Explanatory Memorandum or the Bill makes it clear whether the Welsh Government would



encourage local authorities to apply for them. In theory new, lower air pollution targets might require local authorities to introduce smoke control areas in order to meet the targets, but the Bill as drafted doesn't appear to give Ministers the power to roll them out Wales-wide. As stated earlier domestic burning is a huge public health issue, in particular for people living close by. It would be possible to have a localised PM2.5 spike on a road, street or even a village that wouldn't be picked up by modelled air pollution, only if a monitor was nearby. If air pollution levels elsewhere in the city or county were not poor, then a smoke control area might not be considered.

We would like the Bill to roll out smoke control restrictions across the whole nation, giving everyone the protection they need from the dangers of burning the most polluting fuels. Regulations could provide for a system of exemptions for people who live in very remote areas, but domestic burning in the rest of Wales should be minimised and only using dry/smokeless fuels.

We are concerned that section 16 and schedule 1 appear to largely duplicate the existing legislation for England in the Clean Air Act 1993 rather than develop something bespoke for Wales. We would like those powers to be transferred into this Environment Bill to create a new legal landscape around clean air in Wales instead.

#### Vehicle emissions (sections 19 to 21)

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Vehicle emissions, particularly from private cars, are one of the greatest contributors to air pollution. As a result, there is an inevitable link between the number of vehicles on our roads and the quality of our air. The number of people choosing to travel actively will be important in tackling air pollution and reducing vehicle emissions. Existing targets in the Net Zero Plan to reduce emissions by 22% between 2019 and 2025, and by 98% by 2040, and highlights the need for this legislation to utilise all tools at Welsh Government's disposal including the introduction of clean air zones under existing powers in addition to exercising trunk road charging that would be introduced in this bill.

#### Trunk Road charging

Sections 19 and 20 give Welsh Ministers power to introduce vehicle charging on trunk roads where air pollution continues to exceed. The Bill doesn't cover clean air zones or towns and cities due to the Senedd not having legislative competence in this area. Welsh Ministers already have power to introduce clean air zones due to the UK Transport Act 2000.

Vehicle charging through Clean Air Zones has been used to reduce air pollution in cities across Europe and in England. London has the most successful one (<https://www.london.gov.uk/programmes-strategies/environment-and-climate-change/environment-and-climate-change-publications/inner-london-ultra-low-emission-zone-expansion-one-year-report>) with benefits including:

- An almost 50 percent reduction in toxic Nitrogen Dioxide (NO<sub>x</sub>) pollution in central London
- Pollution has decreased five times faster in London than anywhere else in the UK (between 2016 and 2020)
- One million hospitalisations averted in total by 2050
- 94 percent of vehicles seen driving in the current zone now meet the strict emissions standards on an average day, significantly higher than the 39 percent in 2017 when the ULEZ was first announced.

In 2018 Welsh Government introduced 50mph restrictions on 5 trunk road locations. In all but one location, air pollution limits have been reduced below the current NO<sub>2</sub> legal limits. However if air pollution limits are reduced in the short term, more radical action will be needed.

Welsh Government are seeking powers to introduce vehicle charging on trunk roads to help reduce air pollution further. We support Clean Air Zones and vehicle charging, but we are unsure whether charging on trunk roads will have the desired impact. A city centre Clean Air Zone works on the basis that people can substitute cars for public or active travel to get into the centre. A trunk road clean air zone might not work as well with the risk that traffic and air pollution are diverted onto smaller, residential roads rather than on public transport.

### Vehicle idling

We strongly welcome s.21 amendments to the Environment Act to make stationary idling an offence under the s.42 of the Road Traffic Act 1988. Every minute, an idling car produces enough exhaust emissions to fill 150 balloons with harmful chemicals, including cyanide, NO<sub>x</sub> and PM<sub>2.5</sub>.

A 2016 study found that one factor in people choosing to make journeys on foot was environmental aesthetics, including air quality and fresh air (Dadpour et al. 2016, Int J Environ Res Public Health: 731). With cleaner air we can encourage people to travel actively and promote the benefits of outside physical activity.

However, we would welcome clarity on how the Welsh Government expects penalties for stationary idling to be issued, and which bodies will be tasked with the enforcement of the offence.

### National soundscapes strategy (sections 22 and 23)

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We welcome the commitment to produce and publish a Soundscapes Strategy. We were initially surprised to see noise and sound added to what would have been a Clean Air Bill, but can now see the benefits to advance the discourse with respect to the role that soundscapes have to play in air pollution, air quality, and public health. This is an encouraging step from the Welsh Government as it shows not only an interest but a desire and commitment to take tangible action to both improve the environment and public health.

We welcome the commitment within the Bill that states that local authorities can use existing soundscape strategies, as considerable time and resource would have been spent on producing them to date.

We have several questions regarding the proposed actions time frames. While it is reasonable to review the strategy every five years, the Bill provides scant detail as to what actions will be firmly taken during this review period. While the Bill mentions in s.22(6)(a)(i) that Ministers must 'have regard to scientific knowledge relating to soundscapes', it is unclear what actions will be taken by Ministers to ensure that the most appropriate scientific knowledge will be sought.

S.22(6)(a)(ii) of the Bill refers to Minister having regard to 'recent strategic noise maps.' We wish to highlight that under s.7(2) Environmental Noise (Wales) Regulations 2006 strategic noise maps need to be reviewed every five years. In local authorities where strategic noise maps have not been reviewed within the previous 12 – 24 months, they are unlikely to have considered lifestyle changes that have occurred over the past three years owing to the COVID-19 pandemic. Over the previous three years, more people are working from home, there are more mixed-use developments and conversions, while more and more people are relying on home deliveries etc. All these changes will have made a considerable impact on strategic noise maps, with more recent consideration to be afforded to noise impacts on public health.

We are also somewhat concerned about the proposed review period. S.22(5)(a) indicates that the Bill is to reviewed 'within 5 years of the publication of the strategy and (b) within each period of 5 years beginning with the day on which the Welsh Ministers completed their most recent review under this subsection.'

We believe such a review period to be reasonable. However, there is a lack of in the explanatory memorandum, on several items

such as how the impacts on soundscapes are to be measured throughout the five-year period, who will be responsible for monitoring this data, how local monitoring could be coordinated nationally, and who will be responsible for leading the soundscapes strategy review. Furthermore, s.22(7) enables the Minister to alter the review period outlined in (5) to enable the Minister to potentially prolong the period in which a review must be concluded. We are concerned that such a clause would enable the review period to be extended beyond the 5 years. We would like such a review period to be set at 5 years maximum and that should the Minister wish to review the soundscapes strategy sooner, s.22(5) enables the Minister to do so. Therefore, we wish to question the decision to include (7) if not for the sole purpose of enabling the Minister to prolong the review period and wish to argue that s.22(7) be removed from the Bill.

While s.24 enables Ministers to change the intervals at which strategic noise maps must be made and adopted under regulation 7(2) of the Environmental Noise (Wales) Regulations 2006 and to change the period within which reviews of noise action plans under regulation 17(3)(b) of those Regulations must take place, para 105 provides no further information as to under what circumstances this would take place. We wish to question the decision to include s.24 if not for the sole purpose of enabling the Minister to prolong the review period by which strategic noise maps are to be reviewed and wish to argue that s.22(7) be removed from the Bill.

S.23 (1) of the Bill, and expanded in para 101 in the explanatory memorandum, highlights that local authorities and relevant Welsh public authorities are required to 'have regard to the policies in the national strategy on soundscapes published under section 22 when exercising any function of a public nature that could affect soundscapes in Wales.' We are concerned that this requirement does not go far enough as 'having regard' does not impose a mandatory requirement for the local authority or relevant Welsh public authority to abide by the policies in the national strategy on soundscapes when exercising their duties. Amidst competing, and often conflicting priorities, local authorities could consider, but ultimately dismiss, the policies in the national soundscapes strategy in exercising their duties. We are in favour of strengthening this aspect of the Bill to include 'having due regard

Strategic noise map and noise action plans (sections 24)

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Nothing further to add to the above.

General provisions (sections 25 to 28);

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Nothing to add to this section

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

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As mentioned in previous sections there are some areas where it could be clearer what was a Welsh Government vs local authority responsibility.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

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In many ways the Bill gives too wide ranging powers, but there are sections where these powers don't go far enough. Sections 1 and 2 for examples give powers to set targets but Ministers are not constrained by how ambitious or how urgent these targets are in improving air quality. As stated earlier, we would like to see the World Health Organization limits recognise somewhere within the legislation itself rather than just referenced in the appendix. However there are other areas where ministerial powers are constrained. On smoke control areas, the power to establish one seems to remain with the local authority, whilst S.19(1)(b) places constraints on when Ministers would be able to introduce trunk road charging.

Are any unintended consequences likely to arise from the Bill?

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If the Bill does not go far enough there is the consequence that it will take many years to find legislative time to pass another Environment Bill.

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

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Welsh Government has set out a detailed breakdown of the estimated costs of the Bill in pages 79-156 in the Explanatory Memorandum. The calculations would have been done with a clear methodology, and we support the investments in monitoring, consultancy support, awareness campaigns and governance, but there are some areas where the amounts proposed seem far too low.

LAQM

The EM proposes a budget of £1 million per year to provide a revenue/capital allocation to assist councils in meeting the new targets locally. This seems very

small if it is truly going to make a difference locally. In 2019 Welsh Government allocated a fund of £20 million to tackle air pollution mostly directed at Cardiff and Caerphilly councils. The cost of road and traffic changes and the compulsory purchasing of houses were huge and this fund also helped with better monitoring and purchasing electric buses. £1 million for all of Wales would make very little difference, so doesn't seem very realistic.

#### Smoke control areas

The total budget proposed for this is set out in Table 9 and varies from £15.8k to £18.4k. There is a missing row where it states 'local authority costs to follow guidance', but the row marked 'local authority costs to enforce new regime' is only £18.4k. If domestic burning is to be tackled locally and then this will require a dramatically increased enforcement provision with staff operating day and night to investigate complaints of wet wood or burning, and technology to identify the sources. This could potentially cost millions of pounds every year.

#### Trunk roads

The EM only includes a one off cost of £30k for the Trunk road powers in 2024/25. This might be the cost of the civil service time to develop the guidance, but it seems disingenuous to say that Road User Charging will be completely revenue neutral. In the long term this might be the case, but the preparation and introduction years would be expensive with the costs only recovered later.

#### Statutory idling

The EM proposes a budget of only £16.4k for 2024/25 with no further costs. There is a missing row where it states 'local authority costs to follow guidance.' Similar to smoke control areas, this is an area where most councils would need to employ new staff so these costs will be large. Table 11 states that 'a level of support will be available from the LAQM Support Fund', but as stated earlier, we worry this fund is far too small.

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

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N/A

## **AQS 05 Royal College of Physicians**

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Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan Coleg Brenhinol y Meddygon | Evidence from Royal College of Physicians

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## RCP Cymru Wales response

### Consultation on the general principles of the Environment (Air Quality and Soundscapes) (Wales) Bill

Dear colleagues,

Thank you for the opportunity to submit written evidence to your consultation for Stage 1 scrutiny of the general principles of the Environment (Air Quality and Soundscapes) (Wales) Bill.

We are members of [Healthy Air Cymru](#), the coalition of charities campaigning to improve the quality of the air we all breathe. We welcome the need for clean air legislation and have been calling for a Clean Air Act since 2017.

Having reviewed the written evidence submitted by Healthy Air Cymru on behalf of partner organisations, we strongly endorse their submission, and have nothing more specific to add except to share the following resources:

[Every breath we take: the lifelong impact of air pollution 2016 \(full report\)](#)  
[Every breath we take: the lifelong impact of air pollution \(6-page summary\)](#)  
[Every breath we take: the lifelong impact of air pollution \(20-page summary\)](#)  
[Every breath we take - evidence submitted to the RCP working party](#)  
[Reducing air pollution in the UK: Progress report 2018](#)

With thanks, and best wishes,

**Dr Olwen Williams OBE**

Vice president for Wales, Royal College of Physicians  
Consultant physician in sexual health and HIV medicine

**Professor Gwyneth Davies**

Professor of respiratory medicine and respiratory physician  
Singleton Hospital  
Swansea Bay University Health Board



## AQS03 Iechyd Cyhoeddus Cymru

### Senedd Cymru | Welsh Parliament

### Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

### Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill

### Ymateb gan Iechyd Cyhoeddus Cymru | Evidence from Public Health Wales

1. Beth yw eich barn ar egwyddorion cyffredinol y Bil, ac a oes angen deddfwriaeth i gyflawni'r bwriad polisi a nodwyd?

Mae Iechyd Cyhoeddus Cymru yn croesawu cyhoeddi'r bil hwn. Nid oes unrhyw lefelau diogel o lygredd aer a chaiff iechyd ei niweidio ar grynodiadau isel. Mae hefyd yn wir bod cysylltiad rhwng llygredd aer, amddifadedd ac iechyd, gyda phobl sydd â'r iechyd gwaethaf ac sy'n byw o dan yr amgylchiadau anoddaf hefyd yn agored i'r lefelau uchaf o lygredd (Brunt et al, 2016).

Mae angen deddfwriaeth i wneud cynnydd yn y maes hwn, fodd bynnag, mae'n bwysig bod datblygiadau pellach sy'n gysylltiedig â'r deddfwriaeth hon yn symud ymlaen yn gyflym. O ystyried bod llygredd aer yn niweidio'r system cardio-ansawdd (felly'r un rhan o'r corff ag a dargedir gan COVID-19) mae'n hanfodol bod llygredd aer yn cael sylw fel penderfynydd iechyd ehangach cyn gynted â phosibl i gefnogi adferiad iechyd a gwasanaethau iechyd rhag y baich a grëwyd gan y pandemig.

Brunt H, Barnes J, Jones SJ, Longhurst JWS, Scally G, Hayes E (2016). Air pollution, deprivation and health: Understanding relationships to add value to local air quality management policy and practice in Wales, UK. *Journal of Public Health*, ar-lein yn gyntaf.

<https://doi.org/10.1093/pubmed/fdw084>

2. Beth yw eich barn ar ddarpariaethau'r Bil (a nodir yn yr adrannau isod), yn benodol a ydynt yn ymarferol ac a fyddant yn cyflawni'r bwriad polisi a nodwyd?

2.i) Targedau ansawdd aer cenedlaethol (adrannau 1 i 7)

Mae Iechyd Cyhoeddus Cymru yn croesawu'r ddarpariaeth o bwerau i osod, adolygu a monitro targedau. Fodd bynnag, hoffai weld targedau Sefydliad Iechyd y Byd yn cael eu mabwysiadu, neu bennu targedau llymach fyth, mewn cyn lleied o amser â phosibl. Mae'r targedau presennol yn cael eu gweld yn rhy aml fel "targed" ar gyfer llygru 'hyd at', yn hytrach nag uchafswm absoliwt. Ond, mae'n hysbys bod effeithiau iechyd yn digwydd hyd yn oed ar lefelau isel o lygredd aer, bod gan Gymru gyfrannau sylweddol o'r boblogaeth sy'n byw mewn amddifadedd a chyda salwch, mae'r "peryl triphlyg" (Brunt et al, 2016) yn bryder

mawr. Dylid dylunio targedau i ddiogelu pawb a sbarduno gwelliannau i gysylltiad y boblogaeth gyfan â llygredd aer a fydd yn cynnwys y rhai mwyaf difreintiedig yn ddiogyfyn. Targedau uchelgeisiol at leihau cysylltiad â llygryddion fyddai'n rhoi'r budd iechyd mwyaf a dylid eu hystyried fel sail briodol ar gyfer metrig i adlewyrchu buddion iechyd gostyngiadau mewn cysylltiad â llygredd aer hirdymor. Er mai cysylltiad â llygredd aer hirdymor sydd bwysicaf i iechyd y cyhoedd, mae angen i unrhyw dargedau yn y dyfodol ystyried effeithiau cysylltiad tymor byr (h.y. bob awr/dyddiol).

Mae hefyd yn bwysig nodi na fydd gosod a monitro targedau yn achosi newidiadau sylweddol mewn ansawdd aer heb fesurau ychwanegol i leihau llygredd, yn enwedig o ran teithio mewn ceir a mwy o seilwaith trafndiaeth gyhoeddus a theithio llesol. Credwn ei bod yn bwysig rheoli disgwyliaid o ran yr hyn sy'n bosibl o osod targedau a monitro yn unig.

Nodir hefyd y sonnir am allu cymryd agwedd fwy ymatebol at faterion sy'n dod i'r amlwg. Er ein bod yn croesawu hyn, rydym hefyd yn rhybuddio rhag canolbwyntio ar lygryddion unigol fel PM2.5 a byddem yn argymhell dull mwy cyfannol. Mae pryderon presennol ynghylch NO<sub>2</sub> yn rhannol oherwydd y cymhellion a gynigir i yrwyr cerbydau diesel yn sgil pryderon ynghylch lefelau CO<sub>2</sub>. Gallai'r ffocws ar fynd i'r afael â lefelau NO<sub>2</sub> drwy annog newid i gerbydau trydan waethygu lefelau PM ac achosi rhagor o niwed. Mae PM yn cael ei gynhyrchu o draul teiars a breciau ac mae cerbydau trydan yn drymach na cheir diesel a phetrol cyfwerth. Mae angen i fesurau polisi fynd i'r afael â llygredd drwy ystyried pob ffurf a'u lleihau gyda'i gilydd, yn enwedig o ran lleihau teithio mewn ceir a chynyddu'r ddarpariaeth trafndiaeth gyhoeddus a seilwaith teithio llesol.

Mae angen gosod targedau, a chynllunio a chyflwyno gweithredu, gan ystyried anghydraddoldebau hefyd ac nid eu gwaethygu.

Brunt H, Barnes J, Jones SJ, Longhurst JWS, Scally G, Hayes E (2016). Air pollution, deprivation and health: Understanding relationships to add value to local air quality management policy and practice in Wales, UK. *Journal of Public Health*, ar-lein yn gyntaf.

<https://doi.org/10.1093/pubmed/fdw084>

## 2.ii) Hybu ymwybyddiaeth o lygredd aer (adran 8)

Mae Iechyd Cyhoeddus Cymru yn croesawu'r Bil sy'n gosod dyletswydd ar Weinidogion Cymru i gymryd camau i hybu ymwybyddiaeth o lygredd aer, gan gynnwys yr effeithiau ar iechyd a'r amgylchedd a chamau gweithredu a allai helpu i leihau neu gyfyngu ar lygredd aer. Mae Iechyd Cyhoeddus Cymru hefyd yn cydnabod y cyfeiriad at Adroddiad Atal Marwolaethau yn y Dyfodol gan y Crwner yn dilyn y cwest i farwolaeth Ella Adoo-Kissi-Debrah.

Mae lechyd Cyhoeddus Cymru yn cytuno bod ymwybyddiaeth y cyhoedd o wefannau fel UK-Air (a'r fersiwn cyfatebol yng Nghymru) yn wael ac y gallai mwy o ymwybyddiaeth helpu pobl i leihau eu cysylltiad â llygredd aer. Ond mae digon o bobl yng Nghymru o hyd nad ydynt yn defnyddio'r rhyngwrwd yn rheolaidd a/neu sydd heb y gallu darllen i weithredu ar yr wybodaeth sydd yno.

Yn ogystal, perygl "codi ymwybyddiaeth" o'r natur hwn yw ei fod yn gwthio'r cyfrifoldeb am fynd i'r afael â phroblemau ar y rhai sydd leiaf abl i newid neu reoli sefyllfaoedd. Er enghraifft, mae pobl yn yr ardaloedd mwyaf difreintiedig eisoes yn gyrru llai na'r rhai yn yr ardaloedd lleiaf difreintiedig, ond nid ydym yn gyrru yn yr ardaloedd yr ydym yn byw ynddynt yn unig. Felly, byddai gofyn hefyd i bobl yn yr ardaloedd mwyaf difreintiedig newid eu hymddygiad er mwyn ysgwyddo baich gweithredoedd y rhai sy'n byw yn rhywle arall. Mae angen i'r gwaith o godi ymwybyddiaeth hefyd ganolbwyntio ar lunwyr polisi ar lefel leol a chenedlaethol.

Mae lechyd Cyhoeddus Cymru hefyd wedi bod yn archwilio'r datganiad "*Nid yw gweithwyr meddygol a nyrsio proffesiynol yn cyfathrebu effeithiau andwyol llygredd aer ar iechyd yn ddigonol i gleifion a'u gofalwyr.*" lechyd Cyhoeddus Cymru yw Sefydliad lechyd y Cyhoedd Cenedlaethol Cymru, felly mae ganddo rôl i gefnogi gweithgarwch o'r fath i sicrhau bod gwybodaeth yn cael ei chyfathrebu'n mewn modd teg sy'n seiliedig ar dystiolaeth. Efallai ei bod yn anodd i glinigwyr gael yr amser i archwilio hyn yn ystyrlon gyda'u cleifion, o ystyried y pwysau amser y maent eisoes yn eu hwynebu ar hyn o bryd. Mae lechyd Cyhoeddus Cymru felly yn awyddus i weld bod yr ymdrechion i godi ymwybyddiaeth yn seiliedig ar dystiolaeth ac nad ydynt yn cael eu hystyried yn gamau polisi seiliedig ar dystiolaeth a gymerir yn lle hynny sydd wedi'u profi i fynd i'r afael â llygredd aer.

#### 2.iii) Strategaeth ansawdd aer genedlaethol (adrannau 9 i 11)

Mae lechyd Cyhoeddus Cymru yn cytuno y byddai cyhoeddi Cynllun neu Strategaeth Aer Glân o fewn 12 mis i basio'r Bil a'i adolygu bob 5 mlynedd yn fuddiol.

#### 2.iv) Rheoliadau ansawdd aer (adran 12)

Mae lechyd Cyhoeddus Cymru yn croesawu gosod y ddyletswydd ymgynghori cyn gwneud rheoliadau.

#### 2.v) Rheoli ansawdd aer lleol (adrannau 13 i 15)

Mae lechyd Cyhoeddus Cymru yn cytuno bod angen diwygio prosesau monitro llygredd aer lleol a'r fframwaith Rheoli Ansawdd Aer Lleol. Mae'n awyddus i weld y cynnydd hwn cyn gynted â phosibl a hefyd i weld y broses newydd yn gysylltiedig â chymau mwy sylweddol a chadarn i fynd i'r afael â llygredd nag sydd wedi bod hyd yma. Mae angen iddo hefyd symud oddi wrth reolaeth "mannau problemus" oherwydd potensial cyfyngedig dull o'r fath i gael unrhyw effaith sylweddol ar naill ai ansawdd aer neu iechyd.

Wrth ystyried Rheoli Ansawdd Aer yn Lleol presennol yng nghyd-destun y Paradocs Atal; os ydym yn trin ardal fach yn unig â lefelau uchel o lygredd, yna bydd y budd i iechyd y boblogaeth yn cael llai o effaith na thrin ardal lawer mwy a chael effaith lai ar lefelau llygredd.

[The prevention paradox | Health Knowledge](#)

#### 2.vi) Rheoli mwg (adrannau 16 i 18)

Mae lechyd Cyhoeddus Cymru yn cytuno bod rheoli mwg yn bwysig a bod llosgi tanwydd solet yn y cartref yn bryder. Fodd bynnag, rydym hefyd yn ymwybodol o faich sylweddol costau presennol ynni ar bobl (a grybwyllir yn adran 3.149) a hefyd yr effeithiau dilynol ar eu hiechyd corfforol a meddyliol. Credwn y gallai hyn arwain pobl i chwilio am ffynonellau tanwydd eraill, rhatach ac y gallai llosgi domestig ddod yn fwy cyffredin. Felly, mae angen ystyried a gweithredu deddfwriaeth rheoli mwg yng nghyd-destun gostyngiadau mewn costau ynni cyffredinol.

Y bobl hynny sydd ar yr incwm isaf sy'n wynebu'r risg fwyaf o gostau ynni cyffredol, sy'n golygu y gallai llosgi tanwydd solet yn y cartref ddod yn fwy deniadol. Mae'r bobl hyn, wrth gwrs, hefyd yn debygol o fod yn fwy agored i niwed oherwydd ansawdd yr aer yn eu cartrefi yn sgil llosgi domestig. Mae dulliau seiliedig ar gosbi (a awgrymir yn adran 3.152 ac adran 3.170) at losgi domestig hefyd yn debygol o achosi hyd yn oed mwy o galedi. Felly, mae lechyd Cyhoeddus Cymru yn awyddus bod unrhyw ddeddfwriaeth rheoli mwg yn rhoi ystyriaeth lawn i anghydraddoldebau ac a allai unrhyw bolisi a gyflwynir waethygu'r rhain.

#### 2.vii) Allyriadau cerbydau (adrannau 19 i 21)

Mae lechyd Cyhoeddus Cymru yn croesawu ymdrechion i fynd i'r afael ag allyriadau cerbydau, ond mae'n pryderu y bydd dulliau gweithredu fel Parthau Aer Glân neu Barthau Allyriadau Isel yn cynyddu anghydraddoldebau. Mae'r memorandwm esboniadol yn disgrifio Parth Aer Glân (CAZ) /Parth Allyriadau Isel (LEZ) fel "*ysgogi newid ymddygiad, gan gynnwys*

*dechrau defnyddio dulliau teithio glanach a ffyrdd amgen o deithio llesol a all hefyd sicrhau manteision iechyd ehangach."*

Un o ganlyniadau COVID-19 yw newid i weithio gartref, ac mae llawer o staff swyddfa yn parhau i weithio gartref 2 i 3 diwrnod yr wythnos. Yn gyffredinol, pobl sy'n byw yn yr ardaloedd lleiaf difreintiedig sydd fwyaf abl i weithio gartref oherwydd natur eu cyflogaeth. Yn gyffredinol, mae'r bobl hynny sy'n byw yn yr ardaloedd mwyaf difreintiedig yn fwy tebygol o orfod teithio i weithle i wneud y swydd honno. Mae hyn yn golygu y bydd unrhyw CAZ neu LEZ yn niweidio'r rhai sy'n gorfod teithio ar gyfer eu gwaith yn anghymesur. Mae hefyd yn anodd gweld sut mae'r rhai sy'n teithio ar gyfer sifftiau ar oriau gwrthgymdeithasol yn cael eu "cymell" gan CAZ.

Byddai Iechyd Cyhoeddus Cymru yn awyddus i weld llawer mwy o ffocws ar wella seilwaith trafniadaeth gyhoeddus a theithio llesol er mwyn galluogi mwy o bobl i ddewis peidio â theithio mewn car, yn hytrach na dull gweithredu sy'n seiliedig ar "barth" fel hwn.

Mae materion yn ymwneud â "mannau problemus" hefyd yn cael eu trafod uchod mewn perthynas â'r Paradocs Atal (adran 2v). Yn gyffredinol, byddai disgwyl i CAZ/LEZ gwmpasu ardal fwy na Rheoli Ansawdd Aer yn Lleol presennol ond gallai fod â budd cyfyngedig o hyd.

Yn olaf, mae cerbydau mwy newydd, sy'n llygru llai yn aml wedi'u heithrio rhag, neu'n destun taliadau is, na cherbydau hŷn sy'n llygru mwy. Mae gennym ddau bwynt i'w gwneud am hyn

- 1) Bod y rhai yn yr ardaloedd mwyaf difreintiedig, yn ogystal â bod yn debygol o fod angen teithio mwy i weithio, hefyd yn lleiaf tebygol o allu fforddio uwchraddio cerbydau i gydymffurfio ag unrhyw CAZ
- 2) Nid yw annog newid cerbydau sy'n gweithio yn gyson ag egwyddorion cynaliadwyedd yr argyfwng hinsawdd. Er y gall car newydd gynhyrchu allyriadau is unwaith y bydd ar y ffordd, mae'r allyriadau a gynhyrchir wrth weithgynhyrchu'r car hwnnw yn symud yr allyriadau i rannau eraill o'r byd. Nid yw hyn felly yn enghraifft o Gymru sy'n gyfrifol yn fyd-eang, fel y mae Deddf Llesiant Cenedlaethau'r Dyfodol yn mynnu. Mae allyriadau cynhyrchu o faint tebyg i allyriadau oes y car ar ôl iddo gael ei ddefnyddio.

[What's the carbon footprint of ... a new car? | Environment | The Guardian](#)

Mae adran 3.187 yn sôn am ddarpariaeth y ddeddfwriaeth i ganiatáu i refeniw a godir gan CAZ/LEZ gael ei wario ar brosiectau nad ydynt yn ymwneud â thrafnidiaeth i leihau llygredd

aer. O ystyried y graddau y mae trafndiaeth yn cyfrannu at y lefelau llygredd aer presennol, mae'n anodd deall y rhesymeg a'r sylfaen dystiolaeth ar gyfer y cynnig hwn.

Mae lechyd Cyhoeddus Cymru hefyd yn croesawu cyflwyno mesurau gwrthsegura, mewn perthynas â llygredd aer a sŵn, ac mae'n awyddus i weld y rhain yn cael eu rhoi ar waith cyn gynted â phosibl, yn enwedig o amgylch ysgolion. Fodd bynnag, mae'n pryderu bod adran 3.226 yn cyfeirio at hyrwyddo cerbydau allyriadau isel fel mesur gwrthsegura. Fel y nodwyd uchod, rydym yn awyddus i fabwysiadu dull "pob llygrydd" i wella ansawdd aer yng Nghymru ac nid yw ffocws ar gerbydau allyriadau isel, yn enwedig yn y fflyd ceir preifat, yn gwneud hyn. Mae pwysau uwch ceir trydan / ceir allyriadau isel yn golygu bod perygl y bydd annog newid car-am-gar i geir preifat allyriadau isel yn gwaethygu lefelau PM.

#### 2.viii) Strategaeth seinweddau genedlaethol (adrannau 22 a 23)

Mae lechyd Cyhoeddus Cymru yn croesawu'r gydnabyddiaeth bod sŵn hefyd yn niwed sylweddol i iechyd ac mae'n credu bod y strategaeth seinweddau yn gam pwysig i fynd i'r afael â hyn. Mae hefyd yn croesawu'r amod ar gyfer ymgynghori ar y strategaeth.

#### 2.ix) Map sŵn strategol a chynlluniau gweithredu ar sŵn (adran 24)

Mae lechyd Cyhoeddus Cymru yn croesawu'r opsiynau i newid y cyfnodau rhwng mapio sŵn strategol.

#### 2.x) Darpariaethau cyffredinol (adrannau 25 i 28);

Nid oes gan lechyd Cyhoeddus Cymru unrhyw sylw pellach ar y darpariaethau cyffredinol.

### 3. Beth yw'r rhwystrau posibl i roi darpariaethau'r Bil ar waith a sut y mae'r Bil yn eu hystyried?

Fel y nodwyd uchod, y rhwystrau a'r pryderon allweddol yw bod rhai o'r ymyriadau arfaethedig yn gwaethygu, yn hytrach na lleihau anghydraddoldebau ac felly nid oes ganddynt y manteision y byddai rhywun yn dymuno eu gweld i iechyd ar draws y boblogaeth. Fodd bynnag, rydym hefyd yn siŵr ei bod yn bosibl rhoi mesurau priodol ar waith heb waethygu anghydraddoldebau a byddem yn fwy na pharod i gyfrannu lle bynnag y mae angen inni helpu i gefnogi hyn.

4. Pa mor briodol yw'r pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (fel y nodir ym Mhennod 5 o Ran 1 o'r Memorandwm Esboniadol)?

Dim sylw pellach yma

5. A oes unrhyw ganlyniadau anfwriadol yn debygol o ddeillio o'r Bil?

Gweler y sylwadau uchod. Mae Iechyd Cyhoeddus Cymru yn pryderu am y potensial ar gyfer gwaethygu'r anghydraddoldebau sy'n gysylltiedig â rhai o'r mesurau arfaethedig. Fodd bynnag, rydym hefyd yn siŵr ei bod yn bosibl rhoi mesurau priodol ar waith heb waethygu anghydraddoldebau a byddem yn fwy na pharod i gyfrannu lle bynnag y mae angen inni helpu i gefnogi hyn.

6. Beth yw eich barn ar asesiad Llywodraeth Cymru o oblygiadau ariannol y Bil fel y nodir yn Rhan 2 o'r Memorandwm Esboniadol?

Dim sylw pellach yma

7. A oes unrhyw faterion eraill yr hoffech eu codi ynghylch y Bil a'r Memorandwm Esboniadol sy'n cyd-fynd ag ef neu unrhyw faterion cysylltiedig?

Yn y memorandwm esboniadol sy'n cyd-fynd â'r Bil, nodir y canlynol:-

*3.19. Mae amcangyfrif effaith llygredd aer ar iechyd yn anodd. Mae'r Adroddiad ar Beryglon Cemegol a Gwenwynau, Mehefin 2022, yn cynnwys papur ar "Updated Mortality burden estimates attributable to air pollution". Roedd hwn yn amcangyfrif bod ystod y baich marwolaethau yn sgil aer gwael yn cyfateb i rhwng 29,000 a 43,000 o farwolaethau bob*

*blwyddyn yn y DU. Mae lechyd Cyhoeddus Cymru yn amcangyfrif bod y baich marwolaethau o gysylltiad hirdymor â llygredd aer yn cyfateb i 1,000 i 1,400 o farwolaethau (ar oedrannau tebygol) bob blwyddyn yng Nghymru.*

Gwnaeth lechyd Cyhoeddus Cymru y gwaith hwn cyn pandemig COVID-19. Nid yw lechyd Cyhoeddus Cymru yn gyfforddus â defnyddio a chanolbwyntio'n barhaus ar y ffigurau hyn i fynegi baich llygredd aer. Mae nifer o resymau am hyn. Fel y nodwyd uchod, mae'r ffigurau'n disgrifio marwolaethau "cyfwerth", nid marwolaethau gwirioneddol. Y ffigur marwolaethau "cyfwerth" yw cyfanswm yr amser a gollir o bob un o'n bywydau oherwydd llygredd aer, tua 6 i 9 mis yw'r amcangyfrif ar hyn o bryd. Wrth gwrs, mae llawer o ffactorau'n effeithio ar y ffigur hwn, gan gynnwys problemau iechyd eraill ac amddifadedd, felly efallai y bydd rhai ohonom yn colli mwy na 6 i 9 mis a rhai yn colli llai. Mae'r ffigur marwolaethau cyfwerth yn ychwanegu'r holl fisoedd hyn ac yn rhannu'r canlyniad â disgwyliad oes i roi amcangyfrif o "farwolaethau cyfwerth". Felly, nid marwolaethau o lygredd aer yw'r rhain. Nid yw hwn yn gysniad hawdd ei ddeall na'i esbonio ac yn aml caiff ei gamddechongli fel marwolaethau gwirioneddol oherwydd llygredd aer (gweler er enghraifft -

<https://www.actionforcleanair.org.uk/health/knowledge-hub-health>

*Impacts of air pollution on patients - wrth i chi sgorlio i lawr - ar 2 funud ac 20 eiliad.)*

Yn ogystal, roedd y ffigurau mwy diweddar a gynhyrchwyd gan UKHSA ar gyfer 2019. Nid yw'n hysbys sut y gallai'r pandemig fod wedi effeithio ar yr amcangyfrifon hyn. Mae'r hyn y mae'r ffigurau'n ei olygu ar ôl y cyfnodau hir o newidiadau sylweddol i ymddygiad teithio, ac felly llygredd, yn anhysbys.

O ystyried y materion hyn, nid yw lechyd Cyhoeddus Cymru yn bwriadu cyfrifo, cyhoeddi na diweddarau'r ffigurau hyn yn y blynyddoedd i ddod. Nid yw hynny'n golygu na fydd asiantaethau eraill yn eu cyhoeddi, ond bydd lechyd Cyhoeddus Cymru yn ceisio archwilio gyda phartneriaid sut y gellir defnyddio mesurau eraill i fynegi baich llygredd aer ar iechyd pobl Cymru yn gliriach ac yn fwy effeithiol.



## AQS 06 Newport City Council

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Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan Cyngor Dinas Casnewydd | Evidence from Newport City Council

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### General principles

**What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?**

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General principles of the Bill appear pragmatic and with clarification of meaning through guidance this should move the air quality agenda forward.

Legislation should accord with Policy but not necessarily repeat it in the body of the legislation.

**What are your views on the Bill's provisions (set out according to sections below), in particular are they workable and will they deliver the stated policy intention?**

**National air quality targets (sections 1 to 7)**

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Setting of targets should be in the context of what can reasonably be achieved rather than setting a standard to be achieved. Inclusion of a time metric is welcomed as this should provide councils and communities with a sense of journey and destination.

Measurement of targets can relate to the type of metric annual, hourly etc or the means by which targets are measured instrument wise. This is not clear in (4) of air quality targets.

Setting targets for PM2.5 is welcomed. It is however not just a technical matter of setting a target as there will be wellbeing and distinctive lifestyle elements for communities which need to be factored in; in so far as understanding where it may not be feasible to apply a PM2.5 standard where wider harm may occur in

respect of human wellbeing e.g., rural fuel poverty preventing affordable fuel choices which reduce PM2.5 generation.

Allowing regulators to exercise their multifactorial professional judgement should allow adopted PM2.5 standards to be applied in a manner which promotes well being and protects public health.

Reporting on targets is welcomed and the wider context of the status of a target at any given moment in time needs to be captured by councils and not just the raw data itself. e.g., rates of urban renewal, fleet transformation, changes in indices of deprivation, intensification of industry/agriculture.

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### **Promoting awareness about air pollution (section 8)**

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Promoting awareness and education in relation to air quality is a pillar of the NCC AQAP and as such this provision is whole heartedly supported. Monitoring air quality pollutants is a baseline activity that has taken up too much officer time and sadly the engagement and awareness piece is difficult to bring to the fore. Only where aspects of the monitoring and data reporting are better covered in house or externalised, can other staff develop awareness and engagement with communities. One of the best ways to start an awareness dialogue is the formation of local air quality groups where are AQMAs. This has worked well in NCC to date and the wider conversation about air quality need not be limited to AQMA air quality groups.

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### **National air quality strategy (sections 9 to 11)**

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A national air quality strategy that reflects the direction of travel of both councils and Welsh Government would be welcomed at whatever review period is decided. Such a strategy could remove the need for individual councils to publish their own strategy, other than an AQAP of course. Harmonising AQAPs with a national strategy would be a logical step also.

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### **Air quality regulations (section 12)**

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This section is supported.

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### **Local air quality management (sections 13 to 15)**

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Annual reviews are taken to relate to the existing Annual Progress Report regime.

Air Quality Action Plan requirements are supported and it is hoped will be reflected in NCCs pending AQAP.

Powers of direction are supported.

### **Smoke control (sections 16 to 18)**

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Unambiguous guidance on the definition of 'emission of smoke' in Wales and exercise of financial penalties will be required.

Exempting fireplaces where a lack of smoke is concerned is a fairly subjective test for a source which will inevitably contain emissions regardless of smoke. Some form of metric should be applied to this that perhaps relates to a PM2.5 concentration at a set distance from a chimney flue outlet for example. Additionally, instruments that can identify the significance of emissions from domestic fireplaces need to be specified in guidance.

### **Vehicle emissions (sections 19 to 21)**

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It is noted that any trunk road charging scheme may only be "made for the purpose of reducing or limiting air pollution in the vicinity of the road" guidance on what constitutes the vicinity will be needed so local councils can be reassured that the LAQM covered localities adjacent to trunk roads have their prevailing air quality protected. Will this mean that a charging scheme would not be introduced where driver behaviours potentially prejudiced the air quality achievements of local councils for nearby residential receptors ?

Stationary idling offences are welcomed subject to resources being available to deliver this where warranted.

### **National soundscapes strategy (sections 22 and 23)**

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The strategic approach to soundscapes and noise mapping needs to also have regard to research and innovation in transportation noise sources i.e. engines/motors and tyres; as well as low noise road surfaces where ambient noise levels are identified as in need of protection.

### **Strategic noise map and noise action plans (sections 24)**

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Strategic noise maps and noise action plans are welcomed and core planning policies should be developed in all councils which relate specifically to noise and soundscapes in accordance with the new TAN11 documentation. There is also an opportunity to incorporate biodiversity into the air quality and soundscapes bill in recognition of its inclusion in TAN11.

### **General provisions (sections 25 to 28);**

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No comment

### **What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

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The implementation of the Bill needs to be done in recognition of context of each councils site specific circumstances and in effect a memorandum of understanding established with each council in terms of how the Bill will be locally applied. The economy of scale that Wales benefits from should make this achievable.

### **How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?**

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There do not appear to be any swingeing powers given to ministers and provided any subordinate legislation is consulted upon this should be acceptable to all councils.

### **Are any unintended consequences likely to arise from the Bill?**

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The assessment of the range of unintended consequences that may occur as a result of the Bill needs to be demonstrated by Welsh Government in order to reassure those parties that they have identified things like the rerouted pollution effects upon residential receptors in respect of road charging schemes where driver avoidance blights the air quality and amenity of nearby communities with compliant air quality. Smoke control has similar risks in very poor communities where alternatives to wood burning are not accessible financially (WG schemes to support transition may be key here).

### **What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?**

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The synergies between air quality and carbon reduction activity are identified and in the memorandum and fully supported as they will both have shared cost savings associated with them.

WG costs are noted however there will inevitably be costs for local authorities in delivering the scope of the legislation and reviewing their functional emphasis i.e. moving from baseline air quality monitoring and reporting to working more on proactive measures facilitation through planning and permitting etc; and engagement with communities on air quality matters and working with them to deliver achievable improvements.

**Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

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Unfortunately work pressures have not allowed full reading of the 254 page Explanatory Memorandum; however the sentiment of the document and the intended effect of the legislation upon which it is founded is supported.

The gap in the legislative landscape regarding air quality information and awareness is in part a function of the level of staffing/investment present in local authorities only being able to support a baseline monitoring and reporting capability. Where reporting is outsourced, this can free up some officer time to engage in the wider air quality piece which is what we should all be doing as it's the community engagement and empowerment that makes the work most worthwhile. This has been the case in Newport and the air quality agenda has moved forward accordingly. More investment in wider air quality teams with greater scope for impact is needed in a similar vein to that of Carbon Reduction and Climate Change resourcing, which are its siblings after all...

The strategic/engagement aspects of air quality and the enforcement/regulation aspects of air quality are two distinct strands of work which select for officers with skills that are suited to them respectively. Delivering the legislation will require careful work programming and organisation; as where this is poorly done officers will find themselves chasing their tails over complaint work and never reaching the engagement stage which has historically been the case in many environmental protection teams across disciplines including noise, air quality and contaminated land.

# Agenda Item 5.1

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Llŷr Gruffydd AS  
Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith  
Senedd Cymru  
Bae Caerdydd,  
Caerdydd,  
CF99 1SN

21 Ebrill 2023

Annwyl Llŷr,

Diolch am eich llythyr dyddiedig 31 Mawrth. Isod mae fy ymatebion i'ch cwestiynau yn dilyn y sesiwn dystiolaeth ar 29 Mawrth 2023, yng nghyfarfod y Pwyllgor Newid Hinsawdd, Amgylchedd a Seilwaith ynglŷn â Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru).

## Targedau Ansawdd Aer

### 1. Pam ydych chi wedi dewis peidio â bod yn fwy rhagnodol ynglŷn â'r wybodaeth y mae'n rhaid i Weinidogion Cymru roi sylw iddi cyn gwneud rheoliadau i osod targedau ansawdd aer (i adlewyrchu'r cynnig yn y Papur Gwyn)?

Mae tystiolaeth ynglŷn ag effeithiau llygryddion aer yn dod i'r amlwg yn barhaus. Felly, mae'n bwysig gallu ymateb i amgylchiadau wrth iddynt newid. Mae Llywodraeth Cymru wedi ymrwymo i lunio polisiau ar sail tystiolaeth, a bydd yn ystyried canllawiau Sefydliad Iechyd y Byd ar ansawdd aer wrth ddatblygu cynigion ar gyfer targedau, ochr yn ochr â chynghor arbenigol annibynnol, tystiolaeth a dadansoddiadau o amrediad o ffactorau. Mae hyn yn cynnwys manteision lleihau lefelau o lygryddion i iechyd, ac ymarferoldeb a hyfywedd economaidd cymryd camau gwahanol a allai gyflawni targedau posibl.

Bydd y ffactorau hyn yn cael eu hystyried ochr yn ochr â gofynion cynhwysfawr asesiadau effaith rheoleiddiol cysylltiedig, cyn ymgynghori ar dargedau ansawdd aer penodol a phennu'r targedau hynny mewn rheoliadau.

### 2. Pa ystyriaeth a roesoch i ddefnyddio'r Bil i roi'r Panel Cyngori ar Aer Glân ar sail statudol?

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

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[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Mae'r Bil yn darparu, cyn gwneud rheoliadau i bennu targedau tymor hir neu darged ar gyfer PM<sub>2.5</sub>, fod rhaid i Weinidogion Cymru gyntaf geisio cyngor gan unigolion sydd, yn eu barn nhw, yn annibynnol ac yn meddu ar yr arbenigedd perthnasol. Hefyd rhaid iddynt ystyried gwybodaeth wyddonol benodol am lygredd aer.

Mae cyngor arbenigol annibynnol a gwybodaeth wyddonol ar gael i Lywodraeth Cymru o nifer o ffynonellau. Rydym wedi sefydlu Panel Cynghori ar Ansawdd Aer, sy'n darparu cyngor ac argymhellion ar y broses ar gyfer pennu targedau a thargedau penodol â blaenoriaeth ar gyfer ansawdd aer yng Nghymru. Fodd bynnag, mae'n bosibl hefyd y bydd angen i Weinidogion Cymru geisio cyngor pellach gan arbenigwyr unigol neu grwpiau ehangach o arbenigwyr, yn dibynnu ar y maes gwyddoniaeth neu'r pwnc. Er enghraifft, mae cyngor annibynnol ac arbenigol pellach yn cael ei ddarparu i Lywodraeth Cymru gan grwpiau cynghori'r DU, y Grŵp Arbenigol ar Ansawdd Aer a'r Pwyllgor ar Effeithiau Meddygol Llygredd Aer. Mae hyn yn ychwanegol at gyngor a ddarperir gan sefydliadau sector cyhoeddus fel Iechyd Cyhoeddus Cymru a Cyfoeth Naturiol Cymru.

Mae gallu Gweinidogion Cymru i ddewis ffynhonnell y cyngor yn rhoi'r hyblygrwydd sydd ei angen i gael cyngor arbenigol oddi wrth y ffynonellau mwyaf priodol, yn dibynnu ar y mater o dan sylw. Ni fyddai rhoi'r Panel ar sail statudol yn newid nac yn ychwanegu at y gofyniad i Weinidogion Cymru geisio cyngor. Mae'r dyletswyddau hyn yn mynd ymhellach na gofynion Gweinidogion Cymru o dan y fframwaith deddfwriaethol presennol, ac maent yn sicrhau bod Gweinidogion yn atebol nawr ac yn y dyfodol.

### **3. Nid oes gofyniad ar Weinidogion Cymru i ymgynghori â sefydliadau perthnasol/cyhoedd cyn gwneud rheoliadau i osod targedau ansawdd aer. Pam felly?**

Mae'r Bil yn ei gwneud yn ofynnol i Weinidogion Cymru geisio cyngor gan unigolion sydd, yn eu barn nhw, yn annibynnol ac yn meddu ar yr arbenigedd perthnasol cyn gwneud rheoliadau o dan adrannau 1 a 2 o'r Bil. Yn ogystal, mae Llywodraeth Cymru wedi ymrwymo i ymgynghori cyn cyflwyno deddfwriaeth. Dylai ymgynghori cyhoeddus llawn ac agored ddarparu'r cyfle i bob rhanddeiliad fynegi ei farn, gan gynnwys sefydliadau a'r cyhoedd.

### **4. Pam ydych chi wedi dewis ymestyn yr amserlen ar gyfer gwneud rheoliadau o flwyddyn?**

Hoffem weld targedau uchelgeisiol, credadwy sy'n cael eu cefnogi gan y gymdeithas. Felly mae'n hanfodol bod arbenigwyr, Aelodau o'r Senedd a'r cyhoedd yn cael y cyfle i wneud sylwadau a mewnbynnu i'r broses hon. Bydd hyn yn sicrhau bod y dystiolaeth berthnasol yn cael ei chasglu mewn modd priodol a'i bod yn cael ei phrofi ac yn destun craffu briodol.

Mae'n hanfodol bod modd cyflawni'r targedau a bennir o dan y Bil. Mae asesu ymarferoldeb a chost yn agwedd hanfodol ar bennu targedau i sicrhau y gellir eu cyflawni, eu bod yn lleihau anghydraddoldebau, eu bod yn fforddiadwy a'u bod yn cyd-fynd â pholisïau eraill y Llywodraeth. Mae'r Bil hefyd yn ei gwneud yn ofynnol i Weinidogion Cymru ystyried gwybodaeth wyddonol wrth bennu targedau cenedlaethol ar gyfer ansawdd aer. Bydd hyn yn cynnwys ystyried canllawiau Sefydliad Iechyd y Byd ar ansawdd aer. Nid ydym yn gwybod ar hyn o bryd a fydd yn bosibl bodloni canllawiau Sefydliad Iechyd y Byd ym mhob man o Gymru, na sut ac erbyn pryd y byddai modd gwneud hyn, os yw'n bosibl.

Rydym wedi ymrwymo i ddilyn proses sy'n seiliedig ar dystiolaeth i bennu targedau uchelgeisiol ac effeithiol yng Nghymru. Fodd bynnag, mae angen inni ddeall terfynau'r hyn sy'n bosibl a chyfyngiadau cysylltiedig, ar sail gwyddoniaeth gadarn a dadansoddiadau economaidd-gymdeithasol. Mae'r amser hwn yn hanfodol am fod nifer sylweddol o gamau mae angen eu cymryd. Mae hyn yn cynnwys pennu cwmpas y targedau, dadansoddi opsiynau uchelgeisiol, fforddiadwy ac ymarferol ar gyfer targedau, ymgynghori ac

ymgysylltu priodol, a drafftiau llawn o'r targedau a manylion ynghylch y ffordd mae'n rhaid iddynt gael eu hasesu. I roi cyd-destun, yn Lloegr cymerodd Llywodraeth y DU dros dair blynedd i ddatblygu rheoliadau ar gyfer targedau PM<sub>2.5</sub>.

Bydd yr ystyriaethau hyn yn helpu i sicrhau, ar sail y dystiolaeth orau sydd ar gael, fod targedau arfaethedig yn gyflawnadwy ac yn fforddiadwy, ond eu bod yn gallu ysgogi'r newidiadau uchelgeisiol sydd eu hangen i ddiogelu'r amgylchedd.

## **Cynyddu ymwybyddiaeth o lygredd aer**

### **5. Pa ystyriaeth a roesoch i gynnwys rhagor o fanylion ynglŷn â'r camau y byddai disgwyl i Weinidogion Cymru eu cymryd i gyflawni'r ddyletswydd yn adran 8, er enghraifft, paratoi a chyhoeddi 'cynllun cyflawni' (y cyfeirir ato yn y Memorandwm Esboniadol)?**

Mae'r Memorandwm Esboniadol yn nodi y byddwn yn cyhoeddi cynllun cyflawni i weithredu'r ddyletswydd hon. Er mwyn egluro ystyr cynllun cyflawni rydym wedi rhoi enghreifftiau o'r math o gamau gweithredu y gallai eu cynnwys. Mae'r camau gweithredu hyn wedi dod o'r adborth i'r ymgynghoriad ar ein Cynllun Aer Glân, yn ogystal â thrafodaethau parhaus â rhanddeiliaid.

Byddwn yn datblygu'r cynllun ar y cyd â rhanddeiliaid i sicrhau ei fod yn effeithiol a bod ein hymdrechion yn canolbwyntio ar y meysydd cywir. Mae'n annhebygol mai Llywodraeth Cymru yn unig a fydd yn gweithredu'r camau yn y cynllun. Rhan allweddol o ddatblygu'r cynllun cyflawni gyda rhanddeiliaid fydd nodi nid un unig yr hyn mae angen inni ei wneud, ond hefyd pwy yw'r partner cyflawni mwyaf effeithiol

Felly, rydym wedi canolbwyntio ar gydbwysio darparu disgrifiad ystyrllon o'r ffordd y bydd y ddyletswydd yn cael ei rhoi ar waith, â'r angen i osgoi nodi ymlaen llaw y camau gweithredu y gallai'r cynllun eu cynnwys. Bydd hyn yn ein galluogi i ddatblygu cwmpas a chynnwys y cynllun ar y cyd â rhanddeiliaid.

### **6. Pa drefniadau fydd yn cael eu rhoi ar waith i fonitro cydymffurfiaeth â'r ddyletswydd/effeithiolrwydd y ddyletswydd, a sut mae'r Bil yn darparu ar gyfer hyn?**

Nid yw'r Bil yn cynnwys trefniadau penodol ar gyfer monitro cydymffurfedd nac effeithiolrwydd, achos bod y ddarpariaeth hon wedi cael ei drafftio'n eang o friad i osgoi cyfyngu'r ffyrdd y gallwn godi ymwybyddiaeth o lygredd aer.

Yn y dyfodol gallai fod camau newydd ac ychwanegol y gallai Gweinidogion eu cymryd i godi ymwybyddiaeth o lygredd aer, a byddai natur gyffredinol y ddarpariaeth arfaethedig yn cwmpasu'r rhain.

Bydd angen clywed amrediad eang o safbwyntiau a barnau er mwyn gwerthuso'n llawn effeithiolrwydd y ddyletswydd hon, ac nid ydym am gyfyngu ar y broses hon. Felly, nid ydym wedi cynnwys darpariaethau mewn perthynas â monitro cydymffurfedd ac effeithiolrwydd, er mwyn osgoi cyfyngu ar gwmpas y ddyletswydd, ac i sicrhau bod y ddeddfwriaeth yn barod at y dyfodol.

Bydd trefniadau i fonitro a gwerthuso effeithiolrwydd y camau sy'n cael eu cynnwys yn y cynllun cyflawni ar gyfer codi ymwybyddiaeth yn cael eu datblygu ar y cyd â rhanddeiliaid, a'u cynnwys yn y cynllun cyflawni. Os yw'r cynllun cyflawni'n cael ei gynnwys yn



strategaethau ansawdd aer Llywodraeth Cymru yn y dyfodol, byddai'r camau yn ddarostyngedig i'r un craffu, monitro a gwerthuso â'r cynllun ehangach.

## **Strategaeth Ansawdd Awr Genedlaethol**

### **7. Pa ystyriaeth a roesoch i gynnwys gofyniad ar Weinidogion Cymru i adolygu'r strategaeth ansawdd aer genedlaethol ar adeg benodol (e.e. 12 mis) yn dilyn etholiad Senedd ar wyneb y Bil?**

Fe wnaethom ystyried adolygu'r strategaeth ansawdd genedlaethol ar adeg benodol. Fodd bynnag, sefydlodd Deddf yr Amgylchedd 2021 gyfnod adolygu pum mlynedd, a chytunwyd ar y cyfnod hwn gan y Senedd drwy Gynnig Cydsyniad Deddfwriaethol. Ar hyn o bryd mae'r dyddiad cau ar gyfer adolygu'n digwydd bod tua dwy flynedd ar ôl etholiad diweddaraf y Senedd, sy'n caniatáu ar gyfer datblygu strategaeth ansawdd aer genedlaethol newydd yn dilyn etholiad, os yw Gweinidogion am wneud hynny, wedi'i lywio gan y Rhaglen Lywodraethu, Adroddiad Tueddiadau'r Dyfodol diweddaraf ac ati. Gwnaeth y newid hwn gyflawni un o'n amcanion polisi a amlinellu'r yn y Papur Gwyn ar Fil Aer Glân (Cymru). Felly, nid yw'r Bil fel y mae wedi'i gyflwyno'n ceisio newid yr amserlen statudol bresennol. Mae'n bosibl na fydd pennu dyddiad cau un flwyddyn ar ôl yr etholiad diweddaraf bob amser yn rhoi digon o amser ar gyfer gwneud y gwaith hwn.

Rydym wedi defnyddio'r dull hwn achos bod Deddf yr Amgylchedd 2021 (ac ar gyfer seinweddau, Rheoliadau Sŵn Amgylcheddol (Cymru) 2006) wedi sefydlu cylchoedd adolygu pum mlynedd, gyda dyddiadau cau sydd ar hyn y bryd yn digwydd bod ar adegau rhesymol yng nghylch etholiadau'r Senedd. Fodd bynnag, mae'r Bil yn rhoi'r pŵer i Weinidogion Cymru i newid y cyfnod adolygu hwn drwy reoliadau. Byddai'r pŵer hwn yn cael ei ddefnyddio, er enghraifft, pe bai cylch etholiadau'r Senedd yn newid neu pe na fyddai amseriad yr adolygiad yn gweithio am unrhyw reswm arall.

### **8. Pa feini prawf y bydd Gweinidogion Cymru yn eu defnyddio i benderfynu a ddylid dynodi 'awdurdod Cymreig datganoledig' yn 'awdurdod cyhoeddus Cymreig perthnasol' at ddiben cymhwyso'r ddyletswydd o dan adran 11?**

Mae'n bosibl y bydd angen dynodi awdurdod datganoledig i Gymru fel awdurdod perthnasol yng Nghymru os yw (a) yn arfer swyddogaethau cyhoeddus sydd, ym marn Gweinidogion Cymru, yn debygol o effeithio ar ansawdd aer yng Nghymru, a (b) nad oes gofyniad ffurfiol arall ar waith ar gyfer pob rhan o'r sefydliad hwnnw sy'n arfer swyddogaethau o'r fath i ystyried polisi cenedlaethol yn y maes hwn wrth wneud hynny. Byddai'r un dull yn cael ei ddefnyddio ar gyfer seinweddau).

## **Rheoli Mwg**

### **9. A allwch egluro a allai Gweinidogion Cymru gryfhau'r ddeddfwriaeth bresennol ar reoli mwg yn y modd a amlinellir uchod drwy ddefnyddio pwerau presennol, h.y. heb fod angen deddfwriaeth sylfaenol bellach?**

Mae gan Weinidogion Cymru bwerau o dan adran 19 o Ddeddf Aer Glân 1993 i fynnu bod awdurdodau lleol yn creu parthau rheoli mwg pan fyddant yn credu nad yw'r awdurdod lleol wedi bod yn ddigon cadarn o ran arfer eu pwerau o dan adran 18 o ddeddf Aer Glân 1993, i leihau llygredd aer a nodwyd drwy orchymyn rheoli mwg. Mewn egwyddor, byddai hyn yn

galluogi Gweinidogion Cymru gyfarwyddo awdurdod lleol mewn perthynas ag unrhyw ardal drefol â phoblogaeth ddwys, lle mae llygredd aer yn cael ei achosi gan fwg, fesul achos. Bydd Gweinidogion Cymru yn gweithio gydag awdurdodau lleol i sicrhau bod unrhyw ardaloedd rheoli mwg yn cael eu sefydlu o dan adran 18. Dim ond fel yr opsiwn olaf y byddai pwerau cyfarwyddo'n cael eu defnyddio.

Roedd Deddf Aer Glân 1993, Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) 2019 a Gorchymyn Ardaloedd Rheoli Mwg (Dosbarthau Esempt ar Leoedd Tân) (Cymru) 2019 yn amlinellu'r deddfwriaeth ar gyfer llosgi mewn ardal rheoli mwg. Mae'r fframwaith presennol ar gyfer niwsans statudol yn dod o dan Ddeddf Diogelu'r Amgylchedd 1990. Mae rhai mathau, cyfyngedig iawn, o losgi yn dod o dan Ddeddf Aer Glân 1993, hynny yw pan fydd mwg yn cael ei allyrru o simnai adeilad fel tŷ haul.

Pe byddem yn estyn y ddeddfwriaeth mewn perthynas ag ardaloedd rheoli mwg i gynnwys llosgi y tu hwnt i'r hyn sydd eisoes wedi'i gynnwys yn Neddf Aer Glân 1993 a Deddf Diogelu'r Amgylchedd 1990, byddai angen gwneud hynny drwy ddeddfwriaeth sylfaenol.

Mae rhagor o waith ar losgi domestig. sy'n cynnwys llosgi yn yr awyr agored, yn cael ei wneud yn dilyn yr ymgynghoriad ar leihau allyriadau o losgi tanwyddau solet at ddibenion domestig. Pan fydd cynigion yn cael eu datblygu i fynd i'r afael â llygredd a achosir gan losgi yn yr awyr agored ym mhob man, byddwn yn ystyried i ba raddau y gallwn ddefnyddio swyddogaethau deddfwriaeth presennol, yn hytrach na datblygu deddfwriaeth sylfaenol.

Mae'r Bil yn cyflwyno gofyniad i awdurdodau lleol ystyried unrhyw ganllawiau a gyhoeddir gan Weinidogion Cymru mewn perthynas ag ardaloedd rheoli mwg. Mae'r canllawiau'n disodli ein cynnig gwreiddiol ar gyfer 'gofyniad i adolygu' a byddant yn cael eu datblygu ar y cyd â rhanddeiliaid ac yn cael eu hadolygu a'u diweddarau o bryd i'w gilydd.

## **Codi Tâl ar Ddefnyddwyr Cefnffyrdd**

### **10. A allwch gadarnhau, pan wneir cynllun codi tâl ar ddefnyddwyr cefnffyrdd yn rhinwedd adran 167(3) at ddiben lleihau neu gyfyngu ar lygredd aer, y gellir cymhwyso cyfran Gweinidogion Cymru o'r enillion net o'r cynllun at unrhyw ddiben?**

Y bwriad o'r cychwyn cyntaf fu mynd i'r afael â'r cyfyngiad presennol sy'n ei gwneud yn ofynnol i enillion net gael eu defnyddio ar gyfer polisïau a chynigion trafndiaeth yn unig. Cafodd y cynnig hwn ei gynnwys yn ein Papur Gwyn ar Fil Aer Glân (Cymru).

Byddai'r gofyniad i ddefnyddio enillion net ar gyfer polisïau trafndiaeth yn unig yn cyfyngu ar y camau pellach y gallem eu cymryd i fynd i'r afael ag ansawdd aer gwael. Er enghraifft, o dan y trefniadau presennol, mae'n bosibl na fyddwn yn gallu cefnogi rhai mathau o weithgareddau Rheoli Ansawdd Aer yn Lleol, neu estyn trefniadau monitro ansawdd aer, neu fynd i'r afael ag allyriadau o losgi diwydiannol neu losgi domestig.

Mae bwysig ein bod yn gallu dangos cysylltiad clir rhwng y ffioedd a godir am wella ansawdd aer, a'r mesurau a fyddai'n cael eu hariannu gan y ffioedd hyn i wella ansawdd aer ymhellach.

Ni fydd yr enillion net sy'n dod o gynlluniau i leihau neu gyfyngu ar lygredd aer yn agos i ffyrdd yn cael eu neilltuo. Bydd hyn yn rhoi rhagor o ryddid i Weinidogion ddefnyddio'r incwm yn y ffordd fwyaf effeithiol posibl i gyflawni ein huchelgeisiau polisi.

I adlewyrchu'r ffocws ar wella ansawdd aer, bydd angen i Weinidogion asesu'r gwariant arfaethedig yn erbyn yr effaith ddisgwyliedig ar ansawdd aer (os o gwbl) ar ansawdd aer.

Bydd hyn yn sicrhau bod ansawdd aer yn ganolog i unrhyw benderfyniadau a wneir fel rhan o'r broses hon.

## **11. A allwch roi'r wybodaeth ddiweddaraf am ddatblygu fframwaith ar gyfer Parthau Aer Glân?**

Yn 2018 gwnaethom gyhoeddi Fframwaith Parthau Aer Glân drafft ar gyfer Cymru er mwyn ymgynghori yn ei gylch. Bwriad y fframwaith oedd arwain camau gweithredu awdurdodau lleol i wella ansawdd aer a lleihau allyriadau sy'n peri llygredd. Roedd y fframwaith drafft yn disgrifio ystyriaethau allweddol, gan gynnwys datblygu tystiolaeth i gefnogi cyflwyno cynllun codi tâl.

Mae datblygu ein Fframwaith Parthau Aer Glân wedi'i gysylltu yn agos at ein dull ehangach ar gyfer rheoli gadw. Mae hyn yn cynnwys dulliau amgen fel ailddyrranu lle ar y ffyrdd a chodi tâl ar leoedd parcio yn y gweithle, yn ogystal â chynlluniau codi tâl ar ddefnyddwyr ffyrdd. Mae rheoli galw yn gallu helpu i annog pobl i gefnu ar ddefnyddio ceir preifat. Mae Llwybr Newydd, ein Strategaeth Drafnidiaeth i Gymru, yn cynnwys ymrwymiad i ddatblygu fframwaith cenedlaethol ar gyfer codi tâl ar ddefnyddwyr ffyrdd. Mae hyn yn cael ei adlewyrchu yn yr ymrwymiad yn ein Cynllun Cyflawni Cenedlaethol ar gyfer Drafnidiaeth i ddatblygu strategaeth i godi tâl teg ar ddefnyddwyr ffyrdd.

Bydd rhagor o waith yn cael ei wneud i ddatblygu fframwaith ar gyfer codi tâl teg a chyfartal ar ddefnyddwyr ffyrdd, gan gynnwys sut y gall awdurdodau lleol gael benthyciadau ar sail y ffyrddiau refeniw hyn yn y dyfodol i ariannu gwelliannau i drafnidiaeth; ac ystyried opsiynau eraill fel codi tâl ar leoedd parcio yn y gweithle ac ailddyrranu lle ar y ffyrdd.

Bydd y fframwaith/strategaeth ehangach hon yn cynnwys cyngor ar ddatblygu a chyflwyno Parthau Aer Glân/Parthau Allyriadau Isel ar ffyrdd awdurdodau lleol, gan adeiladau ar ein Fframwaith Parthau Aer Glân drafft ar gyfer Cymru. Bydd y ddogfen hon hefyd yn disgrifio o dan ba amgylchiadau y gellir cyflwyno Parthau Aer Glân ar ein rhwydwaith cefnffyrdd, gan ddefnyddio ein pwerau newydd yn y Bil.

Bydd y gwaith hwn yn cael ei drefnu maes o law i sicrhau ein bod yn gallu gwneud hyn yn unol ag amserlenni cyhoeddedig y Cynllun Cyflawni Cenedlaethol ar gyfer Trafnidiaeth.

## **Gwrthsegura**

### **12. Pam ydych chi o'r farn bod angen y pwerau i ragnodi ystod ariannol, o ystyried bod pŵer i bennu swm cosb benodedig eisoes yn bodoli? Pa ystyriaeth y mae Llywodraeth Cymru wedi'i rhoi i gynyddu'r tâl presennol yn unig?**

Mae'r gosb ariannol bresennol o £20 yn rhy isel i atal pobl rhag gadael i injan eu cerbyd segura, ac nid yw'r taliadau'n ei gwneud yn hyfyw i awdurdodau lleol roi blaenoriaeth i gamau gorfodi.

Wrth reswm, rhaid i gosbau fod yn gymesur. Fodd bynnag, ar hyn o bryd nid oes gan awdurdodau lleol unrhyw hyblygrwydd o ran lefel y gosb ariannol maent yn ei rhoi. Felly rydym yn gwneud darpariaeth i awdurdodau lleol allu dewis lefel y gosb ariannol i'w rhoi ym mhob achos, o ystod a fydd yn cael ei phennu mewn rheoliadau.

Bydd cyflwyno pŵer i bennu ystod o gosbau ariannu mewn rheoliadau yn hwyluso gwaith gorfodi awdurdodau lleol neu eu swyddogion awdurdodedig. Mae'n rhoi elfen o ddisgresiwn o ran lefel y gosb benodedig y gellid ei rhoi am adael i injan segura.

Mae hefyd yn caniatáu hyblygrwydd o ran lefel y gosb i adlewyrchu lleoliad y segura. Er enghraifft, gellid rhoi cosb ar ben uchaf yr ystod i rywun am adael i injan segura y tu allan i ysgol. Nid oes modd gwneud hyn o dan y gyfundrefn bresennol, lle nad oes gan Weinidogion Cymru ond y pŵer i osod swm sengl ar gyfer cosb benodedig.

Gwnaethom hefyd hystyried cynyddu'r gosb bresennol. Mae gan Weinidogion Cymru y pŵer i wneud hynny drwy wneud diwygiad i'r rheoliadau presennol. Fodd bynnag, mae'r dull rydym wedi'i ddefnyddio yn y Bil yn darparu rhagor o hyblygrwydd o lawer ar gyfer awdurdodau lleol, ac yn galluogi camau gorfodi mwy effeithiol.

### **13. Pa asesiad sydd wedi'i wneud o effaith y cynigion ynghylch codi tâl ar ddefnyddwyr cefnffyrdd a'r cynigion i atal segura ar bobl o grwpiau incwm is?**

O ran gwrthsegura, mae'r rheoliadau presennol yn amlinellu sut dylai'r system orfodi bresennol weithio. Bydd swyddog gorfodi awdurdod lleol yn gofyn i yrrwr atal ei injan rhag segura, ac os yw'n gwneud hynny ni fydd dirwy yn cael ei rhoi.

Dim ond os bydd y gyrrwr yn gwrthod atal ei injan rhag segura ar ôl i'r swyddog ofyn iddo wneud hynny y bydd dirwy yn cael ei rhoi. Bydd ein canllawiau i awdurdodau lleol yn nodi'r angen i ystyried ffactorau economaidd-gymdeithasol wrth lunio cosbau.

Rydym yn ymwybodol bod rhaid i lefel y gosb benodedig fod yn briodol ar gyfer amgylchiadau lleol. Os yw cosbau yn rhy uchel ar gyfer amodau lleol, er enghraifft, mewn ardal o amddifadedd lluosog, bydd llawer o achosion o fethu talu, a byddai hyn yn tanseilio'r gyfundrefn. Hefyd, gallai methu talu arwain ag gosbau uwch byth ar gyfer y rhai nad ydynt wedi talu, a gallai hyn arwain at ragor o ddyled ar gyfer pobl sydd eisoes yn byw mewn tloidi. Bydd ein canllawiau'n ystyried y mater sensitif hwn yn llawn.

O ran codi tâl ar ddefnyddwyr cefnffyrdd sy'n gyrru cerbydau nad ydynt yn cydymffurfio (sy'n creu'r llygredd mwyaf), byddai angen ystyried yr effaith ar grwpiau incwm is wrth ddatblygu cynigion penodol ar gyfer y cynllun.

Bydd angen cynnal Asesiad o'r Effaith Economaidd i werthuso'r effeithiau posibl a allai godi o ganlyniad i gynlluniau codi tâl, ac i helpu i bennu mesurau lliniaru i gyfyngu ar ganlyniadau negyddol. Dylai'r asesiad ystyried effaith lawn bosibl Parth Aer Glân arfaethedig, a dylid pwysu a mesur yn ofalus y costau a'r manteision.

Dylai unrhyw gamau i fynd i'r afael a phroblemau ansawdd aer fod yn gymesur â maint y broblem, a bod yn unol â gofynion llesiant cenedlaethau'r dyfodol.

Byddai ymarfer ymgynghori'n cael ei gynnal cyn cyflwyno unrhyw gynlluniau, pan fyddai digon o gyfleoedd i sicrhau bod effeithiau'r cynllun ar y rhai mewn grwpiau incwm is wedi cael eu hasesu'n llawn.

## **Seinweddau**

### **14. Sut mae Llywodraeth Cymru yn diffinio 'seinweddau'?**

Y diffiniad ffurfiol o 'seinwedd' ym Mholisi Cynllunio Cymru Rhifyn 11 (troednodyn 142)<sup>1</sup>, Cynllun Gweithredu Sŵn a Seinwedd 2018–2023 (troednodyn 10)<sup>2</sup> a'r drafft ymgynghori diweddar o TAN 11 (Rhestr Termau)<sup>3</sup>, yn unol â'r diffiniad Prydeinig a'r diffiniad rhyngwladol safonol<sup>4</sup> yw: yr amgylchedd acwstig (h.y. sain) fel y mae'n cael ei ganfod neu ei brofi a/neu ei ddeall gan berson neu bobl mewn cyd-destun penodol. Rydym hefyd wedi diffinio 'seinwedd priodol' i olygu yr amgylchedd sain cywir ar yr adeg gywir ac yn y lle cywir. Mae seinweddau priodol ac aer glân yn ddau o'r Canlyniadau Cenedlaethol Creu Lleoedd Cynaliadwy a sefydlwyd ym Mholisi Cynllunio Cymru.

## **15. Pa ystyriaeth a roesoch i gynnwys diffiniad o 'seinweddau' yn y Bil?**

Cafodd hyn ei ystyried, ond rydym yn gwybod bod safonau Prydeinig a safonau rhyngwladol yn cael eu hadolygu a'u diweddarau o bryd i'w gilydd. Mae'r diffiniad o seinwedd sydd wedi'i gymeradwyo gan y gymuned acwstig wedi cael ei sefydlu ers llai na degawd. Pe bai'n cael ei fireinio yn ystod y blynyddoedd nesaf, er enghraifft, i'w ehangu y tu hwnt i glyw pobl i gynnwys y ffordd mae rhai anifeiliaid yn clywed sain mewn cyd-destun penodol, mae'n bosibl y bydd Llywodraeth Cymru am ddefnyddio'r diffiniad diweddaraf yn ei pholisïau. Byddai gwneud newid o'r fath mewn dogfennau polisi cenedlaethol fel Polisi Cynllunio Cymru a'r Cynllun Sŵn a Seinwedd, sydd hefyd yn cael eu hadolygu a'u diweddarau o bryd i'w gilydd, yn weddol syml. Ni fyddai'n syml diwygio diffiniad wedi'i ymgorffori mewn deddfwriaeth sylfaenol.

## **16. Pa ystyriaeth a roesoch i sefydlu Panel Cyngori ar Seinweddau i roi cyngor arbenigol i Weinidogion Cymru (cyffelyb i'r Panel Cyngori ar Aer Glân)?**

Mae Llywodraeth Cymru yn derbyn cyngor a chymorth oddi wrth lawer o ymarferwyr sŵn a seinwedd gwahanol, sydd gyda'i gilydd yn ymdrin ag amrediad eang o feysydd arbenigol. Mae'r meysydd arbenigol sydd eu hangen o bryd i'w gilydd yn cynnwys modelu cyfrifiadurol ar raddfa fawr a thrin data ar gyfer mapio sŵn yn genedlaethol, adolygiadau systematig o ymchwil academaidd i grynhoi tystiolaeth mewn perthynas ag iechyd a llesiant, ymarferoldeb gweithredu pwerau i ymchwilio i gwynion am sŵn a chymryd camau gorfodi, cyfranogiad y cyhoedd mewn asesiadau ac ymyriadau seinwedd ar lefel y gymuned leol, peirianeg rheoli sŵn, a llawer o feysydd gwybodaeth arbenigol eraill.

Rydym yn asesu'r arbenigwyr hyn mewn nifer o ffyrdd, gan gynnwys drwy fframwaith caffael presennol y Llywodraeth, ein rhwydwaith sefydledig iawn o reoleiddwyr sŵn yng Nghymru, ac rydym yn aelod o bwyllgorau sŵn y Sefydliad Safonau Prydeinig, y Sefydliad Acwstig (IOA) a Rhwydwaith Acwstig y DU (UKAN+), ac yn cyfrannu at waith y sefydliadau hyn.

Mae'r trefniadau hyn wedi gweithio inni hyd yn hyn. Rydym yn fodlon ystyried unrhyw achos a wneir dros sefydlu panel cyngori mwy ffurfiol ar seinweddau, yn debyg i'r Panel Cyngori ar Aer Glân. Fodd bynnag, byddai angen aelodaeth eang a hyblyg iawn ar bwyllgor o'r fath er mwyn iddo ymdrin â'r holl faterion a'r dystiolaeth sydd ei hangen o fewn cwmpas strategaeth seinweddau genedlaethol. Byddai angen hefyd ein hargyhoeddi y byddai'r gwerth mae'n ei ychwanegu at y trefniadau presennol yn fwy na'r costau gweinyddol.

## **17. Sut y bydd Gweinidogion Cymru yn monitro effeithiolrwydd y strategaeth seinweddau genedlaethol o ran lleihau lefelau llygredd sŵn?**

<sup>1</sup> [Polisi Cynllunio Cymru | LLYW.CYMRU](#)

<sup>2</sup> [Cynllun Gweithredu Sŵn a Seinwedd 2018 – 2023 | LLYW.CYMRU](#)

<sup>3</sup> [Canllawiau cynllunio diwygiedig mewn perthynas ag ansawdd aer, sŵn a seinweddau | LLYW.CYMRU](#)

<sup>4</sup> [BS ISO 12913-1 - Acoustics. Soundscape. Definition of a conceptual framework \(bsigroup.com\)](#)

Rhaid i'r strategaeth seinweddau genedlaethol gynnwys polisiâu Gweinidogion Cymru mewn perthynas ag asesu a rheoli seinweddau yng Nghymru, a'n polisiâu ar gyfer asesu a lleihau lefelau o lygredd sain.

Mae'n anodd mesur yn gywir gysylltiad y boblogaeth â llygredd sŵn ar lefel genedlaethol. Mae modd mesur rhai mathau o sain yn yr awyr agor, fel sain o drafnidiaeth, ar lefel genedlaethol drwy gyfrifiaduron. Fodd bynnag, mae'r feddalwedd a'r dulliau cyfrifo'n esblygu'r barhaus. Nid yw 'mapiau sŵn strategol' wedi'u cynhyrchu yn y ffordd hon yn dweud wrthym pa mor dda mae gwahanol adeiladau'n diogelu'r bobl ynddynt, sy'n dibynnu ar gynllun yr ystafelloedd a dulliau adeiladu. Mae hyn yn golygu, hyd yn oed ar gyfer sŵn o'r ffyrdd a'r rheilffyrdd, nid ydym wedi llwyddo i fesur newidiadau gwirioneddol i gysylltiad y boblogaeth â sŵn dros amser. Ar gyfer mathau eraill o sŵn, fel sŵn o gymdogion, nid yw awdurdodau cyhoeddus yn ymwybodol o'r rhain nes bod rhywun yn gwneud cwyn swyddogol, ac nid yw cwynion o'r fath yn cael eu cofnodi a'u rhannu mewn modd cyson. Yn ôl yr ymatebion i'r cwestiynau am sŵn yn ein Harolwg Cenedlaethol yn 2017–18 a 2021–22, roedd chwarter y bobl yng Nghymru yn dioddef effeithiau sŵn o'r tu allan i'w cartrefi yn rheolaidd. Mae llawer o'r sŵn hwn yn dod o gymdogion, ond nid yw llawer o'r bobl hyn yn gwneud cwyn swyddogol am sŵn i'w hawdurdod lleol.

Ein mesur mwyaf dibynadwy o fynychder niwsans sŵn yng Nghymru yw'r Arolwg Cenedlaethol. Rydym yn gobeithio ailofyn y cwestiynau am sŵn a ofynnwyd yn 2017–18 a 2021–22 o bryd i'w gilydd. Rydym yn parhau i adrodd canlyniadau pennawd trawiadol, fel y gydberthynas amlwg rhwng niwsans sŵn rheolaidd ac ardaloedd difreintiedig, yn ein Cynllun Sŵn a Seinwedd, sef ein strategaeth seinweddau genedlaethol. Wrth i ragor o bobl fyw yn agosach at ei gilydd yn ein trefi a'n dinasoedd, ar y cyfan nid ydym yn credu ei bod yn realistig gweld gwelliannau mawr na chyflym yn yr ymatebion i'r cwestiynau a ofynnir. Os bydd y Llywodraeth yn gallu gwella'r sefyllfa bresennol ac atal problemau newydd rhag codi, byddwn yn ceisio gwneud hynny, gan gynnwys drwy'r polisiâu sydd yn y Cynllun.

Yn yr hinsawdd ariannol bresennol, y prif nod yng Nghynllun Sŵn a Seinwedd 2023–28 y byddai'n realistig ei gyflawni yw sicrhau bod sŵn a seinweddau'n cael eu hystyried yn briodol gan awdurdodau cyhoeddus pan fyddant yn gwneud penderfyniadau. Mae hyn yn gyson â'r ffyrdd o weithio yn Neddf Llesiant Cenedlaethau'r Dyfodol, i osgoi creu problemau sŵn newydd, ac i fanteisio i'r eithaf ar unrhyw gyfleoedd i leihau lefelau sŵn presennol a hyrwyddo seinweddau iachach. Rydym yn bwriadu ymgynghori ar ein strategaeth seinweddau genedlaethol ddiwygiedig yn yr haf hwn.

Rhaid i unrhyw gamau a gymerir o dan y strategaeth ymateb i ddigwyddiadau a datblygiadau polisi mewn meysydd eraill. Nid oedd modd i'n Cynllun 2018 ragweld y cyfyngiadau symud yn 2020 a'r niferoedd uchel o bobl yn gweithio gartref. Nid oeddem yn gwybod ar y pryd chwaith beth fyddai'r sefyllfa bum mlynedd yn ddiweddarach mewn perthynas â'n Bil Aer Glân, tân gwyllt a thechnolegau newydd fel pypiau gwres ffynhonnell aer. Ond mae'r egwyddorion arweiniol cyffredinol a'r ffyrdd o weithio yn y Cynllun wedi bod yn ddilys ac yn berthnasol i'r holl bethau hynny, a byddant yn parhau i fod yn berthnasol i ba faterion bynnag sy'n codi sy'n effeithio ar seinweddau yng Nghymru dros y pum mlynedd nesaf.

Dylid barnu llwyddiant y Cynllun Sŵn a Seinwedd newydd ar sail pa mor dda mae Llywodraeth Cymru a chyrrff cyhoeddus eraill yn cynnwys effeithiau seinweddau sy'n newid yn eu prosesau ar gyfer gwneud penderfyniadau dros y pum mlynedd nesaf. Mae hyn yn cynnwys penderfyniadau cynllunio, polisiâu trafndiaeth, mentrau datgarboneiddio ac ymyriadau ansawdd aer. Bydd rhoi'r cynllun ar sail gyfreithiol fwy cadarn fel y strategaeth seinweddau genedlaethol yn codi ei broffil a, gobeithio, yn codi ei effeithiolrwydd wrth arwain penderfyniadau ar sail gwybodaeth.

**18. Pa ystyriaeth a roesoch i gynnwys gofyniad ar Weinidogion Cymru i adrodd ar gynnydd tuag at weithredu'r strategaeth seinweddau genedlaethol? Byddwn**

Byddem yn disgwyl i'r ymgynghoriad cyhoeddus ar yr adolygiad pum mlynedd a'r fersiwn ddiweddaraf o'r strategaeth seinweddau genedlaethol gynnwys adroddiad ar ba mor effeithiol oedd y gwaith o weithredu'r fersiwn flaenorol o'r strategaeth. Bydd angen hyn i nodi unrhyw ddiwygiadau sydd eu hangen.

Rwy'n gobeithio y bydd yr ymatebion hyn i'r cwestiynau a ofynnwyd gennych yn eich llythyr yn ddefnyddiol.

Yn gywir



**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

# Agenda Item 5.2

## Welsh Affairs Committee

House of Commons London SW1A 0AA

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From: The Chair of the Committee

Llyr Gruffydd, MS

Chair, Climate Change, Environment and Infrastructure Committee

Senedd Cymru

Cardiff Bay, Cardiff

CF99 1SN

[via email]

24 April 2023

Dear Llyr,

The House of Commons Welsh Affairs Committee has held two evidence sessions examining water quality in Wales, in response to concerns about water pollution in Welsh rivers and seas, particularly as a result of sewage discharges. I know that this has been an area of interest and work for your Committee.

Following our evidence sessions, I have written to the Welsh Government asking for an update on the measures it is taking. Please find the letter enclosed.

This is a subject to which we may return. If you felt it helpful, we would be interested in working jointly with your Committee, to enable us better to scrutinise this area of concern to us both.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Stephen".

Rt Hon Stephen Crabb MP



# Welsh Affairs Committee

House of Commons London SW1A 0AA  
Tel 020 7219 6189 Fax 020 7219 0316 Email  
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**From: The Chair of the Committee**

Julie James MS, Minister for Climate Change, Welsh Government  
5<sup>th</sup> Floor, Tŷ Hywel  
Cardiff Bay  
CF99 1NA

[via email]

24 April 2023

Dear Julie,

My Committee recently held two evidence sessions focused on the regulation of water companies in Wales in the context of growing concern about poor water quality as a result of sewage discharges.

We heard, in our first session, from representatives of Surfers against Sewage and Afoyndd Cymru, and the environmental campaigner, Angela Jones. In the second session we questioned Natural Resources Wales and the UK regulator, Ofwat, followed by the two water companies operating in Wales, Dŵr Cymru and Hafren Dyfrdwy.

We were grateful for the engagement by these bodies. We were very concerned, however, by the evidence we heard about the condition of Welsh rivers and coastal waters and the current approaches to monitoring, enforcement, and regulation.

Key points of concern include:

- the accuracy of monitoring equipment, and therefore reliability of data;
- the lack of monitoring of the volume of sewage discharged as well as the frequency of outflows;
- the frequency of “unpermitted” sewage discharges from storm overflows; and
- the low number of prosecutions in Wales to enforce water quality regulations and the apparent lack of appetite from regulators for stronger enforcement powers and sanctions.

We were also concerned at the apparent lack of urgency in tackling these challenges on the part of regulators and water companies. Although data collection on sewage discharges began in 2013, the response of regulators and water companies appears to be to pursue further research into the impact of the discharges up to 2027. The significant work required to replace Wales’s combined sewerage system means there is no time to lose, and regulators and companies need to have a clear long-term plan stretching over medium term.

The general view of the Committee was that there seemed to be a lack of a clear and timely plan to address the issues highlighted, including the sheer quantity of sewage being discharged. We would, therefore, be interested to know what steps are being taken by the Welsh Government to address this set of problems. I would be grateful for your reply by 15 May.

I know that the problems of water pollution are of concern to all the people of Wales. Our counterparts on the Senedd Climate Change, Environment and Infrastructure Committee have previously published reports on this subject and I am copying this letter to the chair, Llyr Gruffydd MS.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen', followed by a small dash.

Rt Hon Stephen Crabb MP

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