

AQS 06 Newport City Council

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

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

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.

2. 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?

2.i) National air quality targets (sections 1 to 7)

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.

2.ii) Promoting awareness about air pollution (section 8)

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.

2.iii) National air quality strategy (sections 9 to 11)

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.

2.iv) Air quality regulations (section 12)

This section is supported.

2.v) Local air quality management (sections 13 to 15)

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.

2.vi) Smoke control (sections 16 to 18)

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.

2.vii) Vehicle emissions (sections 19 to 21)

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.

2.viii) National soundscapes strategy (sections 22 and 23)

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.

2.ix) Strategic noise map and noise action plans (sections 24)

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.

2.x) General provisions (sections 25 to 28);

No comment

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

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.

4. 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)?

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.

5. Are any unintended consequences likely to arise from the Bill?

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).

6. 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?

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.

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

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.