Number: WG31252



Welsh Government Consultation – summary

Local air quality and noise management in Wales

March 2017

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Consultation on local air quality and noise management in Wales

Summary and Welsh Government response

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Question 6.1 – streamlining local air quality management

- 6.1 As has recently occurred in other parts of the UK, the Welsh Government proposes to streamline the local air quality management (LAQM) system in Wales by:
 - moving from the current three-yearly cycle of updating and screening assessments every third year and progress reports in the intervening two years, to a simpler system with a single annual progress report;
 - changing the submission deadline for annual progress reports from 30 April to 30 June, to avoid the end-of-financial-year work pressures; and
 - removing the requirement for a detailed assessment where the Local Authority already has enough information to warrant declaring an air quality management area (AQMA), thereby enabling resources to be focused more swiftly on the development of an effective local air quality action plan.

We think these proposed changes will reduce the burden on Local Authorities without reducing the effectiveness of LAQM. Do you agree?

Welsh Government response

There is a consensus among respondents in favour of moving to a single annual report format rather than alternating from year to year between updating and screening assessments and progress reports. There is also a consensus in favour of removing the requirement to produce a detailed assessment prior to declaring a new AQMA. The Welsh Government will therefore implement the first and third bullet points as proposed in the consultation document.

Some of the responses to question 6.3 indicated Local Authorities may find a 30 June deadline almost as difficult to meet as the current 30 April deadline. Other responses suggested a six-month grace period for late submissions prior to Ministerial intervention may be overly generous. Having considered the merits of the various arguments put forward, the Welsh Government intends to change the submission deadline for annual progress reports in Wales to 30 September. However, there will only be a three-month grace period for late submissions prior to Ministerial intervention. This approach will give Local Authorities longer to verify and collate their monitoring data, and yet make it clear failure to provide information on air quality for a given year within twelve months of the year ending is unacceptable.

Question 6.2 – joint working between local authorities

6.2 The Welsh Government also proposes to encourage Local Authorities to consider improving efficiency by sharing expertise, pooling resources and collaborating on monitoring activities, local air quality strategies and the preparation of annual progress reports. The Welsh Government does not insist on a separate annual progress report for each Local Authority, and would accept annual progress reports and/or local air quality strategies covering two or more Local Authorities.

Do you agree there is scope for some Local Authorities to work more efficiently by producing annual progress reports and/or local air quality strategies jointly?

Welsh Government response

Almost all the responses received were supportive this proposal, but a number of them cautioned against advocating a one-size-fits-all approach to joint working between Local Authorities. A small minority of respondents voiced concerns about loss of accountability if reports and strategies are produced jointly.

In the short term, the Welsh Government will take this proposal forward in the revised LAQM policy guidance, making clear there is scope for joint working. The revised guidance will also reflect the longer term direction of travel in terms of local government reform in Wales and the Welsh Government's proposals for mandatory and systematic regional working in a number of areas, including public protection. The statutory duties to carry out LAQM will remain for now with the individual Local Authorities. Future arrangements for the exercise of Local Authority air quality functions will be considered as part of the development of the Welsh Government's wider proposals for local government reform.

In response to Public Health Wales' suggestion of tasking Public Services Boards (PSBs) with producing regional air quality strategies, the Welsh Government does not intend to make this a requirement. However, the revised LAQM policy guidance will make it clear the Welsh Government would welcome public bodies collaborating on such strategies and, depending on the priorities which emerge from their assessment of well-being, PSBs could choose to focus on this issue and/or address it as part of wider consideration.

Question 6.3 – enforcement of reporting deadlines

- 6.3 It is not acceptable for Local Authorities to miss deadlines set in statutory guidance for the submission of annual progress reports and local air quality action plans. The Welsh Government expects a consistent level of high performance across Wales and therefore proposes to implement the system recently put in place in Scotland. Except in cases where an extension has been negotiated in advance with the Welsh Government:
 - Where an annual progress report (due on 30 June) or local air quality action plan (due 18 months after the declaration of an AQMA) is two months overdue, the Local Authority will receive a reminder.
 - Where an annual progress report or local air quality action plan is three months overdue, the Local Authority will receive a warning letter.
 - Where an annual progress report or local air quality action plan is four months overdue, the Local Authority will receive a final warning letter.
 - Where an annual progress report or local air quality action plan is six months overdue, the Local Authority will receive a direction from the Welsh Ministers under section 85(3) of the Environment Act 1995.

Do you agree the Welsh Government should enforce deadlines for annual progress reports and local air quality action plans in the manner described?

Welsh Government response

The responses to this proposal were broadly divided between Local Authorities, who acknowledged the importance of timely reporting but stressed the difficulties involved in meeting deadlines, and other respondents, who advocated a strict enforcement of deadlines. In relation to annual progress reports, the Welsh Government considers it important to provide information on air quality for a given year to the public within twelve months of the year ending. This should be achievable, particularly if Local Authorities pool their resources. However, the Welsh Government concedes the originally proposed target date of 30 June may be unachievable for some. A deadline of 30 September will therefore be specified, but with only a three-month grace period consisting of an initial reminder, a warning letter after one month and a Ministerial direction at the end of three months. In relation to action plans, the Welsh Government.

Question 6.4 – new reporting template

6.4 The Welsh Government proposes to take ownership of the template for annual progress reports, to ensure it is more fully aligned with Welsh policy. Feedback from Local Authorities suggests the current format is timeconsuming when it comes to data entry. The Welsh Government would welcome concrete proposals from Local Authorities for improvements to the template, ideally working jointly through the Welsh Air Quality Forum to agree a more user-friendly layout.

If you are a Local Authority, can you suggest ways to make the format of the annual progress report template easier to complete without reducing its usefulness to readers?

Welsh Government response

The responses to this proposal contain a number of useful suggestions, and show an appetite in Local Authority air quality teams to work with the Welsh Government to get the new template right. The Welsh Government has considered these responses together with those to question 6.8, which express doubts concerning the feasibility of agreeing the new reporting template in time for it to be used by Local Authorities in 2017. In light of these concerns raised in relation to timing, the Welsh Government will retain the use of the existing progress report template in 2017 and work with Local Authorities and the Welsh Air Quality Forum through the course of 2017 to develop a new annual progress report template to be introduced for use in 2018.

In the course of this work, the Welsh Government will consider the scope to adopt a more "open data" approach to air quality reporting, with the emphasis shifting towards a requirement to publish air quality data in an open format easily accessible to the general public.

Question 6.5 – content of annual progress reports

- 6.5 In terms of content, the Welsh Government proposes each LAQM annual progress report from 2017 onwards should state:
 - whether air and/or noise pollution figure in the Local Authority's well-being objectives, and if so, in what form, and what progress has been made in meeting those well-being objectives to date;
 - what policies the Local Authority has in place to reduce average levels of NO₂, PM_{2.5}, PM₁₀ and noise pollution at dwellings across the Local Authority, taking into consideration the Welsh air quality exposure indicators (see Annex A) and national noise maps; and
 - how LAQM monitoring, the Welsh air quality exposure indicators and national noise maps have informed or will inform the PSB's assessment of local well-being.

Do you agree annual progress reports should include this information?

Welsh Government response

The consultation responses show broad support for this proposal in principle, although Local Authority air quality officers expressed concern it could make their annual progress reporting duties more burdensome.

Officers should find it easier to access the information being requested here as the requirements for integration and collaboration required by the Well-being of Future Generation (Wales) Act 2015 ("the WFG Act") become embedded in their organisations. It should then be straightforward for officers to summarise the key points in their annual progress report. All the Welsh Government is seeking is clear statements in relation to the three bullet points in the consultation question above, which may be brief if there is nothing to report. The Welsh Government recognises if lines of communication within a Local Authority are not functioning as well as they should, the information being requested here could be more onerous for officers to obtain. This may result in some additional work for officers in the short term.

The Welsh Government will implement the proposal as drafted. On a point of clarification in response to points made in consultation responses, "noise pollution" here means environmental noise emitted by sources of air pollution, notably transport and industry.

Question 6.6 – content of local air quality action plans

- 6.6 Furthermore, the Welsh Government proposes any new or updated local air quality action plan from 2017 onwards should state:
 - how actions are being taken forward not solely with a view to achieving technical compliance with the national air quality objectives, but also with a view to maximising their contribution to reducing average levels of NO₂, PM_{2.5}, PM₁₀ and noise pollution at dwellings across the Local Authority, and thereby to achieving the greatest public health benefit; and
 - how the local air quality action plan aligns with the objectives in the PSB's local well-being plan.

Do you agree local air quality action plans should include this information?

Welsh Government response

Consultation respondents agreed there is a need to reduce population exposure to airborne pollution alongside achieving compliance with the national air quality objectives. They also agreed collaborative working is important. However, Local Authorities cautioned against making their action planning duties more burdensome.

The Welsh Government is not suggesting Local Authorities should be able to demonstrate reductions in air and noise pollution across their entire territory through measurement and attribute those reductions to local air quality action plans. They are, however, being asked to factor any potential benefits in terms of more widespread airborne pollution reduction into the selection and prioritisation of measures in their action plans. This way of thinking should come naturally over time as the ways of working set out in the WFG Act become more prevalent within Local Authorities. In working in accordance with the sustainable development principle, Local Authorities should, as a matter of course, be looking to exploit any opportunities for wider benefits arising from their activities, including the public health consequences of how they select and prioritise actions in their local air quality action plans. If a local air quality action plan does not naturally align with any of the objectives in the PSB's local well-being plan, this should be clearly stated.

The Welsh Government will implement the proposal as drafted. As in question 6.5, "noise pollution" here means environmental noise emitted by sources of air pollution, notably transport and industry.

Question 6.7 – prioritising key pollutants

6.7 The Welsh Government proposes to retain all the national air quality objectives currently in regulations, but does not expect Local Authorities to spend time and resources monitoring and reporting data on pollutants no longer considered to be of national concern unless there are specific local reasons for so doing.

Do you agree to our retaining all the existing national air quality objectives but encouraging Local Authorities to focus just on NO₂ and particulate matter?

Welsh Government response

The responses to this proposal were mixed, reflecting an understandable tension between recognition of the need to focus finite resources on the highest priority pollutants and a desire to continue monitoring and reporting on a wider suite of pollutants of potential concern.

The Welsh Government considers time and resources currently spent by Local Authorities on lower risk pollutants could potentially be used to greater public benefit if reassigned to address the known, persistent air quality issues associated with NO₂ and particulate matter. In terms of Public Health Wales' proposal to tighten the current air quality objectives, this would inevitably lead to a greater number of, and/or larger, AQMAs, which would spread Local Authorities' finite resources for monitoring and local air quality action planning even more thinly than at present and take the focus away from those currently identified as being subject to the very highest levels of air pollution.

Accepting difficult choices have to be made, the Welsh Government will adopt the change proposed in the consultation, to only require regular reporting of NO_2 , PM_{10} and any monitoring of $PM_{2.5}$ Local Authorities voluntarily choose to undertake. The national air quality monitoring and modelling network continues to provide data on a much wider range of pollutants, and the new annual progress report template will be designed to allow Local Authorities to report on any other pollutants they consider of particular local concern.

Local or regional strategies relating to air quality, sustainable transport and green infrastructure offer potentially cost-effective approaches to improving air quality outside existing AQMAs. Local or regional measures linked to PSBs' local well-being plans and consideration of potential benefits over wider areas when selecting and prioritising actions in local air quality action plans can also help in this regard.

Question 6.8 – implementation timetable

6.8 Subject to the outcome of this consultation exercise, the Welsh Government would propose to implement all the above changes by issuing new LAQM policy guidance in early 2017, together with a new annual progress report template. These will be published at least three months prior to the new submission deadline of 30 June.

Do you agree to our introducing the proposed changes through statutory guidance in time for next year's reporting?

Welsh Government response

Local Authority responses to question 6.4 showed an enthusiasm to work with the Welsh Government to develop a new annual progress report template. In contrast, the responses to question 6.8 express considerable scepticism about the suggested implementation timetable. On further reflection, the Welsh Government concedes the timescales proposed in the consultation document may have been overly ambitious. Pursuing them might result in delays to the public reporting of air quality monitoring data for the year 2016 and a rushed annual progress report template.

The Welsh Government will, therefore, retain the existing progress report template for use by Local Authorities in 2017 and will work with Local Authority air quality officers and other stakeholders to develop the new reporting template in time for first use in 2018. The Welsh Government will, nevertheless, publish its revised policy guidance at least three months before the 2017 progress report submission deadline of 30 September (i.e. by 30 June 2017), thus enabling Local Authorities to have regard to the changes to LAQM policy when filling in the existing template.

Unless an extension is agreed in advance with the Welsh Government, in cases where either a progress report for the 2016 monitoring year or an up-to-date local air quality action plan for an AQMA declared or amended prior to the start of 2016 has not been submitted by the end of 2017, a Ministerial direction will be issued to the Local Authority under section 85(3) of the Environment Act 1995.

Question 6.9 – population exposure reduction

6.9 The Welsh Government proposes the new policy guidance will stress the greater public health benefits likely to result from actions to reduce air and noise pollution in an integrated fashion over a wider area, over and above those expected to result from actions seeking only to achieve technical compliance with the national air quality objectives in AQMAs.

Do you agree to an increased emphasis being placed on the importance of population-wide air and noise pollution exposure reduction alongside local measures to tackle pollution hotspots?

Welsh Government response

Almost all the responses received support this proposal, in light of the current evidence for the scale of the impacts of air and noise pollution on the health of the population. The Welsh Government will, therefore, take the proposal forward.

The Welsh Government is not proposing Local Authorities should be able to demonstrate Authority-wide reductions in air and noise pollution through monitoring and attribute those reductions to individual actions. They are simply being asked to factor the potential benefits of more widespread pollution reduction into the activities they currently undertake, and be seen to do so. The Welsh Government and other public bodies must also do this, and opportunities for collaboration should be sought by all.

"Noise" and "noise pollution" refer to unwanted or harmful sound, and not to welcome sounds such as the sounds of nature or music in the right place. When talking about actions to reduce air and noise pollution, we are largely concerned with sources emitting both types of airborne pollution, which primarily means transport and some forms of industry. For those sources it would be inefficient to aim to tackle air and noise pollution as unrelated issues. The Welsh Government is not suggesting other forms of noise, such as entertainment and neighbour noise, should be considered as part of LAQM. However, they will be considered in the Welsh Government's review of national planning policy and guidance.

Question 6.10 – working with other public bodies

6.10 The Welsh Government proposes the new policy guidance will stress the need for Local Health Boards and NRW to support Local Authorities to strengthen the effectiveness of local air quality action plans and local strategies in reducing exposure for the population as a whole. This support could be through work within PSBs.

Do you agree to an increased emphasis being placed on the importance of partnership working?

Welsh Government response

There is a strong consensus among all respondents in support of this proposal, together with some scepticism as to its actually occurring in practice unless the Welsh Government takes positive steps to make it happen.

In addition to producing revised policy guidance for Local Authorities, the Welsh Government will produce national guidance for Local Health Board Directors of Public Health, Local Authority Directors of Public Protection and Public Health Wales, encouraging them to support the delivery of LAQM, in particular the development and implementation of action plans in AQMAs. This collaboration may or may not be through work within PSBs. It is important to recognise collaboration between Local Authorities and other public bodies on local air quality and noise management can and should occur even if it is not a priority for the local well-being plan adopted by the PSB.

Welsh Government officials will seek regular feedback from Local Authority air quality officers on the level of engagement shown by partner organisations, and the Welsh Ministers will keep the need for further intervention under review.

Question 6.11 – supporting guidance

6.11 At the same time, references to evidence in the current interim policy guidance will be brought up to date, for example to reflect more recent evidence on the effects of 20 mph zones on local air quality.

Are there any other areas where you think our current policy guidance (<u>http://gov.wales/topics/environmentcountryside/epg/airgualitypollution/</u><u>airguality/guidance</u>) needs to be updated?

Welsh Government response

Consultation responses show a clear appetite for guidance on what works and how best to go about it, to supplement existing government guidance on the policy and technical aspects of LAQM. Expert bodies such as the UK Government's Air Quality Expert Group (AQEG) and the National Institute for Health and Care Excellence (NICE) play an important role in delivering some of this. To give a clear foundation for LAQM in Wales in policy terms, the Welsh Government will in the first instance issue the revised policy guidance without seeking to fill all of these gaps. We will then build on this foundation, with new annual progress report and action planning templates and updated guidance on the process for implementing measures such as low emission zones. In parallel to this work, AQEG and NICE guidance currently in draft form (including AQEG advice on the air quality effects of vegetation) is expected to be finalised. Welsh Government officials will discuss with the Welsh Air Quality Forum what other guidance should then be prioritised, to fill the most important of the remaining gaps.

Question 6.12 – grant funding

6.12 The Welsh Government proposes to amend its guidance on the environment and sustainable development single revenue grant for Local Authorities, emphasising its expectations in respect of the implementation of effective local air quality action plans, where AQMAs have been declared.

Do you agree it would be helpful to highlight this potential source of funding for the implementation of local air quality action plans?

Welsh Government response

Local Authorities' responses indicate their air quality work is currently under-funded but they do not support hypothecation / ring-fencing of Welsh Government grant funding for specific purposes. No evidence was provided in the consultation responses to suggest any additional funding provided by the Welsh Government to Local Authorities would be allocated to action on air quality unless the Welsh Government ring-fenced it for such a purpose, which is something the Local Authorities oppose.

The money made available through the single revenue grant is intended to support local air quality action plan implementation over and above the basic statutory requirements imposed on Local Authorities by the Environment Act 1995. A number of Local Authorities have said raising expectations of action on air quality through Welsh Government guidance on the single revenue grant would not be helpful. Nevertheless, the Welsh Government has made air quality more prominent in this year's grant guidance, and drawn air quality teams' attention to the single revenue grant rather than relying solely on Local Authorities' internal channels to communicate its existence. The Welsh Government will closely monitor whether this results in greater Local Authority allocations for local air quality action plan implementation.

In addition to the single revenue grant, the Department for Environment and Rural Affairs is developing proposals for a green infrastructure capital fund, which will include actions to improve air quality as one of its priorities.

Some of the action required in relation to air quality and noise should be built into other budget priorities within Local Authorities, such as active travel, transport, development planning and regeneration.

Question 6.13 – local authority chapters in the noise action plan

6.13 As the noise action plan for Wales 2013-2018's final year approaches, the Welsh Government proposes to ask the Local Authorities in large urban areas to review and update the chapters they wrote in 2013, which summarised numbers of noise complaints received, current levels of service to the public, and commitments to take noise into account in local development plans and road resurfacing programmes. Local Authorities would also be asked to assess any changes that may have occurred over the last five years. This would inform not only a future noise action plan for Wales but also the local well-being plans, also due in 2018.

Do you agree the need to monitor what has changed in terms of noise regulation in our largest towns and cities over the last five years?

Welsh Government response

Consultation responses show broad support for this proposal, and some suggest going further. The consultation proposal as drafted relates only to the six specific Local Authorities making up urban agglomerations for the purposes of the Environmental Noise Directive, namely Cardiff, the Vale of Glamorgan, Swansea, Neath Port Talbot, Newport and Caerphilly. These six Local Authorities voluntarily produced individual chapters for the noise action plan for Wales 2013-2018, not only covering the types of noise specified in the Directive and areas falling within the agglomeration boundaries, but also considering other forms of noise and the full geographical extent of their territories. Only these six Local Authorities are now in a position to produce updated chapters comparable with the chapters produced five years earlier. However, the Welsh Government would welcome contributions from other Local Authorities from 2018 onwards. Although the Directive focuses only on the largest urban areas and major transport corridors, the Welsh Government would prefer to take an all-Wales approach to noise policy, if only on a voluntary basis.

There are potential synergies between this work and the production of PSBs' assessments of local well-being. While few of the early draft assessments of local well-being seen by the Welsh Government have given much attention to noise pollution, Torfaen PSB's draft assessment contains a section on noise not dissimilar to the chapters produced for the previous noise action plan by the six Local Authorities covering the urban agglomerations.

Question 6.14 – future rounds of national noise mapping

6.14 The Welsh Government proposes to give NRW a greater role in delivering and interpreting Wales' national noise maps, aligned with its new statutory duties to prepare SoNaRR and area statements. However, the details of any future national noise mapping cannot be decided until we know whether or not the UK will continue to be subject to the EU Environmental Noise Directive.

Do you agree NRW should have a greater involvement in any future rounds of national noise mapping?

Welsh Government response

In its response Natural Resources Wales (NRW) states it has no objection in principle to taking on a greater role in the delivery and interpretation of Wales' national noise maps (a role which the Environment Agency has recently taken on in England), subject to the provision of appropriate funding and training. By contrast, Local Authorities' responses to the proposal highlight NRW's limited role in noise to date compared to the experience of their own environmental health officers.

National noise mapping is currently limited to noise from transport and major industry as required by the Environmental Noise Directive, and is delivered and analysed every five years, not by Local Authorities, but by contractors for the Welsh Government. Any transfer of these responsibilities from the Welsh Government to NRW, which already has considerable experience in other areas of large-scale environmental computer modelling and mapping, would not therefore lead to any diminution in the noise role of Local Authorities. If NRW became more active in the subject of environmental noise, through work such as this, it may actually find itself in a better position to support Local Authority work in this area. The next round of noise mapping under current legislation is not due until 2022, so there is no need to make a final decision at this stage. However, the Welsh Government considers it useful to have gathered preliminary views on the subject.

The Welsh Government notes with interest consultation responses suggesting national noise maps could be broadened to consider other forms of noise besides transport and major industry. Depending on the extent to which we continue to be bound by the requirements of the Directive in future, there may be scope to use the Welsh Government's limited noise mapping budget to look at sources not previously mapped, such as entertainment and neighbour noise, perhaps alternating these with the national assessments of transport noise. However, as with the potential transfer of project management duties to NRW, there is no need to rush to a decision on this point.

Question 6.15 – assessments of local well-being

6.15 The Welsh Government proposes to add, through regulations, Local Authorities' annual progress reports on air quality and national noise maps to the list in section 38(3) of the WFG Act of things to be taken into account by PSBs when preparing assessments of local well-being.

Do you agree Local Authorities' annual progress reports on air quality and national noise maps should be taken into account in assessments of local well-being, as well as the national indicator in Annex A?

Welsh Government response

The responses to this proposal were all favourable, and consideration of air quality and noise evidence in the first round of draft assessments of local well-being has been inconsistent. Therefore, the Welsh Government will add the reviews and assessments of air quality required under section 82 of the Environment Act 1995 and the strategic noise maps required under the Environmental Noise (Wales) Regulations 2006 to the list in section 38(3) of the WFG Act of things to be taken into account by PSBs when preparing assessments of local well-being.

In response to a point raised by the Music Venue Trust, the national noise maps do not currently include sound emanating from entertainment venues.

Review of national planning policy and guidance

Welsh Government response

Detailed responses were received on the subject of planning policy and guidance, and these will be taken into account in the upcoming revision of Planning Policy Wales and production of Wales' first National Development Framework.

Many of the responses received concern technical advice rather than policy, including a call for an update of TAN11: Noise and the production of national guidance on planning in relation to air quality. Guidance can play an important role in preventing unacceptable levels of air and noise pollution from arising as a consequence of development and the Welsh Government will give further consideration to this matter in due course.

Other comments received

Welsh Government response

A wide range of additional comments were received relating neither to the 15 specific proposals in the consultation document nor to planning matters. These included representations from Calor on the air quality benefits of liquid petroleum gas, from the RSPCA in relation to fireworks and barking dogs, and from Wildlife Trusts Wales in relation to the benefits of trees and the impacts of air pollution on sensitive natural habitats. The Welsh Government has fed the evidence submitted by Wildlife Trusts Wales on the benefits of trees into AQEG's current review of the air quality effects of vegetation.

Carmarthenshire County Council suggested further developing the noise regulators group established by the Welsh Government under the noise action plan for Wales, potentially putting it on a more formal footing like the Welsh Air Quality Forum. The Welsh Government will seek members' views on developing the group further when it next meets.

Local Authorities and others used the consultation to highlight a need for education and awareness-raising of professionals and the general public, including drivers and schoolchildren, on both air quality and noise issues. The Welsh Government will work with Public Health Wales and other stakeholders to take forward an educational campaign on air quality for health professionals and the public.

In its response, Public Health Wales suggested LAQM could be more effective if integrated with broader public health policy and practice. Given the links between airborne pollution and wider determinants of health, the Welsh Government considers it appropriate to consider air and noise pollution risks and solutions in the broadest possible public health context so as to maximise opportunities to work collaboratively towards shared objectives.

The Welsh Government will consider all the issues raised above in greater detail, and further decisions will be taken in due course.