



Welsh Government
Consultation Document

A Clean Air Zone Framework for Wales

Date of issue: 25 April 2018

Action required: Responses by 19 June 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

As part of a range of guidance to support improvements in air quality, the Welsh Government is seeking views on a proposed framework for Clean Air Zones in Wales.

A Clean Air Zone is an area where targeted action is taken to improve air quality.

How to respond

Although this is a draft Welsh framework, responses are welcomed from all interested parties both within and outside Wales.

Feedback may be provided in the following ways:-

Online - Please complete the online response tool available at:

<https://beta.gov.wales/consultations>

email – Please complete the questionnaire at the back of this document and send it to:

AirQualityPolicy@gov.wales

Post – Please complete the questionnaire at the back of this document and send it to:

Clean Air Zone Framework Consultation

Air Quality Team

Welsh Government

3rd Floor South (C03)

Crown Buildings

Cathays Park

Cardiff

CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Wellbeing of Future Generations (Wales) Act 2015

<http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

Prosperity for All: The National Strategy

<http://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>

Prosperity for All: Economic Action Plan

<http://gov.wales/topics/businessandconomy/welsh-economy/economic-action-plan/?lang=en>

UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations

<https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>

Clean Air Zone Framework for England

<https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england>

Contact details

For further information:

telephone: 03000 256379

email: AirQualityPolicy@gov.wales

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation

was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Ministerial Foreword

Air pollution occurs where harmful or poisonous substances are introduced into the air that we breathe, causing illness and exacerbating existing health problems, as well as contributing to increased mortality rates.

Action is being taken across the UK to tackle poor air quality, and I have committed to taking forward a Clean Air Plan for Wales this year. As part of the Plan, the Clean Air Zone Framework for Wales reflects our strong commitment to reduce levels of harmful emissions and improve the health and well-being of communities in Wales.

There are numerous sources of poor air quality, which include some farming and construction activity, transport, energy generation and heating. Some industrial processes generate volatile organic compounds (VOCs), agriculture is a significant source of ammonia (NH₃), energy generation accounts for a large amount of sulphur dioxide (SO₂) in the air, and transport generates nitrogen oxides (NO_x) and particulate matter (PM_{2.5}) amongst a range of other pollutants.

An effective way of tackling excessive emissions of airborne pollutants, in locations where there are particular problems, is to introduce a Clean Air Zone (CAZ). A specific range of actions is then targeted in the area to directly address the identified air quality problems with the aim of bringing about a marked and sustained improvement within a short timescale. Currently there are no CAZs in Wales.

I am pleased to now present the draft Clean Air Zone Framework for Wales, which will support the development of CAZs wherever they may be needed in Wales. I welcome views on the proposed Framework and encourage responses from anyone with a contribution to make. The consultation will be open for six weeks, and the Framework will be published by 31 July alongside a report of the advice received through this exercise.

Hannah Blythyn AM
Minister for the Environment

Executive summary

- The Clean Air Zone Framework for Wales provides guidance to local authorities who are considering options to address local air quality issues.
- The Framework describes what a CAZ is, under what circumstances it may be applied, and also the key considerations for local authorities who wish to establish one.
- The drivers for reducing airborne pollution, through a CAZ, may be to address the need to reduce emissions to within legal limits, but also more generally to bring about improvements in the environment and to deliver better health for all.
- As road traffic presents a significant source of airborne pollution, a CAZ will require some level of vehicle access restriction, either by a complete ban on non-compliant vehicles entering the area, or by charging for non-compliant vehicle access.
- Other sources of poor air quality should also be considered, and a comprehensive CAZ will look to bring about reductions in all harmful emissions.
- Views are being sought, by 19 June 2018, on the content of the Framework and the proposals for how CAZs should be applied in Wales.
- The draft Clean Air Zone Framework for Wales can be found on the Welsh Government consultations website at <https://beta.gov.wales/consultations>.
- The final version of the Framework will be published, and issued to local authorities, on 31 July 2018.

Legislative background

- Responsibility for meeting air quality limit values is devolved in the UK to the national administrations.
- The local air quality management (LAQM) process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved.
- Where exceedences are considered likely, the local authority must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- The requirements of the LAQM process are set out in Part IV of the Environment Act (1995), the Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 and relevant Policy and Technical Guidance documents.
- The 2008 Ambient Air Quality Directive (2008/50/EC) sets legally binding limits for concentrations of major air pollutants, which include; lead, nitrogen dioxide, particulate matter, sulphur dioxide, benzene, carbon monoxide, polycyclic aromatic hydrocarbons, ozone, and certain toxic heavy metals.
- The Directive is implemented in Wales through the Air Quality Standards (Wales) Regulations 2010.

Background to this consultation

- The Welsh Government is firmly committed to improving air quality across Wales. Our objectives for future generations include the promotion of good health and well-being for everyone, and to build healthier communities and better environments.
- Tackling the levels of nitrogen dioxide (NO₂) has been a significant challenge in some urban areas. In the *UK Plan for tackling roadside nitrogen dioxide concentrations (2017)* we stated our intention to consult on the detail for a Clean Air Zone Framework for Wales.
- The Clean Air Zone Framework for Wales is intended to ensure the effective implementation of CAZs, wherever they may be required, and to embed a level of consistency in the way they are applied.
- Although no CAZs currently exist in Wales, activity is underway to develop them in a number of towns and cities in England. The Scottish Government has also committed to work with local authorities to introduce Low Emissions Zones in Scotland's biggest four cities.
- There is no specific requirement on any local authority in Wales to introduce a CAZ. However, local authorities may choose to introduce a CAZ in order to address air quality issues locally, whether as a result of identified legal exceedences or as part of a health improvement programme to address poor air.
- Achieving compliance with legal limits for NO₂ emissions is not the only purpose of a CAZ, which ultimately aims to bring about a reduction in the level of all harmful airborne pollutants, from all sources, within the area in which it is declared.

Questions we would like to ask you

Tackling air quality problems

Air quality management is a public health priority. Taking action to improve the air quality for everyone in Wales is one of the key challenges we face in meeting our objectives under current environmental legislation and our aspirations for the well-being of future generations. Controlling nitrogen dioxide has presented a particular challenge, with levels in some areas of Wales exceeding legal limits. The CAZ proposal aims to bring about a significant reduction in exposure to harmful airborne pollutants.

Question 1 – Do you agree that CAZs would provide an effective way of addressing air quality challenges in Wales?

Requirement to introduce a CAZ

The Welsh Government does not currently propose to require any local authority to introduce a CAZ. A local authority may, however, decide to develop one in order to address air quality issues locally, whether due to legal exceedences or as part of a health improvement programme to address poor air. Currently both Caerphilly County Borough Council and Cardiff Council have been directed to develop options to bring about compliance with statutory nitrogen dioxide values in the soonest time possible. A CAZ will be considered as part of this process and must be introduced if evidence shows that this would provide the most effective response.

Where a local authority has declared an Air Quality Management Area under the Environment Act 1995, a CAZ could be considered in order to bring about significant improvements in air quality, where this might provide a suitable mechanism for doing so.

Question 2 – Should Welsh Government direct local authorities to introduce a Clean Air Zone, and, if so, under what circumstances should it do so?

Options for reducing emissions

Section 5 of the Framework summarises a range of potential options that may be considered as part of a CAZ strategy to reduce airborne pollution levels. When planning a CAZ, consideration should not be restricted to these options but it is expected that local authorities will consider the potential benefits of each in their likely ability to contribute to an overall reduction in harmful emissions. A CAZ may comprise many of the elements detailed in this section.

Question 3 - Do you consider the options/advice at section 5 to be suitable and effective elements of a CAZ?

Vehicle emissions standards

Transport is responsible for a large proportion of urban air pollution. A CAZ will therefore need to provide a mechanism for managing vehicle access. Restricting access to all but the cleanest of vehicles provides a way of tackling emissions from transport by targeting the worst polluters. European Emissions Standards provide a clear mechanism for identifying those vehicles that should, and should not, be able to freely access a CAZ. The European Emissions Standards are used in the *Principles for setting up Clean Air Zones in England*, and also in the proposal for Scottish Low Emission Zones.

Question 4 – Do you agree that the minimum emissions standards outlined in Annex 2 of the CAZ Framework should be applied to determine road vehicle access in Welsh CAZs, and that these standards should be tightened over time in order to apply more rigorous real-world emissions data?

Categories of vehicles included in CAZ emissions standards

The emissions standards at Annex 2 set out the different vehicle categories that restrictions may apply to. This proposal differs slightly from the way that Clean Air Zones are being applied in England, where Local Authorities may apply access restrictions to particular vehicle categories according to four options. These start with Class A, which applies to bus, coach, taxi and private hire vehicles only, through to Class D, progressively adding additional categories of vehicle. In Wales the proposal is for Local Authorities to have complete flexibility across the vehicle categories. However, the choices taken must deliver necessary reductions in air pollution to meet legal requirements and demonstrate how well-being aspirations are being achieved.

Question 5 – Do you agree that Local Authorities should have flexibility to target only those vehicles that may be presenting the biggest air pollution problems locally, or should access restrictions apply to all categories of vehicle, wherever CAZs may be introduced in Wales?

Times that access restrictions will apply

Local authorities may wish to consider applying CAZ restrictions only during certain days and/or certain times of day. Decisions on the times that restrictions will apply may be taken in the context of moderating the impact of a CAZ on businesses and the public whilst, crucially, ensuring that expected emissions reductions are still, at the very least, achievable.

Question 6 - Should local authorities have the flexibility to vary the times that CAZ restrictions should operate, or would full-time operation provide the most desirable solution in terms of meeting air quality challenges?

Moderating access by charging

The draft Framework does not stipulate whether non-compliant vehicles should be completely banned from a CAZ, or whether access should be allowed on payment of a fee. A total ban would, arguably, have the greatest impact on reducing vehicle emissions, but would bring the greatest costs to individuals and businesses who would need to adapt, potentially by having to re-new their vehicles or fit abatement technology. Charging CAZs would allow the most polluting vehicles continued access, where the stipulated fee is paid. However, charging CAZs have been identified by the UK government as the measure it is able to model which will achieve statutory nitrogen dioxide limit values in towns and cities in the shortest possible time.

Question 7 – Should Welsh Government consider options for mandating either a charging or a non-charging CAZ structure in Wales, or should this be left to local authority determination depending on evidence of which of the two may be the most effective means of reducing airborne pollution locally?

Charging across part of a CAZ

As an alternative to imposing a complete ban on non-compliant vehicles, or a charging CAZ, local authorities may wish to consider a part-charging model. This would provide for a ban on non-compliant vehicles in the centre of the CAZ, whilst applying a charging system to enable such vehicles to continue to travel in the outer reaches. This may bring a number of advantages within a new CAZ, such as giving time for road users to adjust and to provide a working example of the benefits that would follow from completely removing the most polluting vehicles from roads. Over time the area covered by charging could be diminished as access restrictions are tightened to achieve continued improvements in air quality throughout the CAZ.

Question 8 - Would a part-charging model bring any benefits over the alternatives of a total ban on non-compliant vehicles, or a charging system with full coverage within the CAZ?

Level of charges, where applied

Where a charging CAZ is introduced, the level of charges should be such that they act as a deterrent and encourage behaviour change. Different charge levels should apply across the different vehicle categories according to air quality impacts. When setting charges, consideration should also be given to the costs of operating the scheme, and how any surplus revenue may be re-invested in measures to further improve air quality.

Question 9 - Should local authorities have full flexibility to determine the level of any access charges they may apply, or should Welsh Government establish national criteria for local authorities to refer to?

Exemptions

In limited circumstances, exemptions may apply to certain vehicles, or certain groups of drivers, where it would be unreasonable to expect compliance with access requirements. Such exemptions would enable drivers to access a CAZ without attracting any charges for so doing. An exemption would need to be formally applied for, and granted, to be valid, and should be reviewed at intervals to ensure that the original reasons for the exemption still apply. A list of proposed exemptions is provided at annex 3, and local authorities may consider additional, discretionary, exemptions where there may be compelling reasons to do so.

Question 10 - Do you agree with the proposed vehicles and categories of drivers that should be exempt from meeting published access requirements within a CAZ?

Non-traffic related sources of airborne pollution

Although road going vehicles contribute significantly to poor air quality in urban areas, air pollution arises from many other sources. When developing a CAZ, local authorities should consider the full range of sources of air pollution and environmental noise (not restricted to road use).

Question 11 - Do you think sufficient consideration has been given to non-road sources of air pollution in the Framework?

Access to information about a CAZ

It is essential to the smooth operation of a CAZ, and the convenience of road users, residents and businesses/industry, that clear information about restrictions and any charges is readily available. Information should include clarity on what the CAZ designation means, and whether a vehicle is compliant with access requirements, the times of operation, and the amount of any charges and any potential fines for infringements. Also made clear should be alternative means of travelling within the CAZ, and also advice for drivers who may need to access alternative routes. A range of methods should be used, including traditional print media and advertising, as well as the internet and social media platforms.

Question 12 – How best should information about a CAZ be made publicly available in order to ensure the clearest and widest possible notice of what access restrictions will mean to those travelling within the area?

Measuring effectiveness

Air quality measurements should be taken throughout the boundaries of a proposed CAZ prior to introduction, and used to develop a baseline for measuring improvements against expectations. Data should be used to inform adjustments that may be needed over time as the CAZ is brought into operation. Local authorities

should model expected levels of behaviour change over time, and ensure that the infrastructure is in place to support this.

Question 13 – Do you have any views on how the impact/success of a CAZ should be measured, and how this information should be used to develop a local CAZ over time to ensure the widest ongoing possible benefits for air quality?

Welsh language

Question 14 – Could the advice in the draft Framework have any positive or adverse effects on the Welsh language, and how could the document increase the former/mitigate the latter?

Further comments

Question 15 - Do you wish to make any further comments about the Clean Air Zone Framework for Wales?

What happens next

The Welsh Government invites views **by 19 June 2018**. In particular, comments are welcomed on the questions above using the on-line Consultation Response Form.

Please support any comments you make, where possible, by making reference to the numbered paragraphs of the Framework to which they relate.

During the preparation of the draft Framework we have carried out informal consultations with a number of stakeholders. Whilst we have made numerous amendments as a consequence, we would nevertheless be grateful to receive any outstanding comments (even if previously submitted) that you consider we have not addressed, so that they may be further considered before the Framework is finalised.

By 31 July 2018 we will produce a summary of responses to this consultation along with the final Clean Air Zone Framework for Wales on our website at:

<https://beta.gov.wales/consultations>.