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Consultation – summary of response

White Paper consultation on the Clean Air Bill for Wales

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

Summary of responses to the White Paper consultation on the Clean Air Bill for Wales

Action Required

This document is for information only.

Further information and related documents

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

The consultation on reducing emissions from domestic burning of solid fuels (published 13 January 2021) is available at: [White Paper on a Clean Air Bill | GOV.WALES](#)

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: <https://www.gov.wales/white-paper-clean-air-wales-bill>

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Introduction

Welsh Government consulted on the White Paper for the Clean Air Wales Bill **between 13 January 2021 and 7 April 2021**. The document set out the draft provisions for the Bill to determine public support. Due to impacts of the COVID pandemic, Local Authorities were given an extended deadline until the 16 June 2021 to respond to the consultation. Local Authorities have a key role in reducing emissions and it was important to ensure they were able to provide their views.

This document provides a summary of responses received to the consultation. It incorporates feedback from 73 responses, of which 61 were received in writing and 12 to the online consultation. It also draws on opinions provided at an event held on 11 March 2021 to discuss the consultations for the White Paper on the Clean Air Bill and Reducing Emissions from Domestic Burning of Solid Fuels.

All responses have been reviewed and will continue to be considered by relevant departments across Welsh Government, delivery partners and stakeholders to inform the development and implementation of policy proposals.

Context

Air quality affects us all, in every aspect of our lives. Poor air quality is the greatest environmental risk to public health. It also affects our wider environment and can have significant impacts on the most vulnerable in our society. We need to equip all parts of society with the tools they need to tackle air pollution for current and future generations.

The White Paper set out a number of legislative proposals for a Clean Air Bill. The White Paper aimed to establish why we believe there is a need to enhance air quality legislation and how we propose to change it. It highlights how we intend to enable ambitious air quality targets, a more robust regulatory framework to support this and measures to ensure all areas of society play their part in reducing air pollution.

Consultation overview

This report summarises feedback on each of the consultation document's questions, provided by the online and written responses, and opinions provided at the online event.

Consultation Statistics

Standard Text Consultation responses	
Written responses (e.g. handwritten, email, documents)	61
Online responses	
Full	
Partial	12
Total of online responses	12

Consultation events and participants	
Online engagement event (11 March 2021)	46
Total number of contributions	119

A full list of organisations and named respondents who did not wish to remain anonymous is included at Annex A.

44 organisations contributed responses. The largest sectoral representations were from professional and trade associations.

Named Organisations	Local Government	Private Sector / PLC	Professional Association / Trade Union	Health / Public Body	Charity	Campaign /Lobby Group
43	7	4	17	6	7	2

All 12 online responses have been described as “partial” as these respondents did not either provide full answers or contact information.

Welsh Government is grateful to all those who took the time to respond to the consultation.

Breakdown of responses

Each question includes a combined breakdown of the written and online responses.

Next Steps

This provides an outline of the proposed actions Welsh Government may take following the conclusion of this consultation.

Clean Air Plan Proposals

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

In total, there were 48 responses. 42 agreed with the proposal, while 4 disagreed and 2 respondents provided a detailed opinion.

Respondents stated that the Plan is and will continue to be a key tool for enabling the Welsh Government to record and take full account of emerging developments and priorities. It will record key actions to tackle air pollution; incorporate new understandings of air quality; reflect changing and continuing issues; give consistency to industry, especially if research is conducted into specific emission sources to ensure correct apportionment of emissions by source which will help legislation to become more effectively targeted; and maximise contributions to the climate and nature emergencies. The Plan will be a good way of linking air quality to decarbonisation and could be a good basis for communicating progress and raising awareness amongst stakeholders and the wider public.

We received a range of suggestions from respondents, including:

- there should be a more general review to appropriate timescales, not only of the Plan, but of different aspects of air quality policy, guidance/strategies and legislation;
- the review of the Plan should take account of strategies and actions undertaken elsewhere in the UK and beyond. For example, WHO guidance and Climate Change Committee recommendations have potential to impact on air quality planning in Wales; and
- further consideration should be given to the proposed timescale for review, especially given that some pollutants require more urgent and regular scrutiny

Indicative quotes

“We agree with this requirement as it will ensure Welsh Government and stakeholders can respond and adapt to changing situations.”

The Country Land and Business Association in Wales (CLA Cymru)

“Yes – I believe it would be sensible to have a requirement to review any plan or strategy to ensure that it remains fit for purpose and is achieving what it is meant to.”

Oliver Matthews

“We support the commitment to review the plan/strategy every 5 years. This will ensure that it reflect changing and continuing issues especially given the pace of change following COVID 19 and the drive to decarbonise our economy.”

Natural Resources Wales

“Air quality and carbon management need to be developed in tandem within this strategy. Reviewing every five years may be too infrequent bearing in mind Welsh

Government is committed to making the Public Sector in Wales net carbon neutral by 2030 and Wales net carbon neutral by 2050.”

Ceredigion County Council

Response

We welcome the broad support for this proposal. As part of Bill preparations, we have considered review timescales for the Clean Air Plan; including how the Clean Air Plan can be linked to related strategies and policies such as noise. The UK Environment Act 2021 placed a duty on Welsh Ministers to review its air quality strategy every 5 years. This provides a statutory basis for a Clean Air Plan to be reviewed every 5 years. We propose to create a mechanism for amending the review cycle, to ensure it will continue to fall at a sensible point in the Senedd’s electoral cycle.

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

Of the respondents, 33 agreed; 7 disagreed; 2 provided an opinion. The majority supported the proposal. Some respondents believed:

- the Plan should set review periods further in the future (at least 15-20 years) or that review timescales should be altered as needs dictate.
- that reporting requirements (such as those concerning Air Quality Management Areas and the State of Natural Resources Report) should be incorporated within the 5-year review of the Plan.
- review arrangements should be consistent with the UK Air Quality Strategy, including other strategies such as land use policy or decarbonisation.

A respondent advocated engagement and consultation with stakeholders as part of any review, including a dedicated process for monitoring, mitigation and review.

Indicative Quote:

“Timescales cannot be fixed lines in the sand as has been seen with COVID a process of monitoring, mitigation and review is needed which may impact upon projected timescales”

Newport City Council

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

Natural Resources Wales

“WEL strongly supports the proposal for a Welsh Clean Air Plan or Strategy to be reviewed and published at least every five years, although we would urge that some elements (such as nitrogen and ammonia levels) may benefit from more regular scrutiny, particularly in the first term of the plan. Communicating progress can also be a key tool for raising awareness and understanding.”

Wales Environment Link

“We would also suggest that the Strategy is not reviewed in isolation, but that a Systems approach is applied where it is reviewed in conjunction and context with other strategic targets such as de-carbonisation, consumer choice fuel poverty alleviation etc.”

Stove Industry Alliance

Response

We have considered the issue of review periods, including how the review of the Clean Air Plan can be linked to the various reviews of related policies and strategies. We are particularly mindful of our commitment to take forward air quality and noise policy in an integrated fashion. There is already a statutory 5-year review cycle for noise action plans in Wales.

We have considered the merits of linking the Plan's statutory review period to the Senedd's electoral cycle, following the pattern set by other Welsh legislation such as the Well-being of Future Generations Act and Environment (Wales) Act. Linking the Plan to the timing of elections could ensure each Plan's commitments reflect the policy priorities of the administration that will be implementing them, rather than those of the previous administration, including that administration's well-being objectives and Natural Resources Policy. The current review cycle set by the Environment Act 2021 puts the air quality strategy review date at around 2 years after a Senedd election. This allows for consideration of the Programme for Government, SoNaRR ([Natural Resources Wales / State of Natural Resources Report \(SoNaRR\) for Wales 2020](#)), the Future Trends Report ([Future Trends: 2021 | GOV.WALES](#)), etc. We propose to create a mechanism for amending the review cycle, to ensure it will continue to fall at a sensible point in the Senedd's electoral cycle.

Target setting framework

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

50 respondents provided an answer to this question. 42 agreed, 6 disagreed and 2 provided an opinion.

The majority of responses agreed that a framework to set new air quality targets should be introduced. However, some respondents would like to see:

- Specific air quality targets included within the framework.
- New air quality targets for major pollutants as well as PM_{2.5}, such as ammonia;
- New air quality targets to consider concentrations which are protective of human health, requiring WHO guidelines to be considered.
- Air quality targets to be evidence-based and achievable.

Indicative quotes

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

Natural Resources Wales

“Wales Environment Link supports the proposal to introduce a framework to get new air quality targets. We also support the intention to exceed EU targets and to meet or exceed the stronger WHO Guidelines (expected revision 2021). However, the proposal could be strengthened in terms of vision and commitment by ensuring that targets for reducing major pollutants are legally binding. This includes nitrogen oxides and more specifically ammonia (NH₃).”

Wales Environment Link

“The target setting framework should aim to always improve the legal limits to reduce overall ambient air quality levels. We would expect the legislation, if not including specific targets on the face of the Bill, to include a clear criterion for setting targets, for example, that they should not be weaker than the WHO recommended level, that they are consistent with the wellbeing goals and that they maximise the contribution towards Wales’s decarbonisation targets.”

Healthy Air Cymru

Response

There was consensus around the proposal to introduce an air quality target setting framework, with a requirement for Welsh Ministers to set air pollutant targets in secondary legislation by regulation.

We note some respondents would like specific targets to be defined within the framework. We will take independent and expert advice on any approach used to set

new targets. In setting new targets for air quality in Wales, we want to achieve mutually beneficial and sustained outcomes across sectors, avoiding unintended consequences. As we develop new targets, we will take into account health and environmental impacts, available technologies, human behaviours, socio-economic feasibility and other factors.

The development of new and ambitious air quality targets is a complex process, and we are taking steps to ensure they are achievable and effective.

We do not intend to include specific air quality targets in primary legislation as air quality evidence is constantly evolving. We want the capability through secondary legislation to be more responsive to specific circumstances in Wales, both now and in the future. The proposed framework will ensure we have the flexibility to act when needed to deliver the most effective and sustained outcomes for our communities and environment in Wales.

We intend to prioritise a new air quality target for PM_{2.5} as the pollutant which has the most significant impact on public health. Taking all views into account, and as described in the consultation, we are also developing evidence to support the consideration of and need for air quality target proposals for other air pollutants, such as ammonia and nitrogen dioxide, to protect both public health and the environment.

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

46 respondents provided an answer to this question. 39 agreed, 6 disagreed and 1 provided an opinion.

Most responses agreed with the framework proposed. Several respondents questioned the timescale for implementing new air quality target legislation. One respondent felt it important that those with a duty to comply with air quality targets were held to account.

A number of respondents highlighted the need for new air quality regulations to include specific statutory air quality targets for numerous pollutants.

Several respondents highlighted the importance for the independent and expert advice when setting air quality targets to be unbiased and well-balanced.

Indicative quotes

“We agree with the proposed quality target setting framework and welcome the establishment of an independent panel of experts (the Clean Air Advisory Panel) to provide advice and recommendations on the target setting process and specific priority air pollutant targets which will assist in improving the long-term health of children and young people in Wales in the future.”

Royal College of Paediatrics and Child Health

“The white paper suggests that in addition to a population reduction exposure target such as a PWMC, a limit value may be introduced possibly based on the future WHO guideline for PM2.5. However, Welsh Government will need to consider a range of other factors when setting targets including the need for cost benefit analysis to assess the health and socio-economic feasibility of meeting any new targets.”

Public Health Wales

“We would support the setting of targets in secondary legislation and welcome the flexibility that this could allow. Constant review of the success of measures should allow realistically achievable targets to be set. Again, good data underpins every part of this process.”

Stove Industry Alliance

Response

There was clear support for the fundamental approach of the proposed framework, along with several specific questions and comments which we are considering.

We want to introduce new air quality targets that are ambitious and deliverable, to drive effective action to improve air quality.

We are committed to following an evidence-based process to set challenging targets, which protect both public health and the environment. We are taking steps to ensure

any new air quality target is based on a realistic pathway, robust science, and economic analysis, with a focus on how to achieve the greatest benefits.

We continue to work with independent scientists, expert practitioners and a range of Government departments and sectors to guide and scrutinise the development of evidence informing the balance between ambition and feasibility of the target proposals. Setting new pollutant specific targets in secondary legislation will enable this evidence-based process to be carried out. This provides all stakeholders and delivery partners with an opportunity to scrutinise the detail and level of ambition.

We recognise the importance of ensuring accountability for compliance with targets is set in the most appropriate way. The specific form and legal nature of a target will be pollutant specific, in recognition of the range of associated sources of emissions and the available levers for controlling them.

Long-term, legally binding targets ensure sustained action to improve air quality. In turn, this will support ongoing health improvement, alongside contributing to the climate and nature emergencies. It also focuses the efforts of cross-Government departments and local authorities in taking appropriate action to meet or go beyond targets.

Local Air Quality Management (LAQM) Framework

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

There were 45 responses. Of these, 40 respondents agreed with the proposal and 3 disagreed. 2 provided an opinion.

Respondents generally agreed with the need for legislative consolidation and for LAQM to be more preventative and health focussed. Suggestions to change Air Quality Management Areas (AQMAs) were raised by some respondents. Suggestions included replacing all AQMAs with Low Emission Zones and the creation of ecological AQMAs to address agricultural pollution.

Greater integration between LAQM, NRW Area Statements, the environmental permitting regime and with other relevant Welsh Government policies was recommended. Join-up between local limit values and those set in retained EU law was also called for.

Many of the responses recommended that increased support and resourcing (including finance and staffing) would be required to enable local authorities to implement the proposals.

Indicative quotes

“Clarifying and strengthening legislation is supported subject to this being accompanied by additional resources to achieve the scope required.”

Newport City Council

“The ability for the concerns of local residents to be heard through a more flexible monitoring and evaluation regime, reviewed on an annual basis, will allow problems to be identified and dealt with before they become a serious threat to health, and before dangerous levels are exceeded. Such an approach could help to reduce health inequalities and make our streets healthier spaces to spend time in, but this will require the appropriate investment and we would ask that this is made available for local authorities to really make this an effective and inclusive process.”

Living Streets Cymru

Response

We welcome the positive responses to the LAQM proposals. These proposals seek to create a more prevention-focussed legislative framework that supports and builds on the work already underway by local authorities to improve air quality across Wales.

We note the positive response to ensuring LAQM is focussed on protecting public health. However, we are conscious of the rate at which environmental pressures are causing biodiversity declines. Therefore, we will also explore whether LAQM can provide greater protection to ecosystems as part of our response to tackling the

nature emergency. We will consider all recommendations made in the responses as we continue to develop the LAQM provisions and update the supporting LAQM policy guidance.

The need for greater resources for local authorities has featured heavily in the responses and work is underway to map out and deliver new support mechanisms.

In the 2021-2022 financial year, we launched a pilot Local Air Quality Management Support Fund which invited bids from Local Authorities that sought to

- i) prevent air pollution worsening;
- ii) to mitigate an existing exceedance of objectives;
- iii) and/or to use innovative techniques or technologies to improve air quality.

A second round of the scheme was run in the 22-23 financial year.

The outcomes of this scheme are being reviewed and will help inform considerations on funding and support. We will work closely with Local Authorities to consider the full range of resourcing and support required.

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

Of the responses received, 24 respondents agreed and 1 disagreed, while 4 provided further opinion.

The majority of those who responded, supported the proposal. Many welcomed the public health focus and felt the proposal would help to drive forward timely action to address AQMAs.

Several constructive comments and issues were raised by respondents including:

- The impacts of interventions can be hard to predict initially which may impact the solution(s) chosen.
- There should be frequent reviews of compliance dates and a dispute resolution mechanism put in place in case compliance dates cannot be agreed.
- There is a risk this may place unfair expectations on local authorities as, depending on the source of pollution, compliance may not be within their purview.
- Consideration should be given as to what incentives or punitive measures will be placed upon Local Authorities to incentivise air quality improvement.
- It is often beneficial for extended periods of time to elapse before it can be established that sustained compliance has been achieved.
- There needs to be a consistency of approach across Wales which permits in-built flexibility and acknowledges transboundary air pollution and local issues.
- Developing projected compliance dates will require new resource and collaboration mechanisms

Indicative quotes

“We would agree that the approach takes a more proactive and preventative approach generally towards tackling AQMA’s and LAQM although we note some areas which need further strengthening or clarification.”

Keep Wales Tidy

“Yes this will allow flexibility and gain more co-operation in achieving the aims and objectives.”

North and Mid Wales Association of Local Councils

“Assuming that all the necessary resources and collaboration by those necessary takes place, then mutually agreed compliance dates could result in real improvements.”

Welsh branch of the Institute of Acoustics

“Poor air quality may be experienced at a local level, where people live, but it is a national problem that also requires national policy solutions.”

Healthy Air Cymru

“Timescales cannot be fixed lines in the sand as has been seen with COVID a process of monitoring, mitigation and review is needed which may impact upon projected timescales.”

Newport City Council

Response

The overall response to this proposal was positive and we will take the issues raised into account as we develop the legal provisions.

We recognise Local Authorities do not always hold the levers to implement the action required. This is why we proposed to build greater collaboration into the AQMA process. The aim of agreeing projected compliance dates with Welsh Ministers is to create a more joined-up approach between the levels of government and to provide greater support to Local Authorities. As outlined in the response to question 5, we will continue to work with Local Authorities to understand the level of resourcing required to implement the legislative proposals successfully.

We note there is a balance to be struck between enabling flexibility to account for uncertainties in projecting compliance dates with ensuring effective plans are developed to effectively limit the duration of high pollution levels. We will explore options with stakeholders to get this balance right and we will assess options for a dispute resolution mechanism.

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

32 responses provided opinion to answer this question.

Respondents broadly supported the proposal, highlighting that it would encourage collaboration and may support Local Authorities who do not hold all the levers to bring about the improvement in air quality. The need for guidance was outlined by some respondents and it was recommended that a regional approach should be adopted to share resources and expertise. It was recommended that Community Councils and third sector organisations were included as partners given the achievements that can be delivered at the community level.

However, there were some issues raised. It was questioned whether the proposal would support cross-border partnership with Local Authorities in England because they would not be subject to this legislation. Resourcing was raised by a number of respondents who felt that managing and coordinating partnership work could be very resource intensive. A few alternative approaches were suggested, including a tiered approach, a clean air duty placed on all public bodies and a system where Welsh Government identified partners and coordinated contacts to streamline the process.

Respondents stated that clarity was required in respect of who the partners would be and how they will be involved in the partners process, especially as the range of partners may differ in different parts of Wales. It was also recommended that a dispute resolution mechanism should be implemented to resolve issues regarding who should, or should not, be a partner.

Indicative quotes

“The ‘partners’ concept is a potentially novel and exciting approach to the development of LAQM and, more generally, the air quality agenda. It may provide an added ability to bring about constructive engagement by relevant stakeholders and act as best practice when it comes to tackling the often complex nature of LAQM.”

Rhondda Cynon Taf County Borough Council

“A significant proportion of collaboration activity is not written into job descriptions and those involved have a ‘day job’ and therefore, collaboration is currently a voluntary undertaking by many who have an interest. To legislate for this may require a different approach, and care is needed in legislating the private and voluntary sectors into something when it is not their duty and financial compensation for the time and resource commitment is not involved.”

Welsh Branch of the Institute of Acoustics

Response

Having taken on board feedback from respondents and reviewed options, we have decided not to take this forward as a legislative proposal.

We will take forward the key principles set out in the proposal to address the need to create a more inclusive and collaborative regime that supports Local Authorities.

We will work with Local Authorities to develop collaborative mechanisms which will form a key part of the updated policy guidance. We will consider the resourcing implications of greater collaboration as part of this work.

We agree with respondents that a regional approach is important for managing air quality to ensure that potential impacts on neighbouring authorities are fully assessed. The Corporate Joint Committees and regional transport plans set out in Llwybr Newydd provide a new and useful mechanism to ensure air quality is considered on a regional basis.

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

Of those addressing this question, 22 respondents agreed, 2 disagreed and 5 provided further opinion.

The majority of respondents agreed the proposals would help to deliver an improved LAQM regime although some as for further detail and clarification as to how the proposals would operate in practice.

Many respondents highlighted the proposals would not be effective without adequate resourcing. One respondent suggested the creation of the Clean Air Bank which could sit with Welsh Government fund air quality improvement projects. It was also felt that improvements to air quality monitoring would be required to gather better evidence and that noise monitoring should occur alongside air quality monitoring.

Respondents also raised the issue of engagement. It was felt that air quality data should be made more accessible and a genuine process of engagement using just transition is required to include all communities in local air quality management.

Those who disagreed with the proposals felt they may be difficult to enforce and would only be effective if ecological AQMAs were created.

Indicative quotes

“We believe that these proposals have the potential to deliver a more proactive LAQM regime.”

Natural Resources Wales

“As it is known that air quality and noise are very closely linked and that action planning work must take both into account, it would make sense to take this opportunity to ascertain what improvement to soundscape is derived from air quality work.”

Welsh Branch of the Institute of Acoustics

“The proposals would suggest that a more pro-active approach could result, and it would be hoped that good practice will develop quickly. We would encourage there to be clear guidance that actions should be taken based on good data which covers all potential sources of emissions and is capable of accurate source apportionment. A consistency of approach will generate far better buy-in from stakeholders, yielding better and quicker improvements in air quality.”

Stove Industry Alliance

Response

We want to use this opportunity of legislative change to create an LAQM regime that is operating in a more proactive, preventative and collaborative manner. We welcome the largely positive feedback from stakeholders to these proposals and will

consider all the issues raised in the responses as we develop the legislative provisions and update the supporting policy guidance.

We will continue to work with Local Authorities and other stakeholders throughout this process to ensure that the LAQM legislative changes are appropriate, robust, enforceable and well-resourced.

Road User Charging

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

In total, 18 respondents agreed with the proposal. 1 respondent disagreed and 13 provided further opinion. The responses raised some important matters for consideration in respect of road user charging schemes.

The majority of the comments provided were in support of the proposals. It was felt the provisions, in general terms, would provide a structure for improving air pollution. However, many agreed that making this mechanism as simple as possible would be the best approach.

Given the primary purpose of any charging scheme would be to promote behaviour-change and a move to less-polluting travel options, it was notable that a number of respondents specifically referred to health impacts. For instance, in terms of the potential to shift polluting vehicles onto other roads thereby worsening air quality (including carbon emissions) elsewhere, potentially over a wider area where diversionary routes are longer.

The vital need for sustainable alternative transport forms was expressed in numerous responses. This can be a particular problem for some areas (rural, for example), and for some groups (such as shift workers).

A number of comments focused on the mechanisms/infrastructure required to operate charging schemes, and the costs of this. It was suggested that consistent approaches across Wales and other parts of the UK, for instance on emissions standards and payment systems, could better enable motorists to comply.

There were differing views expressed on transport infrastructure requirements. Some were of the view that there is already adequate infrastructure in place in urban areas to provide alternative solutions for those living and working in cities and towns. Others felt there was more still to do on active travel routes and public transport to provide the necessary alternatives to private vehicles. Broadly, respondents believed there is a need to work with communities and organisations to obtain the best solution in a given area. It was noted this should be coupled with improvements across the country, including rural areas, to further reinforce the transition.

Many respondents expressed concerns about the specific issues this could raise for rural communities and businesses where there are fewer transport alternatives, and where working vehicles tend to be more polluting.

The issue of equity was raised by many respondents, who wanted to ensure a fair and just transition. It was highlighted that the most disadvantaged in our communities are often impacted the greatest, and there needed to be some protections for these groups. Suggested solutions included ensuring sufficient, affordable and sustainable transport alternatives. Many noted the requirement for

suitable alternatives to be available prior to the roll-out of charging schemes, and for incentives to use other forms of transport.

It was felt, charges should be utilised as an awareness-raising tool and funds should be ring-fenced for the promotion of local and active travel and/or environmental improvements that mitigate air pollution. Some feedback suggested there should be complete transparency around the charges and what the money is buying.

Respondents would like any roll-out to provide sufficient warning for residents, businesses and workers who may be impacted by charges.

Indicative quotes

“The development of such zones will need to be supported by a good, alternative transport infrastructure such as integrated public transport and safe cycle routes. Such alternative transport infrastructure would need to be in place prior to the establishment of the Clean Air Zones / Low Emission Zones to avoid certain sectors of society being disproportionately disadvantaged.”

Natural Resources Wales

“We welcome the proposals to support the efficient and effective roll-out of Clean Air Zones / Low Emission Zones in Wales. The RCPCH supports the expansion of clean air zones in towns and cities and expanding the infrastructure to support active travel, travel by public transport and electric vehicles. This includes ensuring populations living in rural and remote communities also have adequate public transport links. We support giving local authorities the power to close or divert roads when air pollution exceeds set limits.”

Royal College of Paediatrics and Child Health

“The White Paper should provision for resources to be made available so that strategies such as these in the future can be reviewed and supported with the finances and targets needed in order to promote a modal shift away from the car and reduce overall air pollution in our towns and cities.”

Healthy Air Cymru

We support the Welsh Government’s plans to consolidate and update existing legislation on road user charging schemes to enable a clearer framework to be established. In doing so, we ask that the Welsh Government’s framework is consistent with other parts of the UK, particularly around emissions standards. Royal Mail plays an important role serving communities across Wales. On any given day, many of our vehicles will enter multiple cities and towns, transporting mail between our extensive network of delivery offices and distribution centres to customers across the UK.

Royal Mail

Response

In our Transport Strategy we acknowledge the need for an accessible, sustainable and efficient transport system. This means one that is good for people and communities, good for the environment, good for the economy and places and

supports a thriving Welsh language and culture. Fair and equitable road user charging can provide a tool to help us achieve our environmental well-being ambitions.

It should be noted that some level of charging already exists in Wales through vehicle excise duty and through fuel duty. However, dedicated road user charging schemes provide opportunities to tackle the dominance of motor vehicles on roads, associated polluting emissions and they help deliver a fairer and more equitable transport system.

Whilst no forms of road user charging schemes are currently proposed for introduction on the trunk road network in Wales, this could change in the future as part of the development of our charges and benefits approach to support modal shift, and to tackle specific air quality challenges.

The purpose of the proposals outlined in the consultation are to ensure legal powers are in place to enable efficient introduction of road user charging schemes where evidence demonstrates they can support our air quality, net zero and sustainable transport targets.

We are committed to meeting our legal duties for air quality. In developing measures to achieve this, we want to make it easy for people to travel without a car to create incentives to change, and then to look at a joined-up package which includes disincentives.

We will develop a framework for fair and equitable road-user charging in Wales and explore other disincentives to car use, taking into account equality issues including needs of people in rural areas, people who share protected characteristics and people on low incomes. This would be accompanied by a broader package of measures to improve travel choices.

Through guidance we will ensure a level of consistency in charging scheme approaches for trunk roads and local roads, building on the draft Clean Air Zone Framework for Wales published in 2018.

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

In total, 14 respondents agreed whilst 15 disagreed. 5 respondents provided further opinion.

The consensus of those responding was that any funds generated through charging schemes should be utilised for wider air quality improvements as well as transport policies.

There were many suggestions on the best way to utilise income for more sustainable transport infrastructure. The themes suggested included support for transition to electrification of domestic and public transport vehicles, active travel improvements and additional electric vehicle charging infrastructure. In addition, it was suggested that income should fund better access to health information.

There was a call for small businesses to have support to adapt their transport policies to limit the impacts of any charges. Alternative suggestions included making money available to plant trees and other green spaces close to roads and/or close to nearby housing to help reduce pollution impacts.

It was suggested that charges, could be spent on efforts to improve air quality through other methods such as funding the work of Air Quality Action Plans.

There were calls for the charges and payment mechanisms, which could be imposed, to be highlighted through awareness campaigns. To increase public support, Welsh Government should report on how charges have been used.

A number of respondents argued that charges should not be applied until better infrastructure is in place to provide cleaner travel alternatives. Alternative modes of transport needed to be more convenient, safer and cheaper.

Indicative quotes

“Revenue raised from charging schemes should be exclusively used to support developments to active travel and public transport infrastructure, including fare capping.”

Public Health Wales

“With a caveat that the extra funding is ring fenced for air quality improvements, HAC is supportive of the measures to expand the use of revenue raised through trunk road charges. The funding should be collated to a fund which Local Authorities can bid for in order to make improvements to active travel infrastructure or local authority projects to promote behavioural change.”

Healthy Air Cymru

“Logistics UK strongly believes any revenue raised should be focussed only on supporting local transport policies. To help aid local air quality, this could include increasing charging and refuelling infrastructure for alternatively fuelled vehicles and improving local road infrastructure to help reduce congestion.”

Logistics UK

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

Natural Resources Wales

Response

There was a general level of support for the potential to broaden the range of measures that could be supported through any future charging scheme on trunk roads. However, we were made aware of concerns around the need to retain the requirement to invest in transport measures as currently provided for in legislation. A number of respondents shared helpful suggestions on the areas that would benefit from funding to reduce air pollution. This included support to businesses and individuals to help reduce their impacts, active travel and public transport infrastructure.

We are considering all suggestions in the process of developing the road user charging provisions within the Bill. This includes considering how we best ensure net proceeds from charging schemes support the achievement of an accessible, sustainable and efficient transport system. This means one that is good for people and communities, good for the environment, good for the economy and places and supports a thriving Welsh language and culture.

Proposals on Stationary Vehicle Idling

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

27 respondents agreed with the proposals while 6 disagreed and 1 offered an opinion.

The majority of respondents supported anti-idling proposals, as they will contribute to the reduction of emissions. The proposals will also tackle instances of sustained, concentrated idling. This would especially be the case if the regime eventually created is simple, flexible, discretionary and undertaken by Local Authorities, alongside other civil highways enforcement duties.

Anti-idling measures were also seen as key to protecting the most vulnerable in society. For instance, outside schools and hospitals.

Some respondents called for additional resources and welcomed the power to increase fixed penalties. It was noted that parking wardens already fulfil an enforcement role and could undertake such duties in relation to idling. An engagement and behaviour change package is required to engage the public, businesses, and industry.

Of those who disagreed, many did not state specific reasons. Concerns raised generally, centred on factors such as the efficacy of enforcement as a tool on its own and a lack of resources amongst Local Authorities. Concerns were expressed that these proposals will be overtaken by events, such as the discontinuation of petrol, diesel and hybrid cars by 2030; the electrification of the transport fleet; the use of hydrogen as a fuel; and the phasing out of older vehicles from 2030.

Indicative quotes

“Further research is required to confirm whether there is an air quality benefit for short term engine idling, but it is agreed that the subjective assessment would improve air quality and noise for a locality and the residents that live there. Guidance would be required to ensure consistent implementation for the mechanism.”

Directors of Public Protection Wales

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

Natural Resources Wales

“Enforcement action, following awareness raising and other measures, can have a role to play in terms of providing a deterrent effect to prevent or reduce air pollution where other measures have failed to stop the problem.”

TUC Cymru

“Yes, any new responsibilities for Local Authorities must be accompanied by additional resources. We would welcome an increase in Fixed Penalty charges as current charges are not sufficient to deter people from idling nor do they make enforcing the legislation financially viable.”

Caerphilly County Borough Council

Response

We will take account of all views and concerns raised by respondents when further developing this work. We are considering how the proposals could be supported by a range of initiatives, supporting positive environmental behaviour change.

Anti-idling measures can be most effective when included in a package of complementary measures designed to achieve cleaner air. We therefore intend to publish guidance which goes wider than anti-idling. We want to maximise the opportunity to promote a range of measures which can, along with vehicle anti-idling, improve air quality. To this end, we want to produce guidance which embodies the idea of co-implementation whereby anti-idling measures are included in a package of measures and actions (such as promoting active travel) which can serve to reduce emissions, including, where applicable, noise.

Under our Transport Strategy, we have set out our ambition and associated actions to achieve a cleaner vehicle fleets. This change will take a number of years, therefore, our priority is to reduce pollution from road transport as much as possible in the interim. Road transport is one of the main sources of greenhouse gases and air pollutants. These are responsible for significant contributions to emissions of carbon dioxide, nitrogen oxides and particulate matter (especially PM₁₀ and PM_{2.5}).

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

31 respondents provided further opinion in respect of this question. There was strong support for increasing the capability for enforcement and for increasing Fixed Penalty Notices. The proposals, it was felt, could complement existing civil enforcement highway activities, driven by community feedback and constitute useful tools for tackling idling around sensitive receptors. However, it was viewed that enforcement is rarely a useful tool and it is essential for it to be accompanied by education, engagement and awareness raising.

There was some concern the proposals could unfairly target those on low incomes. This could result in increased burdens for Local Authorities who must collect and pursue payments. It would be advisable for initial warnings to be issued to idling motorists to help them adapt to more positive behaviour and acclimatise to the legislation without suffering financial penalties. Another view was that grace periods would not allow the enforcement regime to be self-financing/self-sufficient.

Some expressed the view the proposed local approach could be fragmentary (with an idling school bus being seen as a polluting school bus in one Local Authority area but not in another). Idling would be better tackled with a national approach, such as a national anti-idling campaign joined-up with other campaigns such as the promotion of active travel.

It was recognised that the proposals would contribute to the success of other related programmes such as the School Streets Programme (whereby temporary restrictions are placed on motorised traffic outside schools) and the Eco-schools' programme.

Indicative quotes

“The advantages are a reduction in emissions however enforcement may be difficult.”

North and Mid Wales Association of Local Councils

“Mechanism should not be solely associated with an air quality management area but should be applied on an authority, all Wales approach by civil enforcement staff. As mentioned previously an education and behavioural change package is important to ensure engagement with members of the public and businesses for the full benefits to be received.”

Directors of Public Protection Wales

“There is also the danger – as noted above with LEZ zones – that those on a low-income will be heavily targeted by this approach as newer vehicles are often equipped with start-stop technology. Indeed, the proposals explicitly say that they will target older vehicles. Targeting those without money does little to promote positive behaviour change but can also increase the financial burdens on local authorities who then need to chase up the payments.”

Keep Wales Tidy

“Keep Wales Tidy does however, strongly support efforts to reduce idling and to raise awareness of the issue and does not disagree that FPN’s could play a role in this in some cases although cannot be carried out in isolation without education and engagement measures.”

Keep Wales Tidy

Response

We welcome the range of views expressed by respondents. As we further develop the stationary vehicle idling proposals, we will consider behaviour change initiatives, alongside enforcement measures. This will include how local government resources can be shared and effectively managed within the context of financial constraints.

We note the support for increasing fixed penalties. We will seek to create a power for Welsh Ministers to prescribe by regulation a range of monetary penalties for idling within which a Local Authority would be able to set each Fixed Penalty on an individual basis. Local Authorities would be able to choose to apply penalties that are higher in the permissible range where they consider it to be warranted by the circumstances. For example, where the most vulnerable in society are being particularly affected (children and young people in schools; those in healthcare settings (hospitals or clinics); those in residential care homes) or in instances of repeat offending

We will also consider how Welsh Ministers and local government can fulfil the requirements of the Socio-Economic Duty to reduce the inequalities associated with disadvantage.

The way in which enforcement is conducted will not change as a consequence of the proposals. A Local Authority Enforcement Officer, in accordance with the existing legislation, may request a motorist to stop idling. If the motorist does not comply with the request, a fine is issued. Therefore, compliance with a request to stop engine idling equates to avoiding the payment of a fine. This will not change as a result of the Bill’s proposal.

We recognise that the guidance will need to provide a consistent and unified framework to enable Local Authorities to act where necessary, especially in terms of enforcement. We agree with feedback which highlighted education and awareness raising are key to supporting the success of enforcement activity.

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

32 respondents provided an opinion in relation to the question posed. The responses included the following suggestions:

- Planning/infrastructure-based interventions and community-based campaigns to incentivise behaviour change (conducted, for example, by Local Authorities or local environmental groups).
- Messages and materials (such as Anti-Idling toolkits).
- Infrastructure-based interventions including driver welfare infrastructure (such as rest areas, parking spaces on industrial estates or taxi shelters in rail stations).
- Behaviour change initiatives including a wide range of things such as the use of the Living Streets WOW tracker (the year round walk to school challenge whereby children self-report how they get to school); and promoting the adoption of Park and Stride (whereby children are driven some of the way to school but walk the rest of the way to reduce congestion immediately outside schools).

There was support for the proposal to join-up anti-idling in respect of air quality and noise.

The current anti-idling legislation was viewed as disjointed and it is unhelpful to have the legislation restricted in its application to the public highway, as air pollution and noise do not respect geographic boundaries for either public or private land.

An overhaul of idling legislation to secure the join-up with noise would make it easier for Local Authorities to deal with complaints about noise from taxi ranks, vehicle operating centres and distribution centres (as noise and air quality would be covered by the same anti-idling legislation).

Respondents suggested a range of other approaches:

- All spaces used by sensitive receptors should be designated as 'No Idling Zones' and camera surveillance could be a cost-effective way of monitoring idling.
- Drive thru's (as highlighted in the consultation response submitted by TUC Cymru) are an additional air pollution risk to workers in the fast-food industry.
- Schools should prepare action plans to protect children from air pollution.
- Welsh Government should work to bring about cleaner transport/travel alternatives (for example, through grants or interest-free loans for taxi drivers to enable the switch to Low Emission Vehicles).
- National campaigns should be launched to discourage engine idling.
- Diesel engines should not be legally permitted to idle in traffic or to keep the engine running for the purpose of fixing a fault or powering machinery.
- Anti-idling measures should be included in a wider package of measures to achieve cumulative reductions in air pollution and their introduction should be preceded by a publicity campaign.

Indicative quotes

“In tackling engine idling, there is an additional benefit of reducing unnecessary noise. Noise complaints relating to engine idling for taxi ranks, vehicle operating centres and distribution centres can be difficult to deal with just through the statutory nuisance provisions. However, were the legislation on engine idling to be overhauled, then this would be an additional means to tackle such issues.”

Welsh Branch of the Institute of Acoustics

“It is essential that vehicle idling offences are enforced in those places where the most vulnerable people are likely to be, around schools, hospitals, public transport hubs, for example. Public awareness of the damage to health caused by vehicle idling and the penalty for offending must be improved and should form a part of wider behaviour change communications for better streets led by the Welsh Government.”

Living Streets

“It has also been suggested that consideration of anti-idling measures should not be introduced in silo. An opportunity to coincide such interventions with traffic regulation orders or low emission zones exists.”

Directors of Public Protection Wales

“It is not clear how the localised approach supports the wider aims of the Bill. If a national approach was taken, national campaigns could be run to educate people and discourage idling. These campaigns should look to cross-reference other campaigns to encourage active travel as an alternative to vehicle transport in order to encourage behaviour change”

Public Health Wales

Response

We are grateful for the responses to these questions, which have highlighted some issues and helpful ideas.

We are working with the Welsh Clean Air Advisory Panel, and reviewing advice from the UK Air Quality Expert Group, to develop evidence in this area.

We intend to publish guidance under section 88(1) of the Environment Act 1995, which will set out how anti-idling measures can be deployed as part of a package of complementary measures designed to improve air quality; and how the new penalties regime, including anti-idling enforcement, can be administered. We intend for the guidance to explain the interconnections between air quality and noise/soundscape and how improving air quality can bring about benefits to soundscape which, in turn, can benefit human health.

Our proposals are focussed on tackling unnecessary vehicle idling and we do not propose to remove the current exemptions which apply to vehicle idling. These exemptions mean it is lawful to idle at traffic lights; or to run the engine to fix a fault or to operate machinery, such as compaction machinery on a refuse vehicle.

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

There were 13 substantive responses to this question providing opinion in respect of the question asked.

Local Authority respondents indicated that complaints had been received from the public about idling, including the noise impacts of idling on private land. Education approaches had proved more successful than enforcement in reducing idling.

Respondents cited examples of research. For example, research findings by the Transport Research Laboratory indicate that idling for 30 seconds produces nearly twice as much pollution as switching off and restarting the engine. In addition, an in-car study undertaken by Carmarthenshire County Council highlighted the importance of a well-maintained exhaust system through one vehicle displaying a 50% increase of NO_x levels within the car whilst the exhaust system was faulty. The TUC cited a report on some of the hazards faced by workers exposed to diesel exhaust (including as a result of idling), including press reports on the problem of air pollution in 'drive-thru' restaurants. Swansea City Council will be conducting a further field study to determine the extent to which roadside anti-idling measures reduce air pollution.

Indicative quotes

"A very basic in-car study undertaken by Carmarthenshire CC highlighted the importance of a well-maintained exhaust system through one vehicle displaying a 50% increase of NO_x levels within the car whilst the exhaust system was faulty. The average NO_x levels with no fault were 14.7µg/m³, compared to 29.2µg/m³ with a known fault. There appeared to be little correlation between the distance travelled to the NO_x levels monitored within vehicles. For those on lower incomes and unable to have their vehicles serviced and maintained as regularly as they would like they may be exposed to higher levels of air pollution from their own vehicles."

Welsh Branch of the Institute of Acoustics

"Engine idling is a short term exposure event. Careful research needs be undertaken to identify exactly what impact this has on public health and the environment remembering that similar issues may be associated with idling buses at bus-stops, delivery vehicles in busy streets and stop / start driving in villages, town and city centres etc."

Ceredigion County Council

Response

We will evaluate the responses provided and continue to conduct further work to establish the evidence base for introducing anti-idling provisions, working with the Welsh Clean Air Advisory Panel and the UK Air Quality Expert Group. There are time-limited studies which demonstrate reductions in air pollution as a result of anti-idling interventions. There is also qualitative evidence that noise problems arise from vehicle idling. There are instances where vehicle idling can constitute a noise problem, such as when a taxi or delivery vehicle idles in the early hours on a front

drive; or idling by multiple vehicles in one location, often near a vulnerable receptor (such as a school).

Road transport interventions need to be combined to achieve a greater impact. Generally, the evidence points to interventions working better as a package of measures to tackle air pollution. This is why we propose guidance setting out a range of measures and actions to complement anti-idling measures.

Domestic Burning

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

Of the consultation respondents, 24 agreed; 6 disagreed; and 2 gave further opinion.

A number of respondents drew attention to the fact this legislation was already available for use in Wales, should local authorities wish to use it. Several comments also linked this question to the parallel consultation '[Reducing emissions from domestic burning of solid fuels](#)', which addressed issues around the type of fuels burned and the appliances they can be burned on.

Issues around the level of enforcement and options for a legal defence under smoke control legislation were also raised.

Indicative quotes

“Keep Wales Tidy supports this proposal in principle but would urge caution for enforcement measures over awareness raising measures for reasons laid out elsewhere in this document. This element also has a link to fuel poverty and as many areas are still off-grid in Wales (an estimated 17% of households), we believe that this section could be approached in a more sophisticated manner. As with other elements of air quality, we also believe that the public have very limited understanding of indoor air pollution generally. This was highlighted in the Clean Advisory Panel report as an area which may have increased over the period of the Covid pandemic and resources that support awareness and behaviour change are required to address this issue.”

Keep Wales Tidy

“There needs to be a clear set of rules for having a defence to an alleged civil offence, so that consumers who have invested in Ecodesign compliant wood burners burning appropriately certified wood fuel (eg Ready to Burn wood fuel) will know they can submit this as evidence to defend a civil claim. Furthermore, there needs to be up to date, easily accessible and easily updatable database of exempted appliances under the SCA regulations. The current system of listing these appliances by Statutory Instrument is not fit for purpose.”

Stove Industry Alliance

“In principle we agree to ensure local authorities have the ability to control smoke in their urban areas. However, in line with our response to the Domestic Burning of Solid Fuels Consultation, many rural homes and businesses rely on the burning of solid fuels for heating often when alternative sources of heating are unavailable or prohibitively expensive. We strongly urge that smoke control zones are not extended to rural areas but improved guidance and advice is offered to ensure seasoned wood and efficient means of burning it are encouraged.”

TUC Cymru

Response

The transposition of existing legislation into a Clean Air Act for Wales may allow any future amendments or changes to be more swiftly enacted in Welsh law. However, a transposition does not mean there will be any changes to current legislation. Therefore, consideration will be given to the advantages and disadvantages associated with consolidation. We will take the points raised in this consultation into account when developing any future changes to smoke control legislation in Wales.

The UK Environment Act 2021 places a legal duty on Welsh Ministers to publish lists of authorised fuels and exempted appliances which may be legally used in Smoke Control Areas. This will involve a move away from the use of Statutory Instruments and the adoption of online lists.

The Environment Act 2021 also amended the way smoke control is enforced in England, changing this from a criminal to a civil law basis. We will consider a similar proposal in respect of smoke control legislation in Wales.

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

Of the respondents to this open question there were 15 narrative answers suggesting other areas we may wish to look at.

These included:

- Non-road mobile machinery (e.g. heavy construction plant, road rollers etc.)
- Restrictions on the sale of wood at petrol service stations for domestic burning.
- Outdoor burning (including garden waste, BBQ's and fire pits);
- Switching households away from gas and oil boilers for central heating to other cleaner methods.
- Greater enforcement of emissions standards on vehicles exhausts, particularly vehicles with visible black smoke.
- Greater use of advertising and education to inform the public of the issues around clean air and how to make changes to improve it.
- Emissions from inland waterway vessels (e.g., canal boats, barges etc.).

Indicative Quotes

“Part 2 – Chimney height requirements for development as insufficient fluing is at the root of those smoke problems rising outside smoke control areas.”

Newport City Council

“The Clean Air Act 1993 prohibits the emitting of black smoke from trade or business premises. In my locality (LL57) a significant number of residential householders regularly burn plastic waste in their home fireplaces causing considerable deterioration in air quality much worse than the worst house coal. There needs to be stricter enforcement against such individuals and a clearer regulatory framework that Local Authority Environmental Health can tackle this anti-social and selfish issue, as this is presumably waste that should be entering the recycling sector not being burnt.”

Individual Respondent (Anonymous)

Response

We are grateful for the additional suggestions which will be considered when developing policy in the specific areas where concerns were raised. Some of these, such as vehicle emissions, are reserved matters for the UK Government.

A number of local authority respondents suggested Part II (Smoke, Grit, Dust and Fumes) of the Clean Air Act 1993 would also benefit from inclusion within Welsh legislation. We will consider this further, along with the benefits of including Part 1 (Dark Smoke), and inclusion of vessels within smoke control legislation, as is now the case in England under the provisions of the Environment Act 2021.

We agree there should be an education and information campaign around what is reasonable to burn and when it is reasonable to do so. We will consider this further when developing policy in this area.

In respect of the additional areas highlighted:

- **Emissions from inland waterway vessels (e.g., canal boats, barges etc.)**

Emissions from Inland waterway vessels is covered under the Clean Air Act 1993. Taking into account subsequent amendments introduced through the Environment Act 2021, it would be reasonable to consider these elements for Welsh legislation. This would address emissions from vessels when moored within a designated smoke control area. However, consideration will be given to the anticipated number of vessels captured within the proposal and the associated costs of compliance.

Beyond the bounds of such areas, any emissions would potentially fall under the provisions of the Environmental Protection Act 1990 (EPA1990), specifically section 79 relating to statutory nuisance.

- **Non-road mobile machinery (NRMM) (e.g. heavy construction plant, road rollers etc.)**

Emissions standards relating to vehicles and NRMM is a reserved matter outside the competence of the Welsh Government and Senedd Cymru.

- **Restrictions on the sale of wood at petrol service stations for domestic burning.**

We continue to consider proposals, consulted on separately, on restricting sales of wet wood. The main issue in respect of such sales is the way wood is stored. There is therefore a case for education and guidance for retailers as to the best practice in storage and this will be pursued.

- **Outdoor burning (including garden waste, BBQ's and fire pits).**

There are currently no plans to regulate outdoor burning, beyond what is already available under EPA1990. Officials will look into potential areas of research and evidence gathering with colleagues across government e.g., Waste Policy, Environmental Governance.

- **Switching households away from gas and oil boilers for central heating to other cleaner methods.**

This is not within the scope of the Clean Air Bill. Welsh Government is mindful of the need to move away from burning fossil fuels in any form where practical and effective.

- **Greater enforcement of emissions standards on vehicles exhausts, particularly vehicles with visible black smoke.**

As stated above, emissions standards relating to vehicles and NRMM is a reserved matter outside the competence of the Welsh Government and Senedd Cymru.

- **Greater use of advertising and education to inform the public of the issues around clean air and how to make changes to improve it.**

This is valuable and essential work that will be taken forward in tandem with any legislation.

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

Of the respondents, 19 agreed; 5 disagreed; and 6 gave a written opinion.

A number of Local Authority and other official bodies responded that the current legislation makes it both difficult and complex to act as the burden of proof to prosecute as a criminal offence is high.

There were calls for improving the advice on offer to households and businesses ahead of any possible changes, along with calls to retain criminal penalties for egregious or repeat offences.

Indicative quotes

“The easier aspect of control will relate to fuel quality and appliance design / performance, whilst the supply chain and end user elements will be extremely difficult to regulate. Therefore, it seems inevitable that a presumption in favour of smoke control is required.”

Institute of Acoustics

“It is understood that the criminal provisions in relation to other parts of the Clean Air Act 1993 are to be retained. Local authority opinion supports the retention of the criminal provisions regarding the sale of authorised fuels and appliances. An exercise to assess the amount of enforcement as a civil matter compared to a criminal matter would be useful in order to assist identifying the most appropriate enforcement approach however, as a civil matter the burden of proof would be lower than that of a criminal matter.”

Directors of Public Protection Wales

Response

Lowering the enforcement threshold from criminal to civil would allow greater potential for local authorities to enforce smoke control areas and tackle burning, which is either anti-social or causing a nuisance. However, the points raised about retaining some element where criminal prosecution may become an option are also valid. We will consider these points in the process of developing future legislation.

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

Of the respondents who addressed this question, 23 agreed; 3 disagreed; and 4 gave a written opinion.

There was much support for a level of differentiation between urban and rural areas, however, there was also question as to what the definition of those areas would be. In general, the comments suggest that smoke in an urban setting is more likely to cause health and nuisance issues than in more rural areas. There was also comment that other aspects of air pollution, such as slurry spreading, are a concern for rural areas but not urban.

The nature of what individuals are burning was also raised with examples of household waste, plastic and garden waste being provided. On garden waste there was a suggestion that councils should be obliged to collect this to remove burning in smoke control areas as an option.

Indicative quotes

“Yes, but make sure urban areas include so called villages. I live in a village with a 2000+ population size.”

Individual respondent

“In view of the impact of domestic burning on air quality, yes. This step will improve air quality for all but will particularly improve the occupational health and safety of outdoor workers.”

TUC Cymru

Response

Further research and consultation needs to be done on what criteria could be applied to define a Smoke Control Area. We will take all the responses into account when developing policy in this area. Workforce health and safety is a reserved matter, outside the competence of the Welsh Government and Senedd Cymru.

Empowering Workforces to Tackle Air Pollution

19. Do you agree with the proposals?

Of the respondents who addressed this question, 29 agreed (with a proportion agreeing in principle subject to the Welsh Government taking account of the considerations detailed below). 5 respondents disagreed; while 3 respondents expressed an opinion.

It was observed that the guidance could engender a sense of collective action helping Welsh Government to target a response, regulate more effectively and maintain progress.

However, it was also acknowledged there would be a need to offer practical support and advice to help workforces take action. The view was expressed that a wider range of public bodies need to be included under the proposal.

Some respondents felt criteria needed to be developed and applied in relation to the size of participating organisations and on how information will be used and managed.

A number of respondents were concerned about how the proposed guidance would be enforced.

Indicative quotes

“We welcome the proposals to empower workforces across Wales to tackle air pollution. The RCPCH strongly support national policies, practices and legislation that aim to improve outdoor air quality and advocate for sharing information and supporting the public to act.” – **Royal College of Paediatrics and Child Health**

“Workplaces and other listed organisations would have to be supported through practical advice and support in order to take action.”

Keep Wales Tidy

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

Natural Resources Wales

“We tentatively agree that encouraging workforces to work with employers to tackle air pollution may have a net benefit, however, it is not clear what methods would be used to “empower” work forces. Again, without clear parameters such proposals may be open to abuse. By all means produce guidelines, but we question the enforceability of such proposals.”

Mineral Products Association

Response

We welcome the range of views provided. There was clear support for providing better support and guidance on actions that can be taken to improve, and reduce exposure, to air pollution. However, there were a number of concerns raised about how such guidance would realistically be enforced and the extent of its reach.

In light of the feedback received, we have decided not to take forward proposals to publish workforce guidance. Instead, we will look at how we can use this opportunity to ensure air quality legislation supports sustained efforts to promote awareness of air pollution. This would be a broader approach than the proposal consulted on, which has the benefit of covering a wider range of topics and issues. We welcome input on this new approach as the Bill develops and moves forward through Senedd scrutiny.

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

There were 26 respondents to this question which asked for views on the advantages and disadvantages of the proposal develop and publish workforce guidance on air quality. Advantages of the proposal identified included:

- Statutory guidance should enable Welsh Government to make informed decisions in respect of prioritisation and policy development.
- Awareness raising of air pollution will be important to help the public to understand the wider issues relating to air pollution.
- The guidance will place a focus on air quality and will make companies less complacent about matters outside of their own organisations.
- There is opportunity to develop a standardised framework (such as reporting templates, tools, calculators and best practice examples).
- An opportunity to harmonise reporting requirements with those of complementary agendas, including the opportunity to engage with workforces to increase buy-in.

However, there were also a number of concerns raised, including:

- Whether there would be penalties for not reporting or complying, including what form enforcement would take.
- Whether the Welsh Government has the capacity to analyse/use the data it will receive.
- Whether the proposals will increase burdens on business.
- The extent to which enforcement will be a challenge.
- Whether the private and voluntary sectors should be involved beforehand in the developmental work to ensure good collaboration with the Welsh Government.
- Whether an employee threshold could be introduced as the bureaucratic requirements could be demanding for smaller organisations.

Indicative quotes

“The disadvantages could be the Welsh Government’s capacity to effectively analyse and use the vast wealth of data they will receive.”

Wales Environment Link

“Unions have a clear role to play in ensuring that worker voice is heard, workers are protected and engaged and their concerns are addressed. We would like to see the trade union role in tackling air pollution being made integral to the statutory guidance (whilst recognising the legal responsibilities of employers).”

TUC Cymru

“It has the potential to result in positive changes to air quality concentrations both locally and nationally.”

Directors of Public Protection Wales

“The recording of information will allow the government to make informed decisions.”
North and Mid Wales Association of Local Councils

Response

The responses to this question were particularly helpful in outlining what benefits the proposal could bring, in addition to a number of potential barriers to implementation.

As outlined in the response to question 19, we have decided not to take forward the proposals on workforce guidance but instead, we will consider legislative options with a broader awareness raising focus. This approach will still enable information relevant to workforces to be collaboratively developed and delivered, while meeting the broader need for increased awareness regarding air pollution that was raised by a number of stakeholders. We will use suggestions provided by stakeholders to inform development of the broader awareness-focussed approach.

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

There were 24 responses to this question. Respondents made a wide range of suggestions:

- The statutory guidance should provide workforces with practical support and advice on how to prevent/minimise air pollution.
- The guidance should be integrated with other initiatives (such as active travel and the circular economy).
- Schools can be provided with parent/public information packs on how to tackle air pollution.
- Directors of Public Health in Local Authorities should have a more active role in improving air quality.
- Welsh Government could support a network of lay 'Air Quality Champions' within schools, Local Authorities, and businesses to raise awareness of air quality issues (which would resemble the concept of 'Air Quality for Health Champions' who provide advice and training to GPs and their surgery staff).
- Business Improvement Districts (which are defined areas within which businesses are required to pay an additional levy to fund projects within the district's boundaries) could be set up to tackle air pollution.
- An overarching body should be established to deliver air quality and climate change objectives.

There were many suggestions relating to the types of activities workplaces could engage in, such as:

- Joint messaging on air quality by environmental and health NGOs and multi-organisational partnership at local and regional level with a focus on health, planning, environment, farming, and industry.
- Air quality considerations need to be further embedded in planning policy/guidance.
- There was support for the use of trade union green representatives to promote air quality improvement in the workplace.

Indicative quotes

“We agree with proposals that would see more workforces across Wales playing a part in moving away from the use of the private motor vehicle and adopting active travel or using public transport. This must cut across all business operations from business supply chains and employee mobility needs right through to employees travelling to and from their place of work. Living Streets works with employers across the UK on a range of support including active travel policy development, employee communications and resources for staff and would be ready to step in and support the workforce to get walking in Wales. Everyone has a part to play in reducing the harmful impacts of poor air quality, one step at a time.”

Living Streets

“We would also welcome the involvement of children and young people within the plans. Our RCPCH &Us engagement network have highlighted the importance of engagement with children and young people in all decision making.”

Royal College of Paediatrics and Child Health

“It is important that Welsh Government continues to steer towards collaborative working not just within local authorities, but across all areas to ensure the greatest benefit from reductions in air quality concentrations.”

Directors of Public Protection Wales

“Guidance should be from a single source (i.e. Welsh Government Web Site). Multiple sources will create confusion.”

North and Mid Wales Association of Local Councils

Response

The suggestions listed above highlight a common theme of raising awareness about air pollution across society. This has informed our decision outlined in response to question 19 not to take forward the workforce guidance proposals, but rather to pursue a broader awareness raising approach. We will use the suggestions made in response to this question to consider legislative and policy options alongside delivery mechanisms.

**22. What would be the best way(s) for stakeholders to report progress to the Welsh Government? and
23. Do you have any additional points to make?**

There were a total of 66 responding to these two questions.

There was support for the creation of an online form to make reporting easy, quick, simple and tangible; while other respondents favoured regular written reports. If the format of the reporting remains the same, information could be automatically generated by organisations. Some respondents cited the Air Quality in Wales website as a suitable repository to which progress reports could be uploaded.

Some felt six-monthly reporting would be a burden and consideration should be given to a less frequent reporting requirement which is outcome-focussed. Some respondents favoured annual reporting.

Indicative quotes

“Logistics UK believes this needs careful consideration and must not be onerous on those required to report. We would recommend further consultation around this, if this power is included in the Bill.”

Logistics UK

“It remains important that continued guidance, support and engagement with communities and enhancing the roles these communities can have in the air quality agenda is continued. Work demonstrated by the ‘Clean Air Day’ website can be built upon to further increase accessibility and potential uptake within schools and community volunteer groups.”

Rhondda Cynon Taf County Borough Council

“The terms and ways of empowering workforces are important to understand, as well as what their effect would be, what action could be taken and whether it would be effective in this particular policy area.”

Federation of Small Businesses Wales

“Communication on air quality needs to be founded on and driven by the inputs of communities/stakeholders whose behaviour changes are fundamental to seeing the reductions in air pollutants sought.”

Newport City Council

“Setting up of a stakeholder board could be one option though potentially this would have a significant number of members which would make meeting management a challenge.”

Royal College of GPs Cymru

Response

As outlined in the responses to questions 19, 20 and 21, we have decided not to move forward with the workforce guidance proposal and to instead pursue a focus on raising awareness of air pollution more broadly. We feel this approach responds

to both the positive suggestions and concerns raised on the original proposal, as highlighted by the illustrative quotes above.

We will all use the comments and suggestions made through this consultation to inform our approach. We recognise that in some contexts, other stakeholders (including many who responded to this consultation) are more appropriate messengers than government on certain air pollution topics. We would therefore welcome a collaborative approach to developing and delivering efforts to raise awareness of air pollution, for the protection of public health and the natural environment.

Welsh Language

24. We would like to know your views on the effects these provisions would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

15 respondents addressed this question. No respondents raised any negative impacts from this legislation on the Welsh language. It was noted that there should be as much engagement with the public in Welsh as possible.

Response

We will continue to promote and engage through the medium of Welsh throughout the Bill process.

25. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

13 responses to this question were received. No respondents felt the proposed legislation would have any impact negative or positive on the Welsh language. However, through increasing communication it could promote the Welsh language.

Response

We continue to promote and engage through the medium of Welsh throughout the Bill process.

26. Please also explain how you believe the proposed provisions could be formulated or changed to have positive or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

10 Respondents answered this question, indicating that the following provisions could help support the promotion of the Welsh language:

- Through ensuring all written communications are bilingual.
- Access to Welsh speaking staff where the provisions of any white paper are adopted and implemented.
- Any future scheme to adopt language and symbols which are connected to the Welsh language, whilst being able to be clearly understood by the widest possible audience.
- The use of Welsh language in engagement, regulation, certification, marketing and in guidance and technical supporting documents may help to further illustrate the use of the Welsh language in all settings.

Response

We are committed to promotion of the Welsh language. Access to information and documentation in Welsh will be available at all stages of the consultation process.

Welsh Government Next Steps

Taking action to improve air quality is a key priority to support healthier communities, nature, and better environments. Our Programme for Government commits to introduce a Clean Air Act for Wales, consistent with World Health Organisation guidance.

The large number of responses received to the White Paper have provided us with valuable feedback to further inform and build consensus around the proposals set out in the White Paper and the Clean Air Plan for Wales.

We continue to work with our stakeholders and partners to develop and implement this important air quality legislation. It is clear that the scale of the challenge will require tough decisions and bold action to be taken by everyone, from individuals in their local communities to businesses across the economy, if we are to achieve our aim of clean air for Wales.

The Bill is scheduled to be introduced in year 2 of the Senedd term. This legislation is a crucial step in achieving our ambition to improve air quality and reduce the impacts of air pollution on human health, biodiversity, the natural environment and our economy.

Annex A

Individual respondents

Chartier-Roberts, G.	Jenkins, Ray	Thorpe, Ryan
Clements, Roger	Liddell, John	Valadini, Ray
Doyle-Edwards, Michael	Matthews, Oliver	Welch, Jim
Heart, Scott	Richards, Anna	

Individuals attending the virtual joint consultation event 11 March 2021

Adams, Rachel	Horsley, Nick	Morissette, Vicky
Brooks, Wilma	Jenkins, Trefor	Morrow, Karen
Campini, Paul	Johns, Sarah	Norman, Mathew
Carpenter, Gideon	Jones, Keith	Pollard, Sam
Chamberlain, Steve	Jones, Lisa	Prendergast, Jenny
Cottrill, Simon	Jones, Richard	Rees, Alun
Cunha, Alexandra	Jones, Wendy	Reynolds, Jamie
Evans, Gareth	Lane, Joanna	Roberts, Gemma
Garbutt, Ross	MacBride-Stewart, Sara	Sandoul, Tamara
Geddes, Anthony	Macdonald, Eirian	Thompson, Kate
Gibson, Paul	Mansfield, William	Verlaque, James
Hardiman, Rhiannon	Marsden, James	Ward, Dan
Hayes, Enda	Mather, John	White, Paul
Hayes, Rhiannon	Mayne, Brian	Zorn, Toby
Heney, Charlotte	Minett, Tim	
Hopton, Andrew	Morison, James	

Organisations responding to the consultation

Action on Smoking and Health Wales

Associated Society of Locomotive
Engineers and Firemen

Caerphilly CBC

Ceredigion County Council

CIWM Cymru

CLA

Cold Chain Consultant Highnam

Directors of Public Protection Wales

Farming Union Wales

FDF Cymru

FSB

Healthy Air Cymru

Heritage Railways

ICE Cymru

Institute of Acoustics

Keep Wales Tidy

Living Streets Wales

Logistics UK

Mineral Products Association

Motor Cycle Industry Association

National Farming Union Cymru

National Parks Wales

Natural Resources Wales

Neath Port Talbot CBC

Newport City Council

NHS Wales Shared Services
Partnership

North and Mid Wales Association of
Local Council

Plantlife Cymru

Public Health Wales

RHA

Rhondda Cynon Taf CBC

Royal College of GP's Cymru

Royal College of Paediatrics and Child
Health

Royal Mail

Stove Industry Alliance

TUC Cymru

UK Centre for Ecology and Hydrology

UPS

Wales Environment Link

Whitland Anglers Association

Wildlife Trust Wales



Llywodraeth Cymru
Welsh Government