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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Local air quality and noise management in Wales

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

Overview

This consultation proposes changes to the way in which Local Authorities and other public bodies in Wales manage the effects of air and noise pollution in their areas, by refreshing, through Welsh Government guidance, the local air quality management regime established by the Environment Act 1995, and by highlighting how local and national air quality assessments and national noise maps can inform and influence other work by public bodies in Wales, particularly when discharging their duties under the Well-being of Future Generations (Wales) Act 2015 and Environment (Wales) Act 2016.

How to respond

You can respond to the consultation in any of the following ways:

Through the online form available at:

<https://consultations.gov.wales/consultations/air-quality-and-noise-management-wales>

Download the [response form](#) and email to:

EQR@wales.gsi.gov.uk or,

Download, complete and return the hard copy of the [response form](#) to:

Environment Quality & Regulation Branch
Welsh Government
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Further information and related documents

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

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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.

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Ministerial foreword



Few environmental issues determine our health and well-being as directly as pollution in the air we breathe and the noise surrounding us as we go about our daily lives. The domestic and European legislation we have inherited is strong when it comes to identifying the problems, however, it has had limited success, to date, in resolving them. We should be able to do better than this, both in terms of preventing problems from arising in the first place and in finding innovative solutions to the existing problems we have to deal with now.

To date, efforts to tackle the problems of air and noise pollution have been less effective because of what is commonly called ‘silo working’. This is what happens when we rely on people focusing on single issues rather than taking collective ownership of common concerns and their inter-connectedness. Air pollution, noise and their causes are clearly connected and, therefore, so must be the actions we take to deal with them. If the public sector in Wales embraces the Well-being of Future Generations (Wales) Act 2015 and seeks better integrated and collaborative long-term solutions to our problems, we can bring about real change. Dealing with problems like air and noise pollution is not about competing priorities. It is about finding integrated solutions to multiple problems, to deliver the conditions needed for the long-term well-being of people in their communities.

The fifth way of working set out in the Act, involvement, is also crucial, which is why I am hoping for a wide and creative set of responses to this consultation. The level of protection afforded to human health and the environment must not decrease as a consequence of our leaving the European Union. With the drive and momentum brought through the Well-being of Future Generations Act and our new Environment Act, I am confident we have the tools in place to identify and implement the solutions required.

A handwritten signature in grey ink that reads "Lesley Griffiths".

Lesley Griffiths AM
Cabinet Secretary for Environment and Rural Affairs

1 Why airborne pollution matters

- 1.1 Every minute of every day, our state of well-being depends on the quality of the air we breathe and the sounds we are subject to, even when we are asleep. Pleasant smells and sounds enhance our lives. Conversely, airborne pollution, whether in the form of harmful substances or noise, can be harmful to both our immediate and our long-term health and well-being.
- 1.2 Air pollution is estimated to reduce the average life expectancy of each person living in the UK by 7-8 months¹. The main air pollutants of public health concern are **nitrogen dioxide (NO₂)** and **particulate matter (PM_{2.5} and PM₁₀)**. In Wales, around 1,300 deaths and 13,500 lost life-years are attributed annually to PM_{2.5}² alone, and the financial cost of air pollution in the UK has been estimated at around £20 billion per year³. Pollutant concentrations are highly dependent on location, as they are influenced by traffic, domestic, industrial and **agricultural sources** as well as by more distant sources and meteorological factors. The susceptibility of individuals and populations also varies across an area. Vulnerable groups include older people, adults with long-term limiting illnesses, and especially babies and children, since harm suffered at a young age has impacts lasting far into the future. **Air pollution, impaired health and deprivation can combine to create increased and disproportionate disease burdens between and within regions.**
- 1.3 **Noise affects people primarily through sleep disturbance and annoyance, but also through an increased risk of hypertension-related health conditions and impacts on productivity and learning, with a cost to the UK valued conservatively at around £10 billion per year⁴.** According to noise maps⁵ produced in 2012, the homes of more than 200,000 people in Wales are exposed to levels of road traffic noise exceeding WHO night noise guidelines. **By contrast, tranquil soundscapes, particularly those involving the presence of nature, can help people to relax and improve their health and well-being.**

¹ See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf .

² See <https://www.gov.uk/government/publications/estimating-local-mortality-burdens-associated-with-particulate-air-pollution> .

³ See <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution> .

⁴ See <https://www.gov.uk/noise-pollution-economic-analysis> . This estimate is for England only and doesn't include neighbour noise.

⁵ See <http://data.wales.gov.uk/apps/noise> or download the data from <http://lle.gov.wales> .

- 1.4 Air and noise pollution are often emitted from the same sources, notably road transport and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another through the way in which traffic is managed in the wider area.
- 1.5 Around 40 **air quality management areas (AQMAs)** have been declared by Local Authorities in Wales (one for PM₁₀, the rest for NO₂), and 247 priority areas associated with road traffic and railway noise designated by the Welsh Ministers.
- 1.6 People living and working in AQMAs and priority areas are likely to be exposed to higher concentrations of air and noise pollution than elsewhere. However, the air pollutants of concern from a public health perspective hold 'non-threshold' status, which means there is no 'safe' level of exposure, while noise levels used to identify priority areas are set quite high in order to focus resources on the most polluted areas. As a consequence, the majority of the avoidable health burden referred to above is the result of population exposures outside AQMAs and priority areas. National air quality objectives and noise levels used to identify these areas should therefore not be seen as 'safe' levels. **Air and noise pollution can cause adverse effects on health and quality of life at lower exposures, depending on the circumstances of the exposed individual.**
- 1.7 **Air and noise pollution can also adversely affect sensitive forms of wildlife and natural habitats.** Local air quality and noise management focuses primarily on human exposure, and measures aiming to bring down pollution only in narrowly defined residential hotspots will rarely yield substantial benefits for nature. However, measures to bring down pollution exposure for the population as a whole through reductions in overall emissions are likely to also reduce exposure for sensitive species and habitats. They should also result in less carbon dioxide being released into the atmosphere, and reduce Wales' contribution to global climate change.

2 The legal landscape

2.1 The legislative framework currently in place to protect the people and environment of Wales from airborne pollution is complex. It includes:

- the statutory nuisance regime established by the Environmental Protection Act 1990;
- the smoke control regime established by the Clean Air Act 1993;
- the **local air quality management (LAQM)** regime established by the Environment Act 1995;
- the Environmental Permitting (England and Wales) Regulations 2010, driven in part by European Union (EU) legislation such as the Industrial Emissions Directive;
- the Ambient Air Quality Directive, which sets mandatory limit and target values for air quality in EU member states;
- the Environmental Noise Directive, which requires EU member states to produce noise maps and action plans on a five-yearly cycle;
- legislation limiting the air and noise pollution emitted from vehicles and machinery placed on the market;
- legislation relating to proposed new developments, such as the Town and Country Planning Act 1990, the Planning (Wales) Act 2015 and the Environmental Impact Assessment Directive;
- legislation implementing international treaties such as the UNECE Convention on Long-range Transboundary Air Pollution, the Stockholm Convention on Persistent Organic Pollutants and the Minamata Convention on Mercury;
- the Active Travel (Wales) Act 2013;
- the **Well-being of Future Generations (Wales) Act 2015** (“the WFG Act”); and
- the Environment (Wales) Act 2016.

2.2 The purpose of this consultation is to:

- examine the need to refresh, through statutory guidance, the central pillar of our domestic air quality legislation, the LAQM regime established by the Environment Act 1995;
- review progress achieved so far towards implementing the **noise action plan for Wales 2013-2018**, which takes a more holistic view of noise management than the narrow requirements of the Environmental Noise Directive;
- highlight the need for these two areas of activity to become better integrated, both with each other and with other policy areas; and
- suggest how they can be made more effective by forging linkages between the existing duties of Local Authorities and the new duties of **Natural Resources Wales (NRW)** under the Environment (Wales) Act 2016 and of specific public bodies under the WFG Act.

2.3 In parallel to this work, the Welsh Government is working with Local Authorities and other public bodies to improve national planning policy and guidance relating to air and noise pollution.

2.4 This is just what we have planned for the first year of this Assembly. The Welsh Government will conduct a fuller review of the legislation transposing EU Directives on air quality and noise once we are clearer on the terms of the UK's withdrawal from the European Union, in order to ensure we retain the most efficient and effective legal framework for the protection of the people and environment of Wales.

2.5 As well as consulting on the specific changes we propose to make in this first year of the new Assembly term, we also want to look beyond these proposals, further into the future. There is an open question at the end of this consultation inviting views on what else could be done in relation to air quality and noise during the course of the Fifth Assembly (2016-2021). We look forward to receiving your suggestions.

3 Local air quality management

- 3.1 The Welsh Ministers have set, through regulations⁶, national air quality objectives for a range of pollutants and have issued statutory guidance to which Local Authorities must have regard when carrying out LAQM.
- 3.2 Under the current arrangements, **Local Authorities carry out regular monitoring of air pollutants, focusing on the areas thought to be at highest risk of non-compliance with the national air quality objectives.** They submit updating and screening assessments to the Welsh Government every three years and progress reports in the intervening years. Where pollutant concentrations exceed the national air quality objectives, Local Authorities carry out and submit a detailed assessment. If the non-compliance is confirmed they declare an AQMA. Following the declaration of an AQMA, the Local Authority should work with other partner agencies and the public to draw up and implement a local air quality action plan. This contains the measures to be taken in pursuit of compliance with the national air quality objectives and the envisaged timescales for their implementation. Local Authorities are also encouraged to consider developing a local air quality strategy to maintain good air quality across the region. For a more detailed description of LAQM as it currently stands, please see the statutory guidance, which is available to download from <http://gov.wales/topics/environment/countryside/epq/airqualitypollution/airquality/guidance> .
- 3.3 In 2012 the Welsh Ministers issued an addendum to their statutory guidance, on the subject of road traffic noise. It stated wherever local air quality action plans prioritise measures in terms of costs and benefits, road traffic noise should receive due consideration. It also stated special consideration should be given to priority areas and **any other areas where a local authority considers noise to be a matter of concern**, where these may be subject to changes in noise levels as a result of air quality management measures.
- 3.4 Welsh Ministers' statutory guidance requires Local Authorities to submit updating and screening assessments and progress reports by the end of April each year, and put in place a local air quality action plan within 18 months of an AQMA being declared. Progress on the implementation of local air quality action plans should also be reported annually. Currently, some Local Authorities meet these deadlines, while others do not. This leads to incomplete information on the current state of air quality in Wales and a lack of impetus for timely action where national air quality objectives are breached.

⁶ Specifically, the Air Quality (Wales) Regulations 2000, as amended by the Air Quality (Wales) (Amendment) Regulations 2002.

- 3.5 Under section 85(3) of the Environment Act 1995, if national air quality objectives are not being achieved or a Local Authority has failed to discharge any of its duties, the Welsh Ministers may issue directions to the Local Authority requiring certain steps to take place to ensure compliance with the national air quality objectives.
- 3.6 Very few AQMAs have been revoked in Wales to date, even where local air quality action plans have been in place for several years.
- 3.7 Following a recommendation by the Chief Medical Officer and a commitment in the Welsh Government's first Natural Resources Policy Statement, officials have held informal discussions with Local Authorities and Public Health Wales through the Welsh Air Quality Forum to scope areas for potential improvement of the LAQM system in Wales. For example, Public Health Wales is currently undertaking research to determine how the current LAQM regime can be enhanced to maximise public health integration, collaboration and impact.
- 3.8 One of the reasons given for the ineffectiveness of local air quality action plans to date is a lack of funding for their implementation. The Welsh Government currently makes funding support available for the implementation of local air quality action plans through its environment and sustainable development single revenue grant to Local Authorities in Wales. This funding was previously made available to Local Authorities under the *Tidy Towns* and *Tranquil, Greener and Cleaner Places* grant schemes. Local Authorities draw up their own spending plans for the money allocated to them under the single revenue grant. In the latest round of spending plans submitted to the Welsh Government, Local Authorities did not allocate any of this money specifically to the implementation of local air quality action plans.
- 3.9 Other reasons suggested in discussions with Local Authorities and Public Health Wales for the lack of progress to date on AQMAs include the following:
- poorly defined roles at a Local Authority level, and consequently insufficient support from internal partners within the Local Authority, such as highways and planning teams, and those engaged corporately in higher level strategic and financial planning;
 - insufficiently clear purpose and intent, and consequently inadequate influence and support, on the part of external organisations, including the Welsh Government, NHS Wales and neighbouring Local Authorities;

- poor integration of LAQM in other relevant fields of policy and practice, such as health, planning, transport, industry regulation, energy, climate change and education;
- a failure in risk assessments to consider air pollution problems and solutions in the broadest possible context;
- higher than expected emissions from diesel vehicles and an ever-increasing volume of traffic on roads; and
- a lack of information as to what works and what doesn't.

3.10 The Welsh Government is also conscious of a more fundamental shortcoming of LAQM as it currently stands. It requires Local Authorities to monitor air quality across their territory but only requires them to take action where national air quality objectives are being breached. However, there are health benefits to be gained by reducing pollution levels more widely than just in non-compliant areas. There is also a health cost to the population when levels of air pollution are permitted to increase, regardless of whether or not national air quality objectives are breached.

3.11 We are not in a position to address all of these issues in one fell swoop. However, legislation recently passed in Wales (see section 5 of this consultation document), coinciding with a heightened interest in air quality in Wales in recent months, offers unique and stronger opportunities to make significant progress against the first four bullet points listed in paragraph 3.9 and encourage public bodies to look at air quality more broadly than simply in terms of compliance with the national air quality objectives.

3.12 In particular, we now have a national indicator for air quality under the WFG Act which considers the exposure of the population as a whole to air pollution (see Annex A). We also propose to add, through regulations, Local Authorities' annual progress reports on air quality and national noise maps to the list of things which, together with the national indicators, have to be taken into account when preparing assessments of local well-being under the WFG Act.

4 The noise action plan for Wales

- 4.1 The Environmental Noise Directive requires EU member states to produce noise maps and action plans on a five-year rolling basis for major roads, major railways, major airports (there are no major airports in Wales) and roads, railways and industry in large urban areas. The Welsh Ministers are currently defined in regulations as the competent authority for producing noise maps and action plans for Wales. We are currently working to produce new noise maps in 2017 for major roads across Wales, as well as for industry in large urban areas. These should be comparable with the maps produced in 2012 and will show which areas of Wales have experienced a significant increase or decrease in road traffic noise over the past five years.
- 4.2 Rather than produce separate action plans for major roads, major railways and large urban areas, which would overlap and provide incomplete coverage of Wales, the Welsh Government produced a single consolidated noise action plan for Wales for the period from 2013 to 2018⁷. It was drafted collaboratively with contributions from Local Authorities, NRW, Public Health Wales, the Health and Safety Executive and other public bodies with noise responsibilities. It provides a comprehensive picture of regulatory activity in Wales relating to noise. The chapters on large urban areas were drafted primarily by the Local Authorities concerned, who also nominated tranquil green spaces to be designated by the Welsh Ministers as urban quiet areas⁸, to receive special consideration in planning policy.
- 4.3 Half-way through the five-year lifespan of the current noise action plan, considerable progress has been made:
- The Welsh Government hosts meetings with noise regulators twice a year. These are regularly attended by environmental health officers from the majority of Welsh Local Authorities, as well as by NRW and Public Health Wales. Guest speakers have led discussions on topics such as the new British Standard on industrial noise, the WFG Act, building regulations, the planning process in Wales, and Noise Action Week.
 - The Welsh Government maintains a list of noise contacts in public authorities across Wales and keeps them informed of any significant new research findings, guidance or standards relevant to their roles.

⁷ See <http://gov.wales/topics/environmentcountryside/epq/noiseandnuisance/environmentalnoise/noisemonitoringmapping/noise-action-plan> .

⁸ See <http://gov.wales/topics/environmentcountryside/epq/noiseandnuisance/environmentalnoise/noisemonitoringmapping/1stroundquietareas> or download the data from <http://lle.gov.wales> .

- The Welsh Government has issued a clarification letter for *Technical Advice Note (TAN) 11: Noise* to highlight factual updates and cross-references to other documents, and has now initiated a more substantive review of national planning policy and guidance on air quality and noise.
- NRW has compiled a data set of potentially accessible natural green space in Wales. This has been made accessible to Local Authorities, and NRW is committed to keeping it up to date.
- Both NRW and the Welsh Government have drawn the benefits of tranquil green spaces in built-up areas to the attention of the licence-holder for the Green Flag Awards in Wales, Keep Wales Tidy. The Welsh Government has incorporated the funding of the Green Flag Awards into its core funding grant to Keep Wales Tidy in 2016/17.
- The Welsh Government has made the data associated with its 2012 noise maps available to download. It has produced a set of priority areas for road traffic and railway noise⁹ and ranked the priority areas on the trunk road network in order of priority for possible mitigation. However, the current constraints on public finances have slowed the pace at which schemes can be implemented.
- The Welsh Government continues to make grant funding available to Local Authorities for noise and tranquil green space projects. However, this now forms part of the single revenue grant for environment and sustainable development work, and Local Authorities have discretion over how to use these funds when drawing up their annual spending plans.
- As exemplified by the current consultation, the Welsh Government continues to integrate noise and air quality policy.
- The Active Travel (Wales) Act 2013 has become law and an action plan¹⁰ was published to provide further impetus to its vision. This work promotes non-motorised, and therefore quiet, forms of travel.
- The Welsh Government has reviewed its 2012 noise maps¹¹ and decided which ones warrant revision in 2017. It has concluded it would not be sensible to re-map railway noise until after the planned electrification.

⁹ See <http://gov.wales/topics/environmentcountryside/epq/noiseandnuisance/environmentalnoise/noisemonitoringmapping/priority-areas> or download the data from <http://lle.gov.wales> .

¹⁰ See <http://gov.wales/topics/transport/walking-cycling/activetravelact/walkcycleactionplan> .

¹¹ See <http://gov.wales/topics/environmentcountryside/epq/noiseandnuisance/environmentalnoise/noisemonitoringmapping/third-round-noise-mapping> .

4.4 This year the Welsh Government is focusing primarily on making changes to LAQM, while the noise action plan for Wales is not due to be replaced until 2018. However, in responding to question 2 on the consultation response form in section 7 of this consultation document, any views on the future of the noise action plan would be welcomed.

5 Recent legislation in Wales

- 5.1 The WFG Act details the ways in which specified public bodies must work, and work together to achieve the vision for Wales set out in the national well-being goals. Public bodies are required to plan and act for the long term and think laterally about what they can achieve both on their own and collectively.
- 5.2 Real progress towards the national well-being goals will require core activity change throughout public bodies' organisational structures, in areas such as workforce, performance and financial planning as well as procurement, assets and risk management. This will require effective leadership and action throughout each organisation, not just at the Board and Executive levels. Each public body is required to set well-being objectives, which must be published by the end of March 2017. In so doing, the public bodies are required to carry out sustainable development, which is underpinned by the five ways of working: long term, prevention, integration, collaboration and involvement.
- 5.3 The WFG Act puts on a statutory footing **Public Services Boards (PSBs)** made up of Local Authorities, Local Health Boards, fire and rescue services and NRW. Each PSB must improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the national well-being goals. PSBs must carry out an assessment of local well-being, which includes environmental well-being. They are then required to set well-being objectives and implement a local well-being plan. The Future Generations Commissioner will play an important advisory role in this. Each PSB must publish an annual report on progress towards meeting its well-being objectives.
- 5.4 The Welsh Government has issued statutory guidance¹² to help the public bodies subject to the WFG Act to respond positively to their new duties.
- 5.5 Each assessment of local well-being must include reference to the **national indicators set by the Welsh Government**. One of these is the average NO₂ concentration outside people's homes (see Annex A). **Another is people's satisfaction with their local area, which includes noise.**
- 5.6 **Section 38(3) of the WFG Act contains a list of other things PSBs must take into account when preparing assessments of local well-being.** The Welsh Ministers may make additions to this list through regulations.

¹² See <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance> .

- 5.7 The Welsh Ministers are the highway authority for motorways and trunk roads in Wales, and take seriously their responsibility for managing the environmental impacts of those roads. The Welsh Government will, where appropriate, engage constructively with individual Local Authorities and/or PSBs (of which Welsh Ministers are a statutory invitee) to seek effective remedies to air quality and noise problems arising from the motorway and trunk road network.
- 5.8 Alongside the WFG Act, the Environment (Wales) Act 2016 places a statutory duty upon the Welsh Ministers to prepare, publish and implement a national natural resources policy, in the first instance by March 2017. This must set out policies for the sustainable management of natural resources in relation to Wales, together with what the Welsh Ministers consider to be the key priorities, risks and opportunities, including what should be done in relation to climate change and biodiversity. The principles of the sustainable management of natural resources must be applied when drafting this document.
- 5.9 The Environment (Wales) Act 2016 also gives NRW a statutory duty to produce a **State of Natural Resources Report (SoNaRR)**, in the first instance by September 2016, and area statements, which will facilitate the implementation of the national natural resources policy and prioritise action at a local level. Area statements will be published for Wales between 2017 and 2019. They will provide a vital evidence base for the sustainable management of natural resources to inform and influence public service delivery in Wales. Consideration of noise maps and local and national air quality assessments should form a part of this process. Both PSBs' assessments of local well-being and local development plans must have regard to area statements.

6 Proposals for change

The following proposals have been developed through discussions across Welsh Government departments and with Local Authorities, NRW and Public Health Wales, including through the Welsh Air Quality Forum, the All Wales Environmental Permitting Regulations Link Group, and the noise regulators group established under the noise action plan for Wales 2013-2018:

6.1 As has recently occurred in other parts of the UK, the Welsh Government proposes to streamline the LAQM system in Wales by:

- moving from the current three-yearly cycle of updating and screening assessments every third year and progress reports in the intervening two years, to a simpler system with a single annual progress report;
- changing the submission deadline for annual progress reports from 30 April to 30 June, to avoid the end-of-financial-year work pressures; and
- removing the requirement for a detailed assessment where the Local Authority already has enough information to warrant declaring an AQMA, thereby enabling resources to be focused more swiftly on the development of an effective local air quality action plan.

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

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

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

6.3 It is not acceptable for Local Authorities to miss deadlines set in statutory guidance for the submission of annual progress reports and local air quality action plans. The Welsh Government expects a consistent level of high performance across Wales and therefore proposes to implement the system recently put in place in Scotland¹³. Except in cases where an extension has been negotiated in advance with the Welsh Government:

- Where an annual progress report (due on 30 June) or local air quality action plan (due 18 months after the declaration of an AQMA) is two months overdue, the Local Authority will receive a reminder.
- Where an annual progress report or local air quality action plan is three months overdue, the Local Authority will receive a warning letter.
- Where an annual progress report or local air quality action plan is four months overdue, the Local Authority will receive a final warning letter.
- Where an annual progress report or local air quality action plan is six months overdue, the Local Authority will receive a direction from the Welsh Ministers under section 85(3) of the Environment Act 1995.

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

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

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

¹³ See <http://www.gov.scot/publications/2016/03/9717>.

6.5 In terms of content, the Welsh Government proposes each LAQM annual progress report from 2017 onwards should state:

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

Do you agree annual progress reports should include this information?

6.6 Furthermore, the Welsh Government proposes any new or updated local air quality action plan from 2017 onwards should state:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Consultation response form

Your name:

Organisation (if applicable):

E-mail / telephone number:

Your address:

- Q1.** In section 6 of this consultation document we asked a number of questions about the changes we are considering taking forward in the first year of this five-year Assembly, alongside a review of national planning policy and guidance on air and noise pollution.

Please use this space to answer the questions asked in section 6 of this document. Is there anything you think we should be doing differently?

- Q2.** There is considerable uncertainty about the extent to which we will still be bound by our current EU obligations relating to air and noise pollution following the UK's withdrawal from the European Union. Therefore, we are not yet in a position to state precisely what further action we propose to take forward in the second, third, fourth and fifth years of this Assembly.

Bearing this uncertainty in mind, along with the information provided on the current state of play in Wales in sections 1 to 5 and Annex A of the consultation document, please tell us what further action, if any, you would like to see taken forward on air and noise pollution in the next five years?

- Q3.** We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Annex A Welsh air quality exposure indicators

- A.1 Each year the UK Government's **Pollution Climate Mapping (PCM)** model calculates average pollutant concentrations for each square kilometre of the UK. The model is calibrated against measurements taken from the UK's national air quality monitoring network. The calibrated average air pollution data for past years and further information on the model are available on-line at <https://uk-air.defra.gov.uk/data/pcm-data> .
- A.2 The Welsh Government has used this published data to assign an average concentration of NO₂, PM_{2.5} and PM₁₀ to each residential dwelling in Wales based on which square kilometre of Wales it sits in. In reality, air quality will vary within any given square kilometre, depending on proximity to busy roads and other sources of air pollution. Therefore, these assigned values should not be taken to be correct for any individual dwelling. Furthermore, modelled average concentrations for a given square kilometre should not be compared with measurements taken by the busiest roads within the same square kilometre.
- A.3 For each census output area, we have averaged the pollutant concentrations associated with each dwelling within it to give an average NO₂, PM_{2.5} and PM₁₀ concentration across the census output area.
- A.4 For each Local Authority, we have then calculated a **population-weighted average** over its constituent census output areas to give an average NO₂, PM_{2.5} and PM₁₀ concentration based on where people live in those Local Authorities. We have also repeated the same calculation over all census output areas, to give a comparable figure for the whole of Wales.
- A.5 Because we have consistently modelled air pollution data going back for a number of years, we can do this calculation separately for each year of data and see for each census output area, each Local Authority and the whole of Wales whether we think the average NO₂, PM_{2.5} and PM₁₀ concentration where people live is going up or down.
- A.6 The average NO₂ concentration where people live is a national indicator for the purposes of the WFG Act and the Public Health Outcomes Framework for Wales. Under LAQM, Local Authorities are encouraged to give particular attention also to the average PM_{2.5} concentration where people live, as there are no national air quality objectives in regulations for this pollutant.
- A.7 The air quality maps generated by the PCM model may be viewed on-line at <https://uk-air.defra.gov.uk/data/gis-mapping> .

Nitrogen dioxide (NO₂)

Table 1 Average NO₂ concentration at residential dwelling locations (µg/m³)

Local Authority	2007	2008	2009	2010	2011	2012	2013	2014
Cardiff	22	22	23	24	23	22	22	21
Newport	24	23	25	25	22	22	20	19
Caerphilly	15	15	16	16	15	14	14	12
Vale of Glamorgan	14	13	14	15	13	13	13	12
Torfaen	15	14	16	16	15	14	13	12
Flintshire	13	13	14	16	13	13	12	12
Neath Port Talbot	14	13	13	14	13	13	12	12
Bridgend	15	14	14	15	13	13	12	12
Swansea	14	14	13	14	13	13	12	11
Rhondda Cynon Taf	13	13	14	14	13	13	12	11
Wrexham	13	12	12	14	12	12	11	10
Monmouthshire	14	12	13	13	12	12	11	10
Merthyr Tydfil	13	12	12	13	12	11	11	10
Blaenau Gwent	13	13	13	14	11	11	10	9
Pembrokeshire	9	9	9	9	9	10	9	8
Conwy	10	9	8	9	8	8	8	8
Denbighshire	9	9	8	9	8	8	8	7
Carmarthenshire	9	9	9	9	8	8	8	7
Powys	8	7	7	8	7	6	6	5
Ceredigion	7	6	6	6	6	6	6	5
Gwynedd	7	7	5	6	6	6	6	5
Isle of Anglesey	7	7	6	7	5	5	5	5
Wales	14	13	13	14	13	13	12	11

Source: Modelled air quality data, Defra
 Small area population estimates, ONS
 Dwellings data, AddressBase

The following Local Authorities have declared AQMAs for non-compliance or risk of non-compliance with the annual mean NO₂ national air quality objective of 40 µg/m³:

Caerphilly	Pembrokeshire
Cardiff	Powys
Carmarthenshire	Rhondda Cynon Taf
Monmouthshire	Swansea
Newport	Vale of Glamorgan

Fine particulate matter (PM_{2.5})

Table 2 Average PM_{2.5} concentration at residential dwelling locations (µg/m³)

Local Authority	2007	2008	2009	2010	2011	2012	2013	2014
Newport	10	11	11	11	12	11	11	11
Caerphilly	9	10	10	10	10	9	11	11
Cardiff	10	11	11	11	11	10	11	11
Rhondda Cynon Taf	9	9	9	9	10	9	11	11
Torfaen	9	10	10	10	10	10	11	10
Merthyr Tydfil	9	9	9	9	10	9	11	10
Blaenau Gwent	9	9	9	9	10	9	11	10
Monmouthshire	9	9	10	9	10	9	10	10
Neath Port Talbot	9	9	9	9	9	9	10	10
Bridgend	9	9	9	9	9	9	10	10
Swansea	9	9	9	9	9	9	9	9
Wrexham	8	8	9	9	9	9	9	9
Vale of Glamorgan	9	9	10	9	10	9	10	9
Flintshire	8	9	9	9	10	9	9	9
Carmarthenshire	8	8	8	9	9	8	9	9
Pembrokeshire	8	8	8	8	8	8	9	8
Denbighshire	7	7	8	8	8	8	9	8
Powys	7	7	8	8	8	8	8	8
Conwy	7	7	7	8	8	7	8	8
Ceredigion	7	7	7	7	8	7	8	8
Gwynedd	6	6	7	7	7	7	8	7
Isle of Anglesey	6	6	7	7	7	7	7	7
Wales	8	9	9	9	9	9	10	10

Source: Modelled air quality data, Defra
 Small area population estimates, ONS
 Dwellings data, AddressBase

Near to roads, the majority of particulate matter is attributed to emissions from vehicles, with particles being emitted during fossil fuel combustion, brake and tyre wear, and road dust stirred up by vehicles. In rural areas, there is an increase in the amount of particulate matter produced by chemical reactions in the air. It has been estimated around 1,300 deaths and 13,500 lost life-years are attributed annually in Wales to PM_{2.5}.

Particulate matter (PM₁₀)

Table 3 Average PM₁₀ concentration at residential dwelling locations (µg/m³)

Local Authority	2007	2008	2009	2010	2011	2012	2013	2014
Newport	19	17	16	16	17	14	16	15
Cardiff	18	16	16	16	17	14	16	15
Caerphilly	17	15	15	14	15	13	15	15
Rhondda Cynon Taf	16	14	14	13	14	12	15	14
Torfaen	17	15	15	14	15	13	15	14
Merthyr Tydfil	16	14	14	13	14	12	15	14
Blaenau Gwent	16	14	14	13	14	12	14	14
Monmouthshire	16	14	14	13	15	13	14	14
Neath Port Talbot	16	14	13	13	14	12	14	14
Swansea	16	14	13	13	14	12	13	13
Bridgend	16	14	14	13	14	12	14	13
Flintshire	15	13	14	14	15	13	13	13
Vale of Glamorgan	16	14	14	13	14	12	13	13
Wrexham	14	13	13	13	14	12	13	13
Carmarthenshire	15	13	12	12	13	12	13	13
Pembrokeshire	15	13	12	13	13	12	13	13
Denbighshire	13	12	12	11	12	11	12	12
Powys	13	12	12	11	12	11	12	11
Conwy	13	11	11	11	12	11	11	11
Ceredigion	13	12	11	11	12	11	11	11
Isle of Anglesey	12	11	10	10	11	10	11	11
Gwynedd	12	11	10	10	11	10	11	11
Wales	16	14	14	13	14	12	14	13

Source: Modelled air quality data, Defra
 Small area population estimates, ONS
 Dwellings data, AddressBase

Neath Port Talbot County Borough Council has declared an AQMA for non-compliance or risk of non-compliance with the 24-hour mean PM₁₀ national air quality objective of 50 µg/m³ not to be exceeded more than 35 times a year, in an area covering the majority of land and properties between the steelworks and the M4 motorway.