

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
Ansawdd Aer
NHAMG (5) AA07
Ymateb gan Cyfarwyddwyr Diogelu'r
Cyhoedd (Cymru)

National Assembly for Wales
Climate Change, Environment and
Rural Affairs Committee
Air Quality
CCERA(5) AQ07
Evidence from Directors of Public
Protection (Wales)

Introduction:

1.1 The Directors of Public Protection Wales (DPPW) is the collective organisation of officers heading up public health protection services within local authorities, with the following Mission Statement: 'To protect personal, environmental, economic and social well-being through policy, regulation and education. By these means to create a safe living and working environment for the communities we serve.'

1.2 Public Protection services include all aspects of licensing, environmental health (including environmental protection, pollution control and air quality) and trading standards.

1.3 We are pleased to contribute to the Inquiry and will be pleased to provide oral evidence at a later stage should that be helpful.

What regulatory gaps or issues will need to be addressed after the UK leaves the EU? How should these be addressed and what will be the main challenges?

2.1 The DPPW Position Statement on Outdoor Air Quality, February 2019, called for no weakening or watering down of Air Quality objectives in Wales post Brexit and we support Welsh Government's Local Air Quality Management in Wales Policy Guidance (June 2017) to reduce risks as far as possible, not merely to achieve legal compliance.

2.2 Earlier Welsh Government consultation on the 'Environmental principles and governance in Wales post European Union exit' asked similar questions regarding regulatory gaps or issues after the UK leaves the EU. DPPW agrees that EU principles such as 'polluter pays' and 'rectification at source' have a role to play in Wales and should be included in future legislation. We commented that the rights of the public established in the Aarhus Convention will still need to be delivered in decision making processes. Local authorities will benefit from the inclusion of regulatory principles that will assist in transparency and fairness for public bodies with 'access to justice' allowing them to target interventions to reduce legal burdens.

2.3 Proposals within that previous consultation to ensure accountability were also supported. The Welsh Government proposals for an 'Oversight Body' were commended and that its appointment, structural set up and impartiality will need

to be transparent; DPPW will be willing to play a part in providing input to the proposal.

2.4 The action stating that the existing integrated industrial pollution prevention and control regulatory regime will be maintained is welcomed. Local authorities understand the importance that Wales continues in its robust approach to regulating industry and maintains our commitments to Best Available Techniques (BAT). With the Climate Change Emergency being declared, by local authorities across Wales, their ability to ensure industry continues to provide the best techniques for installations is paramount.

Are the Welsh Government's proposals for a Clean Air Act appropriate? How could they be improved? What can be learned from legislative approaches elsewhere?

3.1 The inclusion of new powers for smoke control are positive, however confirmation that the appropriate resources will be made available for local authorities, to carry out the additional educational and enforcement work, will be required.

3.2 Local authorities regularly receive complaints regarding commercial fires, that are dealt with via existing legislation in the Environmental Protection Act 1990. Complaints regarding smoke and fumes from the use of domestic wood burning appliances are also received. Local authorities are not regularly using the existing smoke control powers to target emissions from domestic properties. The original reason for designation of existing smoke control areas related to the use of open fires and the existence of the opportunity to convert people to using gas heating. However, evidence is increasing to indicate that increased occurrence of domestic wood burning is contributing to PM_{2.5} concentrations; an all Wales intervention is unlikely to be appropriate given the urban and rural communities that exist and differing availabilities of fuel sources. Continued involvement with the Domestic Fuel Combustion Group, by local authorities, reporting back to DPPW, will continue to provide valuable discussion with all the relevant bodies surrounding the topic. The growing body of evidence around PM_{2.5} highlights the need for collaborative research between local authorities, universities, health boards and industry and will be important in working towards achieving existing and potential new air quality standards.

3.3 From our experience, provision of new enforcement powers within new legislation is likely to create additional work streams for local authorities, such as smoke control issues and 'strengthened road vehicle idling' powers. Research presented at the Welsh Air Quality Forum (WAQF) in October 2019 put forward concerns that the evidence base for engine idling may not currently provide an accurate assessment for the intervention; in that short term concentrations may be increased metres down the road. DPPW agrees that further work is required before implementing an enforcement power.

3.4 The requirement for a Clean Air Plan/Strategy to be published/reviewed every 5 years is seen as a positive one. The ongoing stakeholder and cross Government

engagement will enable the framework to incorporate the existing Air Quality Action Plans, Active Travel Plans etc. to ensure that there is no duplication in reporting function.

3.5 In its position statement on Outdoor Air Quality, DPPW has called for research to underpin existing or new air quality objectives. The statement that the Bill is likely to include potential new air quality targets reinforces Wales' long-term commitment to a Healthier Wales. DPPW will be pleased to work with Welsh Government and wider colleagues in delivering a range of interventions and powers to reduce the public health exposure to air pollution.

What are your views on the regulatory proposals in relation to the Local Air Quality Management regime? What are the main challenges in relation the proposed approach?

4.1 DPPW welcomes the proposals to strengthen the Local Air Quality Management regime. The LAQM regime has enabled Local Authorities to quantify and understand the air quality exposure within their boundaries. In Wales there are currently 40 Air Quality Management Areas, many of which have been in place for many years on the basis of "working towards" meeting the Air Quality Objectives; the proposals will give achieving compliance a new impetus. However, any strengthening of the regime will require new resource and any action required by local authorities must be adequately resourced. DPPW looks forward to working with Welsh Government to explore opportunities to support local authorities to ensure that monitoring strategies are proactive and effective.

4.2 An updating of existing powers is needed for local authorities to better deal with enforcement of emission rules from vehicles; enforcement of unnecessary idling; government agencies having more power to deal with bus and lorry operators and the taxi and private hire trade.

4.3 It is also important that, in strengthening the Local Air Quality Management regime, it is also recognised that the public health impacts of air quality are widespread and not just confined to Air Quality Management Area hotspots.

What are your views on the regulatory proposals relating to domestic combustion (including fireworks/bonfires), road vehicle idling and Clean Air Zones/Low Emission Zones?

5.1 Clean Air Zones - DPPW called for a rethink on current policy proposals relating to clean air zones. We look forward to working with Welsh Government in the review of the role of vehicle restriction, charging or banning polluting vehicles and reducing roadside concentrations. Given the complexities involving the demographics, topography and highway infrastructure of current AQMA's in Wales, concerns exist that vehicle restriction in one area may have disproportionate effects upon the community and also cause an issue in another area. Charging zones may be costly to install and not have the desired effect. DPPW welcomes the opportunity to be involved in future discussions.

5.2 Transport links in the South Wales valleys area are quite poor and where people are able to utilise public transport, they are reluctant to do so due to the frequency of the trips available. For example, there is one train an hour from Rhymney to Cardiff; cross valleys transport is poor or non-existent. DPPW acknowledges that this will change over the coming years with the introduction of the Metro scheme, however this will continue to be a problem for commuters in the short term as people's time is precious. There are similar issues in other parts of Wales, e.g. Anglesey and Gwynedd where there are similar restrictions / limitations to the public sector transport. The congestion on the two bridges connecting Anglesey to the mainland, demonstrates how reliant people are on private vehicles to commute to various activities - work / shop / school run.

5.3 Road Vehicles Idling - As mentioned previously, evidence has been put forward highlighting concerns that engine idling theory may not be as beneficial as first thought. The timescale for idling is an important factor, it is evident that a school bus idling for 20 minutes at 'collection time' is likely to have an effect upon air quality and short term exposure. However, a new research paper has suggested that short term idling and speed reduction via traffic calming measures, may lead to reduction in concentration at one point but increased concentration metres down the road. Local authorities would like to see further investigation into the area prior to rolling out the 'Anti idling' message as a solution to air quality in congested environments. Following this a review of the legislation with far greater fines for idling if required.

5.4 Domestic Combustion - DPPW acknowledges that the growth over the years in residential burning is strongly linked to the concentrations of PM_{2.5}. However, it is worth noting that industry has questioned the figure for the volume of wood used in determining the contribution. A Stove Industry Alliance survey has estimated a figure approximately one third of that used in calculating the 38% emission from combustion, reported in Defra's Clean Air Strategy. There is still further work to be done to quantify an accurate emission from combustion. It is important that local authorities maintain involvement in the Welsh Government Domestic Combustion Task and Finish Group; the group has produced meaningful discussion surrounding the issues involved and will assist in producing a robust set of interventions that can be applied.

5.5 DPPW agrees that an educational approach to look at use of the appliances and the use of appropriate fuels will have an effect upon emissions from domestic combustion. Local authorities often find that episodes of prolonged smoking from a flue is linked to a lack of knowledge in the use of the appliance and setting the fire; along with the use of locally sourced fuel (timber), that has not been appropriately seasoned, with a high moisture content. DPPW welcomes the proposal for powers to restrict the sale of fuel above a designated moisture content and the provision of resources to enable local authorities to deliver the new powers.

5.6 Welsh Government's proposal to look at measures to reduce emission from burning garden and household waste will require direct involvement for local

authorities; and links to the local authority waste and recycling targets set by Welsh Government. Local authorities already deal with complaints related to garden bonfires using the statutory nuisance provisions within part III of the Environmental Protection Act 1990.

What are the main challenges in introducing a legislative framework for air quality as set out in the consultation document?

6.1 DPPW acknowledges that the integration of a new framework with existing policies is an important part of the process. There are links with Planning Policy for Wales, Noise and Soundscape Action Plan, the Decarbonisation agenda, the forthcoming Wales Transport Strategy, The Environment Act 2016 etc. This is an opportunity for air quality management to be integrated within the many cross overs that exist; it can work across the broader public health remit to provide effective solutions.

6.2 All new legislative frameworks will receive consultation responses with differing agendas. The wider public health implications must continue to be at the forefront to ensure that air quality objectives are not watered down as a result. It is critical to keep the long term picture in mind when looking at setting a legislative course for the future. Over the years of LAQM, local authorities have refined their work to the pollutants of most interest (in-line with the national air quality standards). This requires continued monitoring and assessment and NO₂ has been the primary non-compliant pollutant. As the research publications are confirming, there is no safe level for pollutants and pollutants of concern are likely to change in the priorities for public health, for example, NO₂ concentrations are showing a downward trend and PM_{2.5} is to now be included in the national air quality standards.

6.3 Drawing on our wealth of experience of involvement in these processes, DPPW will be pleased to assist in the work to look at PM_{2.5} and the introduction of a new Wales air quality standard. Resources will be raised as an issue again when looking at the ability to monitor PM_{2.5} within local authorities; there are 14* PM_{2.5} units in operation in Wales at present, with half of the units in operation in 2 local authorities. Support for a more robust monitoring network is promising and one that DPPW agrees with. However, additional support would be needed for already resource-stretched local authorities to continue to deliver the additional monitoring and work required.

7.1 DPPW will be pleased to provide further clarification on any of the points made and will be pleased to provide oral evidence to the Committee should that be helpful.

*(*Source: 13 units on the WAQF website and an additional one in Swansea that is not on the website)*