

# Agenda – Climate Change, Environment, and Infrastructure Committee

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Meeting Venue:

Video Conference via Zoom

Meeting date: 11 May 2023

Meeting time: 09.30

For further information contact:

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**Private pre-meeting (09.15–09.30)**

**Public meeting (09.30–14.30)**

**1 Introductions, apologies, substitutions, and declarations of interest**

(09.30)

**2 The Environment (Air Quality and Soundscapes) (Wales) Bill – evidence session 4**

(09.30–10.40)

(Pages 1 – 49)

Chris Ashley, Policy Lead, Environment and Vehicles – Road Haulage Association (RHA)

Christine Boston, Director – Sustrans Cymru

Joshua James, Public Affairs Manager – Living Streets

Attached Documents:

Research brief

Paper – Road Haulage Association

Paper – Sustrans Cymru

Paper – Living Streets



## **Break (10.40–10.50)**

### **3 The Environment (Air Quality and Soundscapes) (Wales) Bill – evidence session 5**

(10.50–11.50)

(Pages 50 – 56)

Stephen Turner, Immediate Past President – Institute of Acoustics

Peter Rogers, Chair – Institute of Acoustics Parliamentary and Public Liaison  
Group

Rosie Pitt, Chair – Institute of Acoustics Welsh Branch

Attached Documents:

Paper – Institute of Acoustics

## **Lunch break (11.50–12.20)**

### **4 Sustainability of Welsh Bus Services – evidence session with bus operators**

(12.20–13.20)

(Pages 57 – 69)

Scott Pearson, Chair – Coach and Bus Association Cymru (CABAC)

Aaron Hill, Director – Confederation of Passenger Transport (CPT) Cymru

Attached Documents:

Research brief – Sustainability of Welsh Bus Services

## **Break (13.20–13.30)**

### **5 Sustainability of Welsh Bus Services – evidence session with local government**

(13.30–14.30)

Cllr Andrew Morgan, Leader, and Climate Change Spokesperson – Welsh Local Government Association (WLGA)

Cllr Keith Henson, Chair of the Mid Wales Transport Group – Welsh Local Government Association (WLGA)

Cllr David Bithell, Chair of the North Wales Transport Group – Welsh Local Government Association (WLGA)

Cllr Lis Burnett, Rural Affairs Spokesperson – Welsh Local Government Association (WLGA)

## **6 Papers to note**

(14.30)

### **6.1 Natural Resources Wales**

(Pages 70 – 74)

Attached Documents:

Briefing note from Natural Resources Wales following their annual scrutiny session with the Committee on 9 February 2023

### **6.2 Decarbonisation of the steel industry in south Wales**

(Pages 75 – 76)

Attached Documents:

Letter from Tata Steel UK to the Chair following their evidence session at the Committee's meeting of 26 April 2023

### **6.3 Inter-Ministerial Group for Net Zero, Energy and Climate Change**

(Page 77)

Attached Documents:

Letter from the Minister for Climate Change to the Chair in relation to the Net Zero, Energy and Climate Change Inter-Ministerial Group

- 7 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of today's meeting (14.30)**

**Private meeting (14.30–15.00)**

- 8 The Environment (Air Quality and Soundscapes) (Wales) Bill – consideration of evidence received under items 2 and 3**
- 9 Sustainability of Welsh Bus Services – consideration of evidence received under items 4 and 5**

Document is Restricted

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill

Ymateb gan Y Gymdeithas Cludo ar y Ffyrdd | Evidence from Road Haulage Association (RHA)

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## General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

The RHA welcomes the opportunity to comment on the Environment (Air Quality and Soundscapes) (Wales) Bill. We are a trade body representing over 8,500 hauliers across the United Kingdom, with a growing coach membership of 89 members. 85% of our membership is made up of small businesses, whom we define as operating less than 20 vehicles. Our members operate around 250,000 HGVs (half of the UK fleet) out of 10,000 operating centres and range from a single-truck company to those with thousands of vehicles.

Our starting position is that we understand the harmful impacts caused by poor air quality and committed

to investing in technologies that improve air quality that are sustainable, proportionate and fair. We strongly support the aim to decarbonise commercial vehicles, and believe that the technological innovations implemented will substantially reduce harmful emissions from commercial transport which, in turn, will benefit air quality.

From this starting point and with one exception (use of Clean Air Zones), we give qualified support to the general principles underpinning the Bill. The issue is not the “what; it is “how” air quality targets set by Welsh authorities are achieved.

We are clear that “sustainability” encompasses economic well-being as well social and environmental well-being. We regret however that, based on our engagement with some English authorities, economic well-being is often overlooked when environmental targets are considered. It is vital therefore that economic well-being is given equal consideration, and Welsh authorities are uniquely positioned to apply good practice based on learnings elsewhere.

With this in mind, we have three further starting points:

- 89% of all goods in the United Kingdom are transported by road freight;
- the transportation of goods is a legitimate economic function that serves the social well-being of the public;

- the needs of small businesses, whom we predominantly represent and who can not easily afford expensive new technologies, must be recognised and supported throughout any initiative to improve environmental well-being.

Achieving improved air quality outcomes therefore requires strong collaborative working across many stakeholders with decisions based on evidence, with negative economic impacts to small businesses recognised and avoided.

This said, we have very significant concerns over the proposed use of Clean Air Zones by the Welsh Government. The CAZ experience in England has not been a happy one – over-zealous, ill-evidenced and poorly thought-through CAZ schemes have proved highly damaging to small businesses. Within Wales, we are particularly concerned over the scope of CAZ being applied to trunk roads. This brings two significant risks – that the vehicle market can not supply the required vehicles that businesses need to function; that “uncompliant vehicles” will be displaced on to local roads. We expand on these comments under question 17.

We offer no comment on the need for legislation to deliver the state policy intention. What we look for is that collaborative working which takes account of our points set out above.

## What are your views on the Bill’s provisions (set out according to sections below), in particular are they workable and will they deliver the stated policy intention?

### National air quality targets (sections 1 to 7)

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We support the principle that the Welsh Ministers should have powers to set national air quality targets – however, such targets must be realistic, achievable and sustainable. As stated in question 10, the issue is not the “what”; it is “how” air quality targets are achieved.

We note that, in considering what targets to set, the Welsh Government is guided by the latest WHO air quality guidelines published in 2021. These are stringent targets – however, we are reassured that the WHO also qualifies its guidelines as follows:

“While achievement of the AQG levels should be the ultimate goal of actions to implement the guidelines, this might be a difficult task for many countries and regions struggling with high air pollution levels. Therefore, gradual progress in improving air quality, marked by the achievement of interim targets, should be considered a critical indicator of improving health conditions for populations.” (Source: WHO Air Quality Guidelines – Executive Summary, 2021, p8

We therefore support an approach where, within the spirit articulated by the WHO, an evidenced-based pathway with interim targets is developed to reduce air pollution over time. In this way, small businesses can be assured that their needs are supported.

### Promoting awareness about air pollution (section 8)

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We support the need to promote awareness about air pollution. Our experience is that, for the lay person, it is difficult to understand and verify independently the extent of air pollution.

To illustrate, we comment that the “Air UK” website must be made much more user-friendly. Frequently, it shows whole swathes of the UK in green which, at face value, would indicate that air pollution is not a problem.

Having clear and easy-to-understand air pollution data will help promote awareness about air pollution. It also informs a transparent evidence-base on which agreed actions to tackle air pollution can then be taken forward.

#### National air quality strategy (sections 9 to 11)

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We support the principle that the Welsh Ministers should have powers to set national air quality targets – however, such targets must be realistic, achievable and sustainable. As stated in question 10, the issue is not the “what”; it is “how” air quality targets are achieved.

We note that, in considering what targets to set, the Welsh Government is guided by the latest WHO air quality guidelines published in 2021. These are stringent targets – however, we are reassured that the WHO also qualifies its guidelines as follows:

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We therefore support an approach where, within the spirit articulated by the WHO, an evidenced-based pathway with interim targets is developed to reduce air pollution over time. In this way, small businesses can be assured that their needs are supported.

#### Air quality regulations (section 12)

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We support any move to improve the consultation process with stakeholders affected by air quality legislation. We ask that the RHA is consulted by default.

#### Local air quality management (sections 13 to 15)

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We give qualified support to the proposed measures to the LAQM framework. We understand the need to improve its effectiveness; however, any “projected compliance date” must be realistic, achievable and sustainable and based on firm evidence.

Please see our answer to questions 10 and 11 for our reasoning.

#### Smoke control (sections 16 to 18)

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We have no comment to make on this section.

#### Vehicle emissions (sections 19 to 21)

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We have very significant concerns over the proposal to extend the scope of Clean Air Zones to cover trunk roads within Wales. It overlooks the national nature of haulage and coach operations, and how these operators replace their vehicles with negative economic impacts for small businesses. It will also cause “uncompliant” vehicles to be displaced onto local roads – this causes longer journeys with more emissions and consequences for the rigorously enforced drivers hours. A re-think is needed.

As set out in question 1, we observe that the CAZ experience in England and, within London, the expansion of the Ultra Low Emission Zone (ULEZ) has been controversial. We are calling for English policy makers to learn lessons and urge Welsh Ministers to avoid making the same mistakes.



In simple terms, CAZ policies in England, designed to reduce NOx pollution quickly, detrimentally squeezed small businesses. This was due to the vehicle market not being able to supply sufficient vehicles to meet the required compliance regulation (in this instance, Euro VI). The consequences has caused price inflation, asset devaluation and market distortions – this is anti-small business due to their lack of buying power and negative impact to asset values (ie. vehicles) on their balance sheet.

For reference, we estimate that hauliers invested an additional £2.2bn to acquire the required “Euro VI” vehicles, yet saw £1.2bn wiped prematurely from non-compliant Euro V vehicles. This hurt those least able to adapt – particularly small businesses. This translated into a reality where there was not enough Euro VI trucks in the second-hand market that smaller firms on low profit margins rely on to replenish their fleets.

Compounded by the collapse in the market value of their older, ‘non-compliant’ Euro V trucks and supply-chain delays in receiving new trucks, many operators struggled to keep up. This became a vicious circle for many small businesses when faced with up to £100 daily charges to enter CAZs – few can withstand that kind of hit for too long. Understanding the impact to asset values is therefore vital as lifespan residual values underpin a transport operator’s ability to invest in the environment.

We further comment that a Clean Air Zone depends on three criteria to operate – geographic size, required “compliance” standard, level of financial penalty. We observe that both the Manchester Clean Air Zone and the London ULEZ expansion are controversial because the geographic areas of both are too big for the compliance regulation set; consequently, the vehicle market can not supply the required number of compliant vehicles.

We are pleased that the Mayor of Greater Manchester has listened to this feedback, and is now taking corrective action to put in place a CAZ that supports small businesses – we understand a significantly-smaller CAZ area is now being considered. Our concern over applying the CAZ concept to trunk roads within Wales is two-fold:

- similar to Manchester’s original CAZ plans and London, the geographic area will be too big for the compliance standard set;
- “uncompliant” vehicles will be displaced on to local roads.

Instead, we advocate greater investment in vehicle and fuel standards to drive down pollution plus a clear understanding of how industry phases-in new and cleaner vehicles via natural vehicle replacement cycles. This brings three benefits - the continuous reduction in harmful emissions, zero cost to the taxpayer with the need for expensive scrappage schemes removed, and a framework that allows our vital SME businesses to participate. This approach has enabled hauliers to substantially reduce NOx pollution from their fleet by 75% since 2013.

#### National soundscapes strategy (sections 22 and 23)

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We give qualified support for the need for a national soundscapes strategy. We understand the need to reduce noise pollution; however, any such strategy must take account of the ability of technology to reduce noise from commercial vehicles and how such noise is phased-out.

#### Strategic noise map and noise action plans (sections 24)

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Please see our answer to question 18.

#### General provisions (sections 25 to 28);

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We offer no comments on this section.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

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We reiterate our concern about the proposed use of Clean Air Zones within Wales – the potential barrier being the vehicle market's ability to supply the required compliant vehicles.

We urge all policymakers to learn lessons from the English Clean Air Zone experience to understand why the vehicle market could not supply the required compliant vehicles and the damaging commercial consequences this caused for small businesses.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

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We expect normal scrutiny processes to apply whenever subordinate legislation is proposed, and we ask that the RHA is fully consulted on such occasions.

Are any unintended consequences likely to arise from the Bill?

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In addition to our concerns on the proposed use of CAZ within Wales., we comment that any initiative that lengthens the time taken to complete journeys impacts on the rigorously-enforced drivers hours. Whilst operators can take account of these increased journey times when scheduling their fleets, the impact is that an additional driver per vehicle may be needed. This has two further consequences:

- 1) there is currently an HGV and coach driver shortage. The unnecessary double-crewing of vehicles means that drivers are not available to service other customers, which in turn has knock on impact on overall economic productivity;
- 2) adding drivers to a vehicle increases costs which, in low-margin sectors such as haulage and coach, get passed on to the consumer.

In addition, where it is not possible to have an additional driver, the existing driver will legally need to stop when his permitted driving time expires for a mandatory rest break. This means parking facilities for HGVs and coaches are needed. However, there is an estimated shortage of 11,000 HGV parking spaces across the UK – this must be addressed

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

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## AQS36 Sustrans Cymru

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**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan Sustrans Cymru | Evidence from Sustrans Cymru

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1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

Sustrans Cymru supports the general principles of the Bill and the need to legislate.

Everyone in Wales has the same right to breathe clean, healthy air. Breathing in polluted air is known to increase the likelihood for individuals to develop health concerns, and to reduce life expectancy. There is also consensus that the more metrically deprived you are, the more likely you are to live in an area with poor air quality. Breathing in polluted air is a significant issue of public health and social justice that we cannot afford to ignore.

One of the main causes of air pollution, particularly within our cities, is transport. Sustrans shares the Welsh Government's policy objective of the need to achieve Net Zero. The role of transport, as well as its impact on people and places is pivotal. Transport produced 27% of the UK's total emissions in 2019. Of this, the majority (91%) came from road transport vehicles. This needs to be addressed urgently.

We need to have a plan in place not just to reduce pollution caused by the transport sector, but also to create a fairer society by making affordable active travel options accessible to everyone. We know that by doing this, we can improve health and wellbeing, increase social connection and improve the environment.

As a member of Healthy Air Cymru, we have worked with partners to develop a shared position on air quality issues and have submitted a comprehensive joint response. This individual response supplements that by adding evidence relating to our primary area of interest which is Transport.

2. What are your views on the Bill's provisions (set out according to sections below), in particular are they workable and will they deliver the stated policy intention?

2.i) National air quality targets (sections 1 to 7)

As a member of Healthy Air Cymru, we have worked with partners to develop a shared position on air quality issues and support our joint response to this part of the consultation, as follows:

In sections 1-7 the Bill provides Welsh Ministers with new powers to set, review and monitor targets for different pollutants. Section 1 gives Ministers wide scope to set targets on any pollutant at any time in the future through regulations, whilst section 2 gives a specific requirement to set target(s) on PM2.5.

The health and environmental impact of different pollutants

In the 2020 Clean Air Plan - Healthy Air, Healthy Wales the Welsh Government committed to focussing on a wide range of pollutants, including nitrogen dioxide (NO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>2.5</sub>/PM<sub>10</sub>), ozone (O<sub>3</sub>), sulphur dioxide (SO<sub>2</sub>) and benzo[a]pyrene (B[a]P). These were all highlighted as priorities where action would be needed to reduce levels. The World Health Organization have published new guidelines for not only particulate matter, but NO<sub>2</sub> and O<sub>3</sub> as well.

Particulate matter

Particulate matter consists of fine particles that, once in the air, are harmful to human health. They can be classified as either particles with a diameter of less than 10 micrometres (PM<sub>10</sub>) or even smaller, as PM<sub>2.5</sub> (particles with a diameter of less than 2.5 micrometers). PM<sub>2.5</sub> is more harmful as it can penetrate deeper into the lungs and enter the bloodstream, causing blood vessel walls to narrow and harden over time, increasing blood pressure and strain to your heart, even causing blood clotting. Particulate matter can cause more long-term damage to the health of people with existing heart and lung conditions, elderly people, pregnant women and their unborn children, and the very young. The majority of air pollution early deaths are linked to particulate matter pollution. Emissions of black soot from incomplete combustion are associated with effects on climate change. The top sources of PM<sub>2.5</sub> are domestic wood and coal burning (38%), industrial combustion (16%), road transport (exhaust emissions and tyre/brake wear) (12%) and use of solvents and industrial processes (13%). Particulate matter can come from natural sources such as wind-blown dust, sea salt, pollen and soil particles. It can travel long distances meaning that pollution from England and even parts of northern Europe can impact on levels in Wales.

WHO states that there is no threshold below which PM<sub>2.5</sub> does not damage health (WHO Guidelines for Indoor Air Quality. World Health Organization. 2014. <https://rb.gy/8t50xc>). At present the law on PM<sub>2.5</sub> pollution in Wales says annual average concentrations cannot exceed 25µg/m<sup>3</sup> (micrograms per cubic metre of air), an incredibly high level of air pollution that thankfully hasn't been exceeded. Pre-2021 the WHO guideline was 10 µg/m<sup>3</sup>, and analysing 2019 air pollution data, Asthma + Lung UK Cymru was able to estimate that 1.9% care homes, 0.9% hospitals, 3.3% GPs and 1% schools were in areas above the limit. However, the new 2021 WHO guidelines have reduced the recommended PM<sub>2.5</sub> limit to 5 µg/m<sup>3</sup> due to dangers of these pollutants. Analysing the 2019 data again

100% of Welsh care homes, hospitals, GPs and schools are in areas where the levels are currently too high.

Reducing the particulate matter pollution levels will save lives. The 2023 joint report by British Heart Foundation Northern Ireland and the Irish Heart Foundation (<https://www.bhf.org.uk/-/media/files/what-we-do/in-your-area-northern-ireland-pages/air-pollution-and-mortality-on-the-island-of-ireland-report.pdf?rev=7f884a2856784374928acb956f2706b9&hash=B6714D212095722B95909C93C2E03279>) estimated approximately 950 lives could be saved each year across the island of Ireland if PM2.5 levels were reduced to 5.0 µg/m<sup>3</sup> – 382 in Northern Ireland and 564 in the Republic of Ireland. Air pollution levels are higher in Wales so a similar study if commissioned here would likely show even more deaths prevented.

#### Nitrogen oxides

Nitrogen oxides comprises nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>), and as a group of pollutants they have significant impact on health and the environment. The top sources of NO<sub>2</sub> are road transport (34%), energy generation (22%) and other transport (17%).

Nitrogen dioxide causes inflammation of the airways, increased susceptibility to respiratory infections and to allergens. If someone already has a respiratory condition such as asthma and COPD, short term exposure could lead to exacerbations of the condition and hospitalisation. Long term exposure can cause certain respiratory conditions including asthma.

At present, the law on nitrogen dioxide (NO<sub>2</sub>) pollution in Wales says annual average concentrations cannot exceed 40 µg/m<sup>3</sup> (micrograms per cubic metre of air). In 2017 Welsh Government was taken to court by Client Earth due to these limits being exceeded in Cardiff, Caerphilly (Hafod Yr Ynys) and trunk roads. Action was taken to restrict vehicle access, demolish homes and reduce speeds to reduce these levels. The most recent DEFRA compliance assessment (on air in 2021) shows the South Wales Zone still failing to meet the NO<sub>2</sub> annual limit value ([https://uk-air.defra.gov.uk/library/annualreport/assets/documents/annualreport/air\\_pollution\\_uk\\_2021\\_Compliance\\_Assessment\\_Summary\\_Issue1.pdf](https://uk-air.defra.gov.uk/library/annualreport/assets/documents/annualreport/air_pollution_uk_2021_Compliance_Assessment_Summary_Issue1.pdf)), when this was meant to be met by 2010, or 2015 at the latest. Analysing 2019 air pollution data, Asthma + Lung UK Cymru was able to estimate NO<sub>2</sub> and PM2.5 levels around care homes, libraries, sports grounds, hospitals, GPs and schools.

In September 2021, the World Health Organization (WHO) published new Air Quality Guidelines (AQGs) reducing the recommended maximum annual average for NO<sub>2</sub> pollution to 10 µg/m<sup>3</sup>, down from 40 µg/m<sup>3</sup>. Meeting this level will be challenging with an estimated 21.7% of care homes, 22% of libraries, 18.9% of sports grounds, 26.1% of hospitals, 34.9% of GPs and 21.8% of schools being in areas of unsafe levels according to 2019 modelled data analysed by Asthma + Lung UK Cymru.

Given the new WHO guidelines on NO<sub>2</sub>, much reduced on health grounds, the Bill must also specify that new NO<sub>2</sub> targets must be set. This could for instance be as a section

between 2 and 3. It should be noted that at the time the UK Environment Bill was being developed the WHO had not yet produced their updated AQGs.

### Legislating for new targets

In the explanatory memorandum (EM 3.13) it states: “Our Programme for Government for 2021 to 2026 reiterated our commitment to introduce a Clean Air Act for Wales, consistent with World Health Organization (WHO) guidance and to extend the provision of air quality monitoring. This will include taking account of the latest scientific information, including the updated WHO guideline levels, alongside taking independent expert advice, to inform the development of new air quality targets.” and EM 14 states: ‘Pursuant to subsection (1), before making regulations under sections 1 or 2 Welsh Ministers must: (a) seek advice from persons they consider to be independent and have relevant expertise; and (b) have regard to scientific knowledge on air pollution. This could include, for example, international evidence on the health and environmental effects of air pollution, including the World Health Organization guidelines for air quality, and the economic, technical and social analyses, and the feasibility of meeting targets.’

We welcome the commitment in the Bill to seek relevant advice and to have regard to scientific knowledge, and the references to the new WHO guidelines in the EM but worry that there is nothing in the Bill to ensure that targets will be set to be consistent with WHO guidance, as committed to. In theory, there would be nothing to prevent a Minister from choosing a much less rigorous target. It must be made clear in the Bill itself that the up to date WHO guidelines need to be the foundation of the target setting process, and that targets must be consistent with them - and must be met in the shortest time possible. We would like to see this captured on the face of the Bill, potentially listed in section 3, 5, 6 or become its own section.

We are disappointed that S.1(1) states that Ministers ‘may set long-terms targets’, whilst S.2(1) states that they ‘must’. We would like the Bill to capture in law the Welsh Government commitment to legislate to deliver the World Health Organization limits on air pollution and give citizens the ‘right to breathe clean air.’

New air pollution targets need to be set for all pollutants included in the 2021 guidelines, so we would like to see all the pollutants covered by section 1 required to have new targets, so S.1(1) would need to become ‘must’ rather than ‘may.’

We welcome the inclusion of section 5 and a reporting process that allows for Senedd scrutiny, but we are concerned about the time it would take for action to be taken. The targets will be set with regulations described in sections 1 and 2, but these targets may be for future dates rather than now. Delivering WHO limits on NO<sub>2</sub> and PM<sub>2.5</sub> will take many years, so the targets set by Ministers might be for 2035 or 2040, potentially with some interim targets in the years preceding this. Therefore, the timeline described in section 5 wouldn't start until many years into the future. We would therefore like to see S.5(2) amended to require Ministers to report on progress on air pollution targets annually rather than simply the ‘reporting date.’

Some targets might be set immediately, but even with those we are concerned about the speed of reporting. S.5(4) states 'Where the Welsh Ministers make a statement that a target has not been met, the Welsh Ministers must, before the end of 12 months beginning with the date on which the statement is laid, lay before the Senedd, and publish, a report.'

With almost 2,000 lives cut short every year due to air pollution, we worry that 12 months to publish a report setting out what the Welsh Government will do to correct air pollution exceedance is too long. We would like to see this reduced to 6 months, if not further.

Finally, it is unclear at what an individual, institution or organisation would be able to seek legal redress if the legal limits continued to be exceeded. Through membership of the EU, citizens previously had this right through the EU Ambient Air Quality Directive 2008/50/EC. S.5(5)(b) states that a report must set out the steps the Welsh Ministers have taken, or intend to take, to ensure the specified standard is achieved as soon as reasonably practicable.' We are concerned this wording is unclear and would like the Bill to set a timescale, for example 'within 6 months.'

## 2.ii) Promoting awareness about air pollution (section 8)

As a member of Healthy Air Cymru, we have worked with partners to develop a shared position on air quality issues and support our joint response to this part of the consultation, as follows:

Welsh Government should run targeted informational campaigns on the environmental and health impacts of air pollution.

In promoting awareness about air pollution, Welsh Government should also commit to promoting awareness of behaviour-change solutions that can reduce air pollution. Just as public bodies will be required to have due regard for the impact on air quality, raising awareness of air pollution should be linked to promotion of healthy behaviours to improve our air quality such as active travel and the need for modal shift.

Research (Physical Activity through Sustainable Transport Approaches, 2019) has shown that social factors impact on behaviours. Those who valued low air pollution exposure and low environmental impacts, amongst others values, tended to walk more; "this suggests that if people could see the importance of these values, they may be encouraged to walk more" (Imperial College London News, 19 September 2019).

The current Net Zero Plan to reduce passenger miles by 10% and increase the modal share for active travel and public transport to 39% by 2030 are ambitious. However, regulatory tools within this legislation combined with a whole-system approach to promoting awareness on air pollution and modal shift will go some way towards meeting our existing Net Zero targets.



2.iii) National air quality strategy (sections 9 to 11)

We would welcome powers for Ministers to develop a clean air strategy with the commitment to an air quality strategy with a clear review process. We do think, however, that the current wording presents a risk that the strategy will be ignored by public bodies where it states they 'must have regard to the policies'. We would prefer stronger wording to ensure public bodies commit to the bold action required to ensure clean air.

2.iv) Air quality violations (section 12)

We don't have any specific comments on this section.

2.v) Local air quality management (sections 13 to 15)

As a member of Healthy Air Cymru, we have worked with partners to develop a shared position on air quality issues and support our joint response to this part of the consultation, as follows:

The current process of monitoring national and local air pollution is inadequate, creates confusion for the public and gives a false picture of the air pollution challenges that Wales faces. The existence of two different monitoring systems - one based on a small number of monitors for previous EU directive purposes and local monitoring based largely on diffusion tubes is unhelpful. When the Welsh Government faced legal action for NO<sub>2</sub> exceedances this was due to national monitoring. Welsh Government has taken action to reduce these, but there are other areas with exceedances where monitoring is not taking place.

Welsh Government recognise in the explanatory memorandum, (EM 3.127) that the current system is not working so section 14 is designed to tackle these issues. We welcome the need for local authorities to require an annual review of local air quality, and to need to commit to a compliance date agreed with Welsh Government. As EM 3.133 states the current framework only requires local authorities to develop actions 'in pursuit' of compliance. This could lead to the same air quality management areas remaining for years.

What is unclear from the Bill and the explanatory memorandum is how the local authority reporting cycle aligns with Welsh Government's reporting cycle to the Senedd. If a national monitoring network is established and is reporting data to both Welsh Government and to local authorities, should S.13(3) still be a local authority requirement or should the duty lie with Welsh Government?

S.5(4) requires the Welsh Government to make a statement within 12 months of a target not being met. Would Section 14 need to be aligned with section 5 to ensure that Welsh Ministers had this information before they make their statement to the Senedd?

Finally, the current local air quality management is struggling based on the current air pollution exceedances. As the targets are reduced to meet the World Health Organization limits, there will be a lot more exceedances in both NO<sub>2</sub> and PM<sub>2.5</sub>.

#### 2.vi) Smoke control (sections 16 to 18)

We don't have any specific comments on this section.

#### 2.vii) Vehicle emissions (sections 19 to 21)

##### Trunk Road Charging

We support the Bill's intention to enable Welsh Ministers to establish trunk road charging schemes. Firstly, we support this ability, as set out in the Bill, for the specific purpose of reducing or limiting air pollution in the vicinity of the trunk road to which the scheme will apply. Secondly, we also support this ability to establish trunk road charging schemes, as set out in the Bill, for any other reason.

Car-dominated spaces create congestion and damage our environment and health. Damage is caused by air pollution, but also by other factors including poor road safety; the severance of communities by busy highways, the damage to the economy caused by congestion; noise pollution; and public health concerns caused by low levels of physical activity. Because damage is more extensive than air pollution alone, it is justifiable to establish trunk road charging schemes for reasons other than limiting air pollution.

Trunk road charging schemes could be a positive step towards creating more equitable, healthy, and liveable places. We see the potential to reduce congestion and promote sustainable, active travel, while also establishing new funding to invest in public transport and active travel. This could provide a real alternative to driving for many people, making it easier and more affordable to choose sustainable modes of transport.

Any charging scheme must be designed with equity in mind. We know that the impacts of air pollution and traffic congestion are often felt most acutely by low-income communities and disabled people. By ensuring that charging schemes are equitable, in the way payments are collected and in the types of interventions and areas where funding is reinvested, we can work towards creating a fairer and more sustainable city for all.

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However, there is a part of the Bill we believe should be strengthened. We are concerned about a broadening of the range of use for income derived from trunk road charging schemes implemented for the purpose of reducing or limiting air pollution. We do not agree with broadening this range for trunk road charging schemes designed to limit air pollution, while at the same time, proceeds derived from schemes implemented for any other reason are “available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.” We believe the proceeds in all schemes should only be available to transport policies and proposals.

We believe the proceeds of this type of trunk road charging scheme should be ring-fenced for transport interventions that are evidenced to mitigate the air quality problems that gave rise to the scheme being implemented in the first place. Given the stated intention is to meet the policy objective of improving poor local air quality caused by emissions from transport, it does not seem sensible to us to broaden the range of measures the Welsh Government can implement using the proceeds. We believe that using proceeds locally, in transport schemes designed to reduce emissions and encourage modal shift from emitting vehicles, is the most effective way to address local air quality concerns.

In addition, we would also be concerned that potentially not using the proceeds to mitigate the local emissions caused by transport would damage public confidence in such trunk road charging schemes.

Using ring-fenced funding, the aim of transport interventions in the vicinity of trunk road charging schemes should be to encourage modal shift, consistent with existing Welsh Government policy. Llwybr Newydd clearly sets out the Welsh Government's plans to reduce the number of journeys taken by private cars and increase the number of people walking, cycling and using public transport. The Welsh Government has a target of 39% of journeys to be by sustainable modes by 2030, and 45% by 2040. The Welsh Government has just accepted the recommendation of the Roads Review panel, whose first condition for new Welsh Government investment in road schemes is to support modal shift and reduce carbon emissions.

The types of possible transport interventions are many and varied. However, in terms of air quality we would emphasize that by any measure active travel is the lowest pollution-emitting form of travel. Walking, cycling and wheeling do not emit any local pollution because they do not use carbon fuels. Given the smaller scale of active travel infrastructure compared to road or rail, there is also less embodied carbon and emissions caused offsite during construction.

We know that e-bikes are growing in popularity, and can be used for longer journeys than conventional bikes. 15km is a reasonable distance to travel on an e-bike, and on regional commuter cycleways in some European countries the high use of e-bikes means it is now the average journey length. Building active travel infrastructure with this range in mind was a recommendation of the Roads Review Panel. We know that across the UK, almost two-thirds of trips (64%) involving 'A' roads used these roads for less than 5 miles (8km). Even on UK motorways 40% of trips are less than 10 miles (16km).

#### Vehicle idling

We support the policy objectives of the Bill to reduce vehicle idling, and especially around hotspots such as schools. As set out throughout this response, emissions from vehicles are

damaging to health, and we welcome any policy aimed at reducing emissions. Pollution emitted while vehicles idle is completely unnecessary and we support efforts to change this behaviour.

We support the intention of the legislation to increase the rate of enforcement of the stationary idling offence, as well as increase the rate of the fixed penalty. Increased enforcement along with higher penalties is more likely to encourage behaviour change, reduce idling and consequently to reduce emissions.

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However, we believe this part of the Bill should be strengthened.

The Bill's intention is to enable Welsh Ministers to make Regulations that set a monetary range of penalties that local authorities could impose for the existing stationary idling offence. In effect this would mean an increase in the charge from £20, to a range suggested in the Explanatory Memorandum as £40 - £80. Guidance would be issued to local authorities which would make clear that the higher part of the range could be applied in more serious cases, i.e. in hotspots such as next to schools. The decision on setting the level of fixed penalties within the prescribed range would rest with Local Authorities.

The rationale shared by the Welsh Government for this measure is that a fixed penalty set at £20 does not provide a cost-effective incentive for local authorities to enforce the existing offence. We would question whether a fixed penalty set at the proposed lower limit of £40 is going to make a significant difference to the incentive and to enforcement levels, and to contribute meaningfully to behaviour change.

We are also not convinced by the Welsh Government setting guidance for local authorities on the pricing level for fixed penalties they issue for this offence, whereas currently it is set at a fixed statutory rate for all local authorities. This part of the Bill is premised on the fact that emissions caused while idling should be reduced and that a higher fee is the correct policy to do so. This premise must apply equally across Wales. So we do not understand the rationale for allowing some local authorities to set lower penalties than others. Across Wales, the fixed penalty should be set at an appropriate higher rate to incentivise all local authorities to enforce the offence, creating an effective deterrent and encouraging behaviour change.

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While we support the policy objectives of the Bill to reduce vehicle idling, we also believe that the policy objective of reducing emissions at hotspots such as schools can be achieved more effectively by other policies and possible legislation. Indeed, there are many other policies proven to effectively reduce emissions which are not included in this Bill.

“School streets” projects are one such example. They limit the traffic travelling nearby schools at pick up and drop off times. Research from Edinburgh Napier University shows that school streets projects help reduce pollution both in and around schools. A consistent reduction in the volume of vehicles near a school gate would inevitably have a greater impact on emissions than any reduction hoped for by a change in behaviour while idling.

In addition, school streets have other public health benefits such as improved road safety and encouraging children to travel actively.

Sustrans Cymru is a partner to many local authorities and schools within them who are implementing school streets. However, implementation is still relatively slow, and the rate is very varied across different parts of Wales. New schools are still being built in Wales which do not have school streets. This is just one example of a transport policy that is known to be effective at improving air quality in hotspots such as schools, which could usefully be included in the legislation but is not.

#### 2.viii) National soundscapes strategy (sections 22 and 23))

We welcome the commitment to produce and publish a Soundscapes Strategy.

There is evidence to suggest that traffic noise can be dangerous to our health. There is a level of noise defined by the World Health Organisation which is suitable for people to be exposed to and anything more than that can cause health problems.

Evidence shows that traffic noise can disturb sleep and even increase the risk of stroke. Those surrounded by daytime traffic noise higher than the levels identified were found to be 4% more likely to die. Scientists found that excessive traffic noise can lead to high blood pressure, sleep problems and stress (Halonen, 2015).

The WHO defines 55dB as a noise level that can cause health problems. This is the same level as a loud conversation. WHO guidelines recommend noise levels in a community of less than 30dB. Figures show that many people across Europe are exposed to noise levels which are bad for their health.

#### 2.ix) Strategic noise map and noise action plans (sections 24)

We support provisions for strategic noise maps and noise action plans. Individuals should not be subject to noise levels that negatively impact health and these plans will ensure a commitment to safe noise levels for communities across Wales.

#### 2.x) General provisions (sections 25 to 28);

Nothing to add to this section.

3. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

It will be important to ensure clarity of responsibility for Welsh Government and Local Authorities.

4. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

As a member of Healthy Air Cymru, we have worked with partners to develop a shared position on air quality issues and support our joint response to this part of the consultation, as follows:

In many ways the Bill gives too wide-ranging powers, but there are sections where these powers don't go far enough. Sections 1 and 2 for examples give powers to set targets but Ministers are not constrained by how ambitious or how urgent these targets are in improving air quality. As stated earlier, we would like to see the World Health Organization limits recognise somewhere within the legislation itself rather than just referenced in the appendix.

5. Are any unintended consequences likely to arise from the Bill?

If the Bill does not go far enough there is the consequence that it will take many years to find legislative time to pass another Environment Bill.

6. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

As a member of Healthy Air Cymru, we have worked with partners to develop a shared position on air quality issues and support our joint response to this part of the consultation, as follows:

Welsh Government has set out a detailed breakdown of the estimated costs of the Bill in pages 79-156 in the Explanatory Memorandum. The calculations would have been done with a clear methodology, and we support the investments in monitoring, consultancy support, awareness campaigns and governance, but there are some areas where the amounts proposed seem far too low.

LAQM

The EM proposes a budget of £1 million per year to provide a revenue/capital allocation to assist councils in meeting the new targets locally. This seems very small if it is truly going to make a difference locally. In 2019 Welsh Government allocated a fund of £20 million to tackle air pollution mostly directed at Cardiff and Caerphilly councils. The cost of road and traffic changes and the compulsory purchasing of houses were huge and this fund also helped with better monitoring and purchasing electric buses. £1 million for all of Wales would make very little difference, so doesn't seem very realistic.

#### Trunk roads

The EM only includes a one-off cost of £30k for the trunk road powers in 2024/25. This might be the cost of the civil service time to develop the guidance, but it seems disingenuous to say that Road User Charging will be completely revenue neutral. In the long term this might be the case, but the preparation and introduction years would be expensive with the costs only recovered later.

#### Statutory idling

The EM proposes a budget of only £16.4k for 2024/25 with no further costs. There is a missing row where it states 'local authority costs to follow guidance.' Similar to smoke control areas, this is an area where most councils would need to employ new staff so these costs will be large. Table 11 states that 'a level of support will be available from the LAQM Support Fund', but as stated earlier, we worry this fund is far too small.

7. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

N/A.

## AQS 14 Living Streets

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Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

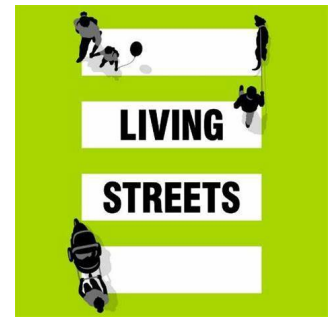
**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan Living Streets | Evidence from Living Streets

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# Consultation: The Environment (Air Quality and Soundscapes) (Wales) Bill



## Living Streets Cymru response

Friday 21<sup>st</sup> April 2023

For more details contact:

Josh James, Public Affairs Manager - [REDACTED]

### [REDACTED] Living Streets Cymru

Living Streets Cymru is the charity for everyday walking in Wales. We want to create a nation free from congested roads and pollution, reducing the risk of preventable illness and social isolation, and making walking the natural choice for everybody.

We operate a number of programmes across Wales including our flagship WOW Walk to School programme, which aims to reverse the decline in the number of children walking to school, and Walking Friends Wales which aims to increase the levels of physical activity for older and more vulnerable people at risk of social isolation and/or preventable disease.

#### 1. Living Streets Cymru's views on the general principles of the Bill and the need for legislation to deliver the stated policy intention.

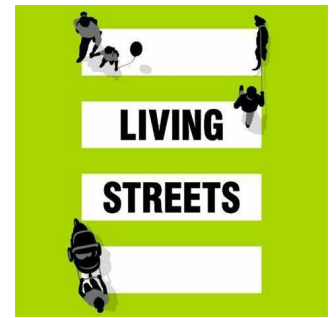
We recognise that there have been improvements to air quality, with emissions being reduced by 43% between 1990 and 2018. However, there is no safe level of air pollution. Conversely, there has been an increase in the level of transport emissions which now make the largest contribution to domestic air pollution.

Pollution from road traffic, particularly diesel fumes is the most significant cause of poor air quality and can be responsible for up to 70% of air pollution.

We must accelerate the reduction in emissions and air pollution. Doing so will reduce health and social inequalities, improve quality and life expectancy, reduce our environmental impact and reduce the burden of disease that are all associated with poor air quality.

People who walk or cycle do not contribute to poor air quality but are unfairly exposed to it. We need legislation to encourage healthier behaviours, including more people walking, cycling and using public transport as well as measure to penalise vehicle-idling, because nothing else has worked, we still see many communities

# Consultation: The Environment (Air Quality and Soundscapes) (Wales) Bill



living in air which does not meet international guidance from the World Health Organisation.

## 2. Living Streets Cymru's view of the following bill provisions:

### 2i. National air quality targets

We welcome the commitment in the Bill to seek relevant advice and to have regard to scientific knowledge, and the references to the new WHO guidelines in the EM, however we worry that there is nothing in the Bill to ensure that targets will be set to be consistent with WHO guidance, as committed to. In theory there would be nothing to prevent a Minister from choosing a much less rigorous target. It must be made clear in the Bill itself that the up to date WHO guidelines need to be the foundation of the target setting process, and that targets must be consistent with them - and must be met in the shortest time possible. We would like to see this captured on the face of the Bill, potentially listed in section 3, 5, 6 or become its own section.

Living Streets supports the commitment in the Bill to seek relevant advice and to have regard to scientific knowledge. However, we feel that the text of the Bill does not adequately reflect the ambition to improve air quality. We cannot help but recognise that improving air quality should be a universal aim and is supported across the political spectrum. However, without the impetus to improve air quality referenced specifically in the legislation, we worry that relying solely on targets being set by ministers could lead to a lack of ambition to deliver cleaner air.

Furthermore, without referencing the specific World Health Organisation targets in the legislation, it weakens the legislation. Less rigorous targets could hinder public sector ability to improve air quality.

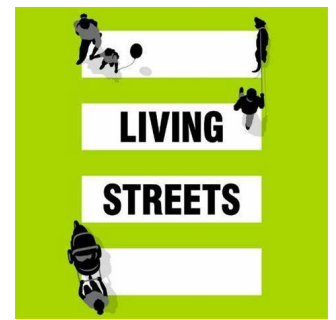
Living Streets calls on those with the opportunity to amend the legislation to include WHO guidance in the target-setting process, with the WHO guidance forming a starting point for scientific and expert advice.

### 2ii. Promoting awareness about air pollution

Welsh Government should run targeted informational campaigns on the environmental and health impacts of air pollution.

In promoting awareness about air pollution, Welsh Government should also commit to promoting awareness of behaviour-change solutions that can reduce air pollution. Just as public bodies will be required to have due regard for the impact on air quality,

# Consultation: The Environment (Air Quality and Soundscapes) (Wales) Bill



raising awareness of air pollution should be linked to promotion of healthy behaviours to improve our air quality such as active travel and the need for modal shift.

Research (Physical Activity through Sustainable Transport Approaches, 2019) has shown that social factors impact on behaviours. Those who valued low air pollution exposure and low environmental impacts, amongst others values, tended to walk more; “this suggests that if people could see the importance of these values, they may be encouraged to walk more” (Imperial College London News, 19 September 2019).

The current Net Zero Plan to reduce passenger miles by 10% and increase the modal share for active travel and public transport to 39% by 2030 are ambitious. However, regulatory tools within this legislation combined with a whole-system approach to promoting awareness on air pollution and modal shift will go some way towards meeting our existing Net Zero targets.

## 2vii. Vehicle emissions

Vehicle emissions, particularly from private cars, are one of the greatest contributors to air pollution. As a result, there is an inevitable link between the number of vehicles on our roads and the quality of our air. The number of people choosing to travel actively will be important in tackling air pollution and reducing vehicle emissions.

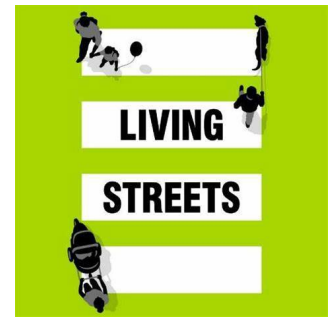
Existing targets in the Net Zero Plan to reduce emissions by 22% between 2019 and 2025, and by 98% by 2040, and highlights the need for this legislation to utilise all tools at Welsh Government’s disposal including the introduction of clean air zones under existing powers in addition to exercising trunk road charging that would be introduced in this bill.

## Trunk Road charging

Living Streets Cymru supports the introduction of trunk road charging. Funds raised from trunk road charging should be ring-fenced for active travel and public transport infrastructure, to further improve air quality across Wales.

Living Streets Cymru would also support a requirement to introduce clean air zones should insufficient progress be made in individual local authorities to improve air quality. These powers already exist under the Transport Act (2000). We would urge Welsh Government to look at the use of these powers particularly where pollution levels exceed the targets set by ministers. We are concerned that trunk road charging alone will have sufficient impact.

# Consultation: The Environment (Air Quality and Soundscapes) (Wales) Bill



It is important to recognise that all vehicles create particulate matter. The Tyndall Centre found that even if all new cars were ultra-low emission vehicles (ULEVs) by 2035, a 58% reduction in car mileage between 2016 and 2035 would still be required to meet the Intergovernmental Panel on Climate Change's recommendations for air quality.

This is because electrification will not reduce emissions of fine particulate matter from brake, tyre and road-surface wear either. These now collectively exceed that of emissions from diesel and petrol cars. Hence the importance of tools to reduce overall traffic to reduce the levels of fine particulate matter in our air.

## Vehicle idling

We strongly welcome S.21 amendments to the *Environment Act 1995* to make stationary idling an offence under the S.42 of the *Road Traffic Act 1988*. Every minute, an idling car produces enough exhaust emissions to fill 150 balloons with harmful chemicals, including cyanide, NOx and PM2.5.

A 2016 study found that one factor in people choosing to make journeys on foot was environmental aesthetics, including air quality and fresh air (Dadpour et al. 2016, *Int J Environ Res Public Health*: 731). With cleaner air we can encourage people to travel actively and promote the benefits of outside physical activity.

However, we would welcome clarity on how the Welsh Government expects penalties for stationary idling to be issued, and which bodies will be tasked with the enforcement of the offence.

## 4. How appropriate are the powers in the bill for Welsh Ministers to make subordinate legislation?

In many ways the Bill gives too wide-ranging powers, but there are sections where these powers don't go far enough. Sections 1 and 2 for examples give powers to set targets but Ministers are not constrained by how ambitious or how urgent these targets are in improving air quality.

As stated earlier, we would like to see the World Health Organization limits recognise somewhere within the legislation itself rather than just referenced in the appendix. However, there are other areas where ministerial powers are constrained. On smoke control areas, the power to establish one seems to remain with the local authority, whilst S.19(1)(b) places constraints on when Ministers would be able to introduce trunk road charging.

# Agenda Item 3

The Environment (Air Quality and Soundscapes) (Wales) Bill

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## AQS 09 The Institute of Acoustics (IOA)

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Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

**Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) | The Environment (Air Quality and Soundscapes) (Wales) Bill**

Ymateb gan | Evidence from The Institute of Acoustics (IOA)

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**Senedd Cymru  
Welsh Parliament**

**The Environment (Air Quality and Soundscapes) (Wales) Bill  
Consultation**

**Background**

The Institute of Acoustics (IOA) is the UK's professional organisation for those working in the fields of sound, noise and vibration. Members of the Institute carry out research into the effects of noise on human health and wellbeing. Members also implement the national policies, legislation and guidance that deal with the management of noise. This is in the capacity of both assisting developers to meet their policy and legislative obligations and as regulators evaluating the merits of proposals or applying the relevant legislation.

The Institute's response relates to the soundscape element of the Bill and considers each proposed clause in turn. Some comments are also provided regarding the text in the Explanatory Memorandum.

This response has been prepared by experienced members of the Institute including members who practise in Wales. This response has been approved by the IOA's Executive Committee on behalf of the IOA's Governing Council.

**Clause 22. National strategy on soundscapes**

**(1) The Welsh Ministers must prepare and publish a strategy containing their policies with respect to the assessment and management of soundscapes in Wales**

The Institute supports the proposal to require Welsh Ministers to publish a such a strategy. In fact, the IOA has only recently advocated to the House of Lords Science and Technology Committee that England should have a Sound and Noise Management Strategy to enhance the implementation of the overarching noise policy in England set out in the Noise Policy Statement for England. The Institute has recommended that one of the purposes of this strategy would be to promote positively the use of soundscape principles as a means of generating spaces which enhance well-being through generating a sense of place, community and connection with nature and each other.<sup>1</sup> At present the policies in the NPSE are mainly implemented through managing the noise impact of new developments and meeting the first two aims of the policy.<sup>2</sup>

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<sup>1</sup> When giving oral evidence recently to an inquiry being carried out by the House of Lords Science and Technology Committee, the IOA noted that the Welsh Parliament were leading the way with their approach on Soundscapes.

<sup>2</sup> The NPSE contains a Vision which states: *Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.*

This Vision is supported by three aims:

*Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- *avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life;*
- *and where possible, contribute to the improvement of health and quality of life.*



Furthermore, there is general agreement amongst those Institute members who practise in Wales that noise impact assessments associated with developments in Wales should include a Soundscape Assessment.

As in England, there are the three main reasons for this view:

- Not all sound causes adverse effects. For example, it is important to preserve a vibrant city soundscape which includes music, crowds, street entertainment etc, and not simply to regard that sound from such activities as unwanted and consequently should be minimised or even eliminated. However, to achieve this outcome, care must be taken to avoid the inappropriate placement of residential development within a city that then puts pressure on, for example, pre-existing places of entertainment. Although exercising the agent of change principle helps to provide some protection, it is not the panacea.
- Undertaking soundscape assessments would help to preserve an existing tranquil environment from the impact that might otherwise occur from the introduction of a new noise source. Having said that, these types of environment tend to be well protected by the proper implementation of existing noise guidance, assuming they are correctly identified as noise-sensitive receptors.
- Sound can be used to enhance health and wellbeing and promote delivery of sustainable development. This is an important area of emerging science that needs strategic direction to encourage delivery in practice, so that soundscapes are optimized rather than the focus always being on achieving targets needed to minimise adverse health effects.

However, the IOA recognises that, although the concept of soundscapes has been around for a while, exactly how its principles are precisely applied to particular situations in an evidence-based way is still evolving. Members of the Institute who operate in Wales are concerned regarding whether the regulators (e.g. local Environmental Health Practitioners (EHP)) have the necessary experience and knowledge to review such soundscape assessments. Whilst training could be provided (and the Institute of Acoustics would be delighted to assist in that) do local councils have the capacity to allow EHPs to undertake training in the topic. Conversely, without proper training there would be the risk of the optimum outcome not being secured in any particular situation.

Furthermore, the kind of holistic approach that is included in a soundscape assessment is likely to require more time for the regulators to review it, potentially adding costs to the local authorities.

Similarly, it must be recognised that this type of approach to sound/noise assessment may have a cost implication on developers/business owners who will also be subject to additional time costs both in terms of the assessment work and with the likely need for more consultation and liaison with regulators. Members of the IOA have already detected that some developers are wary of this proposed approach and could be less supportive of the proposals especially in the early days as the implementation details are developing.

There is also a concern that members of the IOA who are acoustic consultants will become trapped between regulators and developers with the potential for neither party agreeing on what the appropriate outcome should be. It is essential that such conflicts are satisfactorily resolved in order to make a success of preserving and enhancing the soundscapes across Wales.

It is of course understood that we need to begin the implementation of this process somewhere. Careful consideration will be needed, particularly in the early stages, regarding how this policy is applied and enforced such that there is appropriate consistency across Wales whilst allowing for local context to be taken into account.



**(2) The strategy must include policies for assessing and reducing levels of noise pollution**

Whilst there is no disagreement with the sentiment of this clause, the IOA has a fear that expressing it in this way on the face of the bill could be counter-productive. There will undoubtedly be the need for developments in the future that will increase the noise impact on some individuals compared to the current situation. Those individuals could argue that legislation is about reducing noise levels and have a strong case for opposing the development, even if the expected increase in impact is small. Furthermore, for existing sources there could be pressure on the Government to reduce noise, again basing that argument on legislation that says levels must be reduced.

Furthermore, local councils may be put under pressure to remove an existing sound source because this legislation says noise levels must be reduced. In the extreme, the council may be requested to close down a factory to reduce noise pollution, for example. This would clearly not necessarily be the desired outcome given the impact on jobs etc.

It is also very important to remember that noise pollution to one person may not be to another. The subjective nature of sound and the labelling of it as 'pollution' could lead to marginalization, community division or exclusion of elements of society. This could potentially be the outcome of the legislation as currently proposed.

Consequently, as written, it looks as if reducing noise is paramount, over and above the social and economic benefit of the source. An alternative approach might be to reword that clause to read:

*The strategy must include policies for effectively managing noise pollution.*

The strategy could then contain policies that take account of the social, economic and other environmental benefits of the noise making source. In addition, it could include targets in the form of reducing the overall exposure to noise, initially making use of the data that comes from noise mapping. These targets might be expressed in terms of

- The proportion of population exposed to external levels above a certain value; and / or
- Using the principles of the World Health Organisation Burden of Disease, have targets set in terms of reducing the Disability Adjusted Life Years (DALY) due to noise.

**Clauses 22 (3) to (6)** – The IOA supports these proposals.

**Clause 22 (7) The Welsh Ministers may by regulations amend this section for the purpose of changing the period within which they must review the strategy.**

The IOA supports this proposal. For the strategy to be effective, Welsh Ministers must have the ability to react quickly to any emerging evidence, either in terms of the noise impact occurring or new research about the effects of noise. Of course, the robustness of such research must be established before reacting to its findings.

**Clause 22 (8)** - The IOA supports this proposal.





**Clause 22 (9)** – The IOA is not in a position formally to comment on this clause. However, The Institute does support the principle of clarifying the meaning of “local authority”.

### **Clause 23. Duty to have regard to national strategy on soundscapes**

**(1) The following persons must have regard to the policies in the strategy published under 10 section 22 when exercising any function of a public nature that could affect soundscapes in Wales—**

- (a) local authorities in Wales;**
- (b) relevant Welsh public authorities.**

It is helpful to make explicit on the face of the bill that these authorities must not ignore the policies contained within the strategy. However, it is essential that the strategy must be absolutely clear regarding the outcomes that these authorities must achieve when making decisions that could affect the soundscape. Effective soundscape management cannot be achieved by simply requiring a certain numerical noise limit to be achieved. The effect of non-acoustic factors means that, as mentioned above, people are affected by different noise sources to different extents.

Furthermore, if a noise exposure limit was set such that no-one would be expected to be adversely affected and thus arguably achieving an ideal soundscape<sup>3</sup>, society as we know it today would probably come to a standstill with all the economic and social dis-benefits that would entail<sup>4</sup>.

Thus, the outcomes to be sought would need to be carefully described to allow the relevant authorities to exercise their functions effectively for the benefit not only of the whole community but also of other species so that biodiversity benefits can be included.

**Clauses 23 (2) – (4)** – The IOA is not in a position to comment, but supports the clarification and flexibility being described in these clauses.

### **Clause 24. Power to change cycles for making strategic noise maps and reviewing noise action plans**

- (1) The Welsh Ministers may by regulations amend regulation 7 of the Environmental Noise (Wales) Regulations 2006 (S.I. 2006/2629) (duty of the Welsh Ministers to make, review and revise strategic noise maps) to change the intervals for the time being specified by paragraph (2) of that regulation as the intervals at which strategic noise maps must be made and adopted.**
- (2) The Welsh Ministers may by regulations amend regulation 17 of the Environmental Noise (Wales) Regulations 2006 (duty of the Welsh Ministers to draw up, review and revise action plans) to change the period for the time being specified by paragraph (3)(b) of that regulation as the period within which reviews of an action plan must be carried out.**

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<sup>3</sup> In terms of anthropogenic sounds

<sup>4</sup> The COVID lockdown gave some indication of this potential effect, and also illustrated how the usually masked natural sounds became more prominent.



Notwithstanding people's views about the merits or otherwise of leaving the European Union, the fact that it has occurred does allow Welsh Ministers to amend the timetables embedded in these regulations to suit their purposes better. The Institute supports this proposal.

### **Explanatory Memorandum**

The IOA has particularly considered the "Policy Objectives" under the heading of "National Soundscapes Strategy, Strategic Noise Maps and Action Plans".

### **Paragraph 3.240**

The Institute notes that the scope is not confined to the sources defined in the Environmental Noise (Wales) Regulations 2006 but that it would

*also cover other major forms of airborne noise and the whole of Wales*

Whilst it is assumed that this means covering all road and rail transport sources and, when appropriate, aviation sources, it is unclear what else might be covered. The Environmental Noise Directive included industry, but this did sit uneasily with the other sources within its scope. The soundscape in some areas might be primarily affected by sources that are not transportation (such sources are described in English policy as 'Neighbourhood Noise').

It would be helpful, therefore, if there was more clarification on the expected scope of the strategy.

### **Paragraph 3.242**

This paragraph states that:

*Ensure clear priorities and opportunities are set for **achieving appropriate soundscapes in Wales** at a national level based on a comprehensive evidence base including, not only noise and soundscape evidence, but also wider environmental considerations such as air quality data; the State of Natural Resources Report and National Natural Resources Policy required by the Environment (Wales) Act 2016; and the Future Trends Report required by the WFGA;*

The Institute is particularly concerned with the highlighted phrase. What exactly is meant by "appropriate soundscape"? How will developers or regulators know if that outcome has been achieved in a particular situation?

One of the challenges for Welsh Ministers is that the formal definition of soundscape is



*acoustic environment as perceived or experienced and/or understood by a person or people, in context<sup>5</sup>*

Therefore, for a given location and given soundscape, for which person should the soundscape be appropriate? There are likely to be differences between different people with them perceiving, experiencing or understanding the soundscape in different ways.

The Institute believes that this intention within the policy objectives needs to be made much clearer so that developers and regulators can effectively implement the policy.

### **Conclusion**

The IOA hope that the Welsh Parliament will find our comments of interest and that they will assist in developing this important piece of legislation. The IOA is looking forward to speaking with the Climate Change, Environment and Infrastructure Committee on this issue in May.

26<sup>th</sup> April 2023

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<sup>5</sup> BS ISO 12913-1:2014 – Acoustics – Soundscape, Part 1: Definition and conceptual framework

Document is Restricted

## Briefing note

This briefing provides an update on items that were raised at the recent Committee scrutiny session with NRW. It includes sections on:

1. NRW staff expenditure
2. Data on drought
3. Access reform including access to water
4. Service Level Agreements (SLAs).

## NRW Staff Travel Expenditure

Following a question from Janet Finch Saunders MS regarding “*What steps is your organisation taking to ensure more value for money for the taxpayer in terms of staff travel expenses?*”:

Accelerated in response to the Covid pandemic, we quickly developed a hybrid working system where our colleagues now have the benefit of full ICT functionality when working from home – reducing travel expenses and their carbon imprint through fewer commutes and fewer business miles.

Reflecting the views of staff from their experiences of pandemic homeworking, as well as in consultation with the Trade Unions, we have launched a new Working Styles policy designed to give our colleagues a better work/life balance and increase flexibility and job satisfaction, whilst enhancing productivity and performance and ensuring that we can deliver effectively as an organisation.

In April 2022, we received a Freedom of Information Request for the following details:  
*Please include the information for each of the following periods: 2019-20, 2020-21, 2021-22:*

- *A breakdown of any expenditure on the purchase or hiring of vehicles, including vans, cars 4x4s. Please provide the make and model of each vehicle, the cost of each vehicle, the number of vehicles purchased, the date of purchase and the purpose*
- *A breakdown of any expenditure on travel, including approved expenses, for example train tickets, taxi fares, private hire vehicles, flights. Please make clear how many tickets or individuals travelled in each entry, the company used and the class of each ticket.*

The full response is available in a spreadsheet sent with this briefing, but a table of the staff expense expenditure is below:

Travel expenditure	2019/2020			2020/2021			2021/2022	
	CTM	GPC	MyNRW	CTM	GPC	MyNRW	GPC	MyNRW
Train (including bus)	364072	14209.39	13768.22	211.1	113.16	193.8	15780.59	6124.31
Domestic Travel inside UK (Taxi, ferry etc)	N/A	1764.11	0	N/A	428.1	71.1	1417.91	578.5
Domestic Travel outside UK (Taxi, ferry etc)	N/A	925.51	0	N/A	0	0	175.19	0
Flights	5892.99	75.21	123	0	0	0	543.09	0
Staff personal car on work related - Petrol	N/A	N/A	78038.72	N/A	N/A	38960.2	N/A	101895.3
Staff personal car on work related - Diesel	N/A	N/A	148162.8	N/A	N/A	80216.99	N/A	179382.3
Bike	N/A	N/A	238.5	N/A	N/A	125.54	N/A	252.78
Motor bike	N/A	N/A	183.12	N/A	N/A	26.4	N/A	218.64
Electric/Hybrid Vehicle	N/A	N/A	186.3	N/A	N/A	856.49	N/A	1078.65
Short-term hire (outside the NPS contract)	N/A	4081.6	0	N/A	0	0	1390	0
<b>Sub Total</b>	<b>369965</b>	<b>21055.82</b>	<b>240700.6</b>	<b>211.1</b>	<b>541.26</b>	<b>120450.5</b>	<b>19306.78</b>	<b>289530.5</b>
<b>Total</b>	<b>631721.42</b>			<b>121203.2</b>			<b>308837.28</b>	

Please note CTM (Central Travel Management booking system) no longer in use after September 2020

GPC = Staff credit cards for work related expenses

MyNRW = staff expenses reimbursed via pay

Information available as higher level totals only

You will note that since the pandemic, we have more than halved our staff expenditure. In 2021/22 based on a headcount of 2500 FTEs, our expenses totalled £123.53 per person.

We are not complacent in this regard, and we are committed to increasing efficiencies whilst reducing carbon, and are consistently actively exploring how we can ensure the best value for money for the work that we do. Our Adfywio (Renewal) programme is also looking to make efficiencies in our built estate and across our fleet as a result of our new ways of working.

## Data on drought

As you are aware, last year saw one of the driest spring and summer periods on record, which combined with heatwaves that broke Welsh temperature records in July 2022. Between March and August, Wales received just 56.7% of its expected rainfall. This represented the third driest six-month period since records began in 1865, with only 1976 and 1984 being drier. Our NRW (Wales-wide) and three regional operational drought teams were all convened during mid July to late November 2022. The Wales Drought Liaison Group (led by the Welsh Government) also convened.

We are finalising a review of our response to the recent drought and can send you this as soon as it becomes available. Any recommendations and actions for improvements will be considered as part of our future drought management and planning. Alongside other members of the Wales Drought Liaison Group, we are also involved in Welsh Government's wider review of multi-organisation response, to inform any wider policy or regulatory requirements.

In addition, we will be updating the water company drought plan guidance for the next round of drought plans during 2023 and will incorporate any improvements identified from the recent drought experience.

This work is vital to inform our preparations for future heatwaves, droughts, and other extreme weather events. We know from assessment of future climate risks that flooding and droughts are going to be more prevalent in the future, as evidenced in the [Evidence for the third UK Climate Change Risk Assessment \(CCRA3\)](#) and we must collectively do all we can to help communities be more resilient to the effects of these changes.

NRW is currently undertaking an organisational wide baseline assessment of climate risks using the CCRA3 evidence base to understand the breadth of potential impacts that future events, including drought, will have across all of our remit and activities. This work is due to conclude late 2023 to provide us with well-defined priorities in terms of the adaptation actions that we must take.

## Access reform - including access to water

NRW has been funded by Welsh Government over the last 3 years to provide additional staff resource to advise and inform its Access Reform Programme. NRW advised across various proposals affecting Countryside and Rights of Way (CRoW) open access, public rights of way and also access information and planning.

During 2022/23 we focused on providing further advice on those access reform areas that would not require primary legislation, particularly in relation to responsible recreation

(including with dogs around livestock) and the Countryside Code. In addition we have supplemented the advice provided in years 1 and 2 of the programme.

Access to Water has always been a contentious issue. The [National Access Forum Wales](#) (NAFW) was tasked with exploring this separately and reported the outcomes of its sub-group discussions and associated conclusions and recommendations by March 2021. Following the Senedd election the report was re-issued to Lee Waters MS, Deputy Minister for Climate Change, by the Chairman of the National Access Forum for Wales in July 2021. Welsh Government's Programme for Government makes a commitment to "Begin to designate Wales's inland waters for recreation, strengthening water quality monitoring". We are committed to supporting Welsh Government's delivery of this ambition.

During 2022-23 the NRW project lead has focussed on stakeholder engagement to inform project aims and approach. This includes improving understanding of stakeholder perceptions of the existing framework for Bathing Water designation, barriers to applications, and landowner concerns. The aim is to identify a small number of sites across Wales to run a pilot bathing season in 2023. The pilot bathing season will allow for organisations, including local authorities, who have not previously conducted a bathing season to work through resourcing and understanding the duties, and allow for water quality monitoring to be undertaken. The pilot season will inform recommendations to update and improve the framework for managing Bathing Waters, including identifying any requirements to amend the legislation and guidance. We are currently discussing seven potential sites for the pilot, including a number of reservoirs, standing waters and rivers.

## Service Level Agreements (SLAs)

Currently, the only finalised SLA is that on Agricultural Pollution Regulations. We have shared with you the letter from the Minister for Rural Affairs, Lesley Griffiths MS, outlining the funding commitment for the next two years. As the other SLAs are finalised, we are committed to sharing with the Committee those that have been agreed with Welsh Government.

April 2023



Mr Llyr Gruffydd MS  
Senedd  
Cardiff Bay  
Cardiff  
CF99 1SN

03 May 2023

Dear Mr Llyr Gruffydd MS,

As Chair of the Senedd's Climate Change, Environment and Infrastructure Committee, I wanted to thank you for the opportunity to give evidence to the Committee last week. I hope myself and my colleague Huw Morgan were able to answer all of your questions and provide an insight into the opportunities and challenges facing both Tata Steel and the UK steel industry more widely.

Further to our discussion, I have separately attached further information regarding international examples of Government support for steel decarbonisation. If there is anything you would like further clarity on, please don't hesitate to contact me.

I wanted to follow up from the session by formally inviting the Committee to Tata Steel UK's Port Talbot site. I have no doubt that this will build on the evidence you heard last week, and reaffirm the Committees views regarding how important the steel industry is to Wales, its local communities and its own journey to becoming Net Zero.

We will also write to the Clerk of the committee regarding a visit and I look forward to welcoming you and your colleagues when diaries allow.

Again, if there is anything else we can support with in the meantime, please do get in touch.

Yours sincerely,



Dr Martin Brunnock  
Director of Communications and Public Affairs

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# Governments financially supporting steel companies' decarbonisation projects

Date announced	National Government	Steel company	Government contribution or commitment	Decarbonisation project	Update on support
October 2022	<b>Germany</b>	<b>Salzgitter</b>	<b>€1 billion</b> grant	Direction reduction (DRI), electric arc furnace (EAF) and electrolyser (1 <sup>st</sup> of three phases)	Funding approved by the European Commission in October 2022 and received by Salzgitter from German govt in April 2023.
September 2022	<b>Germany</b>	<b>thyssenkrupp</b>	Extent of govt contribution to €2 billion investment yet to be finalised	Hydrogen-powered direct reduction plants	State Aid approval from European Commission expected in 'next few months'. Work began on the project in March 2023
June 2022	<b>Spain</b>	<b>ArcelorMittal</b>	<b>€460 million</b> (50% of costs)	Hydrogen and electric arc furnace	Funding approved by the European Commission in February 2023
March 2022	<b>Italy</b>	<b>ArcelorMittal</b>	<b>€150 million</b> & favourable credit	Hydrogen (TBC)	No update.
February 2022	<b>France</b>	<b>ArcelorMittal</b> & potentially others	<b>€1.7 billion</b> (out of a possible €5 billion) for Fos and Dunkirk sites	"Innovative technologies" such as hydrogen and carbon capture, usage and storage.	State funding for ArcelorMittal support still subject to EU approval
November 2021	<b>European Union</b>	<b>SSAB, LKAB</b> and <b>Vattenfall</b>	<b>€143 million</b> (additional) through Innovation Fund	Hydrogen	Funding finalised by the European Commission in April 2022
November 2021	<b>Canada</b> (Quebec govt only)	<b>ArcelorMittal</b>	<b>CAD\$80 million</b> through electricity rebate	DRI	No update.
September 2021	<b>Belgium</b>	<b>ArcelorMittal</b>	Extent of govt contribution to €1.1 billion investment yet to be finalised	DRI plant and two electric furnaces	State funding still subject to EU approval
September 2021	<b>Germany</b>	<b>ArcelorMittal</b>	<b>€55 million</b> (50% of costs)	Hydrogen	Funding approved by the European Commission in February 2023
July 2021	<b>Canada</b> (National govt and Ontario)	<b>ArcelorMittal</b>	<b>CAD\$900 million</b> (50% of costs)	DRI and EAF	ArcelorMittal broke ground on the project in October 2022
May 2021	<b>Germany</b>	<b>Multiple</b>	<b>€8 billion+</b>	Large-scale hydrogen projects	No update.

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

Ein cyf/Our ref: JJ/PO/116/2023

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee

Llyr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee

3 May 2023

Dear Chairs,

I am writing further to my letter of February 2023, and in accordance with the inter-institutional relations agreement, to report on the latest meeting of the Net Zero, Energy and Climate Change Inter-Ministerial Group, held on 23 March 2023, with discussions focused on the UK Emissions Trading Scheme and UK Net Zero Growth Plan.

The meeting was attended by Michael Matheson MSP, Cabinet Secretary for Net Zero, Energy and Transport; Katrina Godfrey, Permanent Secretary at the Northern Ireland Department of Agriculture, Environment, and Rural Affairs; Graham Stuart MP, Minister of State Energy Security and Net Zero; James Cartlidge MP, Exchequer Secretary to the Treasury; and Baroness Vere, Under Secretary of State, Department for Transport.

Yours sincerely,



**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.