

Statement of Policy Intent for the Environment (Air Quality and Soundscapes) (Wales) Bill

Introduction

This paper summarises the Welsh Ministers' powers for making secondary legislation, guidance and directions as outlined in the Environment (Air Quality and Soundscapes) (Wales) Bill (the Bill), as introduced to the Senedd Cymru on 20 March 2023. We also set out where we think it would be useful for committee to understand how it is intended that Welsh Ministers will fulfil some of the key duties placed upon them under the Bill such as the duty to promote awareness.

The paper explains how these powers and duties are intended to be used. In relation to regulation making powers, the justification for the Senedd procedure selected is set out in table 5.1 of the Explanatory Memorandum.

Regulations made using these powers and duties discharged under these powers will be subject to consultation and therefore may be subject to change.

The Welsh Ministers have considered the use of powers in the Bill as set out below and are satisfied they are necessary and justified.

Overview of the Bill

The Bill contains 3 parts and 2 Schedules:

- Part 1 outlines the parts of the Bill relating to air quality including provisions relating to:
 - setting up a national target-setting framework;
 - a duty on Ministers to promote awareness of air pollution;
 - a duty to consult on a review or modification of the national air quality strategy at least every 5 years;
 - amending the existing legislation in relation to smoke control;
 - strengthening legislation in relation to local air quality management;
 - extending powers to introduce trunk road charging schemes and to broaden current limitations on the use of net proceeds; and
 - powers to vary the fixed penalty notices for the offence of idling.
- Part 2 outlines the requirements on Ministers in producing a national soundscapes strategy.
- Part 3 contains miscellaneous provisions, including provisions on power to make consequential, transitional etc provision, the regulation making powers and when specific provisions within the Bill will come into force.

- Schedule 1 sets out the amendments to the existing smoke control regime.
- Schedule 2 contains provisions relating to the application of proceeds from Trunk Road Charging Schemes.

Other documentation

This document should be read in conjunction with the following:

- The Environment (Air Quality and Soundscapes) (Wales) Bill;
- The Explanatory Notes to the Bill; and
- The Explanatory Memorandum to the Bill.

National Air Quality Targets

Section	Form	Proposal	Procedure
1(1)	Regulations	Power to set long-term air quality targets in respect of any matter relating to air quality in Wales.	Affirmative
2(1)	Regulations	Duty to make regulations setting at least one target in respect of the annual mean level of fine particulate matter (PM _{2.5}) in ambient air in Wales.	Affirmative

Description of powers

Section 1(1) enables Welsh Ministers to set long-term air quality targets in Wales through regulations. A target set under this section must specify a standard and a date by which the standard is to be achieved. A target is a long-term target if the specified date is at least 10 years after the date on which the target is set.

Section 2(1) requires Welsh Ministers to make regulations setting at least one target in respect of the annual mean level of fine particulate matter (PM_{2.5}) in ambient air in Wales. Section 3(9) requires the Welsh Ministers to lay draft regulations before the Senedd within 3 years of the date on which the Bill received Royal Assent.

Section 3 contains a framework of procedures which the Welsh Ministers must follow prior to making regulations and sections 5 and 6 place duties on the Welsh Ministers to report on and review the targets set in regulations. Section 7 requires Welsh Ministers to make arrangements for obtaining data to assess the progress towards meeting the targets, and to ensure it is published.

Policy purpose and intent

A new statutory cycle of air quality target setting, monitoring, planning and reporting will help deliver significant, long-term environmental improvement and ensure government is held to account for its actions. A new framework for setting long-term legally binding targets will be integral to this cycle, along with a commitment to set an ambitious and legally binding target for Particulate Matter_{2.5} (PM_{2.5}) which is the pollutant with the most significant impact on human health. Reductions in PM_{2.5} will deliver significant benefits for public health and the environment, resulting in benefits for the economy.

Sections 2(1) and 3(8) require the Welsh Ministers to make regulations setting a PM_{2.5} target within three years of the date on which the Bill receives Royal Assent, this is estimated to be by January 2027. This provides certainty for all stakeholders that a feasible,

ambitious and affordable target will be set within this time period, whilst providing sufficient time for a number of steps that need to be undertaken before such a target can be set. The steps include determining the scope of targets, drawing on expert opinion; analysing target options to underpin feasible, ambitious and affordable ranges of target levels and dates; engagement and public consultation on the target proposals; and drafting and introducing the target regulations, including the detailed requirements for how compliance must be assessed.

The policy intention is to ensure targets are set in a transparent way and with full consultation. The process will be informed by a number of sources of evidence including scientific data and models, historical datasets, long-term future projections and assessment of what is feasible from a socio-economic perspective. It will be an iterative process and rely on support, expertise and scrutiny from others.

To support this, work is happening in parallel to the Bill to inform the development of regulations for new national targets, including for PM_{2.5}. A robust evidence base is required to ensure we make the right choice to improve air quality, with a primary focus on health protection and supporting action to tackle the nature emergency. The evidence will inform options for Ministers and enable them to make timely decisions on future target proposals, including target levels and the year by which they would come into force (taking into consideration implications of future budget requirements).

The Bill places requirements on Welsh Ministers to seek advice from independent experts and to have regard to scientific knowledge on air pollution before making regulations that set targets. We are currently working with the Clean Air Advisory Panel as well as some existing UK Government groups, to work towards fulfilling these requirements.

Any regulations made under section 1(1) or section 2(1) will be subject to full consultation and impact assessments to ensure stakeholders views, including those with protected characteristics who would be most affected by air pollution, are fully considered in the development of the regulations. These regulations are also subject to the affirmative procedure.

National Air Quality Strategy: Changing the review period for the national air quality strategy

Section	Form	Proposal	Procedure
9(1)	Regulations	A power for Welsh Ministers to make regulations changing the period within which they must review the national air quality strategy.	Affirmative

Description of power

Section 9(1) of the Bill creates a power for Welsh Ministers to make regulations through the affirmative procedure which change the period within which they must review the national air quality strategy.

Policy purpose and intent

Amendments to the Environment Act 1995 made by the Environment Act 2021 require the national air quality strategy to be reviewed by May 2023 and every 5 years thereafter. These dates currently fall around two years after the most recent Senedd election. This allows the next and subsequent strategy reviews to be informed by the latest Programme for Government, Future Trends Report, and so on, but does not place it so close to the next election that the policies it contains may not realistically be implemented in large part by the current government. The first review deadline following the coming into force of the Environment (Air Quality and Soundscapes) (Wales) Act will be in early 2028, two years after the next ordinary Senedd election.

As long as Senedd elections are held at regular 5-year intervals, we see no reason to change the current review cycle as established by the Environment Act 2021. However, if an extraordinary Senedd election results in the strategy having to be reviewed too soon after an election to be able to align with the incoming Programme for Government, or so late that it cannot realistically be implemented by the administration that publishes it, we would anticipate the Welsh Ministers using this regulation-making power, with the Senedd's approval, to realign the review cycle with the new electoral cycle. Additionally, existing legislation such as the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 require certain documents (e.g. State of Natural Resources Report, Future Trends Report) to be produced at specific times relative to Senedd elections. In the event of an extraordinary Senedd election the timing of the national air quality strategy may not align with these reports, so this power allows Welsh Ministers to amend the review period of the national air strategy to realign them.

National Air Quality Strategy: Duty on a relevant Welsh public authority to have regard to the national air quality strategy

Section	Form	Proposal	Procedure
11(1)	Regulations	A power for Welsh Ministers to make regulations designating a person as a relevant Welsh public authority who must have regard to the policies in the national air quality strategy.	Affirmative
11(3)	Guidance	A power for Welsh Ministers to issue guidance to relevant Welsh public authorities in relation to their duty to have regard to the strategy and any regulations made under Part IV of the Environment Act 1995.	No procedure

Description of power

Section 11 of the Bill inserts a new section 81B into the Environment Act 1995, which provides that local authorities in Wales and “relevant Welsh public authorities” must have regard to the policies contained in the national air quality strategy when exercising any function of a public nature that could affect air quality in Wales.

Section 11(1) gives the Welsh Ministers the power to designate the relevant Welsh public authorities in regulations. The Welsh Ministers can only designate a person who meets the definition of a “devolved Welsh authority” in section 157A(1)(a) of the Government of Wales Act 2006. This means the Welsh Ministers can designate a body as a relevant Welsh public authority if they are a public authority (i) whose functions are exercisable only in relation to Wales, and (ii) are wholly or mainly functions that do not relate to reserved matters. Public authority is defined in section 157(A)(8) as “a body, office or holder of an office that has functions of a public nature”.

Section 11(3) creates a power for the Welsh Ministers to issue guidance to relevant Welsh public authorities to which they must have regard when discharging their duty to have regard to the national air quality strategy and when exercising any functions they have under regulations made by the Welsh Ministers under Part IV of the Environment Act 1995.

Policy purpose and intent

We have no plans to exercise the regulation-making power for local authorities in Wales and “relevant Welsh public authorities” to have regard to the policies contained in the national air quality strategy when exercising any function of a public nature that could affect air quality in Wales during this Senedd term. We are satisfied it is local authorities in Wales that should have regard to the existing strategy.

This regulation making power allows Welsh Ministers the flexibility to add to the list in future if and when appropriate, such as if a new authority is created in Wales. The Environment Act 2021 inserted Section 81A into the Environment Act 1995. This new section requires local authorities in England and other relevant public authorities (which may be designated by the Secretary of State through regulations) to have regard to England’s air quality strategy when exercising any function of a public nature that could affect the quality of air. We are making equivalent provision in relation to Wales to ensure Welsh Ministers have the same flexibility as UK Government Ministers.

Section 88 of the Environment Act 1995 contains a power to issue guidance to local authorities in relation to the power and duties imposed on them under Part 4 of that Act. In the event a "relevant Welsh public authority" is designated this guidance should also extend to them. We will work closely with local authorities and other relevant Welsh public authorities in developing the national air quality strategy and any appropriate guidance.

Local Air Quality Management (LAQM)

Section	Form	Proposal	Procedure
15	Direction	Amending Welsh Ministers' existing powers of direction.	No procedure

Description of power

Part IV of the Environment Act 1995 sets out local authorities' local air quality management (LAQM) duties. Section 15 of the Bill amends section 85 of the Environment Act 1995 which outlines Welsh Ministers' existing powers of direction in relation to LAQM. The amendment complements section 14 of the Bill by adding a provision to enable Ministers to issue a direction should a local authority fail to carry out a measure or meet an air quality standard or objective by the date specified in an Air Quality Action Plan (AQAP).

Policy purpose and intent

The Welsh Government ambition for the Local Air Quality Management regime is for it to operate proactively, preventatively and with a greater public health focus. Through the Bill, we are enhancing and strengthening the legislative framework to help deliver these aims and to make sure that where local air quality issues are identified, they are improved quickly.

The purpose of this amendment is to ensure Welsh Ministers have the option to direct local authorities to take action to address pollution should they fail to discharge their duties sufficiently. However, this power is intended to be used as a last resort and would only be used should efforts to work with local authorities to prevent measure implementation and compliance dates being missed be unsuccessful.

Smoke control

Section	Form	Proposal	Procedure
16(2)	Regulations	Regulation making power for Welsh Ministers to suspend or relax Schedule 1A or section 19F(1) of the Clean Air Act 1993.	Affirmative
Schedule 1, para 4	Regulations	Regulation making power for Welsh Ministers to substitute different minimum and maximum amounts of financial penalty that may be imposed under schedule 1A of Clean Act 1993.	Affirmative
Schedule 1, para (5)	Regulations	Regulation making power for Welsh Ministers to amend the grounds of objection to financial penalties under Schedule 1A.	Affirmative
17	Guidance	Power for Welsh Ministers to give guidance to local authorities in relation to smoke control areas.	No procedure

Description of power

The Welsh Government's objective is to improve the use and implementation of smoke control legislation to reduce air pollution and its impacts on health for the benefit of current and future generations. The Bill strengthens existing smoke control provisions in the Clean Air Act 1993 and introduces civil monetary penalties to replace the current criminal sanctions that can be applied by local authorities where smoke is emitted from a chimney within a smoke control area.

We propose to repeal a number of sections of the Clean Air Act 1993 Act and replace with new, restated sections. The effect of this means several new regulation making powers will be conferred on Welsh Ministers. These are:

- Section 16(2) of the Bill inserts section 19H into the Clean Air Act 1993. Section 19H(1) gives Welsh Ministers the power by regulations to suspend or relax Schedule 1A to that Act (penalty for emission of smoke); or section 19F(1) of that Act (offences relating to the acquisition and sale of fuel).
- Schedule 1, para 4 to the Bill gives Welsh Ministers powers to make regulations to amend the minimum and maximum amounts of financial penalty set in paragraph 3(1) or paragraph 3(2) of Schedule 1A to the Clean Air Act 1993. Schedule 1A sets the civil penalties for emission of smoke in smoke control areas. Paragraph 3(1) currently sets the minimum level of financial penalty at £175 and paragraph 3(2) sets the maximum penalty level at £300.
- Schedule 1, para 5 to the Bill gives Welsh Ministers powers to make regulations to amend the grounds of objection that may be offered to financial penalties in para 4 of Schedule 1A to the Clean Air Act 1993.

- Section 17 inserts section 28B into the Clean Air Act 1993. This section places local authorities in Wales under a duty to have regard to any guidance published by the Welsh Ministers about the exercise of the authority's functions under this Part. This guidance will support local authorities in the transition to a civil sanctions regime.

The UK Government have introduced similar provisions in their Environment Act 2021 (the 2021 Act). The primary levers in the 2021 Act replace the criminal offence of emitting smoke from a chimney in a smoke control area with a civil penalty regime which included the removal of the statutory defences that hindered enforcement and a duty on local authorities to have regard to any smoke control guidance issued by the Secretary of State.

Policy purpose and intent

There is no current intention to exercise the regulation making power under section 16(2) of the Bill as there are no intentions currently to suspend or relax the operation of Schedule 1A to the Clean Air Act 1993 nor section 19F(1) of that Act which provides for offences relating to the acquisition and sale of fuel.

Similarly, there are no current plans to amend the minimum and maximum financial penalties that may be imposed under paragraph 3 of Schedule 1A to the Clean Air Act 1993 for emission of smoke in smoke control areas, neither are there plans to amend the grounds of objection to financial penalties. The current levels of penalties and grounds for objection are currently considered to be fit for purpose. Should, in future, there be any intention to make such amendments, there would be full public consultation and impact assessment on proposals. Additional safeguards are in place as the regulation making powers are subject to the affirmative procedure.

Guidance will set out Welsh Ministers' expectations for implementing new and existing smoke control legislation to support local authorities in Wales in the exercise of their functions and encourage consistency.

The guidance will be developed with stakeholders, including local authorities, and will be consulted on. At this stage, it is envisaged that guidance is likely to include:

- Advice and information on how to implement an educational and advice led approach to encourage behavioural change. This could highlight best practice methods for burning authorised fuels and maintaining appliances.

- The process of how local authorities in Wales should inform Welsh Ministers when a new Smoke Control Order (SCO) has been issued or any changes are made to existing Smoke Control Areas (SCAs). This could mirror the approach used for Air Quality Management Areas (AQMAs) within LAQM.
- Guidance on how and when a smoke control area could be implemented. Consideration of the need for a smoke control area could form part of the annual review of air quality that local authorities will undertake through their LAQM duties.
- Information on how the new civil sanctions regime could be applied. This would outline an educational and advice led approach should be pursued first, with the use of monetary penalties available as a last resort.

To provide further support, we will work with local authorities and other stakeholders to understand the best approach for communications materials to ensure consistency. In addition, we will explore options for creating an online search tool to enable consumers and businesses to quickly identify addresses within Smoke Control Areas.

Trunk road charging schemes

Section	Form	Proposal	Procedure
19	Order	Section 167 of the Transport Act 2000 sets out the circumstances in which the Welsh Ministers may make an Order under section 168 of that Act for a trunk road charging scheme. Section 169 of the Transport Act governs the procedure. Section 19 of the Bill extends the circumstances in which the Welsh Ministers may make such an Order.	No procedure
Schedule 2 paragraph 6	Regulations	Regulation making powers enabling Welsh Ministers to make provision as to- <ul style="list-style-type: none"> (a) when the same scheme is to be regarded as continuing in force (b) when a different scheme is, or is not, to be regarded as coming into force for the purposes of determining when the 10 year period specified in sub paragraph (2) of paragraph 6 begins or expires (c) determine how net proceeds are to be applied after the expiration of the ten year period (d) increase the ten year period by regulations. 	Affirmative

Description of power

By virtue of section 167 of the Transport Act 2000 (the 2000 Act), the Welsh Ministers currently have power to make charging schemes in relation to trunk roads in Wales. However, the power is currently restricted by section 167(2) to circumstances where the road on which it is proposed to institute the charging scheme, is carried by a bridge, or passes through a tunnel, of at least 600 metres in length, or where the creation of a combined charging scheme is requested by certain other traffic authorities.

Section 19 of the Bill makes amendments to extend the Welsh Ministers' powers under section 167 of the 2000 Act to enable them to make schemes for the purpose of reducing or limiting air pollution in the vicinity of a road. In accordance with Welsh Ministers' existing powers in section 168 of the 2000 Act, such schemes are made by Order.

Schedule 2 to the Bill makes provision for and in connection with the application of the proceeds of trunk road charging schemes made by the Welsh Ministers by way of amendments to Schedule 12 to the 2000 Act.

Paragraph 6 of Schedule 2 to the Bill inserts new paragraphs 14 and 15 into Schedule 12 to the Transport Act 2000. Paragraph 14 requires that, in the case of a trunk road charging scheme made by Welsh Ministers under section 167(3) of the 2000 Act wholly or partly for the purpose of reducing or limiting air pollution, the Welsh Ministers must publish a statement in relation to the net proceeds of that scheme and lay it before Senedd Cymru as soon as reasonably practicable after the scheme is made.

Paragraph 15 makes provision for the net proceeds of a trunk road charging scheme made by the Welsh Ministers under section 167(3) which is not made (either wholly or partly) for the purpose of reducing or limiting air pollution. Paragraph 15 recreates the existing provisions in paragraph 13 of Schedule 12 to the 2000 Act (which is amended by paragraph 5 of Schedule 2 to the Bill to apply only in relation to trunk road charging schemes made by the Secretary of State).

Paragraph 15(2) provides that where the Welsh Ministers make a scheme under section 167(3)(a) (ie where the road is carried by a bridge, or passes through a tunnel, of at least 600 metres in length), the provisions of paragraph 15(1) (which limit the application of proceeds to policies or proposals relating to transport) only last for 10 years from the date the scheme comes into force.

Paragraph 15(3) provides that the Welsh Ministers may by regulations set out when a scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme for the purposes of determining when the 10 year period in paragraph 15(2) starts or ends.

Paragraph 15(4) provides that where paragraph 15(1) no longer applies to a scheme made under section 167(3)(a) of the 2000 Act, the Welsh Ministers' share of the net proceeds of the scheme can only be applied as specified in, or determined in accordance with, regulations made by the Welsh Ministers. Paragraph 15(5) provides that regulations made under paragraph 15(4) may substitute a longer period for the ten-year period set out in paragraph 15(2). All regulations are subject to the affirmative procedure.

Policy purpose and intent

It is vital we have the tools we need to take significant action, when necessary, where we have persistent localised air quality issues on our roads. Clean Air Zones, or Low Emission Zones, have the potential to deliver substantial reductions in polluting

vehicle emissions. A Clean Air Zone, or a Low Emissions Zone, defines an area where targeted action is taken to improve air quality. A charge may be applied to motorists who drive vehicles that do not meet published emissions standards.

As set out above, the Bill creates new powers which enable road user charging schemes to be introduced under the 2000 Act, better facilitating Welsh Ministers ability to introduce Clean Air Zones on trunk roads where needed. Where such schemes are introduced, an amended hypothecation rule will enable net proceeds arising from charges to be used for a range of measures not restricted to transport policies and proposals, allowing greater opportunity to further support air quality improvement. Alongside this, we intend to develop a framework for fair and equitable road-user charging in Wales as part of a broader package of measures to improve travel choices. Whilst the framework should address trunk road charging powers under the Bill, the document will be wider in scope and will not, therefore, be a statutory requirement under the terms of the Bill.

Existing local authority powers to introduce road user charging schemes under Part III of the Transport Act 2000 will also be commenced alongside the Bill provisions.

The legislative changes will not lead to the immediate introduction of trunk road charging schemes as there is no current commitment to any specific scheme. Therefore, no scheme orders are currently proposed following the coming into force of the new powers along with the commencement of existing trunk road and local authority charging powers under the 2000 Act. Decisions in relation to the creation of Clean Air Zones will be based on a number of matters including whether evidence supports the introduction of Clean Air Zones on trunk roads as a substantial means to deliver compliance with statutory air pollutant limits or targets.

Regulation making powers under paragraph 15 of Schedule 12 to the Transport Act 2000, as inserted by paragraph 6 of Schedule 2 to the Bill, will only be required when charging schemes are made. Consequently, there are no current proposals to make Regulations. When such regulations are made, they will be subject to full, public consultation.

Vehicle Idling offences

Section	Form	Proposal	Procedure
21(2)(a)	Regulations	A power for Welsh Ministers to make regulations to set a monetary range for Fixed Penalties in relation to the offence of stationary vehicle idling.	Affirmative

Description of power

Section 21(2)(a) of the Bill creates a power for Welsh Ministers to prescribe by regulations a monetary range for Fixed Penalties in relation to the offence of stationary vehicle idling. This would give local authorities the ability to determine the amount of each Fixed Penalty from within the range, on a case-by-case basis. This is in addition to the existing power that enables the Welsh Ministers to set a single fixed penalty amount in relation to stationary vehicle idling.

Policy purpose and intent

The Welsh Government's overarching policy is to improve the air environment. This includes reducing roadside transport emissions. We want to minimise risk to vulnerable receptors by tackling unnecessary vehicle idling in idling hotspots, particularly in locations outside and around schools where there are children and young people; healthcare settings (hospitals, GP surgeries and clinics); and residential care homes.

There is evidence that the current monetary penalties are too low to deter people from vehicle idling and that the charges do not make it viable for local authorities to prioritise enforcement. While it is acknowledged that penalties must be proportionate, the fixed penalty of £20 for stationary vehicle idling is very low. Currently, local authorities have no flexibility in the level of monetary penalty that they issue. We are therefore making provision for local authorities to be able to choose the level of monetary penalty to apply in each case from within a range that will be set in regulations. We will expect local authorities to focus their efforts to reduce vehicle idling in 'idling hotspots', such as at town or city transport hubs or near premises that suffer from unnecessary idling by large numbers of vehicles. This includes efforts to educate and inform vehicle drivers, as well as efforts to enforce anti-idling through the application of monetary penalties (as a last resort).

The existing power to prescribe a fixed penalty for vehicle idling (under section 87 of and Schedule 11 to the Environment Act 1995) will remain and the new power for Welsh Ministers to prescribe by regulations a monetary range for fixed penalties will be added. We anticipate that, subject to consultation, the range would be set at £40-£80. We believe this will provide a more effective

sanction, increasing deterrence and therefore contributing to a reduction in the risk related to emissions arising from unnecessary idling.

Using existing guidance-making powers in section 88(1) of the Environment Act 1995, it is intended that Welsh Ministers will issue guidance to local authorities on exercising their anti-idling functions to tackle the impacts of vehicle idling on the air environment. The guidance will therefore sit outside of the Bill but will serve to complement and support this particular Bill proposal.

During 2024, we will consult fully on both the regulations and the guidance in relation to idling. The regulations and guidance will be developed as a package. It is currently intended that the regulations would come into force and the guidance would be published by March 2025.

The content of the guidance is obviously dependent on the outcome of the consultation, but we anticipate the guidance will cover advice on developing and implementing anti-idling measures (which local authorities, under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003, already have the power to enforce); including advice on administering the new penalties regime. The guidance will also describe how anti-idling measures can be included in a package of complementary measures, all designed to improve the air environment.

More specifically, any such guidance issued by Welsh Ministers could focus on the following:

- Advising local authorities on informing and awareness-raising in respect of anti-idling.
- Advising local authorities on the interconnections between air quality and noise/soundscape and how improving air quality can bring about benefits in relation to soundscape. In relation to noise/soundscape, the World Health Organisation has ranked transport noise as the second biggest environmental contributor to ill health in Western Europe after air pollution. The effects are primarily annoyance and sleep disturbance (with knock-on effects on learning and productivity) but also increased risk of hypertension and related outcomes (e.g. stroke) and cardiovascular disease. Certain groups such as people with autism or children with learning difficulties (or difficulties concentrating) are more likely to be affected than others. In this way, there is an additional environmental benefit that is brought about by this particular provision within the Bill.
- Advising local authorities in relation to focusing on idling hotspots and applying a range of higher monetary penalties in circumstances where that is warranted, for example where vulnerable groups are particularly exposed (such as children in schools, those in health care settings or care homes) or in relation to repeat offences.
- Sign-posting to existing resources, such as the existing anti-idling toolkits and new resources (such as anti-idling toolkits for healthcare settings) and other Clean Air Toolkits.

- Incorporating anti-idling interventions into a broader package of measures to address air quality and noise, such as encouraging use of public transport and take-up of active travel; promoting the uptake of low emission vehicles; promoting No-Idling Zones in and around public premises where vulnerable people are located, e.g. schools and clinical premises; creating electric vehicle charging infrastructure; promoting the use of cleaner fuels; using spatial planning policy as a way of reducing emissions and reducing exposure to air and noise pollution; and encouraging behavioural change via public information campaigns, etc. In these ways, anti-idling policy can potentially be integrated into a range of policies and behaviour change actions. This is particularly supported by the Welsh Local Government Association. Evidence suggests that specific anti-idling measures can be most effective if included in a package of different but complementary measures, all with the purpose of preventing or reducing air and noise pollution. In this context, there can be potential for achieving cumulative reductions in emissions, over time, across a range of different measures applied in tandem both locally and nationally.

National Soundscapes Strategy: Changing the review period for the soundscapes strategy, noise maps and noise action plans

Section	Form	Proposal	Procedure
22(7)	Regulations	Powers for Welsh Ministers to make regulations changing time periods within which they must review the soundscapes strategy.	Affirmative
24(1)	Regulations	Powers for Welsh Ministers to make regulations changing time periods associated with the strategic noise maps.	Negative
24(2)	Regulations	Powers for Welsh Ministers to make regulations changing time periods associated with noise action plans.	Negative

Description of power

Section 22 of the Bill requires the Welsh Ministers to prepare and publish a soundscapes strategy and to review this every 5 years. Section 22(7) creates a power for Welsh Ministers to make regulations which change the period within which they must review the soundscapes strategy.

Section 24(1) of the Bill creates a power for Welsh Ministers to amend regulation 7 of the Environmental Noise (Wales) Regulations 2006 by regulations to change the intervals at which strategic noise maps must be made and adopted.

Section 24(2) of the Bill creates a power for Welsh Ministers to amend regulation 17 of the Environmental Noise (Wales) Regulations 2006 by regulations to change the period within which reviews of noise action plans must be carried out.

Policy purpose and intent

Since 2013, the Welsh Government's Noise (or Noise and Soundscape) Action Plan has been our central policy document relating to airborne noise and the sound environment, in effect our national soundscapes strategy. It states that our goal in this area of policy should be to deliver appropriate soundscapes, meaning the right sound environment in the right time and place. It calls on public bodies in Wales to follow the five ways of working in the Well-being of Future Generations (Wales) Act when carrying out activities in this area. It also commits the Welsh Government to seek better join-up between action on noise and air pollution.

The Environmental Noise (Wales) Regulations 2006 require Welsh Ministers to produce noise action plans for major roads, major railways and agglomerations, informed in part by strategic noise maps, every 5 years. In 2013, 2018 and 2023 the Welsh Ministers have chosen to discharge this duty within a single comprehensive national plan for noise and soundscape. However, the legal basis for this Plan is currently limited to major roads, major railways and agglomerations, and does not extend to many issues of increasing interest to decision-makers such as noise from drones, heat pumps and fireworks, noise affecting remote workers, and rural tranquillity. It is our intention to put the Plan on a more comprehensive legal foundation, and that the revised Noise and Soundscape Plan being produced in 2023 (which we aim to consult on over the summer) will be recognised as the first national strategy on soundscapes for the purposes of this Bill.

The current 5-year review cycles for noise action plans, and by implication for the national soundscapes strategy, roughly match that for the national air quality strategy, which must be reviewed in 2023 and every 5 years thereafter. Both currently fall around halfway between Senedd elections. This allows them to be informed by the Programme for Government, Future Trends Report, and so on, but does not place them so close to the next election that the policies they contain may not realistically be implemented in large part by the current government.

As long as Senedd elections are held at regular 5-year intervals, we see no reason to seek to change the current review cycles by exercising the regulation making powers set out above. However, if an extraordinary election results in plans and strategies having to be reviewed and adopted too soon after an election to be able to align with the incoming Programme for Government, or so late that they cannot realistically be implemented by the administration that publishes them, we would anticipate Welsh Ministers using these regulation-making powers, with the Senedd's approval, to realign the review cycles with the new electoral cycle.

Additionally, existing legislation such as the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 requires certain documents (e.g. State of Natural Resources Report, Future Trends Report) to be produced at specific times relative to Senedd elections. In the event of an extraordinary Senedd election the timing of the national soundscapes strategy and related noise maps and action plans may not align with these reports, so this power allows Welsh Ministers to amend the review periods to ensure they remain aligned.

National Soundscapes Strategy: Duty on a relevant Welsh public authority to have regard to the national strategy on soundscapes

Section	Form	Proposal	Procedure
23(3)	Regulations	A power for Welsh Ministers to make regulations designating a person as a relevant Welsh public authority who must have regard to the policies in the national strategy on soundscapes	Affirmative

Description of power

Section 23 of the Bill provides that local authorities and “relevant Welsh public authorities” must have regard to the policies contained in the national strategy on soundscapes (our Noise and Soundscape Plan 2023-2028, which we aim to consult on over the summer) when exercising any function of a public nature that could affect soundscapes in Wales. Section 23(3) gives the Welsh Ministers the power to designate relevant Welsh public authorities in regulations but can only designate a person who meets the definition of “devolved Welsh authority” in section 157A(1)(a) of the Government of Wales Act 2006. This means the Welsh Ministers can designate a body as a relevant Welsh public authority if they are a public authority (i) whose functions are exercisable only in relation to Wales, and (ii) are wholly or mainly functions that do not relate to reserved matters. Public authority is defined in section 157(A)(8) as “a body, office or holder of an office that has functions of a public nature”.

Policy purpose and intent

Since 2013, the Welsh Government’s Noise (or Noise and Soundscape) Action Plan has been our central policy document relating to airborne noise and the sound environment, in effect our national soundscapes strategy. It states that our goal in this area of policy should be to deliver appropriate soundscapes, meaning the right sound environment in the right time and place. It calls on public bodies in Wales to follow the five ways of working in the Well-being of Future Generations (Wales) Act when carrying out activities in this area. It also commits the Welsh Government to seek better join-up between action on noise and air pollution.

At present the effect of the Bill is that it is only local authorities that must have regard to the policies in the national strategy on soundscapes (our Noise and Soundscape Plan) when exercising any functions that could affect soundscapes in Wales. “Relevant Welsh public authorities” can be added by regulations should the Welsh Ministers determine it is necessary to do so.

The power that is taken here, is the same as the power that is taken in section 11(1), in relation to the national air quality strategy. We have no plans to exercise this regulation-making power within this Senedd. We have included local authorities in the current list of bodies who must have regard to the policies in national soundscapes strategy within the Bill, consistent with the national air quality strategy.

This regulation making power allows Welsh Ministers the flexibility to add to the list of bodies who must have regard to the policies in the national soundscapes strategy, in future if and when appropriate, such as if a new authority is created in Wales. This is consistent with the approach taken in relation to the national air quality strategy.

Key duty under the Bill

Duty on the Welsh Ministers to take steps to promote awareness of air pollution

Section	Proposal
8	A duty on Welsh Ministers to take steps to raise awareness of air pollution.

Description of provision

Section 8 of the Bill places a duty on Welsh Ministers to take steps to promote awareness of (a) the risks to human health and the natural environment caused by air pollution and (b) ways of reducing or limiting air pollution.

Policy purpose and intent

There is a gap in the legislative landscape regarding air quality information and awareness. The [Air Quality Standards \(Wales\) Regulations 2010](#), set out requirements for Welsh Ministers to publish information relating to pollutant concentrations, exceedances of legal limits and the health and/or environmental impacts those exceedances may have. However, expectations regarding air quality information, management and action have increased significantly since these regulations were introduced.

The purpose of this duty to ensure that efforts to promote awareness about the risks, sources and mitigation actions of air pollution are sustained. The broad nature of the proposal enables a wide possibility of options for implementation and flexibility should information and awareness requirements change over time.

To maximise the efficacy of this duty, we intend to co-design a delivery plan with stakeholders to ensure focussed action, and to enable scrutiny. The plan will be published within a year of commencement, no later than March 2025.. The intention is for the scope of the delivery plan to build on commitments in the Clean Air Plan. The plan could include:

- Plans to encourage, support and promote local initiatives that involve communities in air quality action.
- Improvements to existing provision of air quality data.
- Improving the provision of air pollution resources for health professionals and patients.

- Running air quality specific awareness campaigns and embedding air quality messaging into other relevant campaigns, drawing on communications and behaviour change expertise to inform design.
- Improving and promoting information regarding action that can be taken to reduce concentrations of, and reduce exposure to, air pollution. This may include signposting to existing information developed by other organisations who may be more appropriate messengers in some contexts.
- Reviewing current information on the sources of air pollution and the health and environmental impacts, taking into account accessibility and requirements of different groups.

As this is a broad duty that supports all policies and actions related to improving air quality, future delivery plans could be embedded into the national air quality strategy.