

Julie James MS

Minister for Climate Change

31 March 2023

Dear Julie,

Environment (Air Quality and Soundscapes) (Wales) Bill: follow-up questions

Thank you for your attending our meeting on 29 March to give evidence in connection with the Environment (Air Quality and Soundscapes) (Wales) Bill.

Following the meeting, the Committee agreed I should write to you to request clarification and/or additional information on the matters set out below.

Air quality targets

According to the White Paper on the Clean Air Bill ('the White Paper') when setting air quality targets, the Welsh Ministers *must have regard to*: Independent expert advice; Existing domestic policy, guidelines, targets and legal requirements; International policy, guidelines and legislation; The economic, technical and social analyses, and the feasibility of meeting targets; recent reporting by NRW on national air quality, including state of natural resources in Wales; Most recent future trends report.

The above proposed approach is similar to that provided for in section 32 of the Environment (Wales) Act 2016 in relation to setting carbon budgets and carbon emissions reduction targets.

Section 3(1) of the Bill provides that, before making regulations to set air quality targets, the Welsh Ministers must seek advice from persons they consider to be independent and to have relevant expertise, and have regard to scientific knowledge on air pollution.

1. Why have you chosen not to be more prescriptive about the information the Welsh Ministers must have regard to before making regulations setting air quality targets (to reflect the proposal in the White Paper)?

The Explanatory Memorandum states the Welsh Government has “established an independent panel of experts, the Clean Air Advisory Panel, which is providing advice and recommendations on the target setting process and specific priority air pollutant targets in Wales.”

2. What consideration did you give to using the Bill to place the Clean Air Advisory Panel on a statutory footing?
3. There is no requirement on the Welsh Ministers to consult relevant organisations/the public before making regulations setting air quality targets. Why is this?

According to the White Paper, regulations setting a target for fine particulate matter should be laid within 24 months of the Act receiving Royal Assent. However, section 3(8) of the Bill provides that draft regulations must be laid within 3 years.

4. Why have you chosen to extend the timeframe for making regulations by a year?

Promoting awareness about air pollution

Section 8 of the Bill places a duty on the Welsh Ministers to promote awareness about air pollution.

The Explanatory Memorandum states:

“The broad nature of the proposal enables a wide possibility of options for implementation and provides flexibility should information and awareness requirements change over time. A delivery plan will be developed with stakeholders to ensure focused action, and to enable scrutiny.”

5. What consideration did you give to including further detail about the steps the Welsh Ministers would be expected to take to meet the duty in section 8, for example, preparing and publishing a ‘delivery plan’ (referred to in the Explanatory Memorandum)?
6. What arrangements will be put in place to monitor compliance with/effectiveness of the duty, and how does the Bill provide for this?

National air quality strategy

Section 9 provides power for the Welsh Ministers to make regulations to amend section 8 of the Environment Act 1995 (‘the 1995 Act’) for the purpose of changing the period within which they must review the national air quality strategy.

Paragraph 3.93 of the Explanatory Memorandum states:

“...the [current] five-year cycle does not allow flexibility to adapt to Senedd terms, which may or may not follow the five-year pattern. Aligning the duty to produce an air quality strategy to Senedd terms

gives the proposal coherence and purpose in a Welsh political context. It means Ministers would be able to consider meaningfully wider environmental reporting...”

7. What consideration did you give to including a requirement on the Welsh Ministers to review the national air quality strategy at a set time (e.g. 12 months) following a Senedd election on the face of the Bill?

Section 11 of the Bill amends the 1995 Act to place a duty on local authorities and ‘relevant Welsh public authorities’ to have regard to the national air quality strategy, where relevant Welsh public authorities are designated by the Welsh Ministers in regulations.

8. What criteria will the Welsh Ministers use to determine whether to designate a ‘devolved Welsh authority’ as a ‘relevant Welsh public authority’ for the purpose of applying the duty under section 11?

Smoke control

The White Paper included proposals to strengthen existing smoke control legislation by:

- mandating use of Smoke Control Orders in defined population areas;
- extending smoke control legislation to include outdoor burning; and
- requiring local authorities to review Smoke Control Areas on a regular basis.

The Bill does not include provisions on the above.

9. Can you clarify whether the Welsh Ministers could strengthen existing smoke control legislation in the manner outlined above using existing powers, i.e. without the need for further primary legislation?

Trunk road charging

The ‘new’ paragraph 15 of Schedule 12 to the Transport Act 2000 (as inserted by paragraph 6 of Schedule 2 to the Bill) provides that where a trunk road charging scheme is made by virtue of section 167(3), and it is not made (either wholly or partly) for the purpose of reducing or limiting air pollution, the Welsh Ministers’ share of the net proceeds of the scheme is only available for application for the purpose of facilitating the achievement of any policies or proposals relating to transport.

Where a scheme is made wholly or partly for the purpose of reducing or limiting air pollution, the Welsh Ministers must publish a statement specifying how the net proceeds will be used and the expected effect of those on air quality (if any).

10. Can you confirm that where a trunk road charging scheme is made by virtue of section 167(3) for the purpose of reducing or limiting air pollution, the Welsh Ministers’ share of the net proceeds of the scheme can be applied for any purpose?

11. Can you provide an update on the development of a framework for Clean Air Zones?

Anti-idling

12. Why do you consider the powers to prescribe a monetary range are needed when there is already an existing power to set a fixed penalty amount? What consideration has the Welsh Government given to simply increasing the existing charge?

13. What assessment has been made of the impact of both the trunk road charging and anti-idling proposals on those from lower income groups?

Soundscapes

14. How does the Welsh Government define 'soundscapes'?

15. What consideration did you give to including a definition of 'soundscapes' in the Bill?

16. What consideration did you give to establishing a Soundscapes Advisory Panel to provide expert advice to the Welsh Ministers (comparable to the Clean Air Advisory Panel)?

17. How will the Welsh Ministers monitor the effectiveness of the national soundscapes strategy in reducing levels of noise pollution?

18. What consideration did you give to including a requirement on the Welsh Ministers to report on progress towards the implementation of the national soundscapes strategy?

I should be grateful if you could respond as soon as possible and by 21 April at the latest.

Yours sincerely,



Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. / We welcome correspondence in Welsh or English.