

Explanatory Memorandum to the Well-being of Future Generations (Wales) Act 2015 (Assessments of Local Well-being) Regulations 2017

This Explanatory Memorandum has been prepared by the People and Environment Division of the Welsh Government and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Well-being of Future Generations (Wales) Act 2015 (Assessments of Local Well-being) Regulations 2017.

Lesley Griffiths
Cabinet Secretary for Environment and Rural Affairs
25 September 2017

1. Description

- 1.1 The Well-being of Future Generations (Wales) Act 2015 (Assessments of Local Well-being) Regulations 2017 (“the 2017 Regulations”) require Public Services Boards (“PSBs”), when preparing an assessment of local well-being under section 37 of the Well-being of Future Generations (Wales) Act 2015 (“the WFG Act”), to take into account the most recent review of air quality for their local authority area carried out under section 82 of the Environment Act 1995 (“the 1995 Act”) and the most recent strategic noise maps made under Chapter 2 of the Environmental Noise (Wales) Regulations 2006 (“the 2006 Regulations”) and adopted by the Welsh Ministers.

2. Matters of Special Interest to the Constitutional and Legislative Affairs Committee

- 2.1 None.

3. Legislative Background

- 3.1 The Welsh Ministers make these Regulations in exercise of the powers conferred by section 38(3)(i) of the WFG Act.
- 3.2 Under Chapter 2 of Part 4 of the WFG Act, each PSB must improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the well-being goals. It must do this by assessing the state of economic, social, environmental and cultural well-being in its area; by setting objectives designed to maximise the PSB’s contribution within its area to achieving the well-being goals; and by members of the PSB taking all reasonable steps in exercising their functions to meet those objectives.
- 3.3 Section 38(3) of the WFG Act lists statutory reviews and assessments PSBs must take into account in preparing its assessment of local well-being. This list includes, at 38(3)(i), “such other review or assessment in relation to the local authority area as may be prescribed by the Welsh Ministers in regulations (or such other analysis as may be designated in such regulations as a review or assessment for the purposes of this section)”.
- 3.4 The 2017 Regulations are subject to the negative resolution procedure as prescribed in section 54(5) of the WFG Act.

4. Purpose and Intended Effect of the 2017 Regulations

- 4.1 Air pollution is estimated to reduce the average life expectancy of each person living in the UK by several months. In Wales, over a thousand deaths and over 10,000 lost life-years are attributed annually to both nitrogen dioxide and particulate matter, and the financial cost of air pollution in the UK has been estimated at around £20 billion per year¹. In Wales, Local Authorities have declared more than 40 air quality management areas to date, one for particulate matter, the rest associated with nitrogen dioxide from road traffic.
- 4.2 Section 82 of the 1995 Act requires every Local Authority to review, from time to time, the present and likely future air quality within its area. In practice, and in line with statutory guidance² issued by the Welsh Ministers under section 88 of the 1995 Act, this review takes the form of an annual progress report submitted in draft to the Welsh Government by 30 September each year and, once finalised, published on the Local Authority's website. The Welsh Government encourages regional working and the joint submission of annual progress reports covering more than one Local Authority.
- 4.3 Noise emitted by sources of air pollution affects people primarily through sleep disturbance and annoyance, but also through an increased risk of hypertension-related health conditions and impacts on productivity and learning, with a cost to the UK valued conservatively at around £10 billion per year³. According to the national noise maps produced in 2012, the homes of more than 200,000 people in Wales are exposed to levels of road traffic noise exceeding World Health Organisation (WHO) night noise guidelines.
- 4.4 Part 2 of the 2006 Regulations requires the Welsh Ministers and airport operators to produce strategic noise maps for major roads, major railways, major airports and agglomerations in Wales. Part 8 of the 2006 Regulations requires these maps to be published. The maps must be reviewed and, if necessary, revised whenever a major development occurs affecting the existing noise situation, or at least every five years. There are currently no airports in Wales requiring strategic noise maps under the 2006 Regulations. The latest noise maps for major roads, major railways and environmental noise sources in agglomerations may be viewed on-line and downloaded at <http://lle.gov.wales/map/airbornepollution>. Following a review carried out in 2015, new noise maps for major roads across Wales and industry in agglomerations are due to be published on this website by the end of 2017.
- 4.5 Public exposure to air and noise pollution is an important determinant of social and environmental well-being. However, consideration of air quality and noise evidence in the first round of draft assessments of local well-being was found to be inconsistent across Wales. The purpose and intended effect of these Regulations is to ensure it is given due consideration by all PSBs in future rounds.

¹ <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution>

² <http://gov.wales/topics/environmentcountryside/epq/airqualitypollution/airquality/guidance/policy-guidance>

³ <https://www.gov.uk/noise-pollution-economic-analysis>

- 4.6 Ensuring assessments of air and noise pollution are taken into account in each assessment of local well-being supports existing Welsh Government policy on local air quality and noise management, as well as contributing to the breaking down of policy silos by considering issues relating to air and noise pollution alongside other aspects of well-being such as sustainable transport and improving public health generally.

5. Regulatory Impact Assessment

- 5.1 No impact assessment has been produced in relation to these Regulations as no impact on the private, voluntary or public sectors is foreseen.

6. Consultation

- 6.1 The Welsh Government ran a 12-week public consultation on local air quality and noise management from 13 September 2016 to 6 December 2016⁴. One of the proposals put forward in the consultation was as follows:

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

- 6.2 The responses received in relation to this proposal were all favourable. In publishing its summary of the consultation in March 2017, the Welsh Government stated it would therefore “add the reviews and assessments of air quality required under section 82 of the Environment Act 1995 and the strategic noise maps required under Part 2 of the Environmental Noise (Wales) Regulations 2006 to the list in section 38(3) of the WFG Act of things to be taken into account by PSBs when preparing assessments of local well-being.”

7. Competition Analysis

- 7.1 These Regulations will not affect business, charities and/or the voluntary sector in ways which raise issues relating to competition.

8. Post-implementation Review

- 8.1 The second round of draft assessments of local-well-being is due in 2022. Welsh Government officials will evaluate the assessments submitted by PSBs and advise Ministers on the need for any further intervention.

⁴ <https://consultations.gov.wales/consultations/air-quality-and-noise-management-wales>