

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
Ansawdd Aer
NHAMC (5) AA14
Ymateb gan Healthy Air Cymru

National Assembly for Wales
Climate Change, Environment and
Rural Affairs Committee
Air Quality
CCERA(5) AQ14
Evidence from Healthy Air Cymru

Thank you for the opportunity to respond to the Committee's inquiry which will inform the development of the Welsh Government's legislative proposals for a Clean Air Act for Wales. We note that the consultation is seeking for views relating to the legislative proposals outlined in the consultation 'Clean Air Plan for Wales, Health Air, Healthy Wales'. Currently we are seeking views of our respective organisations in order to draft a comprehensive and coherent response. We therefore stress that although this response will outline our initial thoughts, that our comprehensive response will be drafted later in line with the submission deadline of the 10th of March 2020.

About us

Healthy Air Cymru (HAC) is a collation of organisations working towards a Wales where people do not develop health conditions due to the pollution around them. The objectives of the group are: To raise awareness of the harmful effects of air pollution on public health, inform Welsh Government, local government, policy makers and opposition politicians of the powers and responsibilities that exist at different levels of government, to influence policy decisions and to make the case for devolved solutions to air pollution in Wales.

Healthy Air Cymru Asks:

Healthy Air Cymru Policy Asks of the Welsh Government a comprehensive crossgovernmental air quality strategy that includes:

- Provision for an Independent Monitoring & Assessment Network;
- A National Advisory Board on Air Quality, chaired by the Minister for the Environment which comprises of experts, academia and representatives from NGOs, local authorities and high polluting sectors (like transport and energy);
- A charging Clean Air Zone for Cardiff, with Swansea and Newport councils mandated to undertake feasibility studies on introducing a charging CAZ in their areas;
- A review of reporting processes so that every local authority (in conjunction with the LHB/PSB) is required to prepare a Clean Air Plan, based on data from the Independent Monitoring & Assessment Network, with adequate control measures identified and acted upon;

- A commitment is given that Strategic Development Plans, Public Service Board WellBeing plans and regional transport authorities will consider air quality;
- A requirement that every local authority develops a Walking and Cycling strategy with targets to decrease the percentage of journeys by private car.
- A Clean Air Fund that provides targeted funding for those Local Authorities with consistent exceedances or elevated levels of air pollution. Welsh Government should investigate options to part-finance this Fund via measures like traffic charging and Mutual Investment Models.
- Funding be given to councils to boost pollution monitoring outside schools and health centres/hospitals so the public have the information needed to protect their health.
- Improve pollution monitoring, awareness campaigns and public health alerts so that people living in every part of Wales are aware of local pollution levels and how to minimise the impact on their health.

Initial Thoughts

Air pollution is one of the biggest threats to public health, second only to smoking. At a cost £1bn per year, air pollution is draining our resources, straining our health system and claiming over 2000 lives a year in Wales. Poor air quality has been linked to increases in childhood asthma, dementia, lung and heart disease, mental health and obesity.

In a recent report written by [Kings College London](#) findings suggest that by living within 50 meters of a major road can increase your risk of developing lung cancer by up to 10% and can stunt the lung growth in children by as much 14% in places of the worst levels of air pollution in the UK.

We broadly welcome the introduction of the new Clean Air Plan for Wales as this now sets the path to urgently address the levels of air pollution and improve overall air quality in Wales.

The proposed plan commits to several asks raised by Healthy Air Cymru (HAC) and seeks to enshrine them in a new Clean Air Act, we welcome:

- Enshrining in law new WHO air quality guidelines,
- Reviewing and updating legislative instruments to review air quality strategies every five years,
- Increasing local monitoring by providing statutory duty on local authorities to assess air pollution
- Introducing a White Paper on a new Clean Air Act for Wales.

The plan also has highlighted the need for a public health awareness campaign to promote positive behaviours and a modal shift from the current overreliance on the car to that of local and active transport. With a focus on reviewing legislative

instruments around domestic burning and increase regulation to reduce pollution emitted from high polluting sources of fuel such as wet wood and coal.

We highly welcome the proposals set by the plan however we do have some concerns.

Funding at Local Authority Level

We welcome the reforms at a local authority (LA) level which allow LA's to develop and incorporate their plans to new frameworks and reformed timelines. However, with a large focus on reforming laws which govern laws at the local level, there is fears that already financially stretched authorities may not have the sufficient funding to implement the new frameworks to tackle air pollution.

The Public Health Campaign

The plan addresses the need for public health awareness campaigns and that a review of guidance should be completed by 2021. The plan highlights campaign work which is already underway such as Clean Air Day and work being done to promote LA's in their awareness campaigns. However, the pressure and focus is placed at the LA level with only a review of possible future campaign through Public Health Wales and NHS Wales in the immediate future with funding for such campaigns again a concern.

Reducing speed limits to 50mph in the five locations in Wales to reduce NO2 levels is a positive step in reducing the level of emissions emitted at the roadside, however it doesn't deliver on the public health message. Only later after several concerns raised by members of the Assembly, organisations like those who are members of Healthy Air Cymru and members of the public did the Government introduce road signs stating that 'Air pollution kills'.

Whilst the Government states that legislative time may not be permitting to introduce a new Clean Air Act now, to promote the model shift that has been echoed by this plan, campaign work should begin at a much earlier stage in the plan to deliver behavioural change and begin to reduce the levels of pollution through positive action in Welsh communities.

Exclusion Zones

We welcome the plan's comments in the need to review laws around car idling which pollutes our streets unnecessarily as the car remains idle. The plan also seeks to update Clean Air Zone/ULEZ (and ilk) frameworks, we welcome the update as soon as possible and hope that the health and environmental factors are the main concerns which will influence these new updated regulations.

One matter that we have noticed is that there are no comments in the plan around School Exclusion Zones.

This would be a zone around a school where parents are encouraged not to drive their car to school and promote instead active travel. This could also be done with a 'park and stride' model ([Living Streets has a toolkit here](#)). Where parents are recommended to park at another location and walk with their children or a group of children in supervision of an adult walk to school instead of driving to the school gates.

Children growing up around severe air pollution are 5 times more likely to have poor lung development. Increases of air pollution from vehicles has been linked to worsening of symptoms of conditions such as asthma, which is common in children.

Recent figures of ONS data have recorded an increase in asthma deaths and diagnosis. 1,400 people have died from an asthma attack in 2018, an 8% increase from 2017 and an increase of 33% compared to a decade ago. With a third more children diagnosed with asthma during the same period.

Sustrans in partnership with 'playing out' are working with local authorities and schools in implementing exclusion zones around schools in Wales. The plan could incorporate such a method to reduce air pollution around schools and legislate to strengthen such indicatives.

WHO Guidelines, will there be another timetable?

The plan sets out the ambition of not only setting WHO guidelines into statutory instruments but for Wales to eventually reduce the air pollution limits below that of the current WHO guidance. This ambitious target is welcomed, however the details are unclear as to when the new Clean Air Act for Wales will bring in compliance to WHO levels.

Will the new Act upon enactment bring about the new WHO compliance from day one of commencement or will there be another phased in timeline of when the guidelines will become Wales' new limits? This is not clear and we would like a more concrete commitment made by Welsh Government and suggest that instead of a White Paper at the end of the legislative term that a Bill is introduced and debated in the Assembly.

The Clean Air White Paper

Our initial concerns are the lack of apparent detail of what will be included in the White Paper which aims to set out the new Clean Air Act for Wales. Because of the nature of the proposed instrument used to introduce the new Act, there is no clear funding plans to accompany the aims and ambitions of this plan.

We would like to instead see a Bill proposed and debated in this legislative term to allow the proper scrutiny of the plans set out in the Clean Air Plan and address our concerns below.

We understand the legislative implications of the current political climate but expresses the need for action quicker rather than later. With the plan highlighting that air pollution contributes to around 20 - 27 people a week dying from poor air quality and the cost to our national health service estimated to be around a billion pounds per year legislative action is needed now.

The plan highlights several avenues and policies to tackle air pollution and the need to work alongside stakeholders. HAC highlights the need for cross party support with other political matters absorbing legislative time at the Assembly, a Climate Emergency declared, and a public health crisis, now is the time to act.

The Assembly has been recalled early before to debate matters of national importance, we support the proposal for an extra sitting day a week during what is remaining of the legislative term to bring forward the policies and statutory reform set out in this Clean Air Plan.

The regulatory gaps and issues that will need to be addressed after the UK leaves the EU

The initial concerns will be that current action to manage and improve air quality is driven by European Union legislation. The 2008 ambient air quality directive (2008/50/EC) and the 4th air quality daughter directive (2004/107/EC) sets out the legally binding limits which have been legislated through instruments such as the Air Quality Standards (Wales) Regulations 2010 and The Air Quality (Wales) Regulations 2000.

These regulations are reviewed by the European Commission who can strengthen such measures and lower overall limits to improve air quality across the EU. Failing to meet such targets can result in action been taken against the Government in order to improve air quality. Recent successes of such court action can be highlighted through the requirement of Local Authority Plans to address Nitrogen Dioxide Exceedances which was a direct result of Welsh Government's non-compliance with directive 2008/50/EC on Ambient Air Quality and Clean air for Europe.

With our withdrawal from Europe, one concern will be that such similar actions (like the ones to improve air quality in the areas of Caerphilly County Borough Council and Cardiff Council) was only driven by European external influence and that current air quality improvements would not have occurred without such legal action. Without those mechanisms in place to hold the Welsh Government to account there will be no legal body who can enforce the EU directions (subject to the final stages of agreement of the National Government when exiting the European Union).

The new Clean Air Act must be written in a manner that will hold any future Welsh Governments to account and grant a Welsh Citizen concerned about high levels of air pollution a legal right to challenge a Government's inaction. This could

be granted through legislating the 'Right to breathe clean air' where air pollution levels must decline and meet new levels set by the new Act.

Furthermore, what is missing from this plan is a lack of detail on how these clean air limits will be reviewed in the future. Although the plan has a target to 'not only meet but exceed current WHO limits wherever possible', there is no mechanism in place to review the targets for the whole of Wales. Instead the plan seeks to implement the guidance set by WHO, the current guidance referred to at time of drafting the Clean Air Plan.

Although there hasn't been a change to the guidance set by WHO, there will be reviews with current guidance subject to change as research into the adverse effects of poor air quality continue. Due to the resource requirement needed to review such limits, the Welsh Government may not be able to complete an equally detailed review in the timely order to reduce the health impact on the population if WHO suggested limits change.

Therefore, the new Clean Air Act should include a mechanism which updates the limits. This mechanism could confer regulatory powers to the Minister of a respective portfolio to update the limits set in the new Clean Air Act with a commitment to review the limits every five years with WHO guidance as the baseline limits.

Concluding Remarks

Thank you for the opportunity to respond although we are still responding to the Clean Air Plan Consultation, we hope that our initial thoughts and comments help with your inquiry. We further recommend that once the consultation for the Clean Air Plan has concluded that you seek HAC's full comprehensive response to the plan.

Essentially, we need to begin improving air quality for Wales to improve the air that we breathe and to begin to reduce the number of people affected by air pollution. We do not know the long- term implications that air pollution will have to our children's development, what we do know is that action now can at least limit further damage and prevent future generations' from breathing in poor low-quality air and reduce the impact of further climate damage.

Many means to improve air quality are already available to local authorities, what is needed is clear direction and funding. We call upon this Assembly and Government to make such tools and funding available now by legislating as soon as possible.

There is no question as to whether air pollution is damaging to our health and planet, we understand that there needs to be an update on several legislative instruments in order to improve air quality in Wales. However, there are questions as to when this plan will be fully implemented, of when the funding will be provided, when the new Clean Air Act will be introduced to the Senedd and why

there isn't already a public health campaign on air pollution to promote the behavioural change at the local level.

Action now is what is needed, we need to highlight the damage caused by air pollution and influencing behavioural changes as soon as possible. The numerous debates on Clean Air in the Senedd has identified a cross-party consensus and highlighted the frustration of many AM's on the lack of action calling for not only an update on our transport infrastructure but also our planning laws, regulations on clean air zones, funding for Local Authorities to implement new initiatives and the overall impact on health, the environment and future generations.

We will be happy to provide the inquiry any further information on our policy positions relating to air quality and the Clean Air Plan.