



Llywodraeth Cymru  
Welsh Government



# Part IV of the Environment Act 1995

Local air quality management  
interim policy guidance for Wales

March 2016

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# **Part 1: Policy guidance for Welsh authorities – processes and principles**

## **Chapter 1: Introduction**

### **Purpose of this guidance**

- 1.1 This guidance is designed to help local authorities in Wales with their local air quality management (LAQM) duties under Part IV of the Environment Act 1995 ('the 1995 Act')<sup>1</sup>. Part 1 provides an overview of the LAQM system and the various considerations that local authorities should bear in mind. It sets out:
- the statutory background and the legislative framework within which local authorities have to work;
  - the principles behind reviews and assessments of air quality and the steps that local authorities are recommended to take;
  - how local authorities should handle the designation of air quality management areas (AQMAs) and the drawing up and implementation of action plans;
  - suggestions for taking forward the development of local air quality strategies;
  - suggestions regarding consultation and liaison with others;
  - the role of transport-related measures in improving air quality; and
  - the general principles behind air quality and land use planning.
- 1.2 The aim of this document is to guide local authorities towards further improving the management of air quality in their areas, focusing on what really matters and providing quantitative data, wherever possible, to demonstrate progress.
- 1.3 The UK is legally required to meet EU limit values for a number of pollutants, and local measures are one of the most important means by which government can meet these limit values. More importantly, improved air quality has significant health benefits, and local authorities are best placed to improve air quality at localised hotspots and deliver both health benefits and improved quality of life. Local authorities are at the forefront of public service, and should set priorities according to local need, which may mean going beyond their statutory role in LAQM.

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<sup>1</sup> Separate policy guidance is issued in England, Scotland, Wales and Northern Ireland. The technical guidance that accompanies this guidance covers the whole of the UK.

## Who is this guidance aimed at?

- 1.4 LAQM guidance documents are issued by the Welsh Ministers under section 88(1) of the 1995 Act. Local authorities should have regard to them when undertaking their LAQM duties, as required under section 88(2) of the Act. The guidance is intended to support authorities in their efforts to tackle poor air quality and to fulfil their statutory duties under the Act. It should be taken into account by all local authority departments involved in LAQM, including environmental health, corporate services, planning, economic development and transport planning. The guidance on air quality and land use planning, in particular, should be read in conjunction with Planning Policy Wales and may be material in preparing development plans and in determining planning applications.
- 1.5 This policy guidance and the associated technical guidance are the primary guidance to which local authorities should have regard when managing local air quality. This new edition replaces both the policy guidance published in 2009 and the addendum to it published in 2012. The new edition updates and consolidates the information in the two documents that it replaces, and omits all reference to ‘further assessments’, thereby reflecting amendments made to the 1995 Act by the Deregulation Act 2015. (If an authority has undertaken a robust assessment before declaring an AQMA, there should be no need to review that decision within the first 12 months. Consequently the requirement to carry out further assessments has been revoked by the Deregulation Act.)
- 1.6 In the light of current Welsh Government policy, it is particularly important that air quality policies are joined up with policies in other areas such as the natural environment, traffic noise management and climate change. There will be situations where policies to reduce greenhouse gas emissions or noise levels, or to increase urban tree canopies, will have benefits for air quality, and vice versa. However, there may be situations where potential actions and policies do not result in such win-win situations. It is essential, for example, that technology to reduce greenhouse gas emissions is used in the right place, and not in an area where such technology will adversely impact on the ability of the local authority to pursue the achievement of air quality objectives<sup>2</sup>. Similarly, while trees generally help to absorb particulate air pollution, they should not be positioned so as to hamper the dilution of emissions at ground level with clean air from above.
- 1.7 This guidance will also be relevant to Natural Resources Wales (NRW), trunk road agencies, local health boards or their successor organisations, businesses, public services boards and other

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<sup>2</sup> For example, see Annex B of the UK Bioenergy Strategy – <https://www.gov.uk/government/publications/uk-bioenergy-strategy>.

stakeholders, as well as the general public. The Welsh Government considers the importance of developing integrated policies between local authority departments, public services boards and other organisations in tackling air pollution, to be paramount.

## Air quality and health

- 1.8 Air pollution is considered the biggest environmental contributor to the burden of disease in the UK, with an estimated cost to the UK of fine particulate pollution (PM<sub>2.5</sub>) valued at £16 billion per year<sup>3</sup>. A report<sup>4</sup> published in 2014 estimated that, in Wales in 2010, around 1,320 deaths could be attributed to long-term exposure to PM<sub>2.5</sub>. People who are already suffering from poor health and/or who live in the areas of poorest air quality are more likely to be affected; therefore, poorer urban communities may be disproportionately hit. It should also be remembered that health effects do not relate solely to the direct impacts of air pollution. By encouraging the use of non-motorised means of transport, such as cycling and walking (albeit not along roads where pollution levels are high), as a means of reducing local emissions of pollutants, measures in air quality action plans can help to directly improve people's health and fitness. In turn, this may also help individuals to be more resilient to direct ill-effects from air pollution.

## Air quality and the natural environment

- 1.9 Poor air quality impacts on the natural environment, harming ecosystems and biodiversity. Some of the most widespread and significant effects on ecosystems are damage to vegetation from pollution such as exposure to ozone, eutrophication and acidification.
- 1.10 Evidence in favour of urban tree planting has highlighted the role of trees in reducing air pollution. For example, the NRW Tawe catchment and Wrexham and Bridgend County Borough Councils 'i-Tree Eco' projects carried out by Forest Research<sup>5</sup> valued the ecosystem services provided by trees. They estimated over £1.5 million worth of savings to the NHS every year due to trees annually removing around 250 tonnes of air pollution from the atmosphere in the three urban study areas. The use of large trees may be more economical than the use of smaller varieties<sup>6</sup>, and they may intercept more airborne pollution, but they should be positioned with care so as not to hamper the dilution of emissions at ground level with clean air

<sup>3</sup> <https://www.gov.uk/air-quality-economic-analysis>

<sup>4</sup> <https://www.gov.uk/government/publications/estimating-local-mortality-burdens-associated-with-particulate-air-pollution>

<sup>5</sup> <http://www.forestry.gov.uk/fr/itree>

<sup>6</sup> For further information, see for example the Trees and Design Action Group guidance at <http://www.tdag.org.uk/trees-in-hard-landscapes.html> and <http://www.tdag.org.uk/trees-in-the-townscape.html>.

from above. The Welsh Government will take the UK Air Quality Expert Group's advice into account when reviewing its guidance to local authorities on this subject.

- 1.11 A growing body of evidence also illustrates the importance of access to natural green space, including our water bodies, woodlands and green corridors near to people's homes, for people to be physically active. Well-maintained, attractive green infrastructure is crucial to increasing the time people spend doing healthy outdoor activity such as walking and cycling, which in turn reduces the amount of pollution emitted by motorised transport.
- 1.12 The Welsh Government published new recommended non-statutory standards for sustainable drainage systems (SuDS) in Wales in December 2015<sup>7</sup>. They state that well-designed, easy-to-maintain SuDS will deliver a range of important benefits for the local environment, the development and local communities. They can contribute to health and well-being through access to green space, reduced urban temperatures, improved air quality and noise buffering.

### **Air quality and traffic noise**

- 1.13 Noise pollution is considered the second biggest environmental contributor to the burden of disease in the UK, with a cost valued at more than £7-10 billion per year<sup>8</sup>. Noise maps<sup>9</sup> produced in 2012 indicate that the homes of more than 200,000 people in Wales are exposed to levels of road traffic noise exceeding World Health Organisation night noise guidelines.
- 1.14 The purpose of LAQM is to improve health and quality of life. This is also the purpose of traffic noise management. Air pollution and noise are often emitted from the same sources (notably road traffic), and locations of poor air quality often coincide or overlap with locations subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another through the way in which traffic is managed in the wider area. Measures to tackle air quality, such as speed restrictions, may also have an impact on noise pollution. In aiming for the most beneficial outcome for members of the public, it is important to seek measures that both improve air quality and reduce noise levels, and avoid measures that worsen one while seeking to improve the other.

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<sup>7</sup> <http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>

<sup>8</sup> <https://www.gov.uk/noise-pollution-economic-analysis>

<sup>9</sup> <http://data.wales.gov.uk/apps/noise/>

- 1.15 The Environmental Noise Directive (2002/49/EC) aims to define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. In implementing a noise action plan for Wales, the Welsh Government has identified a number of noise action planning priority areas, which are areas where residential dwellings are exposed to the highest levels of road traffic and railway noise according to our national noise maps and other sources of information. Local authorities may be aware of additional areas, perhaps not covered by the noise maps, where traffic noise is known to be an issue. Both priority areas designated by the Welsh Ministers and other areas where local authorities know that traffic noise is a matter of concern should receive special consideration when drawing up action plans under LAQM.

### **Air quality and climate change**

- 1.16 The Welsh Government considers it particularly important that climate change and air quality policies are properly integrated. There will be situations where policies to reduce greenhouse gas emissions will have benefits for air quality, and vice versa; such situations should be fully exploited where possible. The national Air Quality Strategy acknowledges that there will often be co-benefits for air quality and climate change policies where certain measures are taken, such as reduced consumption of fossil fuel. However, without proper consideration, there is the possibility that some policies to mitigate climate change will have a negative impact on air quality.
- 1.17 The Welsh Government expects local authorities to consider the impact on greenhouse gas emissions of the measures that they propose to implement in their air quality action plans and in any local air quality strategies. Authorities might also wish to consider including policies to reduce greenhouse gas emissions in their local air quality strategies where those exist.
- 1.18 The Welsh Government expects local authorities to take an integrated approach to dealing with environmental issues such as climate change and air quality. For example, it may be possible to use data gathered during reviews and assessments to provide information on greenhouse gas emissions, particularly carbon dioxide. Emissions inventories could be especially useful for this, and further information can be found in the technical guidance.
- 1.19 Such information will be of use in assessing the impact on greenhouse gas emissions of air quality action plans and local air quality strategies. It will also be useful for assessing the impact of other policy areas, such as land use planning, transport planning

and local well-being plans. The Welsh Government encourages local authorities to make use of air quality information gathered within these other policy areas.

- 1.20 Where practicable, synergistic policies beneficial to both air quality and climate change should be pursued.
- 1.21 The above points illustrate the importance of developing integrated policies between local authority departments, public services boards and other organisations in tackling air pollution.

### **Well-being of Future Generations (Wales) Act 2015**

- 1.22 It is important that local authorities apply the sustainable development principle in their work, and show people that they are making progress towards achieving the seven well-being goals<sup>10</sup>. The Well-being of Future Generations (Wales) Act 2015 requires specified public bodies, including local authorities, to set well-being objectives and publish an annual report showing the progress that they have made in meeting those objectives.
- 1.23 Each public services board must improve the well-being of its area by working to achieve the well-being goals. It will do this by assessing the state of economic, social, environmental and cultural well-being in its area, and setting objectives that are designed to maximise its contribution to the well-being goals. Each public services board must prepare and publish a local well-being plan that sets out its objectives and the steps that it will take to meet them. The local well-being plan must say why the public services board feels that its objectives will contribute within its local area to achieving the well-being goals, and how it has had regard to the assessment of local well-being in setting its objectives and steps to take in meeting them.
- 1.24 Local authorities should ensure that information from reviews and assessments of local air quality is made available to inform the public services board's assessment of local well-being, and consider the case for incorporating air quality action plans and local air quality strategies within the public services board's local well-being plan.
- 1.25 In February 2016 the Welsh Government published statutory guidance for public bodies to assist them in carrying out their duties under the Well-being of Future Generations (Wales) Act 2015<sup>11</sup>. The

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<sup>10</sup> A prosperous Wales; a resilient Wales; a healthier Wales; a more equal Wales; a Wales of cohesive communities; a Wales of vibrant culture and thriving Welsh language; and a globally responsible Wales.

<sup>11</sup> <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

series includes core guidance, guidance on the individual role of public bodies, and guidance on the collective role of public bodies through public services boards. This guidance should be taken into account by local authorities when carrying out their local air quality management duties.

### **Technical guidance for UK authorities**

- 1.26 Technical guidance to local authorities accompanies this policy guidance and has been produced on a UK basis. The technical guidance is designed to guide local authorities through the review and assessment process.

## **Chapter 2: Local air quality management process – an overview**

- 2.1 Part IV of the 1995 Act requires the Welsh Ministers to publish a national Air Quality Strategy and established the system of LAQM, which commenced in 1997.
- 2.2 This chapter provides an overview of that LAQM process. The technical guidance on LAQM should be consulted for detailed information on updating and screening assessments, detailed assessments, progress reporting and action plans.

### **Air quality objectives**

- 2.3 The air quality objectives set out in the Air Quality (Wales) Regulations 2000, as amended by the Air Quality (Wales) (Amendment) Regulations 2002, provide the statutory basis for the air quality objectives under LAQM (see Table 2.1).
- 2.4 The Regulations are derived from European Directives and prescribe the dates for meeting air quality objectives. Not all of the objectives contained in the national Air Quality Strategy are included within LAQM. One that does not is the limit value for PM<sub>2.5</sub> that is contained in Directive 2008/50/EC on ambient air quality. Although local authorities are not being asked to work towards the achievement of a PM<sub>2.5</sub> objective, measures to reduce emissions and concentrations of PM<sub>10</sub> will also reduce levels of PM<sub>2.5</sub>.
- 2.5 Section 82 of the 1995 Act provides that every local authority shall review the present and likely future air quality within its area. Section 83 requires local authorities to designate an AQMA where air quality objectives are not being achieved, or are not likely to be achieved within the relevant period, as set out in the Regulations referred to above. Section 84 then requires a local authority to develop an action plan for the AQMA. This chapter provides an overview of the process that the local authority should follow when carrying out its duties under Part IV of the 1995 Act, with further detail on local air quality strategies, AQMAs and action plans in the chapters that follow.

**Table 2.1 Air quality objectives contained in the Air Quality (Wales) Regulations 2000, as amended by the Air Quality (Wales) (Amendment) Regulations 2002**

Pollutant	Air quality objective		Date to be achieved by
	Concentration	Measured as	
Benzene	16.25 µg/m <sup>3</sup>	running annual mean	31.12.2003
	5 µg/m <sup>3</sup>	annual mean	31.12.2010
1,3-butadiene	2.25 µg/m <sup>3</sup>	running annual mean	31.12.2003
Carbon monoxide	10 mg/m <sup>3</sup>	maximum daily running 8-hour mean	31.12.2003
Lead	0.5 µg/m <sup>3</sup>	annual mean	31.12.2004
	0.25 µg/m <sup>3</sup>	annual mean	31.12.2008
Nitrogen dioxide	200 µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 µg/m <sup>3</sup>	annual mean	31.12.2005
Particles (PM <sub>10</sub> ) (gravimetric)	50 µg/m <sup>3</sup> not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 µg/m <sup>3</sup>	annual mean	31.12.2004
Sulphur dioxide	350 µg/m <sup>3</sup> not to be exceeded more than 24 times a year	1-hour mean	31.12.2004
	125 µg/m <sup>3</sup> not to be exceeded more than 3 times a year	24-hour mean	31.12.2004
	266 µg/m <sup>3</sup> not to be exceeded more than 35 times a year	15-minute mean	31.12.2005

## Review and assessment reporting cycles

- 2.6 A review and assessment of air quality is the first step in the LAQM process. Local authorities have to consider the current and likely future air quality in their areas, and assess whether the objectives as set out in the Air Quality Regulations are or are likely to be exceeded. Where the objectives are unlikely to be met, the local authority must take action to work towards the objectives. Under LAQM, local authorities also have a duty to continue to work towards meeting the air quality objectives beyond the deadlines set out in the regulations. An objective, for example, that was due to be met by 2005 must now be met each subsequent year.
- 2.7 All local authorities are expected to undertake reviews and assessments on a three-year cycle. Authorities should follow a two-step approach when carrying out review and assessment. At step 1, all authorities are required to undertake an updating and screening assessment (USA). Where an authority identifies a risk that an air quality objective will be exceeded at a relevant location<sup>12</sup> the local authority is required to proceed to step 2, a detailed assessment. To ensure continuity in the LAQM process, local authorities, including those authorities proceeding to a detailed assessment, are required to prepare progress reports in the years when they are not carrying out a USA. Where a detailed assessment is being undertaken, a short progress report should be provided within the detailed assessment for those areas not covered by the detailed assessment.
- 2.8 At any time during the reporting years, if a local authority identifies a risk of air quality objective exceedences, it should proceed to carry out a formal detailed assessment immediately and not delay until the next full round of review and assessment.
- 2.9 Where a new AQMA is required, or an existing AQMA needs to be significantly amended or revoked, the detailed assessment should also clearly identify areas of exceedence (or areas where there was formerly an exceedence) and possible boundaries for the new or amended AQMA.
- 2.10 Following a detailed assessment, where local authorities consider that one or more of the air quality objectives for each of the seven pollutants is unlikely to be met by the relevant deadline, they must declare an AQMA covering the area where the problem is expected.

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<sup>12</sup> The Air Quality Regulations require that likely exceedences of the objectives should be assessed at locations that are situated outside of buildings or other natural or anthropogenic structures, above or below ground and where members of the public are regularly present. The technical guidance provides further guidance on how local authorities should reach a decision as to whether a location should be considered relevant.

Local authorities must then prepare and implement a remedial action plan to tackle the issue.

- 2.11 Following the designation of an AQMA, an air quality action plan should be completed between 12 and 18 months following the date of designation. Once a local authority has produced its final action plan, a first action plan progress report must be submitted by the end of the following April.
- 2.12 Local authorities are required to submit their air quality reports to the Welsh Government and to other statutory consultees<sup>13</sup> by the end of April in any reporting year.
- 2.13 The cyclic process for LAQM and the timetable for the sixth, seventh and eighth rounds of review and assessment from 2015 onwards are set out in Tables 2.2 and 2.3 respectively.

### **Appraisal process**

- 2.14 If the Welsh Government does not accept the conclusion of a local authority's report, the authority will be invited to provide written comments justifying its decision within a specified deadline set out in the appraisal letter. This will be a short deadline in keeping with the need to complete the process as quickly as possible.
- 2.15 Local authorities who wish to seek clarification on the findings of the appraisal process should in the first instance contact the LAQM helpdesk for further help. The helpdesk can discuss the details of individual cases and provide advice on responding to any points raised in the appraisal.

### **Helpdesk for local authorities**

- 2.16 The helpdesk can also provide advice on review and assessment, monitoring, emissions data, modelling and action planning. Details are provided below, or see the LAQM Support web page at <http://laqm.defra.gov.uk/helpdesks.html>.

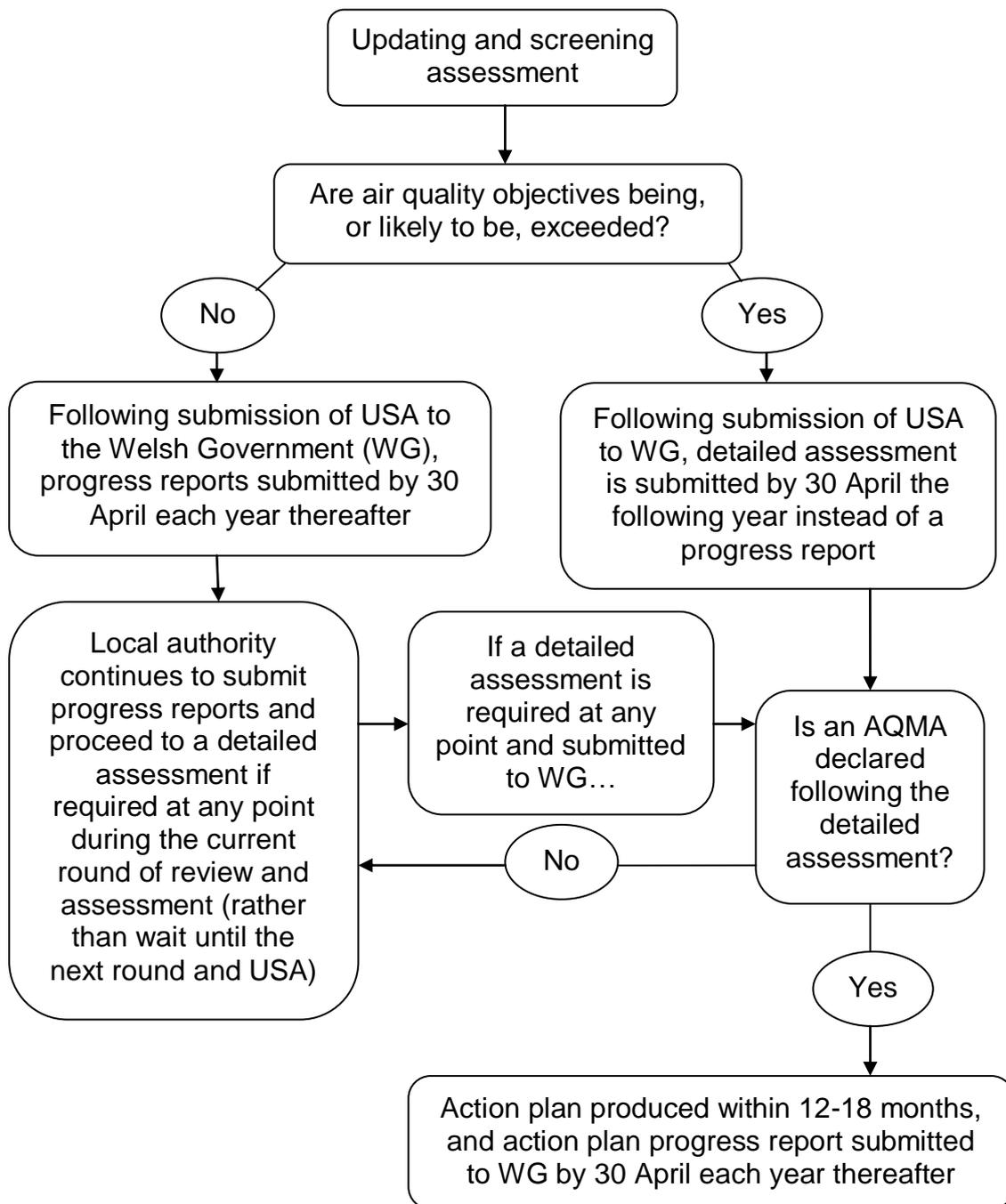
**Telephone:** 0800 0327953

**E-mail:** [laqmhlpdesk@uk.bureauveritas.com](mailto:laqmhlpdesk@uk.bureauveritas.com)

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<sup>13</sup> Statutory consultees are the Welsh Ministers; NRW; neighbouring local authorities; any national park authority; other public authorities; local business; and others as appropriate (including the public).

**Table 2.2 LAQM cycle**



**Table 2.3 Timescales for review and assessment**

<b>Year</b>	<b>Updating and screening assessment</b>	<b>Progress report</b>	<b>Detailed assessment</b>
Round 6 – completion dates			
2015	30 April 2015	-	As necessary <sup>14</sup>
2016	-	30 April 2016	As necessary
2017	-	30 April 2017	As necessary
Round 7 – completion dates			
2018	30 April 2018	-	As necessary
2019	-	30 April 2019	As necessary
2020	-	30 April 2020	As necessary
Round 8 – completion dates			
2021	30 April 2021	-	As necessary
2022	-	30 April 2022	As necessary
2023	-	30 April 2023	As necessary

<sup>14</sup> DAs are due 12 months from the date they are initiated, which can be at any time.

## **Chapter 3: Review and assessment**

### **Updating and screening assessment**

- 3.1 The purpose of a USA is to identify any changes since the previous round of review and assessment. This work is not expected to be onerous.

### **Detailed assessment**

- 3.2 The purpose of a detailed assessment is to identify with reasonable certainty whether any air quality objectives will not be achieved by the required dates. The detailed assessment should conclude by identifying:
- whether an existing AQMA needs to be amended or revoked;
  - whether any further AQMAs need to be designated within the local authority's area; and
  - whether any AQMAs need to be designated for the first time due to changed circumstances.

### **Progress report**

- 3.3 Progress reports are not designed to represent a further USA. The overall purpose of the progress report is to report:
- new monitoring results; and
  - new local developments that might affect local air quality.

Examples of progress reports are made available on the review and assessment helpdesk website as they become available.

### **New monitoring data**

- 3.4 The progress report should provide a summary of all available monitoring data in a format suitable for comparison with the relevant air quality objectives. For example, nitrogen dioxide data should be reported as annual mean concentrations, and where possible as the number of exceedences of the 1-hour objective value of  $200 \mu\text{g}/\text{m}^3$ . Reporting full hourly data, or full monthly data for diffusion tubes, is not necessary.
- 3.5 To maximise the value of air quality monitoring, careful attention should be paid to the type of equipment used and the locations where the monitors are placed, as well as the QA/QC and data verification procedures. Detailed guidance on these issues is

provided in the technical guidance, and reference should be made to this when setting up and operating monitoring equipment. Particular matters to take account of when preparing and assessing monitoring results are set out in Box 3.1.

### **Other information to include in the progress report**

- 3.6 When reporting the monitoring data the following should be included where possible:
- a map showing the monitoring locations (it may be possible to refer to a map in a previously published document, as long as it is readily available, e.g. published on the web); and
  - plots showing trends in concentrations e.g. plots of annual mean nitrogen dioxide concentrations for the last ten years.

### **Box 3.1 Matters to take into account when reporting monitoring data**

- 1 When presenting automatic monitoring data, it should be made clear whether the results have been ratified. It may be necessary to report a combination of ratified and unratified data. The fully ratified data can then be updated in the next report. Information on data capture should also be provided.
- 2 Where data are available for fewer than nine months, then they should be adjusted to provide an estimate of the annual mean using the procedure set out in the technical guidance.
- 3 To help understand the results, the type of monitoring site should be specified. For roadside sites the distance from the kerb should be provided. For industrial sites the distance to the source(s) should be specified. This information could be provided as an appendix to the report.
- 4 Where nitrogen dioxide diffusion tube data are provided, then it should be made clear whether the results have been adjusted for laboratory bias. Where they have been adjusted, brief details should be provided of the adjustment factor used and its source. Details should also be provided of the laboratory being used, the tube preparation method and the exposure period.
- 5 Summary information should be provided on QA/QC. This can be by way of a reference to a previously published document, so long as the document is still readily available.
- 6 Where results are presented for new monitoring sites, then a description of the sites should be provided. This should include the

	reason they were set up, e.g. do they represent worst-case relevant exposure locations?
7	When describing sites, it should be made clear whether they represent relevant exposure. For instance, if the site is kerbside, it would be appropriate to say that 'the nearest relevant exposure is at residential properties set back 5 metres from the kerb.'
8	For short-term objectives, e.g. 1-hour for nitrogen dioxide, the results should be presented as numbers of hours (or 15-minute periods for sulphur dioxide, or days for PM <sub>10</sub> ) above the objective value. This should only be done where data capture is greater than 90% of a full year. If data capture is less than 90% or monitoring is for less than a full year, then it is only appropriate to present the results as percentiles. The following percentiles roughly equate to the objectives: 99.8 <sup>th</sup> percentiles for 1-hour nitrogen dioxide; 99.9 <sup>th</sup> percentiles for 15-minute sulphur dioxide; 99.7 <sup>th</sup> percentiles for 1-hour sulphur dioxide; 99.2 <sup>nd</sup> percentile for 24-hour sulphur dioxide; and 90.4 <sup>th</sup> percentile for PM <sub>10</sub> . Guidance on calculating percentiles is available in the technical guidance.
9	When reporting results a note should be made of any local circumstances that may have affected the results, e.g. construction activities close to a PM <sub>10</sub> monitor, or temporary changes in traffic flows during road works.

3.7 The progress report should also draw attention to:

- results for new monitoring sites and whether they reveal any new information about air quality; and
- evidence of any trends over recent years. Care should be exercised in discussing trends, as changes in concentrations occur from year to year due to weather conditions. It is normal practice to only consider a trend as being significant when five years' worth of data are available, and a longer timescale may be appropriate for some pollutants, e.g. PM<sub>10</sub>.

**New local developments**

3.8 This section should deal with changes that have taken place that may affect air quality. The items to include are:

- new industrial processes;
- new developments that may impact on air quality, especially those that will significantly change traffic flows (this need only include developments that have been granted planning permission); and

- new landfill sites, quarries, etc. that have been granted planning permission, and that have nearby relevant exposure.

Acknowledgement should also be given to the fact that major construction may cause alterations in traffic and an increase in volume of HGVs which can affect air quality.

The progress report should log these changes so that they can be considered more thoroughly during the next full round of review and assessment.

**Box 3.2 Examples of new local developments to include in progress reports**

<b>Development</b>	<b>Source of information</b>
New Part A1 process	NRW
New Part A2 or B process	Local authority pollution control team
New retail development	Local authority planning department
New road scheme	Welsh Government or local authority highways department
New mineral development	Local authority planning department
New landfill development	Local authority planning department
Mixed use development (residential/commercial)	Local authority planning department
New school or hospital	Local authority planning department

**Recommended additional elements**

3.9 The progress report provides an ideal opportunity to report on other aspects of the authority’s work on air quality. Possible elements that could be added to progress reports are:

- progress on implementation of action plans;
- an assessment of the monitoring data in relation to likely exceedences of the objectives;

- progress on local air quality strategies;
- a list of planning applications that have the potential to affect local air quality;
- progress on implementing those elements of any regional or local transport strategy that might affect air quality;
- any relevant updates on planning policies that relate specifically to air quality; and
- any work done to install green infrastructure intended to ameliorate air quality (e.g. tree planting, creating street-side 'hedges' to intercept particulate matter, etc.).

This list is not exhaustive, and there may be other areas of local interest that the authority wishes to incorporate into its progress report.

### **Progress on implementation of action plans**

- 3.10 Although local authorities can submit separate progress reports on action plans, they are strongly advised to combine all progress reports.

### **Assessment of monitoring data**

- 3.11 The minimum requirement is to report monitoring data and trends over recent years.

## Chapter 4: Air quality management areas

- 4.1 Local authorities have a duty under section 83(1) of the 1995 Act to designate those areas, where the air quality objectives are unlikely to be or are not being met on time (or beyond the deadline), as AQMAs. These areas have to be designated officially by means of an 'order'.

### Setting the boundaries of air quality management areas

- 4.2 Setting the boundary of an AQMA involves an element of judgement, considering the extent of predicted areas of exceedence, locations of relevant receptors, the nature and location of relevant sources, and other local factors. In some cases this has resulted in the declaration of the local authority's entire administrative area. Other local authorities have designated isolated buildings, single streets, road networks or parts of motorway or trunk road junctions. A number of authorities have chosen to designate more than one individual AQMA. In short, it is for local authorities to draw on their own expertise when designating an AQMA. However, AQMAs must encompass all known and predicted areas of exceedence where there is relevant exposure. Advice may also be provided as part of the consultation that local authorities are required to carry out in relation to air quality reviews and assessments or the preparation or revision of an action plan, with those persons listed in Schedule 11 to the 1995 Act.
- 4.3 In deciding where to draw the boundaries of an AQMA, local authorities might wish to consider some of the following points:
- It may be administratively much simpler to designate a wider area, based on existing boundaries and natural features. This avoids the need to draw artificially precise lines on maps.
  - Wherever the boundaries of the AQMA are drawn, the action plan is likely to need to cover a wider area.
  - Designating a number of smaller AQMAs, rather than one single large area, can allow an authority to demonstrate progress by 'ticking off' individual areas as air quality improves there.
  - Declaring smaller, individual AQMAs may provide a clear focus on the hot spot locations within a local authority. This may prove particularly important for informing local authority planning processes as to sites that more sensitive planning proposals may need to avoid.
  - A more focused approach to declaring AQMAs may provide a better indication of where resources need to be allocated in terms of equipment and overall effort.

- 4.4 Local authorities should work in partnership with other authorities where a joint AQMA is proposed. They will need to explain and justify their proposed boundaries to the Welsh Government.

#### **What should an air quality management area order look like?**

- 4.5 The exact wording to be included in an order is at the discretion of the individual local authority, although a model example of an order can be found in Part 2 of this guidance. It is recommended that local authorities include a map showing the area to be designated and include a description of the area. For example, a larger AQMA may be described according to its boundaries near to major roads/motorways (e.g. bordered by the M4 to the south, etc). A smaller AQMA may need a more detailed description listing individual streets or other physical features. In some cases it may be appropriate to list the individual properties affected, but there is no legal requirement to do this.
- 4.6 The order should include the date on which it is intended that the AQMA should come into force and a list of the pollutant(s) and objective(s) for which it has been designated. Local authorities should notify the Welsh Government as appropriate by submitting a copy of the AQMA order and an electronic GIS shape file of the AQMA boundary.
- 4.7 Local authorities should ensure that the information is readily accessible to enquirers. Some local authorities have chosen to include AQMAs within local land searches.

#### **Amendments and revocations of air quality management areas**

- 4.8 Local authorities are able to amend or revoke an existing AQMA order at any time as set out under section 83(2) of the 1995 Act. In order to make a significant amendment or revoke an AQMA the local authority is required to submit a detailed assessment report clearly outlining the evidence for changes in the likelihood of exceedence of the objectives occurring and demonstrating the cause of these changes, such as changes to the source of the pollution and/or better monitoring/modelling information. A full detailed assessment is not required for minor amendments to an AQMA order, such as the addition of another measure for a pollutant already covered by the order.
- 4.9 Where a local authority considers it necessary to significantly amend or revoke an AQMA, the Welsh Government expects the authority to consult all the relevant statutory consultees, local stakeholders, businesses and members of the public.

- 4.10 Where it is accepted by the Welsh Government that a revocation or significant amendment is justified, local authorities will be expected to take the relevant action within four months following receipt of comments from the Welsh Government on their detailed assessment.
- 4.11 For those authorities that have continuous monitoring, the Welsh Government would expect them to keep AQMAs under regular review and take any necessary action sooner rather than await the next round of reviews and assessments.
- 4.12 Where an AQMA is revoked, local authorities should consider drawing up a local air quality strategy for the affected area(s) to ensure that air quality issues maintain a high profile locally, and to respond to any public expectations.

#### **Notification of amendment or revocation**

- 4.13 Once an amendment or revocation has taken place, the local authority should submit the order to the Welsh Government for information (and, in the case of an amendment to an AQMA's boundary, submit an updated shape file). Local authorities should also notify other statutory consultees and publicise the amendment or revocation widely through the local media so as to ensure that the public and local businesses are fully aware of the situation.

## Chapter 5: Air quality action plans

- 5.1 Local air quality action plans must focus on effective, quantifiable measures where possible, although measures that are difficult to quantify should be given equal priority where they lead to improvements in air quality. Lengthy descriptions of the LAQM system are not necessary, and action plans should be as concise as possible. What matters is that effective measures are taken to improve air quality, and that progress on these measures can be reported on quantitatively as far as possible. However, measures that are not always quantifiable in the effect that they have, such as awareness-raising schemes, are also important for improving air quality. Other measures, such as car sharing, encouraging cycling or planting trees and shrubs, may be impossible to quantify in any meaningful way at all, but this should not dissuade a local authority from implementing such measures.

### What to include in an air quality action plan

- 5.2 For the purposes of providing action plans to the Welsh Government for consideration, there is no need to provide detailed background on the local authority's duties under Part IV of the 1995 Act in the introduction to the action plan. It is enough to state that 'this action plan has been developed in recognition of the legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part.'
- 5.3 The statutory background should already have been adequately covered in review and assessment reports, which can be referenced in the plan. Elected members may of course require a more detailed description, but this will depend on the authority. The action plan itself should take a practical approach towards focusing on what really matters – detailing measures to improve air quality and quantifying their impact over time.
- 5.4 An air quality action plan must include the following:
- quantification of the source contributions to the predicted exceedences of the relevant objectives, where possible. This will allow the action plan measures to be effectively targeted;
  - evidence that all available options have been considered on the grounds of cost-effectiveness and feasibility. Cost-beneficial measures should be given priority, but there will be times when cost-effective measures are required to work towards objectives;

- how the local authority will use its powers and also work in conjunction with other organisations in pursuit of the air quality objectives;
- clear timescales in which the authority and other organisations and agencies propose to implement the measures within the plan;
- where possible, quantification of the expected impacts of the proposed measures and an indication as to whether the measures will be sufficient to meet the air quality objectives. Where feasible, data on emissions should be included as well as data on concentrations; and
- how the local authority intends to monitor and evaluate the effectiveness of the plan.

### **Action plan timing**

- 5.5 The 1995 Act does not prescribe any timescale for preparing an action plan. However, the Welsh Government expects them to be completed between 12 and 18 months following the designation of any AQMAs. Air quality officers should take a joined-up approach towards air quality management, working with others within their local authority (such as environmental health, planning and transport), and should work with organisations in the public services board where relevant. They should not be afraid to take the lead where there is a legitimate case to be made for measures to protect air quality and comply with objectives derived from EU Directives. The legal imperative to protect air quality should not be displaced with political imperatives if this means the local authority is not working towards compliance with the Air Quality Regulations (Wales) 2000, as amended.
- 5.6 Some local authorities will need to work with each other due to the nature of the air quality problem that they face, or because measures that they wish to take may have a knock-on effect elsewhere. In light of this, some local authorities have chosen to develop regional air quality action plans. This guidance supports this approach, and recommends that local authorities should consider drawing up regional air quality action plans where appropriate.

## Setting up a steering group

- 5.7 Local authorities may wish to set up a steering group to take forward the development and implementation of an action plan. A steering group can also play a key role in formulating the annual action plan progress report. The members of the steering group should include local authority officers from across the different local authority departments and may include officers from different local authorities. The steering group could decide on how best to secure support from other bodies, businesses and local community groups to take the process forward.
- 5.8 Other local authority departments should be constructively engaged in agreeing measures to improve air quality and meet the legal requirement to work towards air quality objectives. The following, in particular, should engage constructively in improving air quality:
- transport planners;
  - land use planners and town centre managers;
  - environmental protection and energy management officers;
  - countryside service, parks, street scene, and specialist arboricultural/tree officers;
  - public health;
  - waste managers;
  - economic development, regeneration and tourism departments;
  - corporate policy and resources; and
  - education departments.
- 5.9 Committee meetings or their equivalent may be held across departments to discuss how the action plan can be taken into account in other plans such as local transport plans and local well-being plans. The involvement of the local authority chief executive, or equivalent, with these meetings would help to ensure a fully corporate approach.
- 5.10 A number of commercially available models exist to help local authorities to develop integrated action plans. Information on current models can be obtained from the helpdesk mentioned in chapter 2, which is able to advise on their applicability and relevance to authorities' individual circumstances.

### **Calculating how much of an improvement is necessary inside an air quality management area**

- 5.11 The action plan needs to show that a local authority has calculated the reduction in emissions required to achieve the objective(s) of concern. Having done this, the authority will be better placed to consider whether the measures proposed to achieve these reductions are proportionate and cost-effective. It is important to note that a reduction of 10% in total emissions will not necessarily result in a 10% improvement in ambient air quality, because this fails to take account of background concentrations and also the complex atmospheric chemistry involved in, for example, the conversion of  $\text{NO}_x$  to  $\text{NO}_2$ .

### **Source apportionment**

- 5.12 One of the most important elements of action plan development is the consideration of the extent to which different sources contribute to the problem. Is road transport entirely to blame for the exceedence of an  $\text{NO}_2$  objective, or is there a significant contribution from an industrial source? To what extent do other sources contribute (for example, aircraft or train movements)? Within the road transport sector, to what extent are different classes of vehicle responsible for the emissions? Does the traffic in the wider urban area contribute more to the exceedence than the traffic on the nearby road? Are sources outside the authority's immediate area contributing to any significant extent?
- 5.13 Only when an authority has a reasonably clear idea of the total breakdown of emissions from all sources can it draw up a sensibly targeted action plan. It will not always be possible to do this with absolute precision, and of course different meteorological conditions at different times will have an effect on the relative contribution from different sources. But authorities must show that they have calculated, in percentage terms, the extent to which different sources are responsible for any forecast exceedences. This will allow consultees to form a view on whether the action plan is proportionate and properly targeted.

### **Costs and benefits**

- 5.14 Local authorities should estimate the costs, benefits and feasibility of different abatement options to allow for the development of proportionate and effective action plans. The cost-benefit analysis should cover both health and environmental considerations, besides the financial cost of any measures for the local authority and other affected parties. The options selected for taking forward in the action plan should be reported on in action plan progress reports.

## Air quality and traffic noise

- 5.15 Although there will be times when cost-effective measures are required to work towards meeting air quality objectives, cost-beneficial measures should be given priority.
- 5.16 Wherever air quality action plans prioritise measures in terms of costs and benefits, traffic noise should receive due consideration, qualitatively if not quantitatively. Special consideration should be given to noise action planning priority areas and any other areas where a local authority considers traffic noise to be a matter of concern, where these may be subject to changes in traffic noise levels as a result of air quality management measures. This effect may not be local, for example if diverting traffic away from a location with poor air quality increases noise levels somewhere else. In drawing up an action plan, the local authority should keep a view of the wider road network in mind at all times.
- 5.17 Local authorities must make a judgement in each case as to whether the impacts of air quality action plan measures on traffic noise need to be quantified or whether they can be treated qualitatively when prioritising measures. The noise assessment should reflect local circumstances and should not be disproportionate to the scale of changes proposed.
- 5.18 The 2001 report *Determination of the potential synergies and conflicts between noise and air quality action plans* produced by WS Atkins for the DETR and the devolved administrations (and available on request from [environmentalnoise@wales.gsi.gov.uk](mailto:environmentalnoise@wales.gsi.gov.uk)) provides a useful overview of the subject. It identifies a wide range of local mitigation measures, many of which can be implemented by local authorities. It may be used as a guide provided that the user allows for changes that have taken place (e.g. to road vehicles) in the years since its publication, and realises that local circumstances must be treated as paramount when seeking the optimum suite of measures.
- 5.19 Some measures, particularly those concerned with reducing local traffic flows, may benefit both air quality and noise, though in some cases this may only hold true where speeds are not permitted to increase as a consequence. Other potential measures that can reduce both air pollution and noise include restrictions on heavy vehicles, reducing speeds on motorways and dual carriageways, and strategies to increase the separation between the source and sensitive receptors, such as by building a bypass. However, measures to reduce average speeds of traffic in urban areas, whilst generally benefiting noise, may increase emissions of air pollution. In certain cases detailed computer models may be required to determine the optimum public health outcome for a locality. The level

of detail sought should sensibly reflect the scale of the changes proposed.

- 5.20 Containment of air pollution and noise through the use of tunnels, cuttings or barriers may worsen air quality for road users, including cyclists. The health of road users should not be ignored when weighing up options.
- 5.21 The Welsh Government recognises that the imperative of achieving compliance with European air quality limit values may result in negative noise outcomes in some instances. Where this occurs, it should be recorded clearly so as to inform the prioritisation of any future noise improvement initiatives.

### **Actions outside a local authority's control**

- 5.22 Some of the actions needed to improve air quality may be outside the local authority's direct control. This is the case where, for example, an industrial process regulated by NRW is contributing to air quality exceedences, or where high levels of pollutants exist as a result of motorways or trunk roads, maintained by the Welsh Government. Both NRW and the Welsh Government are committed to the LAQM process and are required to help local authorities to develop their action plans.
- 5.23 If a source over which an authority has little control (such as aircraft movements within the periphery of an airport) is responsible for a significant percentage of local emissions, an authority should not demand disproportionate emissions reductions from other sources in pursuit of the objectives. Instead it should note in its action plan that it has done all that it reasonably can to bring about reasonable and proportionate emissions reductions from those sources over which it has influence, but that further emissions reductions are likely to be needed from, for example, an airport before the objectives can be achieved.
- 5.24 Local authorities should make clear any limitations in their action plans and show the extent to which they rely on actions by others, such as NRW and the Welsh and UK Governments, to work towards meeting the objectives. The plan should show how other bodies have been involved in its development.

### **Keeping the action plan under review**

- 5.25 Local authorities have a duty to keep their action plans up to date. Section 84(4) of the 1995 Act states that an authority may from time to time revise an action plan. Whenever an action plan is revised,

local authorities must consult the Welsh Ministers and other statutory consultees (see Schedule 11(1)(c) of the 1995 Act).

- 5.26 In order to ensure that local authorities implement the measures within an action plan by the timescales indicated within that plan, the Welsh Government expects authorities to submit annual progress reports once the final action plan has been implemented. These progress reports list the measures within the action plan, include the timescales by which they are/were due to be implemented and give an update on progress in terms of implementation.
- 5.27 The progress report should be submitted by the end of April each year. It is recommended that the report is combined with the review and assessment progress report in years when these are submitted.

### **Economic impact assessment**

- 5.28 Air quality action plans should include a quantification, where possible, of the improvement to air quality that each measure, proposed or implemented, is expected to have over time, with a clear date for meeting this target (for example, 'x' per cent reduction in emissions from 2015 levels by 2017 in the AQMA, with the reduction in concentration of pollutants concerned if this is possible). However, many measures won't be possible to quantify, and it is important that local authorities continue to implement such measures as they deliver benefits in terms of air quality, noise, health and climate change goals (for example, schemes to encourage car sharing and cycling). Where this is the case, detailed information on implementation targets should be provided. For example, information on a measure to encourage the uptake of cleaner vehicles through differentiated parking charges should include the Euro standard(s) or the vehicle type that the measure is linked to, and the number of vehicles that are expected to be covered by the measure.
- 5.29 Other than this, it is for the local authority to determine whether to include an assessment of the wider economic, social and environmental impact, bearing in mind other legal requirements and policy drivers from the Welsh Government. Guidance on the impact assessment of certain measures that a local authority may wish to take forward is contained in the practice guidance on general economic principles, and economic appraisal methods<sup>15</sup>.

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<http://gov.wales/topics/environmentcountryside/epq/airqualitypollution/airquality/guidance/?lang=en>

## Strategic environmental assessment

- 5.30 Local authorities' first consideration under section 84(2)(b) of the 1995 Act is that air quality action plans are for the exercise of any powers exercisable by the authority in the pursuit of air quality objectives. Once local authorities have established what they think is needed for their action plan, the authority should then turn to consider whether the exercise of the powers chosen would trigger a strategic environmental assessment.
- 5.31 For stand-alone air quality action plans, local authorities will need to determine on a case-by-case basis whether the Strategic Environmental Assessment (SEA) Directive (2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment') applies to their action plan. Authorities should have regard to the criteria set out in Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes (Wales) Regulations (SI 2004/1656 (W/170)) which transpose it into Welsh law. Further guidance, including a Practical Guide to the SEA Directive, is available from the Welsh Government's website<sup>16</sup>.
- 5.32 In making a decision as to whether a strategic environmental assessment is required, local authorities will need to consider, among other things:
- whether the action plan sets the framework for future development consent of projects, including, but not limited to, projects listed in Annexes I and II of the Environmental Impact Assessment Directive 85/337/EC, as amended; and
  - whether the action plan's likely effect on sites means that assessment under Article 6/7 of Directive 92/43/EEC (Habitats Directive) is required.
- 5.33 As a guide, local authorities may like to take the following into consideration:
- Do they intend to include conditions within the action plan that will influence a development plan or other consent framework in ways that are likely to have significant environmental effects? (For example, will the action plan require or preclude certain projects at certain locations?) If so, a strategic environmental assessment will be required.
  - Does the action plan only set out specific air quality measures such as traffic management schemes, parking controls and so on, with there being no intention of including conditions to influence planning

<sup>16</sup> <http://gov.wales/topics/environmentcountryside/consmanagement/strategic-environmental-assessment/?lang=en>

or development consents? If so, there is probably no need for a strategic environmental assessment.

- Is the action plan integrated into another plan or programme (for example, a local transport plan) which already requires a strategic environmental assessment? If so, the SEA Directive applies to that plan or programme.

5.34 Where a strategic environmental assessment is required, to ensure that the various stages of the production of an air quality action plan comply with the Practical Guide to the SEA Directive, authorities should:

- consult designated strategic environmental assessment consultation bodies on the scope of the action plan (as well as bodies across the English border if actions are to be near enough to have an effect there);
- issue the environmental report to accompany proposals for the action plan at consultation stage;
- take wider environmental issues into account when finalising the action plan, and produce a statement showing how this has been done; and
- monitor the environmental effects of implementing the action plan. The scoping proposals and environmental report should include proposed monitoring arrangements, and a statement at adoption of the action plan should confirm what these will be.

5.35 It is important to note that the strategic environmental assessment process must be carried out during a plan's preparation, beginning at an early stage, and the findings taken into account when the plan is finalised and formally adopted.

### **Integration within local well-being plans**

5.36 Where a local authority has one or more AQMAs, they will need to make a judgement as to how their air quality action plan(s) should figure in the public services board's local well-being plan.

## **Chapter 6: Consultation**

### **Background and statutory requirements**

- 6.1 The 1995 Act provides the statutory basis for consultation and liaison in respect of LAQM. The Welsh Government expects local authorities to continue to work closely with other local authorities, agencies, businesses and the local community to improve local air quality. Local authorities need to exchange data with other agencies and neighbouring local authorities.
- 6.2 Schedule 11 of the 1995 Act requires local authorities to consult:
- the Welsh Ministers;
  - NRW;
  - all neighbouring local authorities;
  - any national park authority;
  - other public authorities as appropriate; and
  - bodies representing local business interests and other organisations as appropriate.
- 6.3 For the purposes of the 1995 Act, authorities must consult on their:
- air quality review and assessment; and
  - preparation or revision of an air quality action plan.

Local authorities are also expected to consult on the declaration, amendment or revocation of any AQMAs.

### **Consultation on reviews and assessments**

- 6.4 On the updating and screening assessments, local authorities will need to consult the Welsh Government and other statutory consultees as set out in Schedule 11 of the 1995 Act. This consultation should be proportionate to the changes in air quality observed within a local authority's area since the previous updating and screening assessment. Local authorities should use their own judgement to determine whether there is a need for a full public consultation. In any case, local authorities will still wish to make these assessments available to the public.
- 6.5 On the detailed assessments, local authorities will need to consult the Welsh Government and the other statutory consultees. They should also consult the public, local businesses and other

appropriate stakeholders more fully at this stage. They may also choose to disseminate copies throughout other local authority departments for information.

- 6.6 On the review and assessment progress reports, local authorities will need to submit these to the Welsh Government for consideration. Local authorities may choose how widely they wish to circulate these reports but it would be good practice to make copies available to the public, local stakeholders, NRW and the other local authority departments for information. For those authorities with AQMAs, it is advised, where possible, to submit the review and assessment progress reports in a single report with any action planning progress reports. As with the review and assessment progress reports, local authorities might wish to make the action planning progress reports available to local stakeholders and the general public for information.

### **Consultation on air quality action plans**

- 6.7 Local authorities must consult on their preparation of any air quality action plan. Action plans may operate over long timescales and authorities may only be able to specify broad proposals in the first draft. It is an important principle, therefore, that they carry out a further consultation if they revise their initial proposals whilst carrying out the plan.
- 6.8 Consultation on a draft action plan should include:
- details of which pollutants the authority will be taking action on, and an indication of the pollutant emission source(s);
  - what local authorities are doing or will need to do to meet the action plan's objectives;
  - the timescales for implementing each proposed measure and the emissions (and concentration, if possible) reductions expected by the end of the relevant review and assessment round (or by the specified date in the 2000 Regulations, as amended); and
  - details of other individuals, bodies or agencies whose involvement is needed to meet the plan's objectives and what the authority is doing to encourage their co-operation.

Local authorities should decide the timescale for consultation. The Welsh Government recommends, however, that no consultation exercise should last for less than eight weeks.

- 6.9 Exchanging information is important throughout the LAQM process. Many local authorities have successfully established local steering groups to oversee the process. Some authorities have built on existing

inter-authority pollution groupings. Where appropriate, these steering groups should include:

- local authorities' representatives, including transport and land use planners and education;
- the trunk road agency (where the Welsh strategic road network is affected);
- NRW;
- representatives of local businesses and community groups;
- representatives of local health boards or their successor organisations; and
- any other local interest groups and/or local residents.

### **Consultation and liaison across local authority departments**

- 6.10 It is very important to ensure that there is effective consultation and liaison across local authority departments. Steering groups and committee meetings should have the support of the chief executive, Director of Public Protection or equivalent if possible. This is to ensure that air quality is dealt with consistently across departments, with a clear understanding as to what the legal requirements and policy drivers are.

### **Co-operation between local authorities**

- 6.11 Co-operation between authorities has been greatly helped with the setting up of the regional air quality groupings. These groupings can assist with the sharing of experiences and good practice. Some authorities have worked together on regional action plans and regional air quality strategies.

### **Consultation with local highway authorities**

- 6.12 The 1995 Act recognises the crucial role of highway authorities and the importance of traffic management and transport planning in achieving air quality objectives. It is particularly important, for example, that air quality action plans are properly co-ordinated with local transport plans. Where the AQMA designation arises primarily because of transport pollution, local authorities in Wales should consider the integration of their action plans with the local transport plans.
- 6.13 Local authorities will want to involve neighbouring councils from the earliest stage possible in the LAQM process, where appropriate.

### **Consultation with the trunk road agency**

- 6.14 The trunk road agency is committed to the LAQM process and appreciates fully the importance of working with local authorities.
- 6.15 When consulting the trunk road agency on air quality management issues, local authorities should continue liaising with established contacts made during the first phase of review and assessment if the same route is affected, or else seek advice for new contacts.

### **Consultation with Natural Resources Wales**

- 6.16 NRW provides a range of support to local authorities. Local authorities can contact NRW for data, information, advice and consultation by phoning its Customer Care Centre on 0300 065 3000, or through [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk).

### **Consultation with Public Health Wales**

- 6.17 Local authorities can contact Public Health Wales for public health advice by phoning its environmental health protection team on 029 2040 2478, or through [publichealth.environment@wales.nhs.uk](mailto:publichealth.environment@wales.nhs.uk).

### **Consultation other stakeholders**

- 6.18 Local authorities might wish to look for innovative ways of engaging local stakeholders, including local resident and community groups, as well as local businesses. If people feel personally involved in air quality issues, they are more likely to change their behaviour and support proposed measures to improve air quality locally.
- 6.19 Effective consultation may involve the following:
- providing user-friendly information so that the recipients can fully understand the situation and how they can become involved with the process;
  - involving the local stakeholders at an early stage in the whole process;
  - making full use of existing networks or local community groups and, where possible, extending those networks to capture a diverse range of stakeholders; and
  - setting up participative workshops or forums to make the stakeholders feel part of the consultation process.
- 6.20 It is important that local authorities provide information on local air quality in a clear and accessible way. Local authorities are ideally

placed to inform the public about the causes and effects of air pollution. Many local authorities have experience of health education and they should consider exploring links with local health boards or their successor organisations. They should use their local contacts, such as local newspapers, radio and libraries to reach as wide an audience as possible. Some local authorities have already developed local air quality information strategies and provide regular information. They publish and make monitoring reports available to the public or publish data in local newspapers.

6.21 Within the 1995 Act there is provision for public access to information. As well as the review and assessment reports on which a local authority is required to consult, it should proactively make available copies of:

- orders designating an AQMA;
- action plans; and
- any directions given to the authority by the Welsh Ministers.

## **Chapter 7: Local air quality strategies**

7.1 Local authorities do not have a statutory obligation to prepare or adopt a local air quality strategy. The Welsh Government, however, recommends that all authorities, particularly those that have not had to designate AQMAs but have areas close to the exceedence levels, should consider drawing up such a strategy. The Welsh Government considers it important that all authorities commit themselves to ensuring that air pollution remains below objective levels. Even local authorities with very good air quality may wish to develop local air quality strategies in order to maintain these standards.

### **Why adopt a local air quality strategy?**

7.2 Developing a local air quality strategy, or including air quality management as part of another strategy (such as a strategy for reducing CO<sub>2</sub> emissions or a transport strategy) will help authorities to deliver services in an integrated manner. It can:

- emphasise the local authority's role in delivering cleaner air, and by setting an example can encourage others to take action;
- raise the profile of air quality within the local authority, thus keeping key issues high on the agenda of councillors;
- help authorities to handle air quality in a corporate and multi-disciplinary way – allowing authorities to take air quality considerations properly into account in all their wider policy areas, such as land use planning, transport planning, energy efficiency, waste management, economic development, and regeneration;
- raise the profile of air quality in the local community;
- be linked to other local initiatives;
- help authorities to build up partnerships with local businesses, industry and the community;
- encourage people to do their bit to improve local air quality;
- lead to greater co-operation with neighbouring authorities and strengthen the role of regional groupings; and
- support and feed into any action plans that might be needed in future.

### **Developing a strategy**

7.3 Local authorities are free to develop strategies in the manner that they consider most appropriate to them. However, it is recommended that strategies be developed in a multi-disciplinary

manner involving all relevant authority departments, such as planning and transport departments and those leading on climate change, as well as representatives from any other local authorities that are to be involved in the strategic approach.

### **Setting up a steering group**

7.4 As with developing an action plan, the Welsh Government recommends that local authorities set up a steering group to take forward the process of drawing up a local air quality strategy. There should be effective links between all the relevant local authority departments, in particular those covering:

- environmental health;
- land use planning;
- transport planning;
- countryside service, parks, street scene, and specialist arboricultural/tree officers;
- public health;
- energy;
- waste management;
- economic development;
- regeneration; and
- town centre management.

### **Local authority's own contributions to improving air quality**

7.5 Many local authorities already run at least some of their vehicles or those of their contractors on alternative fuels. Authorities can also lead the way in developing travel plans for their staff by encouraging them to use public transport, where possible, instead of travelling to work by car.

7.6 Local authorities can use green purchasing policies to specify the use of locally sourced products, thereby reducing transport requirements. They can also increase their energy efficiency by reducing emissions from large boiler plants in their buildings and set environmental conditions in their service contracts with outside contractors.

7.7 The Welsh Government is keen that local authorities should continue to act as a catalyst in this way and to communicate their commitment

to delivering cleaner air in their local air quality strategy. This will be the basis for encouraging other organisations and businesses in the area to develop their own strategies to bring about improvements in air quality.

- 7.8 It is therefore important when developing a local air quality strategy to discuss it with neighbouring authorities or those within any regional grouping. Other authorities in the region may have already drawn up an air quality strategy and it can be useful to share experience. This level of co-operation can help to strengthen links between authorities in regional groupings. The Welsh Government seeks to promote collegiate working through the Welsh Air Quality Forum and recommends that local authorities look to support from neighbouring authorities in drawing up their local air quality strategies.

### **Co-operation with outside bodies**

- 7.9 Local air quality problems cannot be solved by local authority action alone. The success of a local strategy depends upon co-operation with other sectors. Local authorities may wish to include in their strategies a framework for co-operation with:

- the Welsh Government;
- NRW;
- Public Health Wales;
- local health boards or their successor organisations;
- businesses and other interested parties; and
- community representatives.

### **Format of a local air quality strategy**

- 7.10 The format of a local air quality strategy is entirely up to the local authority. Air quality strategies can address a range of pollutants and not just those where exceedences are forecast. Local authorities could include other pollutants such as ozone or look to tackle pollutants prominent in their area, such as emissions from particular industrial or domestic sources. Authorities could also consider taking a broader issues-based approach rather than focusing on individual pollutants.
- 7.11 The air quality strategy could start by setting out the problems associated with air pollution and its impact on human health, ecosystems, vegetation and buildings, etc., in order to focus people's minds on what the risks are and why action needs to be

taken. It might also be useful to explain what work the authority has been doing as part of its air quality review and assessment.

- 7.12 The local authority should set out its intentions in the strategy and what action needs to be taken to reduce levels of air pollution, such as increased use of public transport, implementation of information campaigns to bring about changes in behaviour, etc. It might also be useful to explain how the actions will be carried out and if possible include any timescales. It is important to explain what actions the local authority is already undertaking itself, such as using alternatively fuelled vehicles in its own fleet, or reducing emissions from its own boilers.
- 7.13 The strategy should show how local authorities will take air quality into account in wider policy areas, for example land use planning and traffic management. It should also be linked to other plans, such as regional and local transport strategies and development plans and, where the authority has declared an AQMA, the strategy could feed into the air quality action plan.
- 7.14 Authorities should also indicate within the strategy what co-operation they need or have secured from other sources, such as neighbouring authorities and outside organisations. Local health boards or their successor organisations, NRW, Public Health Wales, the trunk road agencies, the Welsh Local Government Association, local schools, businesses and community groups should be considered.

### **Integration of local air quality strategies within local well-being plans**

- 7.15 Where a local air quality strategy has been adopted, a judgement will have to be made as to how it should figure in the public services board's local well-being plan.

## **Chapter 8: Transport**

### **Local transport plans**

- 8.1 The Transport Act 2000, as amended by the Transport (Wales) Act 2006, introduced a statutory requirement for local transport authorities to produce a local transport plan (LTP) every five years and keep it under review. The final LTPs covering 2015-2020 were submitted in January 2015 and approved by the Transport Minister in May 2015.
- 8.2 Where a local authority designates an AQMA due to emissions from transport, local authorities should consider integrating the action plan with any other transport-related plans. However, each authority should continue to have a standalone air quality action plan containing all relevant measures.
- 8.3 The integration of action plans with other transport plans will provide a systematic way to join up air quality management and transport planning.

### **Local authority measures**

- 8.4 Emissions from road vehicles are the most common reason for the designation of AQMAs. There are a number of practical measures that local authorities can consider implementing to reduce levels of pollutants from vehicles. Practice guidance accompanying this document includes guidance on low emission zones, increasing uptake of low emission vehicles and retro-fitting of abatement equipment.

### **Traffic measures**

- 8.5 Sections 1, 6 and 9 of the Road Traffic Regulation Act 1984 give authorities extensive powers to make traffic regulation orders. These can prohibit, restrict or regulate traffic or particular types of vehicle. They can apply to part of a road, a whole road or a number of roads, and can be in force all the time or for specified periods. Traffic authorities may also exempt some classes of vehicle or permit holders. Under paragraph 36 of Schedule 22 to the 1995 Act, traffic authorities can include the pursuit of air quality objectives made under Part IV of the 1995 Act in traffic regulation orders. Schedule 22 to the 1995 Act also adds the national Air Quality Strategy to the list of items in section 122 of the Road Traffic Regulation Act 1984 that authorities must take explicit account of when using their traffic regulatory powers. Local authorities should seek their own legal advice on the basis for establishing transport-related measures.

- 8.6 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003 enable local authorities with AQMAs to apply to Welsh Ministers for the power to conduct roadside vehicle emissions testing. Where local authorities using this power find that a vehicle exceeds current emissions limits, a fixed penalty notice of £60 can be issued to the driver of that vehicle. The regulations also enable all local authorities to issue fixed penalty notices of £20 to any driver running their engine unnecessarily when parked and who refuses all reasonable requests to turn the engine off.

### **Traffic calming**

- 8.7 The Highways (Traffic Calming) Regulations 1999 and the Highways (Road Humps) Regulations 1999 allow authorities to introduce a wide range of physical measures to control traffic at low speeds. It is important that traffic authorities design schemes to encourage a smooth driving style that avoids repeated acceleration and deceleration as otherwise emissions may increase. The spacing between each calming feature, whether vertical or horizontal deflections, will greatly influence driving style. Spacing of around 50-60 metres will encourage the smoothest driving styles.

### **Reallocation of road space**

- 8.8 Reallocating space to buses and cycles can make these forms of transport more attractive and result in reduced emissions because of modal shift. Authorities can also create advisory cycle lanes (which do not require a traffic regulation order), but these might not be as effective. Authorities must be careful not to increase congestion and pollution when reducing capacity. Changing the management of road verges and surrounding land in a way that does not compromise road safety may also attract more people to public transport and cycling. For example Bristol City Council used low-cost high visual impact plantings of pollinator-attracting meadows to attract people by brightening up road verges and medians. Planting trees and hedges to shelter cycle-tracks from the prevailing wind may make cycling a more attractive proposition to commuters.

### **High occupancy vehicle lanes**

- 8.9 A significant proportion of vehicles contain only one occupant. This is particularly so during peak periods. High occupancy vehicle (sometimes shortened to HOV) lanes are aimed at using the road network more efficiently by encouraging car sharing. Traffic authorities can make a traffic regulation order to authorise them. They can introduce high occupancy vehicle lanes by adding capacity or converting existing lanes.

## Vehicle restricted areas

- 8.10 An authority can introduce a traffic regulation order to restrict access to a road or area to some or all vehicles at different times of the day. Where there are objections to an order that would have the effect of restricting or prohibiting access outside peak hours, the local authority would first need to hold a public inquiry. Welsh Ministers' consent may also be required if access would be prohibited for more than eight hours in any period of 24 hours.
- 8.11 The vehicle restricted area may be established to create a pedestrianised area. Typically, pedestrianised areas allow access to some vehicles for all or some parts of the day. These may include delivery vehicles and buses.
- 8.12 Restricting access to town centres has been shown to improve the local environment. There are plenty of examples of pedestrianisation schemes that have maintained or improved local economic activity. But this does not happen automatically – people must still be able to get to the area by other means. These could include:
- good public transport, perhaps with park and ride;
  - facilities for cyclists and pedestrians;
  - peripheral car parking;
  - access for people with limited mobility; and
  - access for taxis, where appropriate.

Authorities will also need to make sure that delivery and service vehicles have access.

- 8.13 Traffic restricted areas will be implemented by suitable traffic signs. If compliance with the access restrictions is an issue then physical measures may be required. Increasingly, rising bollards are being used to enforce selective vehicle access areas. Some guidance on the use of rising bollards is given in Traffic Advisory Leaflet 4/97, 'Rising bollards'<sup>17</sup>.

## Parking controls

- 8.14 A significant influence on whether people drive into towns is whether they can park and the level of any parking charges. The Road Traffic Regulation Act 1984 permits local authorities to determine where motorists can park and how much it will cost them. They may also

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<sup>17</sup> <https://www.gov.uk/government/publications/traffic-advisory-leaflets-1989-to-2009>

restrict parking in other ways. Residents' parking schemes, for example, can be an effective way of encouraging non-residents to find other ways of travelling into town centres.

- 8.15 Authorities can use the planning process to regulate the amount of residential and private non-residential parking (sometimes shortened to PNR) associated with a new development. They can make discontinuance orders under the Town and Country Planning Act 1990 to end existing private non-residential spaces. Further advice on parking standards for non-residential development is set out in Technical Advice Note (TAN) 18: Transport.
- 8.16 Parking restrictions need the right level of enforcement. Effective enforcement of parking restrictions allows more efficient use of existing parking provision and can improve traffic flow. Part 6 of the Traffic Management Act 2004 and associated regulations set out the framework for the civil enforcement of parking contraventions by local authorities. The regulatory framework transfers the responsibility for enforcing most parking restrictions from the police and traffic wardens to civil enforcement officers employed by the local authority. This gives local authorities control over enforcement of parking and waiting restrictions to ensure that their parking strategies are effective in practice. Research in areas where decriminalised parking enforcement has been introduced indicates that both enforcement and compliance levels have increased and traffic flow has improved.

### **Traffic control systems**

- 8.17 There are a number of urban traffic management and control systems on the market that could help to improve traffic flows. Where co-ordinated signal operation is required to provide improved flow across a network of junctions, a 'SCOOT' traffic control system, which responds automatically to changing conditions, will give better traffic flow than an older fixed-time urban traffic control (UTC) system.
- 8.18 SCOOT systems can hold queues outside an area when congestion exceeds a pre-set threshold. Overall journey times might well remain similar, but drivers would queue for longer while approaching the area, then make faster progress through it. This method may be appropriate if the queue is where relatively few people are exposed to any increased emissions. When a SCOOT system detects buses, either through an accurate automatic vehicle location system, or by transponders and special vehicle detection loops, it can give them priority. This cuts delays to buses and makes bus journey times more predictable, although it does not help as much as dedicated bus lanes.

- 8.19 More information on the above is given in Traffic Advisory Leaflets 7/99, 'The "SCOOT" urban traffic control system'; 7/00, 'SCOOT gating'; 8/00, 'Bus priority in SCOOT'; 9/00, 'SCOOT estimates of emissions from vehicles'; and 2/09, 'Integration of pedestrian traffic signal control within SCOOT-UTC systems'<sup>18</sup>.
- 8.20 Where co-ordinated traffic signal operation is not required, traffic signals will operate in an isolated control mode. Isolated operation can provide quicker responses to rapidly changing traffic conditions and reduce unnecessary delays, particularly at quiet times. A SCOOT/UTC system may revert to isolated operation at night-time. If the signals are to operate efficiently, it is important that the relevant vehicle detectors are installed and working correctly. Traffic signal controllers incorporating the MOVA control strategy can improve flows and reduce delays at traffic signal controlled junctions. This is described in Traffic Advisory Leaflets 3/97, 'The "MOVA" signal control system'; and 1/09, 'Compact MOVA'<sup>19</sup>; and TD 35/06, 'All purpose trunk roads MOVA system of traffic control at signals'<sup>20</sup>.
- 8.21 Other traffic management measures may also help to improve traffic flow at junctions, such as traffic regulation orders (as mentioned previously) to ban right turns with traffic signs reinforced in some cases by physical measures. Introducing parking restrictions can reduce exit-blocking at junctions. Also see Traffic Advisory Leaflets 2/03, 'Signal-control at junctions on high-speed roads'; and 1/06, 'General Principles of Traffic Control by Light Signals Parts 1 to 4'<sup>21</sup>.

### Speed limits

- 8.22 Careful consideration needs to be given to the potential effect on air quality of setting speed limits. Reducing maximum speeds on motorways and congested roads outside towns and cities may improve flow and capacity, thereby reducing emissions. Local authorities can set speed limits by making orders under section 84 of the Road Traffic Regulation Act 1984. Some authorities have piloted experimental variable mandatory 20 mph speed limits in urban areas on road safety grounds. The resulting lower traffic speeds are unlikely to reduce emissions significantly, and may actually increase emissions of some pollutants. For further advice about the relevant regulations, see Traffic Advisory Leaflet 9/99, '20 mph speed limits and zones'<sup>22</sup>.

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<sup>18</sup> <https://www.gov.uk/government/publications/traffic-advisory-leaflets-1989-to-2009>

<sup>19</sup> <https://www.gov.uk/government/publications/traffic-advisory-leaflets-1989-to-2009>

<sup>20</sup> <http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol8/section1/td3506.pdf>

<sup>21</sup> <https://www.gov.uk/government/publications/traffic-advisory-leaflets-1989-to-2009>

<sup>22</sup> <https://www.gov.uk/government/publications/traffic-advisory-leaflets-1989-to-2009>

## Park and ride

- 8.23 Local authorities need to design park and ride schemes carefully and should see them as just one measure in developing an integrated transport policy. To be most effective, park and ride schemes should be complemented by measures such as reductions in town centre parking, bus priority measures or pedestrianisation. Park and ride is unlikely to affect town centre traffic levels, and may simply add to the amount of traffic entering the town.
- 8.24 The provision of well sited park and ride sites using high quality, clean, low emission buses encourages greater use of the service by motorists. Essential factors to address in devising a successful park and ride scheme include:
- well-sited, quality sites some distance from the town centre, ideally where radial and orbital routes intersect;
  - bus priority measures and traffic restraint measures to complement park and ride services;
  - clear and conspicuous signing;
  - ease of access to the sites;
  - competitive bus-based park and ride tariffs compared to central parking area tariffs;
  - provision of a high quality, frequent and reliable transit service;
  - journey time advantages over the car; and
  - site facilities such as shelter, passenger information and security measures.

See Traffic Advisory Leaflet 2/01, 'Bus-based park and ride', for more information<sup>23</sup>.

## Airports

- 8.25 Although local authorities cannot directly control emissions from airports, local authorities can use their powers to reduce traffic flow around an airport, or encourage the use of public transport to and from airports. Travel planning initiatives can include measures to reduce car dependency, and can be utilised by local authorities, businesses, schools, hospitals and other organisations.

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<sup>23</sup> <https://www.gov.uk/government/publications/traffic-advisory-leaflets-1989-to-2009>

## Smarter choices

- 8.26 Smarter choice measures include workplace and school travel plans, personalised travel planning, public transport information and marketing, travel awareness campaigns, car sharing, car clubs, teleworking and teleconferencing, cycling and walking. Where smarter choice measures are implemented within a supportive policy context, they can be effective in facilitating choices to reduce car use and offer good value for money.
- 8.27 Regional travel plan co-ordinators are well placed to assist councils or employers with introducing travel plans or other initiatives that encourage smarter choices.

## Rail

- 8.28 Rail-based park and ride depends on there being enough secure off-street parking at stations. Local authorities also have to consider the capacity of the road network around the station. A further issue is that informal rail-based park and ride can lead to conflict between commuters and residents and increased illegal or inconsiderate parking. Authorities may need to boost enforcement efforts to deal with these side effects. Co-operation between neighbouring authorities is important, as park and ride schemes often originate in one local authority area and terminate in another.

## Walking and cycling

- 8.29 The Welsh Government is keen to increase cycling levels and undertakes a number of initiatives, including:
- encouraging local authorities to develop cycling strategies as part of their local transport strategies, and to link these with education and health improvement initiatives;
  - providing support to local authorities for cycling projects through dedicated allocations for cycling, walking and safer streets projects; and
  - funding the National Cycle Network in Wales through sustainable transport charity Sustrans.

Active travel routes need to be of a good standard, as set out in the Welsh Government's design guidance<sup>24</sup>.

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<sup>24</sup> <http://gov.wales/docs/det/publications/141209-active-travel-design-guidance-en.pdf>

### **Low emission vehicles**

- 8.30 The Welsh Government has set up a steering group to consider and make recommendations on increasing the take-up of low emission vehicles in all sectors in Wales.
- 8.31 Grants are already available on a UK-wide basis to help people to purchase low emission private cars and vans and install domestic charging points.
- 8.32 The Low Emission Bus Scheme (which replaced the Green Bus Fund) is a new scheme open to competitive bids from local authorities and operators. Unlike the previous scheme, it extends to Wales as well as England. The Welsh Government has worked with local authorities and bus operators in Wales to encourage and facilitate bids.
- 8.33 Further information is available at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>.

## Chapter 9: Planning

### Background

- 9.1 The land use planning system is integral to improving air quality. Local authorities need to understand the links between air quality and land use planning policies if the planning system is to contribute to improving air quality.
- 9.2 The Welsh Government's planning policy in relation to air quality is set out in Planning Policy Wales (PPW) and Minerals Planning Policy Wales (MPPW). PPW sets out how the planning system can contribute to improvements in air quality while avoiding duplication of the existing pollution control systems. PPW also notes that air quality can be a material planning consideration, and should be taken into account in the preparation of development plans.
- 9.3 Planning guidance is also available in the form of Technical Advice Notes (TANs) and Minerals Technical Advice Notes (MTANs). Relevant guidance documents include:
- TAN 4: Retailing and Town Centres (1996)
  - TAN 8: Renewable Energy (2005)
  - TAN 11: Noise (1997)
  - TAN 18: Transport (2007)
  - MTAN 1: Aggregates (2004)
  - MTAN 2: Coal (2009)
- 9.4 PPW, MPPW, TANs and MTANs are available on the Welsh Government website<sup>25</sup>.

### Planning and pollution control

- 9.5 PPW explains the relationship between the land use planning and pollution control systems. The systems are separate but complementary. Close co-ordination between planning authorities and pollution control regulators can help to ensure that the common objective of sustainable development is met effectively and efficiently, and can minimise unnecessary duplication of effort or conflict of interest.

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<sup>25</sup> <http://gov.wales/topics/planning/policy/?lang=en>

- 9.6 The key industrial pollution control regime in Wales is enshrined in the Pollution Prevention and Control (PPC) Act 1999 and the Environmental Permitting (England and Wales) Regulations (EPR).
- 9.7 For sites listed under Part A of EPR, the integrated element covers not only emissions to air but also other environmental impacts associated with industrial processes, including noise, waste, water, energy use and land contamination.

### **Environmental impact assessment and the planning process**

- 9.8 Environmental impact assessment (EIA) is an important procedure for ensuring that potentially significant environmental effects (direct and indirect) of a proposed development are fully understood and taken into account before the development is approved or refused. The types of development for which an EIA may be required are given in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).
- 9.9 The developer of a project that is subject to EIA is required to prepare an environmental statement describing the likely effects of the project. The planning authority must take this into account when considering the planning application. The information to be included in the environmental statement is described in Schedule 4 to the Regulations. It must include a description of the development, potentially significant environmental effects (including, where appropriate, air quality before and after the proposed development), mitigating measures envisaged, a description of any alternatives considered by the applicant, the reasons for the final choice, and a non-technical summary.

### **Air quality and other regulatory controls**

- 9.10 Building regulations, specifically 'Approved Document J – Combustion appliances and fuel storage systems'<sup>26</sup>, are also relevant, and statutory nuisance provisions under Part III of the Environmental Protection Act 1990 may be applicable where the combustion installation is not situated in a smoke control area.
- 9.11 Where planning decisions are being made in relation to combustion plant such as biomass combustion plant, air quality officers and planners should consider the right technology for the right place (see the UK Bioenergy Strategy<sup>27</sup>). Further guidance on biomass installations is provided in the technical guidance.

<sup>26</sup> <http://gov.wales/topics/planning/buildingregs/publications/part-j-heat-appliances/?lang=en>

<sup>27</sup> <https://www.gov.uk/government/publications/uk-bioenergy-strategy>

9.12 Local authorities can designate areas as smoke control areas under Part III of the Clean Air Act 1993. In smoke control areas, only appliances that are exempted from the provisions of the Clean Air Act 1993 may be used (see the Welsh Government website<sup>28</sup> for more information). There will be situations where an alternative regulatory regime applies (see Annex XVIII of the General Guidance Manual on Policy and Procedures for A2 and B Installations<sup>29</sup>), but where the Clean Air Act 1993 applies, local authorities:

- must take action where dark smoke is emitted from a chimney of any building (subject to certain permitted periods and exemptions);
- must take action where dark smoke is emitted from industrial or trade premises (subject to certain exemptions);
- can require notification of installation of industrial furnaces and approve grit and dust arrestment equipment; and
- approve chimney heights of certain furnaces.

9.13 Under the Clean Air Act 1993, local authorities can also:

- require people to adapt their fireplaces to burn smokeless fuel;
- restrict the burning of unauthorised fuels except in exempted fireplaces (details of authorised fuels and exempted fireplaces are available at the website above); and
- restrict the sale of unauthorised fuels.

9.14 In a smoke control area, it is an offence to emit smoke from any chimney. It is also an offence to acquire for use or to sell for delivery any fuel, other than an authorised smokeless fuel, unless it is to be burned on a fireplace exempted from the smoke control order, and in accordance with the conditions of use of that fireplace.

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<sup>28</sup>

<http://gov.wales/topics/environmentcountryside/epq/airqualitypollution/airquality/legislation/clean-air-act/?lang=en>

<sup>29</sup> <https://www.gov.uk/government/publications/environmental-permitting-general-guidance-manual-on-policy-and-procedures-for-a2-and-b-installations>

## **Part 2: Further practical guidance**

### **1. Overview**

Part 2 of the policy guidance points the reader towards other sources of advice, as well as practice guidance on some of the more effective and ambitious measures that local authorities can pursue.

The Welsh Government, in partnership with a number of other organisations, provides further advice and guidance on how to improve air quality that may be utilised by local authorities in pursuit of their air quality duties, including:

#### **UK-AIR: Air information resource**

UK-AIR is hosted and maintained by Ricardo Energy & Environment on behalf of Defra and the devolved administrations.

<http://uk-air.defra.gov.uk/>

#### **Local Air Quality Management (LAQM) Support**

These pages, provided by Defra and the devolved administrations, contain a variety of support functions, including a helpdesk for local authorities and practitioners of LAQM.

<http://laqm.defra.gov.uk/>

#### **Air Quality in Wales**

The website of the Welsh Air Quality Forum aims to provide comprehensive information about air quality in Wales.

<http://www.welshairquality.co.uk/>

## 2. Practice guidance for Welsh authorities

Four practice guidance documents accompany this policy guidance, describing some of the measures that local authorities might like to consider to make improvements to air quality. This practice guidance is available on the Welsh Government's website:

<http://gov.wales/topics/environmentcountryside/epq/airqualitypollution/airquality/guidance/?lang=en>.

The practice guidance points local authorities towards the more ambitious and effective measures that they can take, including:

- establishing low emission zones;
- encouraging the uptake of low emission vehicles; and
- encouraging the uptake of retrofitted abatement equipment on vehicles.

Guidance is also provided on economic principles for the assessment of local measures to improve air quality.

It is not mandatory for local authorities to follow this practice guidance to its full extent. It is for local authorities to determine what will work best in their situation and assess the impact that they might have.

**Note:** At the time of writing (March 2016) the practice guidance documents have not been reviewed or updated since their publication in 2009, and users should bear in mind that they may not fully reflect more recent developments in air quality policy and evidence.

### 3. Model air quality management area order

Environment Act 1995 Part IV Section 83(1)

[Name of Council]

#### AQMA Order

[Name of Council], in exercise of the powers conferred upon it by section 83(1) of the Environment Act 1995, hereby makes the following order.

This order may be cited / referred to as the [name of Council] Air Quality Management Area [No.1, 2, 3 if more than one is being designated] and shall come into effect on [date].

The area shown on the attached map in red is to be designated as an air quality management area (the designated area). The designated area incorporates [the whole borough of said Council] or [name of street / trunk road] or [stretch of road between junction X and junction Y]. The map may be viewed at [address of Council offices].

This area is designated in relation to a likely breach of the nitrogen dioxide (annual mean) objective as specified in the Air Quality Regulations 2000.

This order shall remain in force until it is varied or revoked by a subsequent order.

The Common Seal of [name of Council] was hereto affixed on [date] and signed in the presence of/on behalf of said Council

.....

#### 4. Recommended format of an action plan progress report

Action plan measure/target	Original timescale	Progress with measure	Outcome to date	Comments
Roadside emissions testing				
Publicity campaign on walking/cycling				
Park and ride scheme (state which area in the authority)				
Introduce revised process authorisation to limit emissions (in collaboration with NRW)				
Area speed reductions (20 mph zones in residential areas)				