



Chartered Institute of  
Environmental  
Health

Sefydliad Siartredig  
Iechyd yr  
Amgylchedd

# Air Quality and Noise Management Strategy - Wales

Response to the Welsh Government, Environment  
Quality and Regulation Branch

November 2016

## Sefydliad Siartredig Iechyd yr Amgylchedd

Fel **corff proffesiynol**, rydym yn gosod safonau ac yn achredu cyrsiau a chymwysterau ar gyfer addysg ein haelodau proffesiynol ac ymarferwyr iechyd yr amgylchedd eraill.

Fel **canolfan wybodaeth**, rydym yn darparu gwybodaeth, tystiolaeth a chynghor ar bolisiau i lywodraethau lleol a chenedlaethol, ymarferwyr iechyd yr amgylchedd ac iechyd y cyhoedd, diwydiant a rhanddeiliaid eraill. Rydym yn cyhoeddi llyfrau a chylchgronau, yn cynnal digwyddiadau addysgol ac yn comisiynu ymchwil.

Fel **corff dyfarnu**, rydym yn darparu cymwysterau, digwyddiadau a deunyddiau cefnogol i hyfforddwyr ac ymgeiswyr am bynciau sy'n berthnasol i iechyd, lles a diogelwch er mwyn datblygu arfer gorau a sgiliau yn y gweithle ar gyfer gwirfoddolwyr, gweithwyr, rheolwyr busnesau a pherchnogion busnesau.

Fel **mudiad ymgyrchu**, rydym yn gweithio i wthio iechyd yr amgylchedd yn uwch ar yr agenda cyhoeddus a hyrwyddo gwelliannau mewn polisi iechyd yr amgylchedd ac iechyd y cyhoedd.

Rydym yn **elusen gofrestredig** gyda dros 9,000 o aelodau ledled Cymru, Lloegr a Gogledd Iwerddon.

## The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 9,000 members across England, Wales and Northern Ireland.

The Chartered Institute of Environmental Health (CIEH) is pleased to respond to this consultation, addressing as it does an area of growing public health significance and concern.

Addressing air pollution and its impacts is a policy focus for the CIEH in 2017, we will be calling for inter alia a new Clean Air Act to replace the Act of 1993, and Act that is now outdated and fails to address the most significant sources of air borne pollutants, being motor vehicle emissions. In line with the aspirations of the Wellbeing of Future Generations Act we urge Welsh Government to promote a shift in modal transport thinking, encouraging more trips by public transport, cycling and walking, which would have the dual benefit of reducing emissions and increasing physical activity levels. We also encourage activities to control, mitigate and reduce airborne pollutants even in areas where air pollution objectives are being met, such as tree planting, use of green walls and encouraging uptake of energy efficient programmes that have a less significant impact on air borne pollutants.

- Q1.** In section 6 of this consultation document we asked a number of questions about the changes we are considering taking forward in the first year of this five-year Assembly, alongside a review of national planning policy and guidance on air and noise pollution.

**Please use this space to answer the questions asked in section 6 of this document. Is there anything you think we should be doing differently?**

6.1 Although this is an issue for local authorities we agree with the proposed change in principle as it should reduce the burden on local authority teams. We are aware from the 2014-15 Environmental Health Workforce Survey that the service area most affected by budget cuts has been environmental protection, with members citing air quality management as the area of the service 'most at risk'.<sup>i</sup> Any step that reduces the burden on this area of the service is therefore to be encouraged.

6.2 In the view of the CIEH there is benefit to local authorities producing joint reports as they will give a better and more representative picture of the conditions over a wider geographical area and a truer representation of the circumstances that exist that may be achieved by reports that stop at administrative boundaries.

6.3 As noted in our response to 6.1 above environmental protection has been the service area in Public Protection Departments most adversely affected by cuts. Whilst we agree that early reporting and completing responses within deadline periods is important, it is important to ensure that the drive to do so does not create a greater burden for local authorities. The nature of some sampling is such that results will not be available quickly, this being particularly the case where an AQMA is close to failing and the need for

accurate results to ensure accurate reporting will inevitably create delay in responding. It would be counter intuitive were a need to respond to a deadline that would be missed by a local authority doing sophisticated sampling in a number of AQMAs led to that authority using simpler and less sophisticated sampling techniques in order to comply with the deadline rather than continuing to carryout monitoring that would give results that were of greater value in public health terms. The need to produce a response within a timeframe should not outweigh the underlying reason for carrying out monitoring and addressing the findings generated.

6.4 The purpose of reporting is to advise and inform the public of areas of concern. Currently there is much public concern about air quality around school gates, CIEH has commented in the media about monitoring of airborne pollutants around school gates and practical and pragmatic ways of effecting reductions.

In the view of CIEH the purpose of the reports generated is to inform the public of the quality of the air in specified areas on a year by year basis, allowing for comparisons to be made. To this end we are of the view that all annual reports should be accessible to allow for such comparisons to be made. For this to be done in a meaningful way it is also important that the templates used do not change more that is necessary year on year.

We consider that the important pollutants (PM10 and NOx) should be reported, but that where an area has been shown not to be a source of significant concern on-going reporting should cease. It is not best use of limited resources to nil report year on year.

6.5 CIEH is committed to principles of partnership and cross boundary working, however it is hard to see how this will work as envisaged. To date we have seen nothing from Public Service Boards (PSBs) that suggests that air quality is high on their agendas, neither have we seen evidence that supports the idea that local planning policies take account of the need to reduce air or noise pollution. While reducing air and noise pollution levels are drivers from local authority environmental health departments they are not drivers for PSBs and we suggest that in their first years of activity are unlikely to be, given the other challenges on which they are required to deliver.

Going forward it is clear that there will be opportunities to address noise and air pollution using Health Impact Assessment to mitigate their impacts at the planning stage and to engage all partners in that process, including PSBs, but in the view of CIEH it is essential that PSBs recognise the important of noise and air quality and their role in driving forward improvement as a critical part of improving wellbeing.

We are concerned by the potential implications arising from the proposed introduction of reporting on PM2.5, which represents a significant policy change for Welsh Government. We know that PM2.5 level in urban areas are generally high in difficult to tackle areas, such as geographically challenging canyon development and high density traffic routes which will require major strategic infrastructure changes to effect significant change. We question

whether the need to report will deflect resources from local solution pollution reduction measures which would be detrimental to public health.

6.6 Whilst endorsing the principle of addressing noise pollution in dwellings we are also cognisant of the difficulty in defining and in measuring the same. We cannot see how a PSB can address the issue through action planning, neither have we seen any evidence that suggests that PSBs regard this issue as a priority. Unless Welsh Government is minded to compel PSBs to tackle the issue we consider it is unlikely that noise in dwellings will be a priority for them.

Most incidents of noise in dwellings is dwelling specific and can be dealt with using the statutory nuisance powers in the Environmental Protection Act 1990 or through the use of Antisocial Behaviour powers. Whilst the powers are generally used in a reactive way following complaint both can be used to stop recurrence of noise and we suggest that this use of existing statutory powers for issue specific solutions is the preferred way forward.

6.7 The CIEH considers that there is merit to the proposals as made, however we are concerned that the opportunity for local authorities to also report on local issues of concern or significant should not be lost. There must be opportunity for local authorities to report on issues of specific local concern since this will inform members of the public about local conditions as well as maintaining public confidence in the reporting system.

6.8 CIEH agrees with the proposal, we make no comment on the proposed 3 month deadline, this being an operational matter for local authorities.

6.9 CIEH strongly supports this proposal. There are clear public health gains to be made by linking climate change targets to air quality management actions.

6.10 For this to succeed we suggest that PSBs will have to demonstrate strong leadership and engage with the Local Health Boards and with Natural Resources Wales to encourage collaborative working in noise reduction and air quality improvement. We applaud the ambition but note that local authorities cannot be relied on to deliver the outcomes alone. We question whether PSBs consider noise reduction and air quality improvement to be a priority and whether they will drive collaborative planning and working to achieve it without being required to do so.

6.11 As noted in the preamble to our specific response we consider the use of green infrastructure to be a useful tool in improving air quality. CIEH suggests that planning guidance should be specific as to its use for air quality purposes as well as for its proven beneficial impact on mental health and wellbeing.

We question whether Welsh Government will be in position to introduce new reporting templates in the spring of 2017 given that the current debate around form, content and format has yet to be resolved.

6.12 This is an operation matter for local authorities; CIEH make no comment.

6.13 CIEH agrees with these proposals. There is clear evidence of the links between sleep disturbance and mental health issues and sleep disturbance and recovery times after ill health episodes. Whilst we fully recognise the importance of promoting a night time economy and further the value of opening up empty properties where these are in town centres or are flats over shops etc. we also recognise that this can lead to exposure to noise levels that may be detrimental to sleep and therefore to mental health and wellbeing, although generally on an individual rather than at a population level.

We endorse the use of Health Impact Assessment as a tool in the planning process to ensure that where development may cause noise problems the extent of the problem can be limited and the most expedient ways of reducing it can be planned into the development or redevelopment.

6.14 The CIEH supports partnership working, however we note that at present in Wales expertise regarding noise monitoring lies in local authorities. We are not aware that NRW has had any role in noise monitoring to date. Pragmatically it would seem to be sensible for local authorities to take the lead role in noise mapping, particularly since local authority EHOs are also engaged in the wellbeing agenda and will use the noise maps to focus wellbeing interventions aimed at reducing exposure to noise.

6.15 We agree with these proposals.

**Q2.** There is considerable uncertainty about the extent to which we will still be bound by our current EU obligations relating to air and noise pollution following the UK's withdrawal from the European Union. Therefore, we are not yet in a position to state precisely what further action we propose to take forward in the second, third, fourth and fifth years of this Assembly.

**Bearing this uncertainty in mind, along with the information provided on the current state of play in Wales in sections 1 to 5 and Annex A of the consultation document, please tell us what further action, if any, you would like to see taken forward on air and noise pollution in the next five years?**

CIEH Wales would be very happy to engage fully with Welsh government on this opportunity to rationalise and improve environmental regulations in Wales. We are cognisant that environmental regulation is extremely complex and is interwoven with other regulation, and that any amendments to the system must be made with great care, ensuring that there are no adverse unintended consequences.

We are strongly of the view that Welsh Government need to retain clear numeric air quality objectives that are no weaker than the current European standards. Any international review will conclude that most countries are working to very similar standards because the health evidence is strong and well presented by the World Health Organisation.

We believe that the present UK law is adequate to deal with individual noise exposure, however it is weak when applied to road traffic noise. It is, in our view essential that Welsh Government address the issue of noise generated by road traffic, particularly in the light of the very clear links between exposure to road traffic noise and health issues.

The CIEH would like to see health considerations play a much more prominent role in the planning process, with more weight being given to objections to development on health and wellbeing grounds. It is not acceptable to allow development on the basis that any nuisance that may arise post development can be dealt with using statutory nuisance provisions as currently happens, it is far preferable to develop out or condition out so far as is possible noise and pollution generation.

We are encouraged by the current government's commitment to increasing and improving the public transport network in South East Wales by improvements to the Valley line network and the proposed Cardiff Metro system, in our view it is important to promote a modal transport shift to public transport reducing the number of private car journeys.

We strongly advocate exploring the greater use of technology to reduce the number of car journeys made, e.g. by using on line consultations between GP surgeries and hospital consultants as currently happens in some rural areas, and by promoting a far better integrated public transport system such that use of public transport is a practical first option.

We also endorse the use of technology to address pollution problems before they arise – use of real time monitoring of air pollution levels in acknowledged hot spots to allow for active traffic management as is used in Swansea, and to control traffic density at peak times.

We have, in a number of our responses to Q1 above noted that the issues of air pollution and noise exposure are not high on the agendas of the PSBs, and that there appears to be no effective mechanism for local authorities to ensure that due regard is given by PSBs to them. We suggest that the importance of the issues is such that they should be a focus for PSBs, and if it becomes clear that they are not being given sufficient focus Welsh Government should instruct PSBs to do so.

**Q3.** We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

The CIEH considers that insufficient regard has been given to the role that protecting air quality and reducing exposure to noise through the planning system should have. It is entirely right that Welsh Government should focus on development that creates jobs and homes and the infra structure necessary to support those efforts, however all too often the question of the

impact in health terms of a development is not properly considered or weighted. It is not acceptable to give planning permission for development that will have to be controlled using statutory nuisance provisions or where, as in the case of homes over shops or in town centres near night clubs or pubs noise nuisance is inevitable. The Public Health (Wales) Bill currently progressing the Welsh Government will make the use of Health Impact Assessment mandatory for some development, but we are concerned that this will impact only at population level. Due regard in planning terms must be paid to the health and wellbeing of individuals and to ensure due regard is paid to this requirement it should be included in robust planning guidance.

We welcome the collaborative approach of Welsh Government to taking forward this agenda and would be pleased to engage further with it.

We would be happy to provide expansion on or clarification of any of the issues discussed above.

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<sup>i</sup> CIEH Environmental Health Workforce Survey 2014-15 at <http://www.cieh.org/Enviornmental-Health-Workforce-Survey-2014-15>