

**NORTH AND MID WALES ASSOCIATION OF LOCAL COUNCILS
CLIMATE CHANGE PLAN AND CLEAN AIR ACT FOR WALES**

CONSULTATION – WELSH GOVERNMENT – ABERYSTWYTH – 12th February 2020

NORTH AND MID WALES ASSOCIATION OF LOCAL COUNCILS

Introduction

A number of consultation events are being held around Wales on the above subject, there was one in Aberystwyth on 12th February being the first. Robert Robinson attended and this report summarises the plan.

The consultation event

The consultation event was attended by Welsh Government Officials, County Councils, Farmers Union, Coal industry, Rail Industry, Welshpool and Llanfair Light Railway and the North and Mid Wales Association of Local Councils.

The aims and objectives (Clean Air)

The following proposals of note are to be considered:

- i) Promoting electric cars.
- ii) Metro systems for North and South Wales.
- iii) Better public transport with 65% more capacity on trains. (some new trains proposed contain less seats currently than at present).
- iv) Better use of natural resources.
- v) Carbon neutral by 2030.
- vi) Introduction of smoke control areas (Clean Air Act)

Particular concerns raised

The following particular concerns were raised during the meeting:

- i) The availability of power (7 nuclear power stations are being de-commissioned in the next 5 years) with predictions being 10% will be produced in the UK within 10 years.
- ii) Lack of reference to Mid Wales.
- iii) Farmers are encouraged to de-intensify farming with incentives, this produces less food than before from each hectare.
- iv) Delivery has to be via local communities as national regulation probably will not deliver on its own.

General discussion points

Key points to take away:

Heritage Railways

- i) Heritage steam railways will be able to apply for exemption from a Smoke Control Area.
- ii) Encourage people and organisations not to host bonfires where green or wet timber are burnt. Bonfires where needed are not an issue in rural areas.
- iii) The value of Tourism from Heritage Railways is accepted and should be protected.

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Homes

- i) Over a short period coal and timber household burning will be banned with a list of substances that can be burnt allowed. (ie special coal with less emissions and dry wood).
- ii) With special coal or dry wood costing more to purchase there is chance of fuel poverty increasing.
- iii) It was recognised that although alternatives were more expensive to buy that their operation was more efficient which could balance out.

Electric Vehicles

- i) The provision of electric vehicles only was not considered sustainable with the power supply in the grid not available.
- ii) There was some question over how lorries would perform on an electric basis.
- iii) Electric Charging Points were an issue. The amount of power required to provide the number required is not available.
- iv) Consideration should be given to highbred cars which at least go a long way to meeting the plans objective without the need for the infrastructure improvements required for all electric. It was also considered that development of cars may overtake the need for charging points in time.

Railway Network

- i) The 65% increase in capacity proposed in the plan is somewhat a fiction as many of the new trains proposed have fewer seating.
- ii) Electrification of the North Coast line is to increase in the priority list.
- iii) Metro systems are planned for both North and South Wales.
- iv) No mention of any changes to Mid Wales lines.
- v) Much freight is brought in by lorries from the West Midlands, consideration to rail freight being a higher priority was suggested.
- vi) Encourage more people to use railways. (not enough capacity for this for several years)

Transport

- i) A north south link road is needed in Wales with travel north to south only being achievable on reasonable roads to the east (Shropshire) at present.

Buses

- i) There are various alternative methods to diesel being trailed in various locations to support the plan.
- ii) The issue of super schools was considered – these cause more road transport for pupils which against the plans objective.
- iii) Encourage more people to use buses. (rural areas will have difficulty achieving this).

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Power

- i) This was a major issue with 7 of the 15 nuclear power stations coming out of commission over the next 5-10 years. The industry (at present) is of the view that the UK will be producing 10% less electricity in 10 years.
- ii) More wind and solar energy schemes are planned. However they come with the need for pylon line connections (expensive and take time to achieve).

Natural Resources Policy

- i) It was noted that the current proposed policies reduce food production.
- ii) Farmers are being asked to de-intensify their land producing ability. They are being paid to achieve this. Consideration needs to be given to food provision when setting goals within the plan.
- iii) Clear guidance on the requirements for agriculture is needed with a clear knowledge of the effects of the actions proposed. (ie removal of hedges promoted some time ago with the effect now of more flooding).
- iv) Local food production and provision would reduce the need for long lorry journeys. How practical this is remains to be seen.
- v) Seeking to be carbon neutral by 2030 – a difficult target to meet.
- vi) Use of local knowledge on this subject essential.

Other

- i) The implementation of many of the requirements in the plan will need to be delivered by communities. It was suggested that a list of what can be done by communities was prepared officially with each community responding on what they are doing for monitoring purposes.
- ii) It was recognised that funding will be needed to help households take on board what they should do. If the financial burden falls on them many will not comply – not through abstinence but just that they cannot afford the extra.
- iii) A suggested method of helping would be via Council Tax. However the Welsh Government does not have this devolved to them. It was suggested that perhaps Council Tax should be devolved to Welsh Government and not Parliament.

More detail on Smoke Control Areas

See appendix A.

R A Robinson

12th February 2020

Smoke Control Areas

The Clean Air Act (CAA) was introduced in 1956 after a Government report into the great smog of 1952. The Act aims to control emissions of dark smoke, grit, dust and fumes from industrial premises and furnaces and to give Local Authorities power to designate and control Smoke Control Areas.

Within a Smoke Control Area it is an offence to emit smoke from any chimney of a building (including domestic, residential and industrial premises) unless **using a fuel or appliance approved** for use in a Smoke Control Area.

In Wales exempted appliances and authorised fuels are currently listed in two Statutory Instruments, which are each intended to be updated yearly. Manufacturers obtain a listing in the regulations by paying a fee to submit their products for testing by technical advisors (under contract with the UK Government on behalf of Wales, Scotland and England) who subsequently make recommendations for inclusion in the Welsh legislation.

We propose first to amend existing primary legislation to move from updating these lists through Statutory Instrument to online published lists.

We recognise this would be more beneficial to businesses as it overcomes the delay between testing the new product and obtaining a listing in one of the annual Statutory Instruments and resulting in reduced burdens for businesses.

The proposed changes benefit consumers by allowing new technologies to be brought to market more rapidly as the lists are updated on a more frequent (e.g. monthly) basis. **Smoke Control is currently limited to indoor installed appliances** such as log burners and stoves which generally use the existing property chimney or other suitable infrastructure to install.

No consideration is currently given to the impact outdoor solid fuel burning appliances (E.g. barbeques, chimneys, pizza ovens, outdoor fireplaces and fire pits), or the fuels they use, have on air quality.

Existing statutory nuisance legislation exists to deal with incidents of smoke, fumes, gases, dust and odours emitted from a premise.

The legislation does not and was never intended to tackle outdoor burning appliances. We will investigate the practicalities, advantages and challenges of regulating outdoor appliances and fuels for use within a SCA or throughout Wales.

As with burning more generally, we will promote good practice and raise awareness of the impact these appliances can have on air quality, especially in concentrated or built up areas.

We will explore the merits of introducing various tiers of Smoke Control Area; allowing local authorities to choose a more or less stringent approach to implementation and enforcement based on pollution levels.

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Fireworks and traditional bonfires are enjoyed by many people, particularly at certain times of the year. However, they can also cause distress to certain people and animals, and emit pollutants that may affect the respiratory systems of healthy individuals as well as those already suffering from respiratory diseases such as asthma and chronic obstructive pulmonary disease (COPD).

Action:

We will assess the contribution domestic bonfires and fireworks make to levels of PM2.5 emissions.

Action:

We are taking a cross-Government approach to consider what, if any, further regulatory and/or non-regulatory action should be taken in this area in 2020.

Enforcement

Where a local authority declares a Smoke Control Area, the emission of smoke from a chimney of a building becomes an offence.

The Act provides defences, including the use of an exempt appliance or an authorised fuel (both of which are specified by the Welsh Ministers in regulations).

Through Engagement with local authorities we have become acutely aware of the challenges faced by Authorities in properly enforcing Smoke Control Areas under this outdated regime.

We propose to update existing Smoke Control Regulations, by way of a Clean Air Act for Wales, to ensure local authorities have the means and tools required to undertake effective enforcement against offenders. Work in relation to domestic combustion will include:

- Legislating to prohibit the use and sale of the most polluting fuels throughout Wales.
- Ensuring that only the most efficient and least polluting appliances are available for sale by 2022.
- Changes to smoke control legislation to make it easier for local authorities to proactively and effectively enforce and modernise the approach it takes to ensure it deals with the problems as they now stand.
- We will work with industry and other devolved administrations to identify appropriate test standards for new solid fuels entering the market.
- Consider whether outdoor solid fuel burning appliances and the fuels they use should be subject to regulation if purchased for use within a SCA or throughout Wales. (E.g. barbecues, chimneys, pizza ovens, outdoor fireplaces and fire pits).
- Amending legislation to allow Welsh Ministers to publish an online list of fuels and appliances, moving away from the method of updating through Statutory Instruments.