



Environment (Air Quality and Soundscapes) (Wales) Act 2024

2024 asc 2

PART 1

AIR QUALITY

CHAPTER 1

NATIONAL TARGETS

1 Air quality targets: general

- (1) The Welsh Ministers may by regulations set long-term targets in respect of any matter relating to air quality in Wales.
- (2) The Welsh Ministers must exercise the power in subsection (1) so as to set a long-term target in respect of one of the following pollutants—
 - (a) ammonia;
 - (b) PM10;
 - (c) ground level ozone;
 - (d) nitrogen dioxide;
 - (e) carbon monoxide;
 - (f) sulphur dioxide.
- (3) A target set under this section must—
 - (a) specify a standard to be achieved, which must be capable of being objectively measured, and
 - (b) specify a date by which the standard is to be achieved.
- (4) Regulations under this section may make provision about how the matter in respect of which a target is set is to be measured.

- (5) Regulations under this section that set the target required under subsection (2) must specify that the target is set to comply with that subsection.
- (6) A target is a “long-term target” if the specified date is at least 10 years after the date on which the target is set.
- (7) A target under this section is set when the regulations setting it come into force.
- (8) In this Chapter—
 - (a) “PM10” means particulate matter with an aerodynamic diameter not exceeding 10 micrometres;
 - (b) “specified standard” and “specified date”, in relation to a target set under this section, mean the standard and date specified under subsection (3).

2 Air quality targets: particulate matter

- (1) The Welsh Ministers must by regulations set at least one target (a “PM2.5 air quality target”) in respect of the annual mean level of PM2.5 in ambient air in Wales.
- (2) A PM2.5 air quality target may be a long-term target but need not be so.
- (3) In this section, PM2.5 means particulate matter with an aerodynamic diameter not exceeding 2.5 micrometres.
- (4) The Welsh Ministers must ensure that “ambient air” is defined for the purposes of each PM2.5 air quality target (and regulations under this section may make different provision for different targets for the purposes of this subsection).
- (5) Section 1(3) to(4) and (6) to (8) applies to PM2.5 air quality targets and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (6) In this Chapter, a “PM2.5 air quality target” means a target set under this section.

3 Target-setting process

- (1) Before making regulations under section 1 or 2, the Welsh Ministers must—
 - (a) seek advice from persons they consider to be independent and to have relevant expertise, and
 - (b) have regard to scientific knowledge on air pollution.
- (2) Before making regulations under section 1 or 2 which set or amend a target in respect of a particular pollutant, the Welsh Ministers must have regard to any guidelines for that pollutant published by the World Health Organisation in its most recent global air quality guidelines.
- (3) Before making regulations under section 1 or 2 which set or amend a target, the Welsh Ministers must be satisfied that the target or amended target can be met.
- (4) The Welsh Ministers may not make regulations under section 1 or 2 which revoke or lower a target (the “existing target”) unless they are satisfied that—
 - (a) meeting the existing target would have no significant benefit compared with not meeting it or with meeting a lower target, or

- (b) because of changes in circumstances since the existing target was set or last amended, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits.
- (5) Before making regulations under section 1 or 2 which revoke or lower a target, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement explaining why the Welsh Ministers are satisfied as mentioned in subsection (4).
- (6) Regulations lower a target if, to any extent, they—
 - (a) replace the specified standard with a lower standard, or
 - (b) replace the specified date with a later date.
- (7) Regulations under section 1 may not revoke the air quality target that has been set to comply with subsection (2) of that section (but may amend it in accordance with this section).
- (8) Regulations under section 2 may not revoke a PM2.5 air quality target (but may amend it in accordance with this section).
- (9) For the purposes of this Chapter, a target is met if the specified standard is achieved by the specified date.
- (10) The Welsh Ministers must lay a draft of a statutory instrument containing the regulations required by section 1(2) before Senedd Cymru before the end of the period of 6 years beginning with the date on which this Act receives Royal Assent.
- (11) The Welsh Ministers must lay a draft of a statutory instrument containing regulations setting a PM2.5 air quality target before Senedd Cymru before the end of the period of 3 years beginning with the date on which this Act receives Royal Assent.

4 Effect of targets

- (1) The Welsh Ministers must ensure that—
 - (a) targets set under section 1 are met, and
 - (b) PM2.5 air quality targets are met.
- (2) Nothing in this Chapter, other than section 8, limits the Welsh Ministers' power under section 87 of the Environment Act 1995 (c. 25) (power to make regulations in relation to the assessment or management of air quality).

5 Reporting on targets

- (1) Regulations under section 1 or 2 must specify a reporting date for any target set under that section.
- (2) On or before the reporting date, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement containing the required information about the target.
- (3) The required information about a target is (as appropriate)—
 - (a) that the target has been met,
 - (b) that the target has not been met, or
 - (c) that the Welsh Ministers are not yet able to determine whether the target has been met, the reasons for that and the steps the Welsh Ministers intend to take in order to determine whether the target has been met.

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- (4) Where the Welsh Ministers make a statement that a target has not been met, the Welsh Ministers must, before the end of 12 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a report.
- (5) The report must—
 - (a) explain why the target has not been met, and
 - (b) set out the steps the Welsh Ministers have taken, or intend to take, to ensure the specified standard is achieved as soon as reasonably practicable.
- (6) Where the Welsh Ministers make a statement that they are not yet able to determine whether a target has been met, the Welsh Ministers must, before the end of 6 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a further statement containing the required information.
- (7) Subsections (3) to (6) apply to further statements under subsection (6) as they apply to a statement under subsection (2).

6 Review of targets

- (1) The Welsh Ministers must review targets under sections 1 and 2 in accordance with this section.
- (2) In carrying out a review, the Welsh Ministers must—
 - (a) seek advice from persons they consider to be independent and to have relevant expertise, and
 - (b) have regard to scientific knowledge about air pollution.
- (3) If a target under section 1 or 2 is in respect of a pollutant for which guidelines have been published by the World Health Organisation in its most recent global air quality guidelines, the Welsh Ministers must, in carrying out a review of the target, have regard to the guidelines in respect of that pollutant.
- (4) Having carried out a review, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement about the steps, if any, they intend to take under section 1 or 2 in relation to each target in consequence of the review.
- (5) Where a statement provides that the Welsh Ministers intend to take no steps under sections 1 or 2 in relation to a target, the statement must include the reasons for that decision.
- (6) The first review must be completed before the end of 5 years beginning with the day on which the first target is set (whether under section 1 or 2).
- (7) Subsequent reviews must be completed before the end of 5 years beginning with the day on which the previous review was completed.
- (8) A review is completed when the Welsh Ministers have laid the statement before Senedd Cymru and published it.

7 Monitoring progress towards meeting targets

- (1) The Welsh Ministers must make arrangements for obtaining such data about air quality in Wales as they consider appropriate to monitor the progress being made towards meeting any targets set under section 1 or 2.

- (2) The Welsh Ministers must publish any data obtained under subsection (1) as soon as is reasonably practicable.

8 Maintaining air quality standards

- (1) This section applies in relation to a specified standard for a target set under section 1 or 2 where—
- (a) the specified date for the target has been reached, and
 - (b) the specified standard for the target has been achieved (whether by the specified date or by a later date).
- (2) The Welsh Ministers, in the exercise of their powers under section 87(1) of the Environment Act 1995 (c. 25) must ensure that—
- (a) the Welsh Ministers are under a duty to maintain that standard, and
 - (b) reporting requirements are in place in relation to the performance of that duty.
- (3) The Welsh Ministers may exercise their powers under section 87(1) of the Environment Act 1995 to replace the standard mentioned in subsection (2)(a) with a lower standard, or to revoke the standard, but only if satisfied that—
- (a) meeting the standard would have no significant benefit compared with not meeting it or with meeting a lower standard, or
 - (b) because of changes in circumstances since the specified standard was set or last lowered, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits.
- (4) Before making regulations under section 87(1) of the Environment Act 1995 for any purpose mentioned in subsection (3), the Welsh Ministers must (in addition to complying with section 87(7B) of that Act)—
- (a) seek advice from persons they consider to be independent and to have relevant expertise,
 - (b) have regard to scientific knowledge on air pollution,
 - (c) have regard to any guidelines in respect of the pollutant to which the standard applies published by the World Health Organisation in its most recent global air quality guidelines, and
 - (d) lay before Senedd Cymru, and publish, a statement explaining why the Welsh Ministers are satisfied as mentioned in subsection (3).

9 Reporting in relation to section 1

- (1) The Welsh Ministers must, as soon as practicable after the end of each reporting period, lay before Senedd Cymru and publish a report on the consideration they have given during that period to setting long-term targets under section 1.
- (2) The report must, in particular, address the consideration given during the reporting period to setting targets in relation to the following pollutants—
- (a) ammonia;
 - (b) PM10;
 - (c) ground level ozone;
 - (d) nitrogen dioxide;
 - (e) carbon monoxide;

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- (f) sulphur dioxide.
- (3) But if regulations have been made under section 1 setting a target in relation to a pollutant mentioned in subsection (2), the requirement in that subsection no longer applies in relation to that pollutant.
- (4) In this section, “reporting period” means—
 - (a) the period of 2 years beginning with the day on which section 1 comes into force, and
 - (b) each subsequent period of 12 months.