

## **Explanatory Memorandum to the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026**

This Explanatory Memorandum has been prepared by Local Government, Housing, Climate Change and Rural Affairs Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Cabinet Secretary's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026. I am satisfied that the benefits justify the likely costs.

**Huw Irranca-Davies MS**

**Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs**

**3 February 2026**

## **PART 1**

### **1. Description**

- 1.1 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026 (“this Instrument”) introduce a new fixed penalty notice (FPN) range for the offence of leaving a vehicle’s engine running when stationary on a public road (henceforth referred to as a ‘stationary idling offence’<sup>1</sup>). Under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003 (“the 2003 Regulations”) a local authority in Wales (referred to as ‘appropriate authority’ under the 2003 Regulations) has the power to issue FPNs for stationary idling offences.
- 1.2 This Instrument amends the 2003 Regulations to replace the fixed penalty amount of £20 for a stationary idling offence with a penalty range of £75 - £150. Each local authority may either choose to set fixed penalty amounts, from within that range, that are linked to the circumstances of the offence or may choose to set a single penalty amount from that range for all stationary idling offences committed in its area. In all cases a local authority must set and publish these.
- 1.3 Additionally, under this Instrument, where a local authority chooses to set fixed penalty amounts that are linked to the circumstances of the offence it must set and publish a scale that states each fixed penalty amount and the circumstances that apply to it. Where a fixed penalty for a stationary idling offence is not paid within the specified time period, the penalty amount increases by 50%.
- 1.4 This Instrument also provides that sums received from fixed penalties must be used for the following purposes:
  - 1.4.1 The enforcement and administration of stationary idling offences under the Regulations
  - 1.4.2 Measures that support and encourage air quality improvements in its area
  - 1.4.3 Reducing public exposure to transport emissions in its area.

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<sup>1</sup> Please note that "tramgwydd segura llonydd" is the Welsh wording for “stationary idling offence” in the 2003 Regulations as amended by the 2026 Regulations, but that “trosedd segura llonydd” is mainly used in the Welsh Explanatory Memorandum as it is used in Welsh in the Environment (Air Quality and Soundscapes) (Wales) Act 2024 and is now the usual term in Welsh.

## 2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1 None.

## 3. Legislative background

3.1 Under section 42 of the Road Traffic Act 1988 and regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, an offence is committed if a vehicle is stationary on a public highway with the engine running. There are limited exemptions:

- where the vehicle is stopped in traffic
- where the engine is being operated to enable repair
- where the engine is required to power machinery (other than for driving)
- where the vehicle is powered by gas

3.2 The 2003 Regulations defines a “stationary idling offence” as a contravention of regulation 98(1) of the *Road Vehicles (Construction and Use) Regulations 1986*. Regulation 8 of the 2003 Regulations provides that a person may discharge any liability to conviction by payment of £20 (this rises to £40 if they have not paid the penalty amount within the time specified in the FPN).

3.3 This instrument amends the 2003 Regulations by introducing the new penalty range and related provisions.

3.4 Section 87(1)(c) of the *Environment Act 1995* provides the Secretary of State the power to make regulations for the assessment and management of air quality. Section 87(2)(o)(ii) (as inserted by the *Environment (Air Quality and Soundscapes) (Wales) Act 2024*) expressly allows regulations to specify a penalty range for a “stationary idling offence” prescribed by the Welsh Ministers. Section 87(2)(c) provides the Secretary of State the power to confer powers or impose duties on local authorities, Section 87(5)(a) provides that regulations made under Part IV of the Environment Act 1995 may include provisions for anything that may be prescribed by the regulations to be determined under the regulations and where anything fails to be so determined it may be determined by such persons as may be prescribed. Paragraph 5(1)(f) and (m) of Schedule 11 to, the Environment Act 1995 provides that regulations may provide that an FPN to be increased by a prescribed amount where it is not paid by before the

expirations of the period to pay it and the disposition of sums received from fixed penalties.

- 3.5 The relevant powers (stated above) have been transferred to the Welsh Ministers by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 and section 162(1) of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.
- 3.6 This Welsh statutory instrument is subject to the Senedd approval procedure under section 87(8) of the Environment Act 1995.

#### **4. Purpose and intended effect of the legislation**

- 4.1 This instrument forms part of the Welsh Government's Clean Air initiatives. It aims to strengthen enforcement of the existing ban on unnecessary vehicle engine idling, thereby reducing harmful exhaust emissions and noise. The offence of engine idling is already unlawful. The existing fixed penalty (£20, rising to £40) has not been increased since it was set in 2003, and arguably provides only limited deterrence.
- 4.2 Transport is a major source of local air pollution (nitrogen oxides, particulates, etc.) and climate emissions, that adversely affect public health and the environment.
- 4.3 Drivers who leave their engines idling may face higher fines as a result of the legislative changes. Local authorities' enforcement officers will have greater flexibility, with powers to determine appropriate penalty amounts, from within the stipulated range, to meet local needs. As a result of fewer instances of stationary idling, the public may benefit from reduced vehicle emissions which is a particular concern where children, the elderly, and patients (for example outside schools, clinics, and care homes) are exposed.
- 4.4 By raising the potential penalty, the Regulations more closely align idling fines with those for other environmental offences and provide local authorities with a more effective tool to discourage idling. Local authorities may set penalties to suit local conditions. It is proposed that new guidance will also be provided to support efficient enforcement and greater public awareness. The guidance, which will be subject to consultation, will make clear that the Regulations can support targeted enforcement, e.g. at schools, hospitals, and care homes.
- 4.5 Providing in regulations for a penalty range enables local authorities to target enforcement in a proportionate way, ensuring resources are directed

where most needed (e.g. where more vulnerable groups are likely to be disproportionately exposed). The regulations ensure that any net income from these penalties is invested in air quality improvements.

4.6 Without the proposed changes, idling offences will likely continue to be prevalent, undermining efforts to improve air quality and support the Welsh Government's health goals. It would also mean that penalties remain misaligned with the seriousness of the offence.

## **5. Consultation**

5.1 A public consultation on the proposed amendments to the FPN regime for stationary vehicle idling was carried out between 5 August 2025 and 30 September 2025. The consultation document – “*Stationary Vehicle Engine Idling: Amendment to The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003*” sought feedback on the appropriate level of a proposed new penalty range, potential for local discretion in setting penalties, the level of increase where penalties remain unpaid, whether supporting guidance should be published, restrictions on the use of surplus income, and the proposed coming into force date. The consultation also sought views on the draft Regulatory Impact Statement.

5.2 The consultation was open to all, statutory obligations under section 87(7B) of the Environment Act regarding consultees was met and additionally, a wide range of specific consultees were actively approached. This included local authorities and other enforcement bodies (e.g. Civil Enforcement Association, Welsh Local Government Association), health bodies (e.g. Public Health Wales, local health boards, Association of Directors of Public Health), environmental groups and NGOs (Healthy Air Cymru, Living Streets, Natural Resources Wales), transport operators (e.g. Coach and Bus Association Cymru, AA, RAC, school transport providers), construction and business organisations (e.g. Chartered Institute of Building, Confederation of British Industry, trade unions), utility providers, academic and advisory bodies, and all UK devolved governments. These consultees were chosen for their interest in air quality, health, or transport. The broad stakeholder list reflects that vehicle idling affects many sectors and that penalties may need to be tailored (e.g. higher fines in “idling hotspots” such as outside schools) in line with Welsh Clean Air policy. A workshop was also undertaken with local authority environmental health officials.

5.3 Several consistent themes emerged across the consultation. These included broad support for aligning stationary idling fines with other environmental offences, as well as strong emphasis on the importance of

clear public education and practical enforcement support for local authorities.

- 5.4 There was some concern expressed that the proposed penalty range of £50-£100 was set at a level that may not be cost-effective for local authorities to enforce. As a result of this feedback, a higher range of £75-£150 has been provided for in the draft Regulations. Most respondents agreed with a 50% increase for late payment, seeing it as a standard practice and necessary to encourage prompt payment.
- 5.5 Strong support was expressed for ring-fencing surplus income from penalties for air quality improvement measures, with some calls for a broader remit for environmental or other local services. In line with the purpose of the draft Regulations, a requirement has been made that fines must be used to support enforcement costs, measures to improve air quality and/or reduce public exposure to transport emissions.
- 5.6 As per standard practice, the Welsh Government has published a summary of responses. The consultation document, and response summary, is available at: [Stationary Vehicle Engine Idling: Amendment to The Road Traffic \(Vehicle Emissions\) \(Fixed Penalty\) \(Wales\) Regulations 2003: consultation document \[HTML\] | GOV.WALES](#)

## PART 2 – REGULATORY IMPACT ASSESSMENT

### 1. Options

Three options have been considered to achieve the Welsh Government's objective of tackling pollution arising from stationary idling:

- **Option one** (business as usual) – take no specific action at this stage, Fixed Penalty Notices for idling offences to remain at the current level
- **Option two** (do minimum) – strengthen the current approach through new guidance
- **Option three** (introduce regulations) – amend the current penalties regime as well as issue supporting guidance for local authorities, and introduce a range of 'behaviour-change measures'.

#### 1.1 Option one – Do Nothing, business as usual scenario

##### a. Description

Under this option, the status quo would be maintained. local authority anti-idling guidance would not be produced, and regulations setting a new penalty range for stationary idling offences would not be made. However, some policy work would still continue as part of the duty on Welsh Ministers, under the Environment (Air Quality & Soundscapes) (Wales) Act 2024, to promote awareness of air pollution and ways of limiting, or reducing, air pollution. Potential funding to enable local authorities to deliver anti-idling initiatives may continue to be available through our Local Air Quality Management Support Fund.

The current legislative framework applicable to Wales is formed in part by the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003 ("the 2003 Regulations"). These define 'stationary idling offence' as a contravention of, or failure to comply with so much of regulation 98 (stopping of engine when stationary) of the Road Vehicles (Construction and Use) Regulations 1986 ("the 1986 Regulations") as relates to the prevention of exhaust emissions.

Regulation 12 of the 2003 Regulations provides that where an authorised person has reasonable cause to believe that the driver of a vehicle is committing a stationary idling offence i.e. the person has not complied with regulation 98 of the 1986 Regulations they can require the driver to turn off the engine. If the driver does not turn off the engine, they are guilty of an offence and are liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000). Regulation 2 the 2003 Regulations provides that an authorised person in relation to the investigation or prosecution of a stationary idling offence is a person authorised under

regulation 6(1). That regulation provides that a local authority may authorise any officer of the authority or any other person to

- a) stop the commission of stationary idling offences i.e. they are authorised to ask the driver to switch off the vehicle's engine and
- b) to issue a fixed penalty notice for stationary idling offences committed in its area.

Regulation 13 the 2003 Regulations provides that an authorised person may issue a Fixed Penalty Notice (FPN) to the driver of the vehicle where they consider a stationary idling offence has been committed. Regulation 17 provides that a person cannot be convicted for an offence in connection with which the FPN has been issued if it is paid before the expiry of the period for paying it.

Regulation 8(b) of the 2003 Regulations provides that the penalty amount is set at £20. Regulation 18 provides a person issued with a FPN may request a hearing. Regulation 17(5) and (6)(c) provides that the penalty amount rises to £40 if it is not paid within the specified payment period or if the recipient has not given a notice requesting a hearing. A person may also appeal a FPN by way of applying to the appropriate authority (i.e. the local authority), where the local authority may determine that the notice ought not to have been issued or where it was issued to the wrong person the notice may be withdrawn (regulation 20). Regulation 21 provides that where the penalty has not been paid by its specified payment date a county court may order it recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court and pursuant to regulation 22 the Enforcement of Road Traffic Debts Order 1993 applies.

Option One is provided as a baseline for comparison with the potential benefits of strengthening the current legislative framework.

## **b. Costs**

Throughout the RIA, costs have been assessed over a ten-year appraisal period from 2025-26 to 2034-35. Costs have been rounded to the nearest £100. HM Treasury's central discount rate of 3.5% has been used.

There would be no additional costs to local authorities or Welsh Government under this option.

[Idling can be an issue](#) where there are regular occurrences of concentrated and sustained idling. It can be exacerbated by older vehicles with less effective after treatment systems (where diesel exhausts emitted by the engine are not cleaned as well as in more modern vehicles prior to being relayed through the tailpipe to the air outside). Examples of locations where idling is a common concern are

school streets (especially as concern for children’s health is a common theme in relation to the impacts of idling); in city/town centres, transport hubs (bus stations and taxi ranks), health centres including GP surgeries, clinics and care homes, etc. The increased costs of inaction would encompass health care costs; increased social costs; and the costs of sick leave and the resultant impact on economic productivity.

Idling can significantly impact local air quality and expose the public, as well as the vehicle occupants, to pollutants harmful to health. Research undertaken by TRL<sup>2</sup> considered the example of emissions from a single family / estate car idling outside the school gates for five minutes. In the case of a diesel vehicle, this would produce up to 51.93 litres of CO<sub>2</sub> and, if petrol, up to 27.45 litres. Noting that the average volume of air a child breathes in one minute is 5-6 litres, TRL add that; “If they were stood at the school gates for the same time period as the vehicle is idling, the child could inhale a considerable volume of this emitted CO<sub>2</sub>.”

Despite existing powers to enforce stationary idling offences, local authorities have not generally used these, and Welsh Government does not hold any data pertaining to the numbers of FPN’s issued in recent years which are assumed to be very low, or zero. No data is held, either, on the amount local authorities currently spend on enforcing stationary idling but this is also believed to be very low, or zero.

Campaign activity to encourage drivers to switch off has been patchy across Wales, with only a small number of local authorities delivering specific initiatives, some activity being supported through our Local Air Quality Management Support Fund.

Without intervention to encourage actions by local authorities across Wales, stationary idling will continue to contribute unnecessarily to local air pollution with a consequent risk to public health.

### Summary of costs associated with option 1

	25 / 26	26 / 27	27 / 28	28 / 29	29 / 30	30 / 31	31 / 32	32 / 33	33 / 34	34 / 35
WG costs	-	-	-	-	-	-	-	-	-	-
LA costs	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-	-	-	-	-

<sup>2</sup> [TRL | Idling Action Research - Review of Emissions Data](#)

### **c. Benefits**

There would be no additional expenditure for local authorities. Local authorities would continue to benefit from funding to support air quality action through our Local Air Quality Management Support Fund. Some awareness-raising may also be undertaken as part of our Promoting Awareness of Air Pollution Delivery Plan which was consulted<sup>3</sup> on in 2025.

### **d. Summary**

Option One would amount to the preservation of the status quo with no additional expenditure for local authorities. However, we would lose the opportunity to potentially reduce risk to vulnerable receptors in idling hotspots by the deterrence of higher fines. In relation to air pollution more generally, the costs to health and social care services would be likely to increase in future years in order to deal with the health impacts of poor air quality.

## **1.2 Option Two – Strengthen and re-emphasise current approach through new guidance**

### **a. Description**

Under this option new guidance could be issued by the Welsh Ministers to local authorities in relation to vehicle engine idling. The Welsh Ministers could rely on section 88(1) of the Environment Act 1995 to issue guidance.

The guidance could, amongst other things, point to the benefits of focusing on protecting vulnerable receptors and targeting vehicle engine idling ‘hot spots’ where concentrated, sustained idling occurs. This could minimise risk to the most vulnerable in society, such as children or those in health care settings or in residential care homes.

Welsh Government will be looking to engage with local authorities on the guidance prior to publication. In this way, we can ensure that any guidance would meet the needs of local authorities to help them develop vehicle engine anti-idling strategies and advise on how these could be incorporated into a wider package of complementary measures designed to reduce air pollution.

### **b. Costs**

#### **Costs to Welsh Government**

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<sup>3</sup> [Promoting Awareness of Air Pollution Delivery Plan | GOV.WALES](#)

The cost of creating and publishing guidance would fall on the Welsh Government and should it be produced it is **estimated to cost around £16.4k** in the 2026/27 financial period, consisting of:

- £15.8k (over a 12-month period) for staff resources to draft the guidance, manage consultations with stakeholders and publication of responses and final documents
- £630 for the additional cost for translation of the guidance

### **Costs to Local Authorities**

This option does not directly create additional costs to local authorities other than a small amount of staff time to become familiar with new Welsh Government guidance.

Local authorities may choose to deliver their own public awareness campaign to promote best practice in the community based on the detail within the guidance. These costs are difficult to quantify as the mechanics of delivering public awareness campaigns will be determined by each local authority and it is not possible to predict the extent to which individual local authorities will adopt anti-idling strategies. However, indicative costs based on Lambeth Council's decision to enforce vehicle engine anti-idling in 2020 were around £18.5k, consisting of:

- £15k for the development and erection of information signs across Lambeth, particularly around schools and in hot spots
- £3.5k for communication activities to promote vehicle engine anti-idling

Financial support for local authorities to cover the costs of implementing local anti-idling strategies (such as educational materials, promotional materials and awareness raising) may be available through the £1m per annum Local Air Quality Management (LAQM) Support Fund (as outlined in Table 7 of the Explanatory Memorandum<sup>4</sup> for the Environment (Air Quality and Soundscapes) (Wales) Bill 2023), and the Promoting Awareness budget (of up to £575k per annum).

Some elements of the costs may potentially be recurring over a number of financial years (e.g. communications and engagement), whereas others may be one-off costs incurred in a single financial year (e.g. signage and equipment).

The guidance could recommend ways in which local authorities could work with schools to promote anti-idling awareness, education and behaviour change. Similarly, healthcare settings could implement anti-idling toolkits. The resources for such work already exist, such as the materials produced to support the Idling Action London campaign<sup>5</sup>.

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<sup>44</sup> [pri-ld15738-em-e.pdf](#)

<sup>5</sup> [Schools — Idling Action](#)

### Costs to businesses or private homeowners

This option will not impose any cost to businesses or private homeowners.

### Health & Social Costs / Societal Costs

A 2016 report from Public Health Wales estimated the societal cost<sup>6</sup> of air pollution in Wales to be £1 billion per annum. This figure includes health service costs and lost work days. It is unclear how much of this cost can be attributed to the problem of stationary idling.

No additional societal costs would arise relative to the baseline. However, should local authorities choose to take action in response to the guidance, there would be the potential for societal benefits although these would be higher under Option 3.

### Summary of costs associated with option 2 (£k)

	25 / 26	26 / 27	27 / 28	28 / 29	29 / 30	30 / 31	31 / 32	32 / 33	33 / 34	34 / 35
WG costs	-	16.4	-	-	-	-	-	-	-	-
LA costs	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	-	<b>16.4</b>	-	-	-	-	-	-	-	-

\*Note – local authority costs cannot be quantified as this will depend on the uptake of each authority.

The present value of the costs identified above is £15,800

### c. Benefits

Improved and clearer guidance will make the need for local authority action more explicit. We envisage that the guidance will comprise a number of elements:

- emphasis on educating and informing before resorting to the use of Fixed Penalty Notices (which will be a last resort)
- awareness-raising and achieving behaviour change
- interconnections between air quality and noise and how improving air quality can bring about benefits for the soundscape
- developing and implementing anti-idling strategies and signposting to existing resources, such as anti-idling toolkits; and
- incorporating anti-idling strategies into a wider package of complementary interventions.

<sup>6</sup> [Making-a-Difference-Investing-in-Sustainable-Health-and-Well-being-for-the-People-of-Wales.pdf](#)

The guidance will also explain the interconnections between air quality and noise and how improving air quality can bring about additional benefits to the soundscape.

Additionally, issuing guidance would contribute to the Welsh Government's overall policy of reducing emissions from transport.

Guidance offers the potential for implementation of actions that will improve air quality in Wales, contribute towards reducing costs to health services and ultimately minimise risks to vulnerable receptors. For children, the benefits of tackling air pollution can go beyond the protection of their health. [Modelling](#) undertaken by Global Action Plan, the Philips Foundation and the University of Manchester suggested that reducing air pollution in and around school grounds could improve the development of a child's working memory by 6%, the equivalent of four weeks extra learning time per year.

In comparison to Option 1, Option 2 would be expected to lead to increased and improved local authority activity to tackle stationary idling, and an increase in applications to Local Air Quality Management Support Fund for specific anti-idling initiatives.

A reduction in instances of stationary idling would generate air quality improvements and would further benefit drivers through savings in fuel costs.

#### **d. Summary**

The outcomes of implementation of guidance provides the opportunity to greater emphasise and demonstrate the links between air quality and noise/soundscape, and if behaviour change is achieved through education, then the need for enforcement may be greatly reduced.

Sources of air pollution and noise are typically either identical or closely linked, their transmission pathways are similar, and the most affected receptors are often the same people (usually the people who are situated closest to the source).

Officials have concluded that this option has obvious advantages, such as re-emphasising and strengthening the current vehicle engine anti-idling regime. However, current penalty amounts for idling offences are believed to be too low to offer sufficient deterrence and are unlikely to be viable for local authorities to enforce.

## 1.3 Option Three – Amend the current penalties regime and issue guidance

### a. Description

Under this option, the policy and legislative framework governing anti-idling would be strengthened by:

- Amending the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003 to introduce a penalty range for vehicle engine idling offences and limiting the things local authorities could spend receipts from stationary idling offence on; and
- Issuing new guidance under section 88(1) of the Environment Act 1995 in relation to vehicle engine anti-idling to support local authorities in effectively developing their own anti-idling strategies (as outlined in Option Two but to include advice on implementing legislative changes).

The introduction of a penalty range would be expected to increase the deterrence effect and help to reduce emissions, which in addition to providing health and environmental benefits due to reducing harmful emissions it will have further benefit of reducing noise and improving soundscape.

Local authorities would have the discretionary power to impose a penalty amount from within the prescribed range for vehicle engine idling offences. Higher penalty amounts would increase the viability of enforcement as a local authority tool to tackle this offence.

As per Option Two, the guidance would, amongst other things, point to the benefits of focusing on protecting vulnerable receptors and targeting vehicle engine idling 'hot spots' where concentrated, sustained idling occurs. This would minimise risk to the most vulnerable in society, such as children or those in health care settings or in residential care homes.

### b. Costs

#### Welsh Government

As outlined in Option Two, the cost of creating and publishing guidance will fall on the Welsh Government and is **estimated to cost around £16.4k**, consisting of:

- £15.8k (over a 12-month period) for staff resources to draft the guidance, manage consultations with stakeholders and publication of responses and final documents
- £630 for the additional cost for translation of the guidance

It is proposed to undertake a national communications campaign to raise public awareness of the existing offence of stationary idling, and to

inform drivers of the potential for increased penalties following the coming into force of the new regulations.

The campaign is expected to be undertaken from quarter 2 2026 as part of the delivery of our Promoting Awareness of Air Pollution Delivery Plan. The budget for the Plan is £575k pa for the full range of activity of which anti-idling forms a small part. It is not possible to disaggregate the anti-idling awareness component from the full budget figure, so reference is made only to the overall budget.

The expected lifespan of the Delivery Plan is three years, and it is expected that some degree of anti-idling activity will continue for the full duration. It is assumed that activity will commence in quarter 2 2026, allowing for an initial campaign prior to the coming into force of regulations.

We recognise that it will be for the next administration to determine if it wishes to continue to commit the relevant funding.

### **Local Authorities**

For costs relating to **implementation of new guidance**, please refer to those outlined in Option Two, i.e. Local authorities may choose to develop a local campaign, with an estimated **cost of around £18.5k** based on the scheme delivered in Lambeth Council:

- Public awareness campaign:
  - £15k for the development and erection of information signs across Lambeth, particularly around schools and in hot spots
  - £3.5k for communication activities to promote vehicle engine anti-idling.

Local authorities may be able to apply for a Welsh Government grant, through the Local Air Quality Management Support Fund, to support the costs of local anti-idling campaigns.

It is not possible to quantify enforcement costs to local authorities from the proposed legislative change as there is no obligation falling on them to enforce idling offences. However, each local authority must set and publish details of the penalties they will apply for stationary idling offences. There will be a cost in terms of time to local authorities in developing and publishing their penalty scales. These costs are estimated to be around £5,000 per authority. Local authorities will be able to apply for a one-off payment to support reasonable costs for this exercise through the Local Air Quality Management Support Fund.

Ultimately, whether to appoint enforcement staff or not, and what level of enforcement officer capacity should be allocated, are matters for individual local authorities to determine. This will be informed, partly, by

the extent to which stationary idling is identified as a particular problem within their area.

However, with the opportunity for increased penalty levels, some local authorities may decide to allocate additional resource to idling enforcement on the basis that revenues raised could offset enforcement officer resource costs so enforcement could become self-sustaining. Enforcement officer salaries will vary according to region and experience, but a starting point for a full-time post could be around £25k pa plus on costs based on recent vacancies advertised on GOV.UK. In addition to the ongoing staff costs, local authorities may also incur one-off recruitment and training costs.

Local authorities may also consider adding idling enforcement to existing officer duties, for example by adding this to parking enforcement officer roles. While this option might limit the additional financial cost, there would be a potential opportunity cost associated with a reduction in parking enforcement activity.

It is ultimately within the discretion of each local authority to decide what action they wish to take and when. As such, it is not possible to present a robust estimate of aggregate local authority costs at this stage.

There is the potential for local authorities to share costs around the publicity and implementation phases to include Enforcement Officer training and consistency of enforcement exercises.

Costs to local authorities may increase where a driver requests a hearing. Also, should a driver fail to pay a penalty, then local authorities may choose to recover the debt through the county court system. We do not anticipate a significant upturn in recipients of FPNs requesting a hearing not least because the operation of the 2003 Regulations means that in order for an FPN to be issued an offence must have been committed. The circumstances of which includes that a driver must have refused to switch of their vehicle's engine when requested to do so. Given this we anticipate most drivers will comply with the request to avoid the financial penalty. However, it may be the case that a small number may not and on receipt of a FPN then proceed to request a hearing. Given the cost of challenging the FPN in the court we believe it is unlikely that many, if any, people will pursue this option. Regulations 21 and 22 of the 2003 Regulations provides a mechanism for recovery of unpaid penalties which may be recoverable by execution issued from the county court (if the county court so orders). We do not anticipate that local authorities will seek to rely on this provision due to the cost (both monetarily and time) of pursuing non-payment in court.

It can be argued that the guidance on developing and implementing vehicle engine anti-idling measures would lead to a diminishing need for enforcement. By way of example, the guidance could recommend ways in which local authorities could work with schools to promote anti-idling

awareness, education and behaviour change. Similarly, healthcare settings could implement anti-idling toolkits. The resources for such work already exist, such as the following materials produced to support the Idling Action London campaign<sup>7</sup>.

It is worth emphasising that the ultimate aims of these provisions are cleaner air and a healthier environment for all, and generating profits at the cost of motorists is not the purpose. A restriction will be placed on the use of any profits arising from enforcement income, requiring that local authorities use this money for specific purposes which could further improve air quality and benefit the environment. Income may also be used to offset the costs of enforcement.

### **Public/individuals**

The proposed local authority guidance will place emphasis on educating and informing the public before resorting to the use of FPNs. It will remain the case that a person authorised by a local authority who has reasonable cause to believe that a driver is committing a stationary vehicle engine idling offence on the public highway must require the driver to switch off the engine, resorting to issuing an FPN only where the driver fails to comply with a request. Drivers may choose to drive away at this point, or otherwise comply with the request. Only in circumstances where a driver continues to idle would an FPN be issued.

The change in FPN amounts would mean that individuals could receive a higher penalty than they would under Options 1 and 2, and local authorities would be more likely to issue FPNs (if they choose to enforce them) given the higher penalty range. However, as noted above, drivers would only receive an FPN if they commit an offence and refuse to comply with the instructions of an enforcement officer.

In summary, there would be minimal costs arising to the public. Some local authorities may choose to tackle idling through means short of enforcement activity. An FPN would only be issued where a driver refused to comply with a request from an authorised officer to switch off their engine. It is estimated that only a small minority of motorists would choose to ignore such a request.

The costs of local authority implementation of the proposed legislation are not possible to determine as there are too many uncertainties. However, no costs will arise should individual local authorities prefer to tackle idling without recourse to enforcement, or where penalty amounts are set at a level that makes enforcement self-financing.

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<sup>7</sup> [Schools — Idling Action](#)

### Summary of costs associated with option 3 (£k)

	25 / 26	26 / 27	27 / 28	28 / 29	29 / 30	30 / 31	31 / 32	32 / 33	33 / 34	34 / 35
WG costs	-	591.4	575	575	-	-	-	-	-	-
LA costs	-	110	-	-	-	-	-	-	-	-
<b>Total</b>	-	<b>701.4</b>	<b>575</b>	<b>575</b>	-	-	-	-	-	-

\*Note – Local Authority enforcement costs cannot be quantified as this will depend on the uptake of each authority. A one-off payment will be made to support the reasonable costs of developing and publishing penalty scales. WG costs include the costs for our wider campaign to deliver awareness of air pollution.

The present value of the costs identified above is £1.7m.

#### c. Benefits

In terms of the **implementation of new guidance**, please refer to the benefits outlined in Option Two.

With regard to the **introduction of a fixed penalties range** for vehicle engine idling offences introduced by these Regulations, the following additional benefits are anticipated:

- discretionary power for local authorities to impose fixed penalty amounts for vehicle engine idling offences within a prescribed range.
- increase the deterrence effect and help to reduce emissions, this will also help reduce unnecessary noise levels associated with engine idling but it is not the purpose of the legislation
- complement the Welsh Government's overall policy of reducing emissions from transport
- contribute to better health and the reduction of health and social costs.
- potential for additional expenditure incurred by local authorities to be offset by revenue received from fixed penalties and for local authorities to share costs around the publicity and implementation phases to include officer training and consistency of enforcement exercises

It is worth emphasising, however, that the ultimate aims of these provisions are cleaner air and a healthier environment for all, not revenue generation.

As noted above, Public Health Wales estimated in 2016 that the health and social costs of air pollution in Wales is £1 billion per annum. However, it is not possible to determine either how much of this cost is attributable to vehicle idling nor the extent to which these Regulations

might help to reduce the cost. Nevertheless, given the scale of costs discussed above, it is clear that there would only need to be a relatively small reduction in the current annual health and social costs of air pollution in order for the benefits of this legislation to outweigh the likely costs.

#### **d. Summary**

Option Three is the preferred option as the Welsh Government believes a combination of improvements to the penalty regime and the issue of new guidance is likely to be the most effective of the options in delivering change.

There is a clear need to minimise the risks from air pollution to the most vulnerable in society, such as children and those in health care settings and care homes. Vulnerable receptors often have pre-existing health conditions which can be exacerbated by emissions. As described above, the intention is for the guidance on developing vehicle engine anti-idling measures to focus in part on education, awareness-raising and behaviour change which would potentially reduce the need for active enforcement

The Welsh Government expects to conduct stakeholder engagement with local authorities on the guidance later this year prior to publication by the end of September 2026. In this way, we can ensure that the guidance meets the needs of local authorities by helping them to develop anti-idling strategies and advising on how these can be incorporated into a wider package of complementary measures designed to reduce air pollution.

## **2. Competition Assessment**

A Competition Filter Assessment has been undertaken to assess the potential impact associated with the proposals. This policy is not expected to have a detrimental effect on levels of competition in Wales or the competitiveness of Welsh firms as the proposals do not have any direct effect on businesses or any markets. The results of a filter test (consisting of nine yes/no questions) which support this conclusion are below

<b>The competition filter test</b>	
<b>Question</b>	<b>Answer yes or no</b>
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No.
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No

Q4: Would the costs of the regulation affect some firms substantially more than others?	No.
Q5: Is the regulation likely to affect the market structure, changing the number or size of firms?	No.
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No.
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No.
Q8: Is the sector characterised by rapid technological change?	No.
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

### 3. Post implementation review

The Welsh Government has already committed to conduct a post-implementation review of the [Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024](#) legislation no later than five years after it has come into force (as outlined in section 9 of the associated [Explanatory Memorandum](#)).

This review will include an assessment of the effectiveness of the introduction of a penalty range pursuant to the Road Traffic (Vehicle Emissions) (Fixed Penalty Notice) (Amendment) (Wales) Regulations 2026.