

PUBLIC PROTECTION COMMITTEE:

7th November 2017

Report of the Head of Shared Regulatory Services

PROGRESS REPORT REGARDING AIR QUALITY IN CARDIFF

1. Background

- 1.1 The Council has a statutory obligation under the Environment Act 1995 to review and assess air quality in its area against National Air Quality Standards which have been set for the protection of human health. The Act requires local authorities to monitor, review and report on seven pollutants. Within Cardiff the pollutant of greatest concern is Nitrogen Dioxide,(NO₂).
- 1.2 The responsibility for considering the discharge of any function relating to the management of Air Quality is a 'local choice' function, which means that the Council can choose whether it is undertaken by a Committee or the Cabinet. To date the choice has been to allocate the responsibility to the Public Protection Committee.
- 1.3 Nitric Oxide (NO) is mainly derived from road transport emission. NO is not considered to be harmful to health. However, once released to atmosphere, NO is usually very rapidly oxidised (reacts with oxygen) to form Nitrogen Dioxide (NO₂), which is harmful to health.
- 1.4 Nitrogen dioxide can irritate the lungs and lower resistance to respiratory infections such as influenza. Continued or frequent exposure to concentrations that are typically much higher than those formally found in the ambient air may cause increased incidence of acute respiratory illness in children.
- 1.5 In a recent report from the Director of Public Health Wales it is estimated that 143 deaths each year in Cardiff and 53 each year in the Vale among over 25s are due to air pollution caused by particulate matter.
- 1.6 The Council is required to report annually to Welsh Government (WG) with regard to latest monitoring data, changes and developments which may be significant with regard Local Air Quality Management (LAQM) and progress in implementing Air Quality Action Plans (AQAPs) devised to address previously identified areas of locally poor air quality.
- 1.7 There are currently four Air Quality Management Areas (AQMAs) declared in Cardiff as a result of exceedence of the annual mean objective of Nitrogen dioxide of 40 µg/m³ ; these areas are:

Cardiff City Centre AQMA (declared 1/4/13 to incorporate Westgate Street; formerly St Marys St AQMA);

Ely Bridge AQMA (declared 1/2/07);

Stephenson Court AQMA (declared 1/ 12/10);

Llandaff AQMA (declared 1/4/13)

- 1.8 The four AQMA's listed above have all been declared in respect of high nitrogen dioxide levels to which the main contributor is road-traffic emissions. The 2017 Progress Report provides a series of maps (pages 13 to 16) which identify the boundaries of each of the four AQMA's.
- 1.7 This report presents the Council's 2017 Progress Report to Welsh Government and highlights some of the report's key points. The report also advises the Committee of a proposal to transfer the responsibility for this function to the Cabinet in light of other policy developments around improving air quality.

2. Air Quality Monitoring

- 2.1 The 2017 Annual Progress Report presents monitoring data captured in 2016, for the seven key pollutants that the Council is required to consider under the Local Air Quality Management (LAQM) regime.
- 2.2 The monitoring data confirms the findings of previous reports in that, for the six regulated pollutants other than nitrogen dioxide (particulate matter, sulphur dioxide, carbon monoxide, benzene, 1,3 butadiene and lead) there are no areas where measured concentrations are above the air quality standards.
- 2.3 2016 nitrogen dioxide monitoring data presented in the report shows a number of sites representative of relevant exposure with exceedences of the $40\mu\text{g}/\text{m}^3$ annual mean objective. These sites are predominantly contained within the declared AQMAs. However, there are four monitoring locations (Site IDs 172, 180, 181, 185) which are not located within AQMAs.
- 2.4 Sites 180 & 181 were implemented due to new developments with the potential for adverse air quality impacting the amenity of future occupants (Windsor House, Windsor Lane & Fitzalan Court, Newport Road). Both developments were under construction in 2016 and thus the results recorded here may have been unduly influenced by these activities. Only recently has the student accommodation at Windsor House been completed and construction still continues at the Fitzalan Court site, as such the results for 2017 may still be influenced by the continued development works at these two locations and truly representative monitoring results won't be obtained until full completion of the development works.

- 2.5 Site 185 was relocated to the façade of the new student development at Northgate House, Kingsway. Due to the fact there is no residential accommodation located at ground floor level where monitoring is undertaken, Site 185 is not representative of relevant exposure and the annual mean objective set for NO₂ does not apply. Therefore, datasets collected at this monitoring location would apply to the 1-hour objective set for NO₂ (**200µg/m³, not to be exceeded more than 18 times per year**). The monitoring at this location does not indicate that the 1 hour mean objective would be exceeded.
- 2.6 Site 172 (Ocean Way) is a kerbside location situated up to 650m from any relevant exposure, used to examine potential impacts of traffic resulting from industrial development in the area.

3 Action Plans and Development of a Clean Air Strategy

- 3.1 Cardiff Council has a statutory requirement to produce an Air Quality Action Plan (AQAP) for each identified AQMA within the local authority area. An Action Plan for the former St Mary Street AQMA was adopted in February 2010 and the measures therein have been fully implemented. The St Mary Street AQMA boundary was varied on 1/4/13 to include Westgate Street.
- 3.2 An Action Plan for Ely Bridge AQMA was adopted in February 2009. The action plans draws heavily on traffic and emission reduction measures contained in the Local Transport Plan (LTP).
- 3.3 Interim Action Plans for the remaining AQMAs in the City Centre, Llandaff and Stephenson Court were devised and were included in the 2016 Progress Report. However since the publication of that report the concerns surrounding Air Quality issues have become more prominent not only in Cardiff but across the UK as whole, which has included the publication of a [UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations](#).
- 3.4 As such the Council has given a commitment to produce and publish a **Clean Air Strategy** in 2018.
- 3.5 One of the main reasons for this is that previous experience in implementing singular actions plans in Cardiff has not proven to be sufficiently successful. The main issue with this particular approach is that the AQAP focuses on introducing local measures to individual road links/ areas, which only targets at improving air quality within the identified AQMA itself.
- 3.6 Whilst such measures have been successful in improving air quality within the individual AQMAs (High Street/ St Mary's Street Action Plan) such localised measures can, and have led to adverse impacts on air quality in surrounding areas and result in more widespread air quality issues. These plans have not been sufficient enough in looking at the

primary cause of the problem, this being road traffic derived emissions, resulting in air quality levels being detrimentally increased in neighbouring areas.

- 3.7 The Council recognises that in order to tackle these known pockets of poor air quality, it is deemed a more suitable and constructive approach to target the whole of the Cardiff to improve the overall air quality within the City.
- 3.8 The Clean Air Strategy will outline the baseline situation in Cardiff with regards to key pollutants, set out proposed measures to improve air quality, and present an appraisal of these measures in terms of their air quality impacts, cost and timescale for implementation in an Action Plan. The Clean Air Strategy will essentially replicate measures already sighted within existing Council strategies and policies. However, it will identify further measures not previously examined and additional measures which will focus on the AQMA areas.
- 3.9 One significant measure that the Clean Air Strategy will discuss in detail is whether the Council considers the introduction of a Clean Air Zone. Such a zone would charge vehicles which do not meet pre - established emissions criteria, from entering a defined zone(s) of the City. The Clean Air Strategy will likely recommend that the Council undertake a feasibility and impact study on the introduction of a Clean Air Zone.
- 3.10 The production of the Clean Air Strategy and city wide Action Plan has been agreed with Welsh Government Officials as an appropriate approach to address the air quality issues in Cardiff, and forgoes for the need for individual action plans for each of the AQMAs.
- 3.11 As a result of the information provided with the Annual Progress it is proposed to undertake the following:
 - Produce and Consult on the Clean Air Strategy (including an Action Plan) with a view of the Strategy being published in 2018;
 - Continue monitoring within and around the existing AQMAs and other areas of concern across Cardiff;
 - Assess and review the existing diffusion tube network to enhance the monitoring data across Cardiff;
 - Continue to drive Air Quality as a major aspect to be considered during any planning applications, most importantly Cardiff Central Development; and
 - Submit an Annual Progress Report (APR) in 2018.

4. Proposal to amend the Council's constitution

- 4.1 The responsibility for considering the discharge of any function relating to the management of Air Quality is a 'local choice' function, which means that the Council can choose whether it is undertaken by a Committee or the Cabinet. To date the choice has been to allocate the responsibility to the Public Protection Committee and the annual report has been received by the Public Protection Committee.
- 4.2 In June 2017 the Welsh Government issued new policy guidance to local authorities in Wales in relation to local air quality management. At the heart of the new guidance is a requirement for local authorities to follow the five ways of working, set out in the Well-being of Future Generations (Wales) Act, when carrying out local air quality management. This means planning for the long term, integrating policies which can impact on air quality, involving people, collaborating with others and preventing problems from getting worse or from arising in the first place. This means that local air quality management (LAQM) must encompass more than just the Local Authorities' statutory functions under Part IV of the 1995 Act. The exercise of those functions must be properly joined up with the management of land use and transport planning, as well as with the carrying out of any other activities which have a bearing on local air quality.
- 4.3 The Air Quality strategy mentioned above cannot operate in isolation from other policy areas, but must be integrated with land use and transport planning, public health, active travel, green infrastructure, road safety and climate change. Responsibility for these other functions rests with the Cabinet. For this reason it makes sense to consider all issues pertaining to Air Quality together. Continuing to report them separately could result in missed opportunities, and at worst in the implementation of conflicting policies. Consideration of these matters at one forum, Cabinet, should enable a greater focus on prevention and help bring about better outcomes for people and communities in both the short and the long term.
- 4.4 Consequently it is proposed to make a change to the allocation of local choice functions in the Council's Constitution and to transfer responsibility for the Air Quality function to the Cabinet. The Public Protection Committee's role in determining the appropriate allocation of this function is as a consultee. Any comment that the Committee wishes to make will be passed on to the Constitution Committee. The final decision sits with the Constitution Committee and full Council, which will need to approve the allocation. If the transfer of responsibility is approved by Constitution Committee and Council, the Public Protection Committee's terms of reference will be amended accordingly.

5. Achievability

- 5.1 This report has no equality, property or human resource implications.

6. Financial Implications

6.1 This report does not result in any additional financial implications.

7. Legal Implications

7.1 The Council has statutory obligations under Part IV of the Environment Act 1995 which include reporting Air Quality annually to Welsh Government. The 2017 Annual Progress Report fulfils this obligation.

7.2 Under the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 the discharge of any function relating to the control of pollution or the management of air quality is a local choice function and the Council can decide whether it should be the responsibility of the Cabinet or a Committee.

8. Recommendations

It is recommended that Committee: -

8.1 Note the contents of the 2017 Air Quality Annual Progress Report.

8.2 Note that it is proposed to transfer responsibility for the Air Quality function to the Cabinet and make any comments that it wishes for consideration by the Constitution Committee.

Dave Holland
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Date

This report has been prepared in accordance with procedures approved by the Corporate Management Team.

Background Papers:

Part IV Environment Act 1995 - Local Air Quality Management Annual Progress Report, 2017