

CABINET MEETING: 21 NOVEMBER 2019

**CABINET RESPONSE TO THE 'IMPROVING CARDIFF'S AIR
QUALITY REPORT PUBLISHED BY THE ENVIRONMENTAL
SCRUTINY COMMITTEE**

**STRATEGIC PLANNING & TRANSPORT (COUNCILLOR CARO
WILD)**

AGENDA ITEM: 12

Reason for this Report

1. To present the Cabinet response to the 'Improving Cardiff's Air Quality report published by the Environmental Scrutiny Committee (ESC) which was received by Cabinet on the 20th September 2018.

Background

2. In September 2017, the ESC agreed to undertake the Improving Cardiff's Air Quality task & finish exercise.
3. The agreed terms of reference for the inquiry were to provide Members with the opportunity to explore and consider how the Council can help to improve air quality in Cardiff.
4. The purpose of the inquiry was to make evidence based recommendations to the Cabinet on Improving Air Quality in Cardiff.
5. Key stakeholders and expert witnesses were invited to contribute to the inquiry over a period of 2 months from November to December 2017, to enable the ESC to gather robust evidence and information to inform the report.
6. The Task and Finish exercise assessed the following areas during the inquiry:
7. Development of Cardiff's Clean Air Strategy – to include a report on the aims and objectives of the strategy; associated policies that support the development of the strategy; resources and timescale for delivering the strategy; desired impact of the strategy and the main areas that the strategy will target.

8. Welsh Government Position on Air Quality – to gain a better understanding of the policy objectives of the Welsh Government in terms of air quality; to understand the applicable timescales and consequences of the Council not meeting these policy objectives; to identify the key areas that Welsh Government believes should be targeted to achieve the best outcomes for air quality.
9. Transportation – to understand the positive and negative impacts that transport (and transport systems) can have on air quality in Cardiff; to establish a hierarchy of transport pollution sources and evaluate what can be done to better manage the worst polluting sources; to review transport schemes and infrastructure planned for development or in the process of being delivered in Cardiff; to explore the benefits of sustainable fleet management in Cardiff; to consider the impact that changes in technology and public perception can have on air quality.
10. Other Pollution Sources – to consider a range of pollution sources (excluding transport) and the impact that these have upon air quality in Cardiff; to establish a hierarchy of pollution sources (excluding transport) and evaluate what can be done to better manage the worst polluting sources; to review proposals currently being developed or delivered (excluding transport) to reduce pollution in Cardiff.
11. Planning & Development – to understand how the planning and development process can be used to improve air pollution in Cardiff; to consider the current planning processes / policies and how these impact upon air pollution; the impact that the growth of the city might have upon air quality.
12. Sustainable Fuels – to understand the challenges and opportunities that the growth of sustainable fuels can have upon air quality in Cardiff; to consider the role of the Council in terms of helping to establish the local market for sustainable fuels; to consider what the Council and its partners can proactively do to support the move to sustainable fuels.
13. Clean Air Zones – to understand how Clean Air Zones work; the impact that a Clean Air Zone could have upon air quality in Cardiff and the wider implications for the city; the costs and opportunities of setting up a clean air zone; best practice in delivering Clean Air Zones (to include domestic and international examples).

Issues

14. Public Health Wales have stated that poor air quality is probably the second greatest health concern after smoking and is the most significant environmental determinant of health. Recent work by Public Health Wales estimates that the equivalent of over 220 deaths each year among people aged 30 and over, in the Cardiff and Vale Health Board area, can be attributed to Nitrogen Dioxide pollution with many more citizens suffering ill health as a consequence of poor air quality.

15. The Council had already set out that tackling poor air quality was a key priority within the Capital Ambition, stating that it aimed to deliver a best practice Clean Air Strategy. Work commenced on this through the Shared Regulatory Services in early 2017.
16. Prior to completion and reporting from the Task and Finish Group the Council received a legal direction from Welsh Government in February 2018, under the Environment Act 1995 requiring the Council to undertake a feasibility study to develop a preferred option for delivering compliance with NO₂ limit values in the shortest possible time. This was in response to legal requirements under the EU Ambient Air Quality Directive. The legal direction required the Council to submit its final plan no later than the 30th June.
17. The development of the Clean Air Strategy was subsequently superseded by the need to develop a Clean Air Plan to comply with the legal requirements of the Welsh Government Directive. However that said the Clean Air Strategy was further developed, as part of the work to develop the Clean Air Plan to comply with the direction.
18. It must be noted that the majority of the recommendations made within the report have either been wholly or partially been implemented during the development of the Clean Air Strategy and Action Plan and the development of the NO₂ Feasibility Study under the Direction of Welsh Government.
19. The report makes thirty one recommendations and the response to each of these recommendations is detailed in the report in Appendix A and the following summarises those recommendations accepted or rejected.
 - 23 Recommendations have been accepted;
 - 4 Recommendations have been partially accepted; and
 - 4 recommendations have been rejected

Reason for Recommendations

20. To enable Cabinet to respond to the 'Improving Cardiff's Air Quality report published by the Environmental Scrutiny Committee (ESC) which was received by Cabinet on the 20th September 2018.

Financial Implications

21. A large number of the recommendations from the Scrutiny report will be covered by the work undertaken as part of the NO₂ feasibility study to comply with the Legal Direction on NO₂ issued by the Welsh Government. This feasibility study was reported to Cabinet on 13th June and the Financial Implications contained in that report are also relevant here. Where additional activity is required to comply with the recommendations a consideration of the funding options available will also be required as the activity will not be able to commence until a

funding source has been identified. If no funding is available then an appropriate pressure bid for the relevant activity, which could be for capital and / or revenue expenditure, will need to be submitted as part of the council's annual budget setting process. Proceeding with these activities will therefore be dependent on Council approval.

Legal Implications

22. In considering its response to the recommendations of the the Cabinet should be mindful of the Council's statutory duties under:

- a. The Equalities Act 2010 – requiring the Council to give due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations, in relation to groups having 'protected characteristics' (namely Age; Gender reassignment; Sex; Race – including ethnic or national origin, colour or nationality; Disability; Pregnancy and maternity; Marriage and civil partnership; Sexual orientation; and Religion or belief – including lack of belief); and
- b. The Well-Being of Future Generations (Wales) Act 2015 – requiring the Council to consider how its decisions will contribute, and to take all reasonable steps, towards meeting its well-being objectives, which are set out in Cardiff's Corporate Plan 2019-22 and are aimed at achieving 7 national wellbeing goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible. The Council is also obliged to act in accordance with the 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future.

23. Legal advice will be provided as specific proposals are progressed.

Property Implications

24. No immediate property implications are anticipated from this response to Environmental Scrutiny Committee.

25. Any future requirement to use Council land or property to deliver the objective of improving Cardiff's air quality should be done so in accordance with the Corporate Property Strategy, Council's Asset Management process and in consultation with Strategic Estates and relevant service areas.

RECOMMENDATIONS

Cabinet is recommend to approve the response to Improving Cardiff's Air Quality 'report published by the Environmental Scrutiny Committee set out in Appendix A.

SENIOR RESPONSIBLE OFFICER	Andrew Gregory Director of Planning, Transport & Environment
	15 November 2019

The following appendix is attached:

Appendix A- Cabinet Response To 'Improving Cardiff's Air Quality 'Report Published By The Environmental Scrutiny Committee September 2018

The following background papers have been taken into account

Improving Cardiff's Air Quality 'report published by the Environmental Scrutiny Committee September 2018