

**CABINET MEETING: 20 FEBRUARY 2020**

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**RESPONSE TO WELSH GOVERNMENT'S PUBLIC  
CONSULTATION FOR THE DRAFT CLEAN AIR PLAN FOR  
WALES: HEALTHY AIR, HEALTHY WALES**

**STRATEGIC PLANNING AND TRANSPORT (COUNCILLOR  
CARO WILD)  
CLEAN STREETS, RECYCLING AND ENVIRONMENT  
(COUNCILLOR MICHAEL MICHAEL)  
SOCIAL CARE, HEALTH & WELL-BEING (COUNCILLOR SUSAN  
ELSMORE)**

**AGENDA ITEM: 10**

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**Reason for this Report**

1. The purpose of this report is to present and seek approval for Cardiff Council's (CC) Cabinet response for Welsh Government's Public Consultation for the draft Clean Air Plan for Wales: Healthy Air, Healthy Wales published on the 10<sup>th</sup> December 2019.

**Background**

2. Welsh Government's (WG) has published its draft Clean Air Plan for Wales for public consultation. This plan sets out Welsh Government's policy direction and proposed actions to reduce air pollution to support improvements in public health and the natural environment across Wales.
3. The consultation provides an opportunity for a review of an array of proposals which include;
  - enhancing air quality monitoring and assessment capabilities;
  - proposals for a fit for purpose legislative and regulatory air quality management framework for Wales;
  - increasing public awareness about air pollution and behavioral change communications to help everyone improve air quality and encourage others to do the same; and
  - promoting the shift from the private motor vehicle to active travel and public transport.
4. The Plan uses a thematic approach to address broad areas of impact, where work across organisations and themes can better address problems and build collaborative approaches to future action. The four themes are highlighted as;

- **Improving air quality to protect the health and well-being of current and future generations;**
  - **Improving air quality to support our natural environment, ecosystems and biodiversity;**
  - **Improving air quality to support a prosperous Wales; and**
  - **Improving air quality to support sustainable places**
5. Responses to the consultation are based on 45 set questions, which have been developed to address issues relating to the applicable topic areas within the draft Plan. By responding to these questions, the Council sees the consultation as an opportunity to share its views and opinions on Welsh Government's proposal, sharing its experiences utilising and adopting existing air quality legislation in Wales.

## **Issues**

### **Air Quality in Cardiff**

6. Under Section 82 of the Environment Act 1995 every local authority has an obligation to regularly review and assess air quality in their areas, and to determine whether or not air quality objectives to protect health are likely to be achieved. Where the air quality reviews indicate that the air quality objectives are not being achieved, or are not likely to be achieved, Section 83 of the 1995 Act requires local authorities to designate an Air Quality Management Area ('AQMA'). Section 84 of the Act ensures that action must then be taken at a local level which is outlined in a specific Air Quality Action Plan (AQAP) to ensure that air quality in the identified area improves.
7. The air quality objectives applicable to LAQM in Wales are set out in the Air Quality (Wales) Regulations 2000, No. 1940 (Wales 138) and Air Quality (Amendment) (Wales) Regulations 2002, No 3182 (Wales 298).
8. Welsh Government issue statutory policy guidance to Local Authorities under Section 88 of the Environment Act 1995 to bring the local air quality management system in Wales into line with the sustainable development principle outlined in Welsh Government's Well-being for Future Generations legislation, 2015.
9. Poor air quality is now considered the largest environmental risk to public health in the UK.<sup>1</sup> There is clear scientific evidence that shows that air pollution exposure reduces life expectancy by increasing mortality and morbidity risk from heart disease, and strokes, respiratory diseases, lung cancer and other conditions.
10. In the UK, in the context of air quality management, the main air pollutants that are the primary public health concern are particulate matter and Nitrogen Dioxide (NO<sub>2</sub>). In the UK, it has been estimated that an

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<sup>1</sup> 'Estimating local mortality burdens associated with particulate air pollution', Public Health England, (2014)

equivalent of 23,500 deaths can be attributed to long-term exposure to NO<sub>2</sub> each year.<sup>2</sup>

11. The principle source of these pollutants is from road transport emissions, particularly from diesel cars. In 2012, the International Agency for Research on Cancer listed diesel exhaust pollution as a Class 1 carcinogen<sup>3</sup> and extended this to all ambient air pollution in 2013.<sup>4</sup>
12. Public Health Wales has stated that poor air quality is the second greatest public health concern after smoking and is the most significant environmental determinant of health. In Wales, based on data for the period 2011-2012, it has been estimated that an equivalent of 1,100 avoidable deaths can be linked to NO<sub>2</sub> exposure each year.
13. Poor air quality does not only cause ill health, it also has a wider societal cost. Accounting for health service costs and reduced productivity through lost workdays in the UK this is significant, standing at around £20bn every year.<sup>5</sup>
14. Some people are more at risk than others. Air pollution can disproportionately affect vulnerable population groups (e.g. children, older people, people with underlying chronic disease), as well as those exposed to higher levels because of living or commuting in urban or deprived locations.<sup>6</sup>
15. 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 area can be attributed to NO<sub>2</sub>, with many more citizens suffering ill health as a consequence of poor air quality.<sup>7</sup>
16. There are currently four Air Quality Management Areas (AQMAs) declared across Cardiff which have all been declared due to exceedances of the annual mean NO<sub>2</sub> Air Quality Standard (40ug/m<sup>3</sup>), known to be derived from road transport. 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); and
  - **Llandaff AQMA** (declared 1/4/13).

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<sup>2</sup> 'Improving air quality in the UK: tackling nitrogen dioxide in our towns and cities: UK overview document' Defra (2015)

<sup>3</sup> International Agency for Research on Cancer, (June 2012)

<sup>4</sup> International Agency for Research on Cancer, (October 2013)

<sup>5</sup> 'Every breath we take: the lifelong impact of air pollution', Royal College of Physicians and Royal College of Paediatrics and Child Health (2016).

<sup>6</sup> National Institute for Health and Care Excellence 2017; WHO Regional Office for Europe 2016

<sup>7</sup> Estimating local mortality burdens associated with particulate air pollution, Public Health Wales (2014).

## Clean Air Strategy and Action Plan

17. In 2018, Shared Regulatory Services (SRS) & CC developed a citywide Clean Air Strategy & Action Plan (CASAP) for Cardiff. The strategy coincides with Cardiff's Capital Ambition report and helps to implement and deliver the priorities outlined in the Ambition report with an overarching aim to improve air quality to protect and improve public health in Cardiff. The CAS & Action Plan appoints strategic measures that will look to generate a positive impact to citywide air quality levels, in particular traffic derived NO<sub>2</sub> levels. Each measure has endured a cost benefit appraisal procedure by weighting the measures in terms of air quality impact, cost and timescale. The key theme of the strategic measures is to increase the uptake of sustainable modes of transport by influencing a behavioural change in Cardiff.

## Legal Direction from Welsh Government

18. In addition to Cardiff's 4 AQMAs, Welsh Government issued a formal direction to the Council in March 2018 under Part IV of the Environment Act 1995, Section 85(7) to meet obligations placed upon the United Kingdom under the EU Ambient Air Quality Directive (2008/50/EC).
19. The direction came into force, as signed by the Minister, on 15<sup>th</sup> February 2018, and was delivered to Cardiff Council on 09<sup>th</sup> March 2018. The Direction required that by 30<sup>th</sup> June 2019 at the latest a **Final Plan** Identifying in detail the preferred option for delivering compliance with the legal limit for NO<sub>2</sub> in the shortest possible time, must be submitted to Welsh Government.
20. The localised modelling identified only one road link under baseline conditions projected to show non-compliance for NO<sub>2</sub> beyond 2021, this being the A4161 Castle Street, in the City Centre.
21. The Council received confirmation on the **20<sup>th</sup> December 2019** that it's Final Plan and [Full Business Case](#) was fully approved by the Minister for Rural Affairs and the Environment Lesley Griffiths AM. The final plan includes the following measures;
  - Support the implementation of Electric Buses – 36 Electric Buses to be implemented on a number of routes within the City Centre;
  - Bus Retro Fitting Programme;
  - Taxi Licensing Policy and Mitigation Scheme;
  - City Centre Transportation Improvements ; and
  - Active Travel Measures.
22. The feasibility Study ultimately becomes a city wide Action Plan to address air quality, as the project to date has not only focussed on roads modelled to exceed the NO<sub>2</sub> limit value, but has also assessed likely compliance within the AQMAs.

## **Key Considerations for Welsh Government's DRAFT Clean Air Plan**

23. The draft plan discusses the potential for the adoption of additional and stringent air quality limit values, with particular reference made for particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>). Whilst the Council would ultimately support this proposal, it must be noted that the Council does have concerns on the impact that such proposals could have regarding the need to further improve the current monitoring capabilities for particulates.<sup>5</sup>. Further the Council does have concerns on whether the adoption of WHO guidelines are realistically achievable given background levels in Cardiff already encroach on the WHO guideline value for PM<sub>2.5</sub> of 10 µgm/<sup>3</sup>. The Council notes that Welsh Government intend to consult on the development of these new targets for particulate matter and the Council would therefore use this as an opportunity to address such concerns.
24. The Council notes that in addition to reviewing their Clean Air Zone Framework, Welsh Government is committed to reviewing the role that road user charging could play in reducing roadside levels of air pollution. As detailed in the Transport White Paper, road user charging is just one charging mechanism the Council will look to assess as a delivery option for the transport vision. One of the key objectives of any such scheme would be to facilitate wider improvements in air quality. The Council is therefore encouraged and welcomes the fact that Welsh Government will review road user charging and we would look to work with Welsh Government on any such proposals.
25. The implications from the proposals in the Welsh Governments draft Clean Air Plan, may lead to a review of the Council's current approach to air quality monitoring and reporting requirements. Following publication of any Final Clean Air Plan from Welsh Government, and any subsequent legislative amendments, there may be a requirement to review and assess the Council's ability to accommodate any additional statutory obligations that may arise from this Plan.
26. The proposed response from the Council to the 45 Consultation questions is presented in Appendix A.

## **Well-being of Future Generations (Wales) Act 2015 implications**

27. CC adopt the principles of The Well-being of Future Generations (Wales) Act 2015 (WFG). The act is a significant enabler to improve air quality as it calls for sustainable cross-sector action based on the principles of long-term, prevention-focused integration, collaboration and involvement. It intends to improve economic, social, environmental and cultural well-being in Wales to ensure the needs of the present are met without compromising the ability of future generations to meet their own needs.
28. The Well-Being of Future Generations (Wales) Act 2015 places a 'well-being duty' on public bodies aimed at achieving seven national well-being 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.

29. In discharging its duties under the 2015 Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2019-22: <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Pages/Corporate-Plan.aspx>
30. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
31. The well-being duty also requires the Council to act in accordance with a '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. In doing so, the Council must:
- Look to the long term
  - Focus on prevention by understanding the root causes of problems
  - Deliver an integrated approach to achieving the seven national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them

### **Reason for Recommendations**

32. To enable Cardiff Council to formally submit its response to Welsh Government's Clean Air Plan for Wales: Healthy Air, Healthy Wales public consultation.

### **Financial implications**

33. SRS has an existing budget to complete a programme of air quality monitoring across Cardiff. The measures to achieve compliance with the Air Quality Legal direction have been approved by the Welsh Government who will provide the funding for these schemes.

### **Legal Implications**

34. The report seeks Cabinet's views on the Welsh Government's 'Clean Air Plan for Wales: Healthy Air: Healthy Wales', which sets out the Welsh Government's policy direction and proposed actions to reduce air pollution to support improvements in public health and the natural environment. This provides an opportunity for the Cabinet to express its views, which may help to shape the Welsh Government's future intentions and legislation.

35. In considering its response, the Cabinet should have regard to the Council's statutory duties in respect of air quality and it's well-being duties under the Well-Being of Future Generations (Wales) Act 2015, as set out in the body of the report.
36. Under the Scheme of Delegations, the Cabinet is authorised to agree responses to Government consultation papers in respect of strategic policy on behalf of the Council.

### **HR Implications**

37. There are no HR Implications for this report

### **Property Implications**

38. The consultation response does not refer to specific property projects and there are no issues identified at this stage that raise concerns from a property perspective.

## **RECOMMENDATIONS**

Cabinet is recommended:

1. To note and approve the draft response to the public consultation on Welsh Government's Clean Air Plan for Wales: Healthy Air, Healthy Wales, as set out in Appendix A; and
2. Authorise the Director for Planning, Transport and Environment to finalise the draft response, with any necessary amendments made to reflect the views given by Cabinet members, and to submit the response to Welsh Government on behalf of the Council.

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Andrew Gregory</b> <b>Director of Planning, Transport &amp; Environment</b>
	14 February 2020

*The following appendix is attached:*

Appendix A: Cardiff Council draft Response to Welsh Government's Clean Air Plan Public Consultation.

*The following background papers have been taken into account:*

[Welsh Government's Public Consultation Document](#)