

**LOCAL AIR QUALITY MANAGEMENT – CARDIFF COUNCIL AIR
QUALITY ANNUAL PROGRESS REPORT 2020**

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

AGENDA ITEM: 14

Reason for this Report

1. The purpose of this report is to seek approval for the 2020 Cardiff Council (CC) Local Air Quality Management (LAQM) Annual Progress Report (APR) based upon on air quality datasets obtained in 2019. This report requires Cabinet to approve and recommend the finalisation of the 2020 Annual Progress Report for submission to Welsh Government for approval.

Background

2. 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.
3. 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).
4. The Annual Progress Report provides details on the ratified data for air quality monitoring undertaken in 2018 within the Cardiff Council area.
5. 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 of Future

Generations legislation, 2015. This guidance, with which local authorities must have regard to when carrying out their air quality functions under the Environment Act 1995, sets out that authorities in Wales have to produce an Annual Progress Report in **draft** by 30th September each year and publish it by 31st December at the latest. This report must include monitoring results for the previous calendar year, a progress report on action plan implementation and an update on any new policies or developments likely to affect local air quality.

6. This Annual Progress Report satisfies the above criteria examining ratified datasets for air quality monitoring undertaken in 2019 within the Cardiff Council area.
7. Poor air quality is now considered the largest environmental risk to public health in the UK.¹ 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.
8. 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 (NO₂). In the UK, it has been estimated that an equivalent of 23,500 deaths can be attributed to long-term exposure to NO₂ each year.²
9. 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 carcinogen³ and extended this to all ambient air pollution in 2013.⁴
10. 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 NO₂ exposure each year.
11. 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.⁵
12. 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

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

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

³ International Agency for Research on Cancer, (June 2012)

⁴ International Agency for Research on Cancer, (October 2013)

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

to higher levels because of living or commuting in urban or deprived locations.⁶

13. Examining the most recent datasets (2017) made available by Public Health Wales for the total number of all-cause non-accidental deaths registered in the Cardiff and Vale University Health Board area, the long term mortality burden attributable to air pollution (fine particulate matter and nitrogen dioxide combined) is an estimated effect equivalent to 178-227 deaths.

Issues

Air Quality in Cardiff

14. There are currently four Air Quality Management Areas (AQMA) declared across Cardiff which have all been declared due to exceedances of the annual mean NO₂ Air Quality Standard (40ug/m³), 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).
15. The 2020 Annual Progress Report presents monitoring data captured in 2019. In line with the Cardiff Council's (CC) statutory duties under Part IV of the Environment Act 1995, Shared Regulatory Services on behalf of CC undertakes regular air quality monitoring at specifically allocated locations across Cardiff using automated and non-automated principles for ambient air Nitrogen Dioxide (NO₂), Particulate Matter (PM₁₀ & PM_{2.5}), Sulphur Dioxide (SO₂), Carbon Monoxide (CO) & Ozone (O₃).

Automated Monitoring Network

16. In 2019, Cardiff had three automatic air quality monitoring sites located at Frederick Street in the City Centre, Richard's Terrace, just off Newport Road and Lakeside Primary School.
17. The Frederick Street (Urban Background) site monitors on a 24/7 basis measuring levels of NO₂, PM₁₀ & PM_{2.5}, SO₂, CO and O₃ feeding data directly into Defra's Automatic Urban and Rural Network (AURN).
18. The Richard's Terrace site (Urban Traffic/ Roadside) monitors on a 24/7 basis measuring levels of NO₂ & PM₁₀ at that location, feeding data directly into Defra's Automatic Urban and Rural Network (AURN).
19. The Lakeside Primary School (Urban Background) site monitors on a 24/7 basis measuring levels of Polycyclic aromatic hydrocarbons (PAH) at that location, feeding data directly into Defra's PAH Digitel (solid phase) Network. SRS serve as a local site operator to this site, however data

⁶ National Institute for Health and Care Excellence 2017; WHO Regional Office for Europe 2016

interpretation is sanctioned by the consultants Ricardo Energy and Environment Ltd. Therefore, the purpose of this site and results derived are not corresponded to any of the limit values outlined for the purposes of LAQM in Wales.

20. At the time of writing this report, Cardiff Council with the financial support of Welsh Government has commissioned a fourth automated monitoring site, located on Castle Street. The roadside site monitors on a 24/7 basis measuring levels of NO₂, PM₁₀ & PM_{2.5} at that location and forms part of the Welsh Automated Monitoring Network.
21. In addition, Cardiff Council has acquired the use of 6 near real time indicative air quality analysers. 5 analysers were purchased with the financial support of Welsh Government and the 6th analyser was facilitated by the Shared Regulatory Services (SRS) who had successfully accrued funding via a S106 planning contribution. The analysers have been specifically placed and represent relevant exposure. The analysers continuously monitor for Nitric Oxide, Nitrogen Dioxide & Ozone, PM₁₀ & PM_{2.5}, and do so every 15 minutes (data uploaded every hour).
22. An online platform to access the available datasets is yet to be finalised with Cardiff Council's webpage development team.

Non-automatic Monitoring Sites-

23. In 2019 CC operated 100 specifically allocated non automatic monitoring sites in Cardiff which monitor levels of Nitrogen Dioxide (NO₂).
24. In 2019, out of the 100 monitoring locations, 6 monitoring sites recorded exceedances of the annual average objective set for NO₂ (40µg/m³). All 6 monitoring locations were recorded within the already established City Centre and Llandaff air quality management areas (AQMA).
25. In accordance with LAQM best practise guidance; there are no monitoring sites in the district with annual average concentrations above 60µg/m³ in 2019. Therefore, this indicates it is unlikely that the 1- hour nitrogen dioxide objective was exceeded.
26. In accordance with Welsh Government's (WG) Local Air Quality Management Policy Guidance, July 2017, Council recognise that there is no defined "safe level" when describing levels of air quality. It is noted that the annual average datasets do highlight monitoring sites established outside the designated AQMA areas with elevated annual average NO₂ readings. These sites will need to be closely scrutinised to ensure the annual average objective is not breached in future years.
27. In view of the complete yearly datasets, SRS will continue to perform its yearly review of the monitoring network and rationalise where necessary. This will include decommissioning those locations with continued compliance, or with levels well below the given air quality limit values. SRS will also look to improve certain monitoring sites to represent worse-case exposure or commission new monitoring sites to increase its geographical understanding.

School Monitoring

28. **Client Earth-** As part of the NO₂ monitoring network, for 2018 the Council began a monitoring campaign at 9 specific schools across the borough. Here, Cardiff Councillors motioned a review of the current air quality monitoring network established across the borough and it was highlighted that there is a requirement to monitor local air quality in and around school buildings. It was decided that those schools to be monitored will be those highlighted in last year's Client Earth report which discussed potential detrimental air quality impacts at schools in relatively close proximity to major road networks. The report detailed 9 schools within 150m of roads with potentially harmful concentrations of nitrogen dioxide (NO₂);

- Ysgol Mynydd Bychan, Gabalfa;
- St Joseph's RC Primary, Gabalfa;
- Stacey Primary, Roath;
- Tredegarville CIW Primary, Adamsdown;
- Cardiff Academy, Roath;
- Mount Stuart Primary, Butetown;
- St Peter's RC Primary, Roath;
- Cathays High School, Cathays; and
- St Teilo's CIW High School, Llanedeyrn

29. Annual datasets (2018 & 2019) gathered at each of the school monitoring sites **recorded annual average levels in compliance with the set air quality standards for NO₂.**

30. **NRW Citizen Science Project-** funded externally by Natural Resources Wales (NRW) as part of the Citizen Science project, commissioned in April 2019, air quality monitoring services was provided by SRS on behalf of Cardiff Council for a number of schools premises located in Cardiff;

- Rhiwbeina Primary School;
- Thornhill Primary School;
- St Monica's CIW Primary School;
- Millbank Primary School;
- Lansdowne Primary School; and
- St Mary The Virgin Church in Wales Primary School

31. These particular schools were chosen based upon local knowledge of the area, previous history, as well as focusing upon annual average daily traffic (AADT) flows of nearby road networks.

32. The objective of the monitoring project was to examine and record levels of nitrogen dioxide (NO₂), a known traffic derived pollutant. The project was funded for one year, whereby the datasets collected were intended to be used a driver to work with the monitored schools to influence behavioural change and raise awareness for air quality concerns.
33. Annual datasets (2019) gathered at each of the school monitoring sites **recorded annual average levels in compliance with the set air quality standards for NO₂.**
34. Unfortunately, NRW have confirmed that there is no available budget to financially support the project any further, however Cardiff Council has given financial commitment to continue for one further year.
35. Due to the unprecedented circumstances, current monitoring at school locations referenced above (Client Earth and Citizen Science project endorsed schools) has temporarily stopped as internal risk assessments deemed the sampling at these locations non-essential with the view that the risk of accessing the locations outweighs the benefits of the sampling. Monitoring at these locations will recommence when it is deemed viable to revisit the monitoring.
36. **Traffic Regulation Order (TRO) Project-** In view of the corporate commitment to deliver active travel plans for all schools by April 2022, for 2019 SRS was commissioned by Cardiff Council's Transportation, Policy and Strategy Team to assist with Cardiff Council's Schools Streets Project and its Traffic Regulation Order (TRO) pilot project. The pilot project involves the temporary closure of road links surrounding specific schools in Cardiff, 6 in total.
- Whitchurch High Lower;
 - Ysgol Melin Gruffydd;
 - Peter Lea Primary;
 - Llandaff Church in Wales Primary;
 - Pencaeru; and
 - Lansdowne Primary
37. Shared Regulatory Services (SRS) have supported this pilot project by providing additional air quality monitoring since October 2019. Results will be published in the 2021 Annual Air Quality Progress Report which will report on 2020 datasets.

Results in AQMAs

City Centre AQMA

38. It is apparent that annual average NO₂ datasets in the City Centre, in and around the AQMA, continue to be elevated in 2019. Despite the elevated figures it is encouraging that the captured figures all evidence a reduction

in annual average levels. However, based on figures in recent years, City Centre AQMA monitoring locations, specifically sites 186 & 187 located on Castle Street depict levels not only in breach of the annual average objective, but have been shown in recent years to record levels encroaching upon the 1-hour NO₂ objective with results close to 60µg/m³. To note, sites 186 & 187 are of a commercial nature and therefore the 1-hour objective applies at these locations.

Ely Bridge AQMA

39. Monitoring undertaken within the Ely Bridge AQMA, at the façade of residential properties (Site 117, 192 & 218) recorded annual average levels of NO₂ >35ug/m³. Although levels captured are compliant with the air quality objectives, they are still of a concern and thus the AQMA should remain in place.

Llandaff AQMA

40. Residential monitoring locations within the Llandaff AQMA, in general indicate compliance with the annual average objective. Site 212 does indicate an exceedance of the annual average objective with an annual average reading of 41.3ug/m³. When comparing the 2018 datasets with that of 2019, an improvement is noted with an evidenced reduction in levels for all monitored locations.
41. In an effort to reassure local residents, as referenced in the 2018 APR, officers have explored the idea of improving monitoring capabilities in the Llandaff AQMA by investing in an automated monitoring system. SRS who had successfully accrued funding via a S106 planning contribution, purchased a near real-time indicative air quality monitor (AQ Mesh analyser) which has been installed within the Llandaff AQMA boundary.

Stephenson Court, Newport Rd, AQMA

42. All three monitoring sites within the Stephenson Court AQMA (Sites, 81, 131 & 198) show compliance with the annual average objective, however results remain elevated, particularly at Site 131(>35ug/m³), and thus the AQMA will be maintained

Summary of Results in the AQMAs

43. Table 1 below summarises the worse-case annual average figure recorded at a residential location within each of the 4 AQMAs. The figure outlined is not a portrayal of the same monitoring site year on year. For example, the 2019 result given for the Llandaff AQMA is the result derived by Site 212 which demonstrates the highest figure recorded at a residential location in 2019. Prior to this, the 2018 figure was given by Site 33, which was the highest validated result at a residential location in 2018.

Table 1. Annual Average NO₂ Concentration (µg/m³) Air Quality Standard =40 µg/m³

AQMA	Annual Average NO ₂ Concentration (µg/m ³) Air Quality Standard =40 µg/m ³							
	2012	2013	2014	2015	2016	2017	2018	2019
City Centre	41.5	42.1	42.1	38.2	38.7	38.2	37.3	35.6
Stephenson Court	47.9	43.9	41.2	39.5	39.6	36.7	38.2	35.7
Ely Bridge	42.6	44.9	42.3	39.5	41.3	38	39.9	38.6
Llandaff	43.0	39.1	37.2	32.3	35.0	32.5	32.5	41.3

44. Although the 2019 data indicates that compliance is met in the three AQMAs, the Welsh Government has stated that *'air just barely compliant with the objectives is not 'clean' and **still carries long-term health risks** and while compliance with the national air quality objectives is essential, it is desirable to keep levels of pollution as low as reasonable practicable.'*⁷

Action Plans and Development of a Clean Air Strategy

45. Section 84 of the Environment Act 1995 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. Therefore, Cardiff Council has a statutory requirement to produce an Air Quality Action Plan (AQAP) for each identified AQMA.
46. In 2017 the Council gave a commitment to produce a Clean Air Strategy and Action Plan by 2018. This objective of this report was to develop an Action Plan to address air quality issues not only in the AQMAs, but across all of Cardiff.
47. Highlighting this commitment, in 2018, 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 NO₂ 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.
48. The CASAP fulfils the requirements of the LAQM process to produce an Air Quality Action Plan (AQAP).

Legal Direction from Welsh Government

49. In addition to Cardiff's 4 AQMAs and CASAP work, following the formal publication of Defra's UK detailed air quality plan to tackle roadside

⁷ [Welsh Government Local air quality management in Wales Policy guidance June 2017](#)

nitrogen dioxide (NO₂) concentrations in July 2017, it was identified that Cardiff would continue to exceed EU & UK Air Quality Directive Limit Values for NO₂ beyond 2020.

50. The report detailed modelled projections from the Joint Air Quality Unit (JAQU) which showed continued non-compliance of the national annual average NO₂ standard beyond 2021 along identified road networks. The roads which have been modelled as exceeding the annual limit value were the A4161, the A4232, the A4234, the A470 and the A48. These areas of exceedance also featured in the CASAP document as any mitigation measures implemented on the referenced road links will have an impact on the LAQM AQMAs.
51. As a result, in March 2018 under Part IV of the Environment Act 1995, Section 85(7), Welsh Government issued a formal direction to CC to address its air quality concerns, with particular reference to the specified 5 road links. The direction has been governed by the Welsh Minister for Environment who has determined that the direction deemed necessary to meet obligations placed upon the United Kingdom under the EU Ambient Air Quality Directive (2008/50/EC).
52. The direction came into force, as signed by the Minister, on 15th February 2018, and was delivered to Cardiff Council on 09th March 2018. The direction has a schedule of specified activities, and states:

'Under the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2018, the Welsh Ministers make this direction having determined that it is necessary in order to meet obligations placed upon the United Kingdom under the EU Ambient Air Quality Directive.

Cardiff Council will undertake, as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017, a feasibility study in accordance with the HM Treasury's Green Book approach, to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the area for which the authority is responsible, in the shortest possible time.'

53. Further to the Council's statutory duty under Part IV of the Environment Act, the Direction placed, a further legal duty on Cardiff Council to undertake the requirements of the direction as detailed above within the specified timescales
54. Cardiff Council has developed a Clean Air Project Team who have met the necessary reporting requirements outlined by the Direction.
55. The Council's published [Full Business Case](#) (Final Plan) documents early intervention measures as well as aspired measures the Council are endorsing to improve localised air quality on the outlined A4161 Castle Street with a vision of improving citywide air quality levels. These measures include;

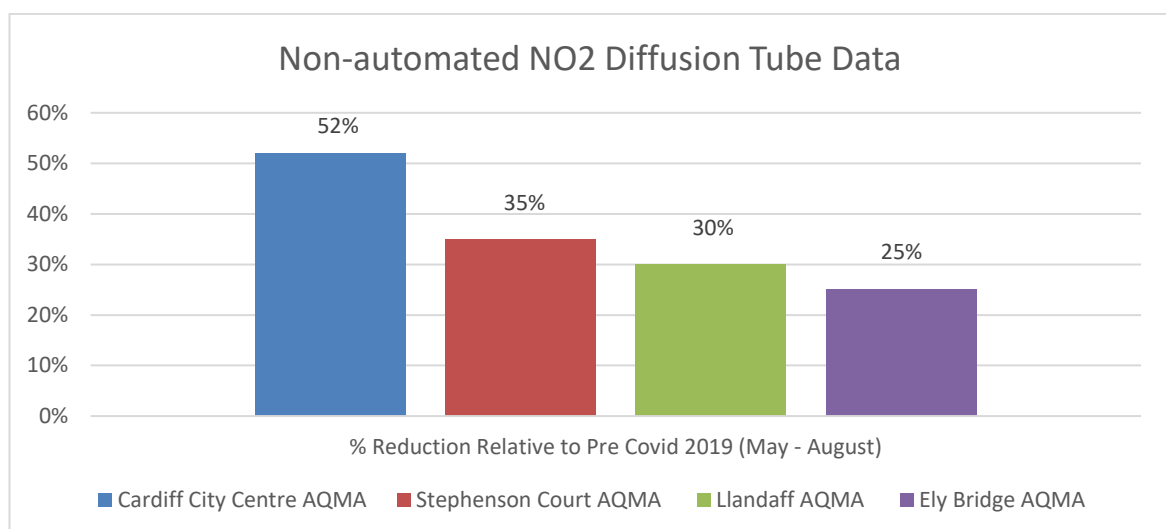
- Implementation of Electric Buses – 36 Electric Buses to be implemented on a number of routes within the City Centre;
 - Bus Retro Fitting Programme;
 - Taxi Licensing Policy and Mitigation Scheme;
 - City Centre Transportation Improvements; and
 - Active Travel Measures.
56. The FBC demonstrates that the outlined package demonstrates the greatest level of compliance on Castle Street, with 31.9µg/m³ forecasted in 2021 as a result of the implementation of the measures. In addition to achieving compliance on Castle Street, the impact of the package of measures was also been modelled at local air quality monitoring locations, including those locations within existing Air Quality Management Areas (AQMAs). The results of the modelling indicated that all monitoring locations are expected to have concentrations below the 40 µg/m³ which further demonstrates that the package of measures will improve local air quality including within existing AQMAs.
57. The feasibility Study and FBC document ultimately becomes a citywide Action Plan to address air quality, as the project to date has not only focussed on roads modelled to exceed the NO₂ limit value, but has also assessed likely compliance within the AQMAs.
58. The FBC was approved by the Environment Minister on the 16th December 2019, with grant funding to implement the plan awarded in January 2020. Work is progressing on the implementation of the measures detailed in the plan. It is noted that the implementation has been impacted by the COVID-19 pandemic, but constant dialogue and ongoing collaboration with Welsh Government officials has been maintained to ensure the Plan remains on course to deliver compliance in the shortest possible time. The 2021 annual progress report will provide full details on the progression of the Clean Air Plan along with the review of 2020 results and subsequent impacts of the COVID-19 pandemic.

COVID- 19 Implications for Air Quality in Cardiff

59. Due to the unprecedented circumstances, this has had an impact on the local air quality monitoring and the delivery of the package of measures sanctioned by Cardiff's Clean Air Plan (FBC).
60. Due to constant dialogue and ongoing collaboration with Welsh Government officials, the Plan remains on course to deliver compliance in the shortest possible time. During the COVID-19 pandemic local air quality monitoring has continued in Cardiff, however some non-automated results for a few selected months in 2020 will not be available for next year's reporting due to 'lockdown' measures introduced in the month of March 2020. Local Authorities including SRS at the time of the 'lockdown' measures being imposed looked for official clarity to ascertain if the monitoring was classified as essential in view of quietened road networks which may lead to a favourable bias, as well as difficulties faced by analytical laboratories utilised by SRS which had to adapt their working practises which added to postage delays.

61. Following those initial discussions, air quality data collection has been deemed as an essential service by Welsh Government, whereby monitoring was resumed for May 2020. The results for 2020, which will be recorded in the 2021 Annual Progress Report will need to be corrected/ratified to account for the gaps in the annual datasets incurred by the COVID situation. The exclusion of this data will be further discussed, however at this moment in time, results gathered during the COVID pandemic, where it is apparent that road traffic volumes have decreased significantly are perhaps not representative of a true business as usual scenario which could generate a bias/ underestimate of levels.
62. Some indicative analysis has been undertaken to ascertain what impact the current pandemic has had on air quality levels, especially within the established AQMAs. Comparative exercises have been undertaken to observe a change in levels between certain time periods, for example a comparison to previous years' results which examines a pre covid time period with that of a covid impacted time period. To note it is not viewed as a preferable indicator to directly compare to previous years' data given influencing meteorological conditions, however the exercise is useful to populate indicative trends/ visualise impacts.

Figure 1 - Previous year comparison (2019)



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

63. SRS & 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.
64. 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.

65. 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 2020-23:
<https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Designed%20Corporate%20Plan%202020-23%20Final%20ENG.pdf>
66. 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.
67. 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; and
 - Involve people from all sections of the community in the decisions which affect them

Reason for Recommendations

68. To enable Cardiff Council to submit the Annual Progress Report on Local Air Quality Management to Welsh Government.

Financial implications

69. SRS has an existing budget to complete a programme of air quality management and monitoring across Cardiff. The measures proposed and submitted to Welsh Government to achieve compliance with the Air Quality Legal direction have been agreed by Welsh Government. Welsh Government has awarded the subsequent funding to support the implementation of these measures.

Legal Implications

70. The recommendations in this report do not raise any direct legal implications, they are mainly to note the results gathered and to approve the progress report to be sent to Welsh Government as part of the Council's ongoing reporting requirements.
71. The legislative framework is set out in the body of the report. The decision maker needs to be satisfied that they have all the relevant information before making any decision. In addition, when considering this matter the decision maker should have regard to the general legal advice set out below.

General Advice

72. Any decision must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its tax payers; and (h) be reasonable and proper in all the circumstances and comply with any equalities legislation.
73. The Council also has to satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.
74. The Well-Being of Future Generations (Wales) Act 2015 ("the Act") places a 'well-being duty' on public bodies aimed at achieving 7 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.
75. In discharging its duties under the 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 2020-23: <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Designed%20Corporate%20Plan%202020-23%20Final%20ENG.pdf>
76. The well-being duty also requires the Council to act in accordance with '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 comprising 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 integrates approach to achieving the 7 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

77. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/futuregenerations-act/statutory-guidance/?lang=en>
78. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language, the report and Equality Impact Assessment deals with all these obligations. The Council has to consider the Well-being of Future Guidance (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.

HR Implications

79. There are no HR implications to this report.

Property Implications

80. No immediate property implications are anticipated from the Cardiff Annual Air Quality Progress Report 2020.
81. Any future requirement to use Council land or property to deliver the objectives of the Cardiff Annual Air Quality Progress Report 2020 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 recommended to:

1. note and accept the monitored results gathered in 2019;
2. Approve the review of the non-automated monitoring network for NO₂, whereby those monitoring sites displaying continued compliance with limit values are decommissioned.

3. Approve the 2020 Annual Progress Report (as attached as Appendix 1) for submission to Welsh Government for approval.

SENIOR RESPONSIBLE OFFICER	Andrew Gregory Director of Planning, Transport & Environment
	11 December 2020

The following appendix is attached:

Appendix 1: Cardiff Council Annual Air Quality Progress Report 2020.