

**LOCAL AIR QUALITY MANAGEMENT – CARDIFF COUNCIL
AIR QUALITY ANNUAL PROGRESS REPORT 2022**

**CLIMATE CHANGE (COUNCILLOR CARO WILD)
TRANSPORT & STRATEGIC PLANNING (COUNCILLOR DAN
DE'ATH)**

AGENDA ITEM: 4

Reason for this Report

1. The purpose of this report is to seek approval for the 2022 Cardiff Council Local Air Quality Management (LAQM) Annual Progress Report (APR), based upon on air quality datasets obtained in 2021, for submission to Welsh Government for approval.
2. To note the receipt of further legal direction from Welsh Government regarding the Clean Air Plan, including the requirement to assess and decide upon a permanent transportation scheme for Castle Street to an agreed programme.

Background

3. 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.
4. 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
5. The principal 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

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)

Class 1 carcinogen³ and extended this to all ambient air pollution in 2013⁴.

6. 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.
7. Poor air quality does not only cause ill health, but 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 year⁵.
8. 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 locations⁶.
9. 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.
10. 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.
11. 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).
12. This Annual Progress Report provides details on the ratified data for air quality monitoring undertaken in 2021 within the Cardiff Council area.

³ International Agency for Research on Cancer, (October 2013)

⁴ Every breath we take: the lifelong impact of air pollution', Royal College of Physicians and Royal College of Paediatrics and Child Health (2016).

⁵ National Institute for Health and Care Excellence 2017

⁶ WHO Regional Office for Europe 2016

13. 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. 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 publish an Annual Progress Report (APRI) 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.
14. The APR attached in Appendix 1 satisfies the above criteria examining ratified datasets for air quality monitoring undertaken in 2021 within the Cardiff Council area.

Background: Welsh Government Clean Air Direction

15. In 2020 Cardiff Council received a direction from Welsh Government. In response the Council's published [Full Business Case](#) (Final Plan) set out a series of measures not only aimed at ensuring compliance on the A4161 Castle Street could be achieved in the shortest possible time, but provided city wide air quality improvements. The measures set out and approved by Welsh Government included:
 - Implementation of Electric Buses – 36 Electric Buses;
 - Bus Retro Fitting Programme;
 - Taxi Mitigation Scheme; and
 - City Centre Transportation Improvements.
16. A key component of the Clean Air Plan to deliver compliance was the full implementation of the City Centre Schemes, particularly the City Centre North (Castle Street) Scheme. The schemes would establish a high-quality active travel infrastructure for the city and improve connectivity between key developments by strategically aligning bus routes and enhancing links with the new Transport Interchange. These schemes were due to commence in early 2020, prior to the onset of the COVID pandemic.
17. In June 2021 Cabinet approved the construction of the original City Centre North Scheme as detailed in the Clean Air Plan, albeit on an interim basis. This basis of implementing an interim scheme was on the need that any wider impacts following a full post Covid recovery period could be fully accounted for to ensure that no detrimental impacts in terms of congestion and air quality would result from the Clean Air Scheme.
18. Following implementation of the interim scheme the Council has maintained regular monitoring and assessment of traffic and air quality impacts on Castle Street to demonstrate that compliance is being

maintained. The results from 2021, as detailed in the previous section of this report showed that the annual result for NO₂ on Castle Street was 26 µg/m³. Results for 2022 up to the end of October showed a result of 32 µg/m³, which is not unexpected given the reintroduction of traffic and reflects the modelling work undertaken on the Clean Air plan.

19. Owing to the decision for an interim scheme being implemented in late 2021, the Council has ensured that constant dialogue and ongoing collaboration with Welsh Government officials has been maintained to ensure that the Plan remains on course to deliver and maintain compliance.

Issues

Covid-Pandemic

20. During the COVID-19 pandemic local air quality monitoring continued in Cardiff. In 2021 the Council ensured that air quality data collection was maintained and following the lifting of restrictions in 2021 monitoring resumed as normal.
21. The results for 2021, have been corrected/ ratified to account for the gaps in the annual datasets incurred by the COVID situation.

Air Quality in Cardiff

22. 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 (40 µg/m³), the main source of the pollution being derived from road transport emissions. The established AQMA 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).
23. **The 2022 Annual Progress Report presents monitoring data captured in 2021.** 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

24. In 2021, Cardiff had four automatic air quality monitoring sites located at Frederick Street in the City Centre, Richard's Terrace, just off Newport Road, Castle Street and Lakeside Primary School.

25. 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).
26. 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).
27. The Castle Street site was installed as part of the Council's Clean Air Plan and the site monitors on a 24/7 basis measuring levels of NO₂, PM₁₀ & PM_{2.5} at that location, forming part of the Welsh Air Quality Network.
28. The 2021 results of the monitoring for NO₂, and PM₁₀, at the above-mentioned stations is presented in Table 1.

Table 1 - Summary of Automated Results for NO₂ , PM₁₀ and PM_{2.5} as annual averages

Site Name	NO ₂ Annual Mean Concentration (µg/m ³)	PM ₁₀ Annual Mean Concentration (µg/m ³)	PM _{2.5} Annual Mean Concentration (µg/m ³)
Frederick Street City Centre	16	13	9
Richards Terrace Newport Rd	22	17	N/A
Castle Street	25	12	9

29. The results obtained at all 3 sites demonstrate compliance with the national air quality objectives for both NO₂ and PM₁₀ which are set at 40 µg/m³ as an annual average. Full datasets for these monitors are available on the Welsh Air Quality Forum Website <https://airquality.gov.wales/> .
30. 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 Digital (solid phase) Network. SRS serve as a local site operator to this site, however data 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.
31. In addition, Cardiff Council has acquired 7 near real time indicative air quality analysers. 5 analysers were purchased with the financial support of Welsh Government and the 2 analysers were facilitated by the Shared Regulatory Services (SRS) who had successfully accrued funding via a S106 planning contribution. The analysers have been specifically placed

in locations to monitor the impacts of the Clean Air Plan, and also improve monitoring in the Llandaff AQMA and represent relevant exposure. The remaining monitor has been installed in Canton owing to traffic and pollution concerns raised with SRS by local members and residents alike. The analysers continuously monitor for Nitric Oxide, Nitrogen Dioxide & Ozone, PM10 & PM2.5, and do so every 15 minutes (data uploaded every hour).

32. Results captured from the AQMesh monitors are summarised in Table 2 below

Table 2 - AQ MESH Data Summary 2021

Site Name	Valid Data Capture 2021 %	NO ₂ Annual Mean Concentration (µg/m ³)	PM ₁₀ Annual Mean Concentration (µg/m ³)	PM _{2.5} Annual Mean Concentration (µg/m ³)
Westgate Street*	0	N/A	N/A	N/A
Lower Cathedral Road	100	19.9	11.1	8.5
Tudor Street	100	20	13.9	10.7
North Road	100	22.1	9.5	7.8
Penarth Road	100	12.7	11.5	9.5
Lansdowne Road, Canton**	54	25.6	16.6	11.4
Llandaff AQMA	11	12	9.3	20.72

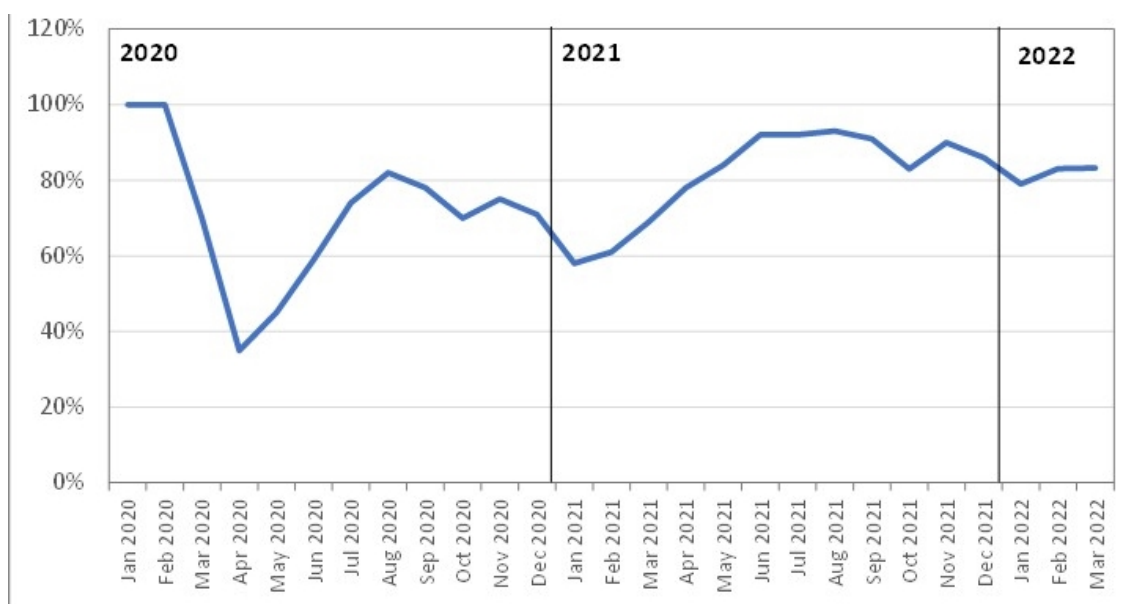
*Westgate Street Monitor suffered numerous technical issues which has meant data capture for 2021 was not valid. Instrument has been fully recommissioned in 2022

** -data capture representative of period monitored was installed.

Non-automatic Monitoring Sites

33. In 2021 CC operated 108 specifically allocated non automatic monitoring sites in Cardiff which monitor levels of Nitrogen Dioxide (NO₂).
34. **In 2021, out of the 108 monitoring locations across the entire City, no monitoring sites recorded exceedances of the annual average objective set for NO₂ (40 µg/m³).**
35. The results are indicative that the levels of air pollution were still being influenced from the ongoing impacts of the COVID lockdown restrictions that were in place in the first part of 2021 and have had an impact on pollution levels in Cardiff which is likely owing to traffic volumes having remained below pre-COVID levels.
36. However, it is evident that concentrations have increased compared to the results in 2020 and this is likely reflective of the easing of restrictions throughout 2021 and increased travel patterns detailed in Figure 1 below. It is therefore likely that the concentrations recorded in 2021 were still not fully representative of a business as usual scenario and the results have generated a small bias/ underestimation of levels of pollution across Cardiff in 2021.

Figure 1 - Overall Traffic Levels in Cardiff Relative to 2019 (Pre-COVID)



37. It is anticipated that results from 2022 are likely to be more representative of 'settled' conditions owing to the easing of most Covid restrictions.
38. In accordance with Welsh Government's (WG) Local Air Quality Management Policy Guidance, July 2017, Cardiff Council recognise that there is no defined "safe level" when describing levels of air quality and work remains ongoing to reduce air pollution across Cardiff.

Results in AQMAs

City Centre AQMA

39. It is apparent that annual average NO₂ datasets in the City Centre, in and around the AQMA, were still being impacted by the pandemic as each monitoring location demonstrated compliance with the NO₂ objective of 40 µg/m³ as an annual average. However it is evident that compared to 2020, there have been some slight increases in NO₂ concentrations in the City Centre AQMA. However the results are still significantly below pre pandemic levels, which may be influenced by the fact Castle Street remained closed to general traffic until the end of October 2021.
40. Using sites 186 & 187 located on Castle Street, levels measured in 2019 pre pandemic were 44 µg/m³ at both sites. In comparison for 2020 the same locations recorded concentrations of 23 µg/m³ and 26 µg/m³, and in 2021 both sites recorded concentrations of 26 µg/m³.

Ely Bridge AQMA

41. Monitoring undertaken within the Ely Bridge AQMA, at the façade of residential properties (Site 117, 192 & 218) recorded annual average levels of NO₂ below 40 µg/m³. Although levels captured are compliant with the air quality objectives, they need to be considered in light of the Covid pandemic and thus it is considered necessary that the AQMA should remain in place and focussed monitoring has continued into 2022.
42. Results from 2021 shows slightly increased NO₂ concentrations compared to 2020, but still maintain a reduction compared to 2019 pre-Covid.

Llandaff AQMA

43. Residential monitoring locations within the Llandaff AQMA, all indicate compliance with the annual average objective for NO₂ in 2021.
44. Site 212 which did indicate an exceedance of the annual average objective in 2019 with an annual average reading of 41.3 µg/m³ recorded a concentration of 33 µg/m³ in 2020. This has increased to 37 µg/m³ in 2021 which is likely reflective of the easing of Covid restrictions and increase in journeys and traffic volumes compared to 2020.
45. As a result focussed monitoring in the Llandaff AQMA has continued in 2022, including use of real time data and any future actions to improve air quality in the AQMA will be considered as part of the review of the citywide Clean Air Strategy & Action Plan (CASAP) as detailed below in paragraph 55. Monitoring will also be further enhanced with a further increase in realtime monitors being installed in the AQMA.

Stephenson Court AQMA

46. All three monitoring sites within the Stephenson Court AQMA (Sites, 81, 131 & 198) show compliance with the annual average objective, and no site recorded concentrations >30 µg/m³.

Summary of Results in the AQMAs

47. Table 3 summarises the highest recorded annual average result at a residential location within each of the 4 AQMAs in 2021, thus representing worse case relevant exposure in terms of the annual objective for NO₂. It should be noted that the results summarised below in some instances is not a portrayal of the same monitoring site year on year, owing to variations in concentrations and the addition of any new monitoring sites.

Table 3 - Highest Annual Average NO₂ Concentration (µg/m³) in AQMAs

AQMA	Annual Average NO ₂ Concentration (µg/m ³) Air Quality Standard =40 µg/m ³							
	2014	2015	2016	2017	2018	2019	2020	2021
City Centre	42.1	38.2	38.7	38.2	37.3	35.6	24.7	26.4
Stephenson Court	41.2	39.5	29.6	36.7	38.2	35.7	28.4	29.3

Ely Bridge	42.3	39.5	41.3	38	39.9	38.6	30.4	31.7
Llandaff	37.2	32.3	35.0	32.5	32.5	41.3	32.9	37.4

48. Whilst concentrations show compliance with the AQS for NO₂ the Council needs to be mindful of the ongoing influence of the continued COVID impacts which may have impacted these results particularly in the City Centre and Stephenson Court AQMAs. It is apparent that concentrations around Ely Bridge and particularly Llandaff AQMAs have increased in 2021.
49. Monitoring within the AQMAs has therefore continued in 2022, and consideration of any future actions for the AQMAs which could include reviewing the boundary or revoking the AQMA will be assessed by the Council once an assessment of the longer-term recovery from Covid has been determined.
50. The results to date for 2022 are currently suggesting a stabilisation of results owing to the removal of all Covid restrictions. It is therefore imperative that focussed monitoring within the AQMAs continues and the need for any further action reviewed accordingly once it is confident that a near normal/ new normal situation has stabilised following the pandemic.
51. Although the 2021 data indicates that compliance is met in all four 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 reasonably practicable.'*⁷
52. In accordance with LAQM best practise guidance, there are no monitoring sites in the district with annual average concentrations above 60 µg/m³ in 2021. This is therefore indicative that is unlikely that the hourly NO₂ objective was exceeded during this monitoring period.
53. 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.
54. 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.
55. Highlighting this commitment, in 2018, SRS & CC developed a citywide Clean Air Strategy & Action Plan (CASAP) for Cardiff. The strategy coincided with Cardiff's Capital Ambition report and helps to implement and deliver the priorities with an overarching aim to improve air quality to protect and improve public health in Cardiff. The CAS &

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

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.

56. The CASAP fulfils the requirements of the LAQM process to produce an Air Quality Action Plan (AQAP).
57. It will be imperative that the CASAP is reviewed following the full implementation of the Clean Air Plan in order to further prioritise measures, to ensure air quality levels are continuously improved in Cardiff. Therefore, it is likely that the CASAP will need a full review and update in 2023/24.

School Monitoring - School Streets Project

58. In view of the corporate commitment to deliver active travel plans for all schools, SRS was commissioned by Cardiff Council's Transportation, Policy and Strategy Team to assist with Cardiff Council's Schools Streets pilot project in October 2019, which involves the temporary closure of road links surrounding and initial 6 specific schools in Cardiff.

- Whitchurch High Lower;
- Ysgol Melin Gruffydd;
- Peter Lea Primary;
- Llandaff Church in Wales
- Primary; Pencaerau; and
- Lansdowne Primary

59. These initial schools were selected for the pilot project owing to an assessment made by the Road Safety Team following numerous concerns and correspondence received relating to road safety issues at these schools. The road layouts at these schools allowed for the project to be accommodated.
60. The Traffic Regulation Order (TRO) is effective during the schools' morning and afternoon drop-off and pick-up hours. This project is seen as an excellent opportunity to take action to encourage parents, staff and children to adopt an alternative mode of travel.
61. Shared Regulatory Services (SRS) have further supported this pilot project by providing additional air quality monitoring at an additional 9 schools. The monitoring at the additional schools commenced in December 2020 and the initial years data has been presented in the 2022 APR. The additional 9 schools are:

- St Cuthbert's School;
- Tredegarville School;

- St Peters School;
 - St Monica's / Gladstone School;
 - Lakeside School;
 - Bryn Hafod School;
 - Glan Yr Afon School;
 - Willow Brook School; and
 - Creigiau School
62. SRS gather monthly datasets for NO₂ using non- automated passive diffusion tubes, undertaken at the schools' premises, inside the TRO zone at a residential façade and outside the TRO zone at a residential façade. This strategic placement of monitoring sites allows the examination of potential displacement impacts as a result of the adopted TRO zone.
63. The results obtained from each of the school sites indicated **full compliance with the NO₂ annual average objective of 40 µg/m³ at all sites.**
64. Full details of the results are presented in the Annual Progress Report.

Clean Air Plan: Response to the Welsh Government Direction

65. Following on from the development of the temporary approach to mitigating poor air quality impacts on Castle St, Welsh Government, working in full partnership with Cardiff Council, have issued the Council with a further legal direction under Part IV of the Environment Act 1995.⁸ This direction sets out measures the Council needs to implement to ensure that compliance for the NO₂ limit value on Castle Street is maintained. A copy of the direction is contained in Appendix 2. Further detailed assessment work is currently being progressed in line with requirements of the Direction.
66. At the time of writing this report detailed assessment works on a number of potential options for Castle Street is being progressed in line with the requirements of the 2022 Direction and officers have continued on going dialogue with Welsh Government to ensure they are kept abreast of the assessment works. A Final Plan to comply with the Direction will set out a full business case/ funding requirements for the final scheme which will require final approval from Welsh Government early in 2023.

Electric Buses

67. Cardiff Bus procured 36 EV buses Cardiff Council has been successful in supporting the transition of buses on the Cardiff network to becoming fully electric. Cardiff Bus were enabled to introduce 36 new electric buses into their fleet from January 2022. It was delivered through a collaboration between Cardiff Bus and Cardiff Council after a successful bid for funding from the Department for Transport's (DfT)

⁸ <https://gov.wales/environment-act-1995-activity-ensure-nitrogen-dioxide-compliance-air-quality-direction-2022-cardiff>

Ultra-Low Emissions Bus (ULEB) Scheme that received funding of £5.7m.

Bus Retrofit Scheme

68. As detailed in the 2021 report the Council awarded funding to two bus operators who applied to the bus retrofit scheme. As per the requirements of the grant 80% funding to cover capital costs has been awarded to Cardiff City Transport Services Ltd (Cardiff Bus) to retrofit 20 buses, and Stagecoach South Wales to retrofit 29 vehicles.
69. Both operators completed the programme of works in Q4 of 2021, and has ensured that their older buses have improved their NOx emissions by some 90%.

EV Taxi Scheme and Taxi Fleet

70. In Q3 of 2021 the Council procured 5 fully electric wheel chair accessible Dynamo Hackney Carriage Taxis. In partnership with a local vehicle hire company the Council launched an EV Taxi Lease Scheme with for licensed Cardiff drivers to take up an EV Taxi at the start of 2022. At the time of writing this report the Council is working further with our hire partner to further incentivise the scheme to improve take up of the scheme.
71. Previous engagement has taken place with the Taxi Trade on measures to further improve future emissions from the Taxi fleet in Cardiff. The Council needs to establish a policy pathway for the taxi fleet to be ULEV by 2028/30 in line with the Council's overall One Planet Cardiff. Over the coming months the Council will review available options to accelerate the transition of the taxi fleet to cleaner vehicles, including options for any financial grants to achieve this ambition.

Establishing a real-time city-wide air quality monitoring network

72. As detailed in last year's report approval was sought to undertake a pilot programme of expanding the Council's real time monitoring capability. At the time of writing this report the locations of where the monitors will be located are being finalised and the installation of the monitors will be completed in early 2023. The location of the monitors has been undertaken on a risk based approach in line with government Technical Guidance and where sensitive receptors are likely to be exposed to potential air pollutants, including residential properties and primary schools.

Scrutiny Consideration

73. The Environment Scrutiny Committee considered this item. Any comments received will be reported to the Cabinet meeting

Reason for Recommendations

74. To enable Cardiff Council to agree a final version of the Annual Progress Report on Local Air Quality Management to Welsh Government to meet statutory reporting requirements.

Financial Implications

75. The Shared Regulatory Service has an existing budget to complete a programme of air quality management and monitoring across Cardiff. This report sets out the annual progress report for approval and submission to Welsh Government in line with statutory reporting requirements.
76. Welsh Government issued an additional Air Quality Legal Direction in September 2022. Work is ongoing in this regard with additional assessment works planned to be completed to inform the business case for the final scheme at Castle Street which will be subject to Welsh Government approval.
77. Future reports will need to update on the ongoing work regarding the full review of the Clean Air Strategy and Action plan which is planned to take place in 2023/24. In addition, updates will be required on the delayed pilot programme for an expansion of the Air Quality Monitoring Network which is currently planned to be implemented in early 2023. Any updates should clearly set out any additional outcomes and financial implications. In addition, consideration will need to be given as to how any ongoing revenue costs from any planned expansion of a successful pilot could be funded.

Legal Implications

78. The recommendations in this report are to mainly to note the air quality monitoring results, the update to the Air Quality Legal Direct legal direction, and to approve the submission of the Annual Progress Report attached to this report. As part of the Council's ongoing reporting requirements.
79. The legislative framework is set out in the body of this report. The decision maker must be satisfied that it has all the relevant information available before making any decision and have regard to the further general advice set out in these implications.

General Advice

80. 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 taxpayers; and (h) be reasonable and proper in all circumstances and comply with all equalities legislation.

Equality Act 2010

81. In considering this matter the decision maker must have regard to the Council's 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. Protected characteristics are: (a). Age, (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality, (e) Disability, (f) Pregnancy and maternity, (g) Marriage and civil partnership, (h) Sexual orientation (i) Religion or belief – including lack of belief.
82. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers ([WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 \(gov.wales\)](#)) and must be able to demonstrate how it has discharged its duty.
83. The decision maker should be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

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

84. 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. 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 wellbeing objectives are set out in Cardiff's Corporate Plan 2020 -23.
85. When exercising its functions, the Council is required to take all reasonable steps to meet its wellbeing objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the wellbeing objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
86. The wellbeing 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 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

87. 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 on line using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

HR Implications

88. There are no HR implications arising from this report

Property Implications

89. There are no property implications arising from this report

RECOMMENDATIONS

Cabinet is recommended to:

1. Note and accept the monitored results gathered in 2021 and approve the 2022 Annual Progress Report (as attached as Appendix 1) for submission to Welsh Government for approval by the 31st of December 2022.
2. Note the receipt of the updated Air Quality Legal Direction issued on the 21st September 2022 and that work to comply with the Direction is being progressed.

SENIOR RESPONSIBLE OFFICER	Andrew Gregory Director of Planning, Transport & Environment
	9 December 2022

The following appendices are attached:

Appendix 1: Cardiff Council Annual Air Quality Progress Report 2022.

