

BY SUBMITTING THIS REPORT TO THE CABINET OFFICE, I, Andrew Gregory, DIRECTOR for Planning Transport and Environment AM CONFIRMING THAT THE RELEVANT CABINET MEMBER(S) ARE BRIEFED ON THIS REPORT

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

CABINET MEETING: 14th December 2023

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

**Climate Change (Cllr Caro Wild)
Transport & Strategic Planning (Cllr Dan De'Ath)**

AGENDA ITEM:

Reason for this Report

1. The purpose of this report is to seek approval for the 2023 Cardiff Council (CC) Local Air Quality Management (LAQM) Annual Progress Report (APR), based upon on air quality datasets obtained in 2022, for submission to Welsh Government for approval.

Background

2. 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.
3. 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

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

an equivalent of 23,500 deaths can be attributed to long-term exposure to NO₂ each year.²

4. 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 Class 1 carcinogen³ and extended this to all ambient air pollution in 2013⁴.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

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, (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

10. 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).
11. The 2023 Annual Progress Report provides details on the ratified data for air quality monitoring undertaken in 2022 within the Cardiff Council area.
12. 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.
13. The APR attached in Appendix 1 satisfies the above criteria examining ratified datasets for air quality monitoring undertaken in 2022 within the Cardiff Council area.

Background: Welsh Government Clean Air Direction

14. 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.
15. 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.
16. 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.

17. 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 for 2022 detailed that compliance was achieved with concentrations of 33.8 $\mu\text{g}/\text{m}^3$ recorded.
18. Owing to the decision for an interim scheme being implemented in late 2021, the Council ensured that constant dialogue and ongoing collaboration with Welsh Government officials was maintained to ensure that the Plan remains on course to deliver and maintain compliance.
19. In order to formalise a time period to bring forward a permanent scheme on Castle Street, the Welsh Government have issued the Council with a further legal direction under Part IV of the Environment Act 1995 ⁷ in September 2022. The direction sets out measures the Council needs to implement to ensure that compliance for the NO₂ limit value on Castle Street is maintained.
20. In 2022 in order to comply with the Direction, additional assessment works were commissioned to update the previous air quality and transportation modelling, to account for post COVID traffic flows to be assessed in terms of the impact and effectiveness of the Castle Street Scheme. In addition a further option of removing general traffic from Castle Street was also assessed to provide a possible alternative option for the Council to consider.
21. The modelling works were completed in early 2023, and a report was presented to Cabinet in April 2023, with a view of supporting the original Castle Street Scheme as the preferred option. In August 2023, Welsh Government provided initial approval of the Council's preferred option, subject to the submission of an updated Final Plan. The Council has now submitted this Final Plan and at that the time of writing this report is awaiting final approval from Welsh Government.

Air Quality in Cardiff

22. There are currently four Air Quality Management Areas (AQMAs) declared across Cardiff which have all been declared due to exceedances of the annual mean NO₂ Air Quality Standard (40 $\mu\text{g}/\text{m}^3$), the main source of the pollution being derived from road transport emissions. The established AQMAs are:

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

⁷ <https://gov.wales/environment-act-1995-activity-ensure-nitrogen-dioxide-compliance-air-quality-direction-2022-cardiff>

- **Ely Bridge AQMA** (declared 1/2/07);
- **Stephenson Court AQMA** (declared 1/ 12/10); and
- **Llandaff AQMA** (declared 1/4/13).

23. **The 2023 Annual Progress Report presents monitoring data captured in 2022.** 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 2022, 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 2022 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	NO₂ Annual Mean Concentration (µg/m³)	PM₁₀ Annual Mean Concentration (µg/m³)	PM_{2.5} Annual Mean Concentration (µg/m³)
Frederick Street City Centre	17	16	11
Richards Terrace Newport Rd	22	18	N/A
Castle Street	34	20	10

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 to the above monitoring, four additional air monitoring sensors were located across Cardiff during 2022. These monitors provide indicative air quality monitoring data for NO₂, PM₁₀ and PM_{2.5}. The number of sensors operated in 2022 reduced from seven monitors owing to operational issues with some of the sensors and to allow completion of works on Tudor St for one of the monitors.
32. However in 2023 the Council has installed a further 47 real time analysers as detailed in paragraph 69.
33. Results captured from the AQMesh analysers in 2022 are summarised in Table 2 below and shows compliance for the relevant air quality objectives where met.

Table 2 - AQ MESH Data Summary 2022

Site ID	NO ₂ Annual Concentration (µg/m ³)	PM ₁₀ Annual Mean Concentration (µg/m ³)	PM _{2.5} Annual Mean Concentration (µg/m ³)
Lower Cathedral Road AQMesh	27.7	12.7	7.6
North Road AQMesh	26.7	9.2	7.1
Lansdowne Road, Canton AQMesh	30.6	17.2	11
Llandaff AQMA AQmesh	27.5	13.9	8.4

Non-automatic Monitoring Sites

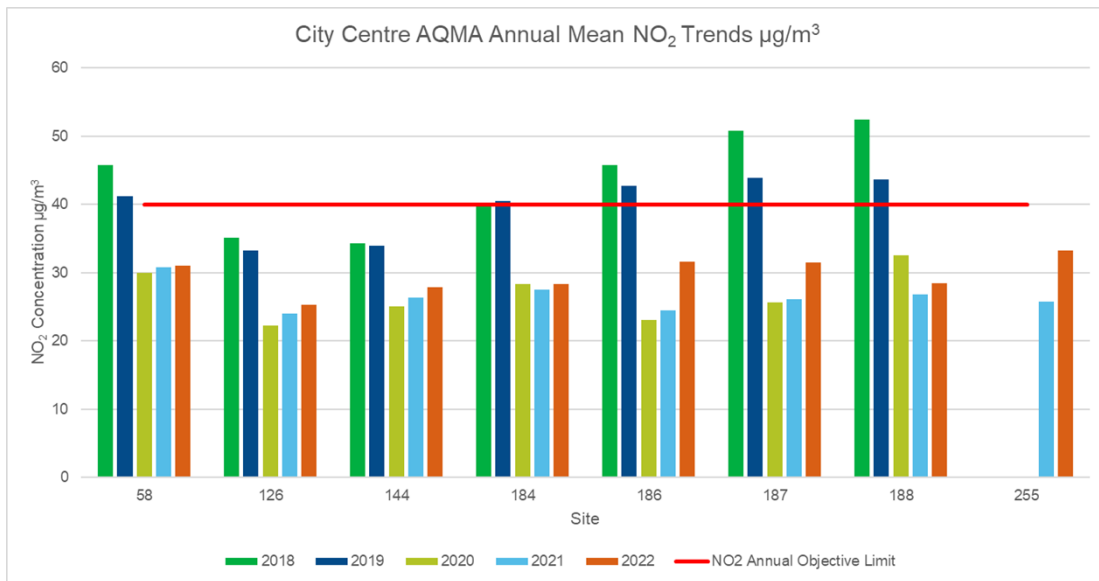
34. In 2022 the Council operated 135 specifically allocated non automatic monitoring sites in Cardiff which monitor levels of Nitrogen Dioxide (NO₂).
35. **In 2022, out of the 135 non automatic monitoring locations across the entire City, no monitoring sites recorded exceedances of the annual average objective set for NO₂ (40 µg/m³).**
36. The results are indicative that the levels of air pollution have improved, across Cardiff compared to pre COVID levels. Given no further COVID restrictions were implemented in 2022, the results from 2022 are likely to be more representative of 'settled' transportation patterns.
37. 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

38. Figure 1 displays trends in NO₂ concentrations from non-automatic sites in the Cardiff City Centre Cardiff AQMA. All locations display compliance with the annual mean NO₂ Air Quality Standard (40µg/m³) at all locations in 2022. Improvements in NO₂ concentrations are evident when compared to 2019, although there is a slightly increasing trend in NO₂ concentrations since 2020, reflective of the easing of COVID restrictions and revised transportation behaviours in Cardiff.

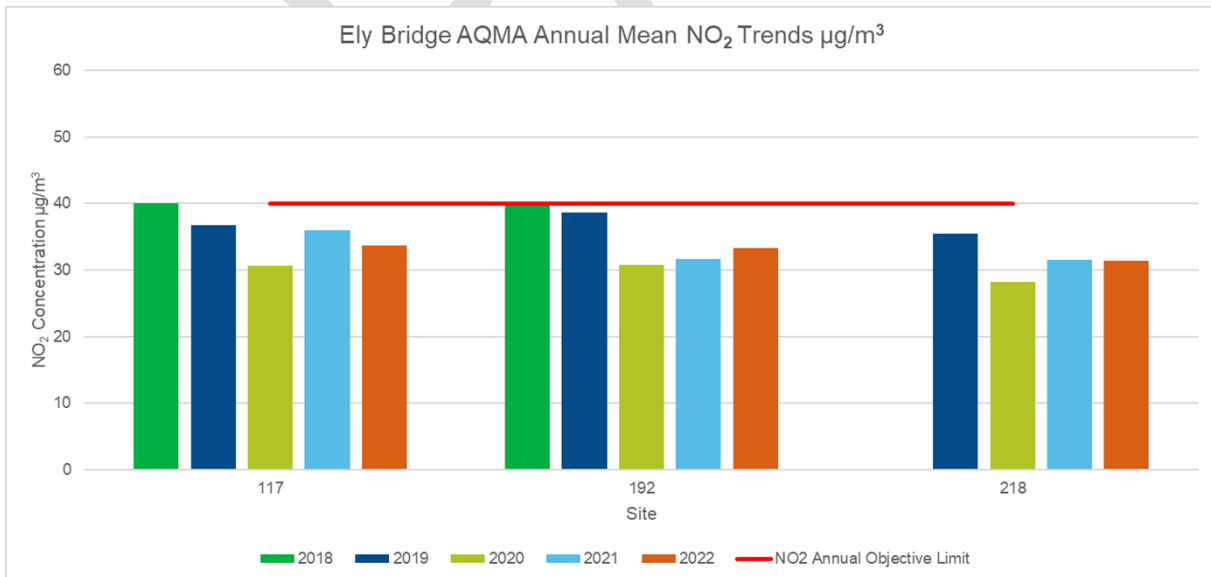
Figure 1 -City Centre AQMA NO₂ Trends



Ely Bridge AQMA

39. Figure 2 displays trends in NO₂ concentrations from non-automatic sites in Ely Bridge AQMA. All locations display compliance with the annual mean NO₂ Air Quality Standard (40µg/m³) at all locations in 2022. Further all locations display compliance with the annual mean NO₂ Air Quality Standard (40 µg/m³) since 2018, and a stable trend in NO₂ concentrations since 2020.

Figure 2 – Ely Bridge AQMA NO₂ Trends

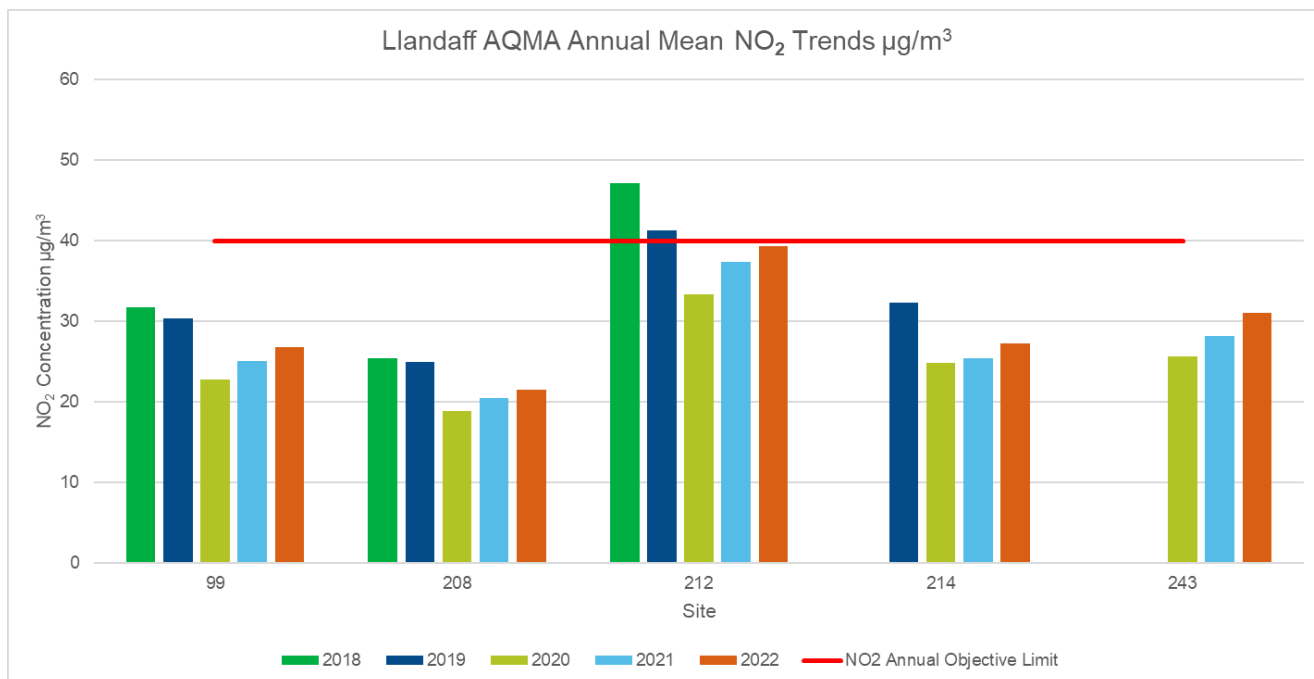


Llandaff AQMA

40. Figure 3 displays trends in NO₂ concentrations from non-automatic sites in Llandaff AQMA. In 2022 all locations display compliance with the annual mean NO₂ Air Quality Standard (40µg/m³). However, Site 212 is close to exceeding the annual mean NO₂ Air Quality Standard

(40 $\mu\text{g}/\text{m}^3$) and there is a slight increasing trend in NO₂ concentrations since 2020.

Figure 3 - Llandaff AQMA NO₂ Trends



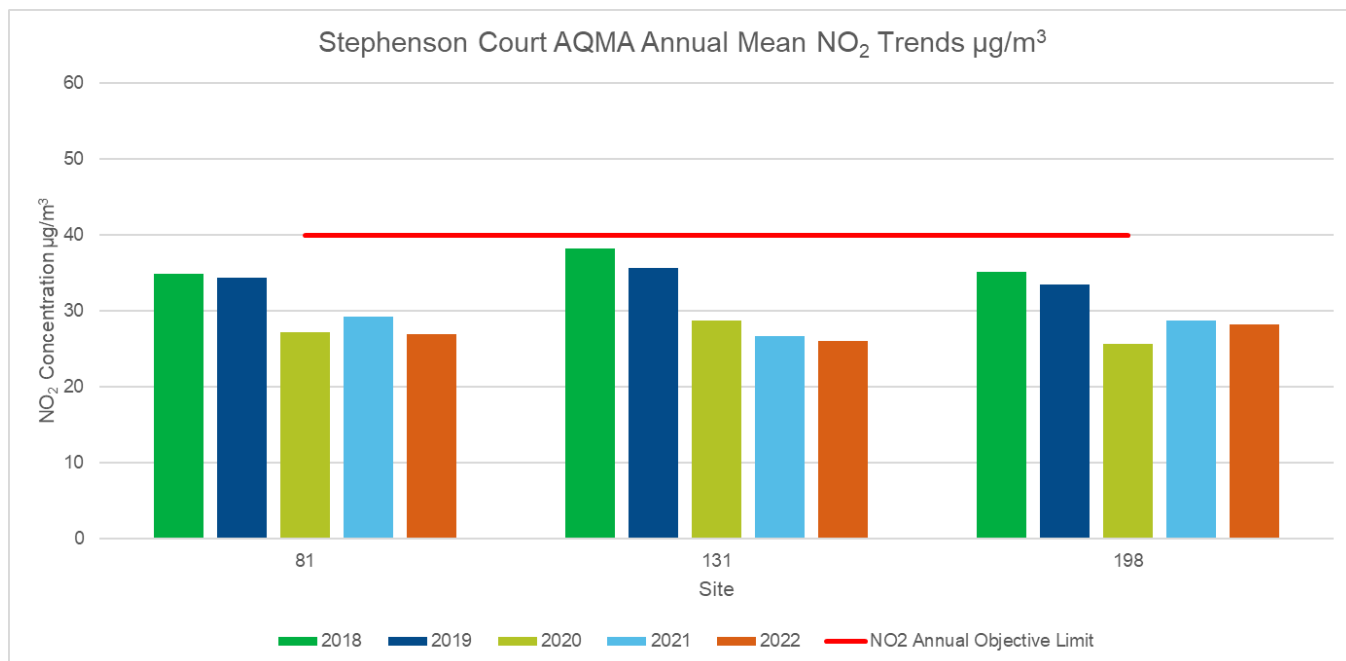
41. Site 212 which did indicate an exceedance of the annual average objective in 2019 with an annual average reading of 41.3 $\mu\text{g}/\text{m}^3$ recorded a concentration of 33 $\mu\text{g}/\text{m}^3$ in 2020. This increased to 37 $\mu\text{g}/\text{m}^3$ in 2021 and has further increased to 39.3 $\mu\text{g}/\text{m}^3$ in 2022.
42. Owing to the continued increase of NO₂ concentrations at this location it will be necessary for the Council to consider additional specific actions for the Llandaff AQMA.
43. As part of this work it will be necessary to develop and assess potential options in order to identify appropriate actions that will look to improve air quality in Llandaff to ensure breaches of the air quality standards do not occur, and that levels of NO₂ start to decrease within the AQMA. This work can be included in an updated Clean Air Strategy for Cardiff, which will be progressed once the implementation of the Castle Street scheme has commenced.
44. As detailed in paragraph 69 below the Council has increased its real time monitoring capabilities and this data will be utilised in these assessments.

Stephenson Court AQMA

45. Figure 4 displays trends in NO₂ concentrations from non-automatic sites in Stephenson Court AQMA. In 2022 all locations display compliance with the annual mean NO₂ Air Quality Standard (40 $\mu\text{g}/\text{m}^3$) Furthermore all locations display compliance with the annual mean

NO₂ Air Quality Standard (40µg/m³) since 2018, and a stable trend in NO₂ concentrations since 2020.

Figure 4 – Stephenson Court AQMA NO₂ Trends



Summary of Results

46. There were no exceedances in either the annual or short-term Air Quality Objectives for NO₂ at any automatic and non-automatic monitoring site during 2022. Results from most monitoring sites in 2022 show slightly increased NO₂ concentrations compared to 2021, but still maintain a reduction compared to 2019 pre-Covid.
47. It is encouraging that for both the Ely Bridge and Stephenson Court AQMAs, concentrations are showing stable and continued compliance with the AQS for NO₂. Whilst monitoring has continued in 2023 and has been enhanced by the expansion of the real time monitors installed in 2023, the Council may wish to consider future actions at these two AQMAs, which could include reviewing the boundaries or indeed revoking the AQMAs. The Technical Guidance document LAQM TG22 document states *The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where NO₂ monitoring is completed using diffusion tubes, to account for the inherent uncertainty associated with the monitoring method, it is recommended that revocation of an AQMA should be considered following three consecutive years of annual mean NO₂ concentrations being lower than 36µg/m³ (i.e. within 10% of the annual mean NO₂ objective).*
48. However, any decision on the revocation of AQMA will need to consider the potential of any revised air quality targets as a result of the Environment (Air Quality and Soundscapes) (Wales) Bill.

49. 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.
50. In accordance with LAQM best practise guidance, there are no monitoring sites in the district with annual average concentrations above $60 \mu\text{g}/\text{m}^3$ in 2022. This is therefore indicative that it is unlikely that the hourly NO_2 objective was exceeded during this monitoring period.
51. 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.
52. 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.
53. 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 & Action Plan appoints strategic measures that will look to generate a positive impact to citywide air quality levels, in particular traffic derived NO_2 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.
54. The CASAP fulfils the requirements of the LAQM process to produce an Air Quality Action Plan (AQAP).
55. 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 2024/25, and as detailed earlier specific focus will need to be afforded to improving the NO_2 concentrations in the Llandaff AQMA as a key priority.
56. Cabinet will be aware of the ongoing work on Road User Pricing (RUP) following previous agreement by Cabinet to progress the WeITAG Stage 2 report at the April 2023 meeting of Cabinet. One of key outcomes of the work will be to provide further improvements to air quality across Cardiff and this will be linked to any updates to the

Clean Air Strategy and Action Plan as detailed above. It should therefore be recognised that the work on RUP will be a major policy intervention to deliver long-term continued improvements to air quality and public health in Cardiff.

School Monitoring - School Streets Project

57. 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 School; and
- Lansdowne Primary.

58. 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.

59. 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.

60. Shared Regulatory Services (SRS) has continued to support this project by providing additional air quality monitoring, with a total of 17 schools now being monitored.

61. 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.

62. 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.**

63. Full details of the results are presented in the Annual Progress Report.

Welsh Government Legal Direction Update

64. 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, issued the Council with a further legal direction under Part IV of the Environment Act 1995.⁸ This direction set out measures the Council needed to implement to ensure that compliance for the NO₂ limit value on Castle Street is maintained.
65. In 2022 additional assessment works were commissioned to update the previous air quality and transportation modelling, to account for post COVID traffic flows to be assessed in terms of the impact and effectiveness of the Castle Street Scheme. In addition a further option of removing general traffic from Castle Street was also assessed to provide a possible alternative option for the Council to consider.
66. The modelling works were completed in early 2023, and a report was presented to Cabinet in April 2023, with a view of supporting the original Castle Street Scheme as the preferred option. In August 2023, Welsh Government provided initial approval of the Council's preferred option, subject to the submission of an updated Final Plan. The Council has now submitted this Final Plan and at that time of writing this report is awaiting final approval and funding commitment from Welsh Government.

EV Taxi Scheme and Taxi Fleet

67. 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 for licensed Cardiff drivers to take up an EV Taxi. This scheme was initially launched in January 2022. Further details for this scheme can be found at <https://www.electrictaxiswales.co.uk/english/cardiff-scheme>.
68. Unfortunately the scheme has not seen the uptake of vehicles that was anticipated, and ongoing discussions with Welsh Government have taken place to identify potential improvements to the scheme. In addition during 2022 Cardiff Council/ SRS as the licensing authority have undertaken further consultation with the Taxi Trade on future licensing amendments. This has resulted in a recent report to the Licensing Authority whereby the committee approved the lifting of the existing moratorium on issuing new hackney carriage plates. The revised agreement will allow new hackney carriage licenses to be issued but only to EVs or Wheelchair Accessible Vehicles with an emission standard of Euro 6 or better. In Q3 of 2021 the Council procured 5 fully electric wheelchair accessible Dynamo Hackney Carriage Taxis. It is hoped this amendment may encourage the uptake of the available lease taxis.

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

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

69. In April 2023 the Council completed the installation of a further 47 indicative real time monitors across Cardiff, which monitor for NO₂, PM10 and PM2.5
70. The location of the monitors were selected on a risk based approach in line with government Technical Guidance and where sensitive receptors are likely to be exposed . The monitors were placed in the city's four AQMAs and more widely across the whole of the city, near areas of concern like schools and health centres.
71. The full results from these monitors will be detailed in the Council's 2024 APR, as this report will provide details of monitoring data from 2023. **An initial review of the data from May 2023-Septemebr 2023, will shortly be published on the SRS website.**

Local Member consultation (where appropriate)

Reason for Recommendations

72. 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

73. 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 based on data monitoring undertaken in 2022 for approval and submission to Welsh Government in line with statutory reporting requirements.
74. Welsh Government issued an additional Air Quality Legal Direction in September 2022 setting out measures necessary to ensure ongoing compliance at Castle Street. Modelling works in this regard were completed and a report presented to Cabinet in April 2023. A final scheme plan for Castle Street has been submitted and is awaiting approval from Welsh Government.
75. The report to Cabinet in April identified that funding would be made available from the Welsh Government towards the capital construction costs of any final approved scheme at Castle Street. The Council will need to continue to work with Welsh Government to maximise any financial contribution and to ensure that terms and conditions of any funding made available are met accordingly.
76. Future reports will need to update on the ongoing work regarding the full review of the Clean Air Strategy and Action plan to take place in 2024/25 and following implementation of any approved Castle Street scheme. The

report identifies that consideration will also need to be given to options to address results for the Llandaff AQMA.

77. As part of the development of scheme options, any incremental revenue costs would need to be identified. Where such identified costs cannot be managed within the existing budget framework and/or at the expense of existing maintenance obligations and minimum condition standards set for existing assets, this would need to be considered along with other pressures as part of future medium term budget planning, consistent with an approved asset management plan.

Legal Implications (including Equality Impact Assessment where appropriate)

78. The recommendations in this report are mainly to note the air quality monitoring results, the update to the Air Quality 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 needs to 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 2023-26.

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 as a result of this report.

Property Implications

89. There are no Property Implications as a result of this report

RECOMMENDATIONS

Cabinet is recommended to:

1. Note and accept the monitored results gathered in 2022 and approve the 2023 Annual Progress Report (as attached as Appendix 1) for submission to Welsh Government for approval by the 31st of December 2023.

SENIOR RESPONSIBLE OFFICER	Director Name Andrew Gregory
	Date submitted to Cabinet office 29.11.2023

The following appendices are attached:

Appendix 1: Cardiff Council Annual Air Quality Progress Report 2023.