

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**ENVIRONMENTAL SERVICES
SCRUTINY COMMITTEE**

26th January 2015

**REPORT OF GROUP DIRECTOR,
COMMUNITY AND CHILDREN'S
SERVICES**

Agenda Item No. 4

**Protecting and Improving Air Quality
in Rhondda Cynon Taff**

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1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to outline the Council's duties to protect and improve air quality in Rhondda Cynon Taff (RCT).

2.0 RECOMMENDATIONS

2.1 It is recommended that Members

- Note the content of this report and the duties of the Council in respect of protecting and improving Air Quality in RCT.
- Scrutinise and comment on the information provided.

3.0 BACKGROUND

3.1 There are various duties imposed on Local Authorities which are utilised to protect and improve air quality in line with available resources. The key areas are Local Air Quality Management, Environmental Permitting of Industrial Installations and the use of statutory powers to deal with incidents of air pollution /nuisance from burning waste. The report will focus on each of these in more detail.

3.2 The Council produces annual Air Quality Progress reports and more detailed information can be found on the Air Quality page on the Council website.

4.0 LOCAL AIR QUALITY MANAGEMENT

4.1 The Local Authority conducts regular monitoring of ambient outdoor air quality in RCT and the results of this monitoring are compared against health based Air Quality Objectives prescribed in the Air Quality (Wales) Regulations 2000. It should be noted that the vast majority of RCT experiences good air quality, with the areas of poor air quality being highly localised.

- 4.2 As a result of monitoring and assessment, 13 areas within RCT have been identified as breaching the Air Quality Objectives for Nitrogen Dioxide (NO₂). NO₂ is a gas, which in concentrations above the relevant Air Quality Objective may reduce the quality and length of life of chronically exposed individuals. Within RCT motor vehicles are believed to be the largest local source of NO₂.
- 4.3 In accordance with its statutory duty the Local Authority has declared 13 Air Quality Management Areas (AQMA's) to reflect breaches in the following areas.
- Aberdare Town Centre
 - Broadway
 - Cilfynydd
 - Cymmer
 - Ferndale
 - LLwynypia
 - Mountain Ash Town Centre
 - Mwyndy
 - Nantgarw
 - Nightingales Bush
 - Pontypridd
 - Tonteg – Llantwit Fardre – Church Village A473 Corridor
 - Tylorstown
- 4.4 On declaring AQMA's there is a duty on the Council to produce Air Quality Action Plans (AQAP's) to seek to improve air quality in the respective areas. It was recognised from the outset of the action planning process that a number of stakeholders would need to work together to identify and implement solutions to achieve the required reductions in NO₂. This involved working with Officers from the Highways and Planning Departments, as well as external agencies such as the Natural Resources Wales (formerly known as the Environment Agency) and Public Health Wales.
- 4.5 The actions detailed within the 13 AQAP's incorporate a broad range of aspirations and mechanisms to affect local air quality. Some of the actions are specific to a particular Air Quality Management Area, where others may provide borough wide improvement. The proposed actions are outlined below:
- Identifying high risk areas where targeted local changes to existing traffic management could reduce or displace traffic congestion.
 - Exploring targeted local increased traffic waiting and parking restrictions and their enforcement at specific areas to improve traffic flow.
 - Possible local rearrangement of a bus stop to reduce the impact of bus waiting on local traffic congestion.
 - Advocating the reduction in permitted speed along part of the A470.
 - Encouraging borough wide behavioural change by the use of existing resources and policy mechanisms to influence greater uptake of public transport, car sharing and efficient journey planning.
- 4.6 At the present time there is no budget allocated to implement any adopted AQAP's and the Local Authority will endeavour to resource prioritised actions via project based applications funded by external grant schemes or

development control planning obligations. The Welsh Government has created a grant scheme to support funding of projects aimed to improve local air quality. In 2013, the Local Authority benefited from a successful application for £25,266 to fund actions contained within the proposed AQAP's in connection with the examination and possible modification of existing local traffic management at targeted road junctions within Aberdare, Cymmer, Llwynypia and Mt Ash. The on-going impact of the project is currently being assessed and the conclusions will be outlined in the forthcoming Air Quality Progress Report due in April 2015.

- 4.7 The completion of major roadwork's can have a significant influence on Air Quality. For example, following the completion of the Church Village Bypass, the Local Authority re-examined levels of NO₂ along the newly classified B4595. It confirmed the Church Village Bypass has dramatically reduced levels of NO₂ but that two vulnerable locations, associated with busy road junctions, may still experience poor air quality. As such it is proposed, subject to Cabinet Member decision, to replace the existing Tonteg/Church Village/Llantwit Fardre A473 AQMA with 2 significantly smaller AQMA's in Llantwit Fardre and Church Village.

5.0 **ENVIRONMENTAL PERMITTING**

- 5.1 It is recognised that certain industrial activities have the potential to emit significant amounts of air pollution. The Environmental Permitting Regulations 2010 require these industrial activities to gain prior approval, in the form of a permit, before operation. A permit may be granted if certain qualifying conditions are met and the permit may also set relevant emission limits. Permits are designed to protect the public and the environment from significant adverse effects whilst encouraging best available techniques in reducing emissions.
- 5.2 Part A2 and B permitted activities are regulated by the Local Authority where larger more complex A1 permitted activities are regulated by Natural Resources Wales. A record of these facilities within RCT is kept on a public register by the Local Authority. In RCT there are currently 74 Part B permitted activities and no Part A2 premises. The following table illustrates the various types of Part B activities in RCT.

Permitted Activities	Number
Dry Cleaners	4
Waste Oil Burners	15
Petrol Service Stations	25
Concrete Products	2
Cement & Limeworks	3
Quarries	3
Roadstone Coating Plant	1
Mobile Crushing Plant	7
Crematoria	2
Coal Handling Plant	1
Rubber Products	1
Vehicle Re-finishers	3
Coating Activities	4
Printing Activity	1
Wood Products	2

Total	74
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- 5.3 Once a permit is issued, the operator must comply with the permit conditions and pay an annual charge. This covers local authority costs of checking compliance with the permit conditions. Local authorities rate installations as high, medium or low risk, which is based on potential environmental impact and the effectiveness of the operator in managing the impact. The risk assessment then determines the level of annual fee and frequency of inspection. Over the last 3 years the Pollution and Public Health Team has achieved 100% compliance with the programmed inspections.
- 5.4 Local authorities have powers if a business does not comply with its permit or operates without one. Enforcement notices can be served where improvements are required or an Officer can suspend the operation of an activity if there is an imminent risk to the environment or public health. The Operator can also be prosecuted at a Magistrate's Court for operating without a permit and non compliance with enforcement notices. However Officer's generally try to work with businesses to solve problems and only use enforcement measures where appropriate.
- 5.5 In RCT the Inspecting Officer's are finding large scale compliance with permit conditions, with some isolated incidents requiring enforcement action. The majority of businesses involved are keen to take on board any advice of the Inspecting Officer to improve any areas impacting on the environment or public health. The Officer's also leave a client questionnaire following each inspection and we have received very positive feedback in respect of the value of inspections, with a 100% satisfaction rate.

6.0 **SMOKE NUISANCE AND POLLUTION**

- 6.1 A bonfire should not have an unreasonable effect on the enjoyment of other people's homes. Anyone burning a bonfire should take steps to avoid annoying their neighbours. There are no laws against having a bonfire, but there are laws for the nuisance they can cause. The Council can issue an 'abatement notice' if a neighbour's bonfire is causing a nuisance but it must happen frequently to be considered a nuisance. Most neighbours will be considerate if it is explained that the fire is causing a problem. Failure to comply with an Abatement/Penalty Notice is an offence and legal proceedings may result. If found guilty of an offence of this type then the maximum fine is £5,000 on domestic premises and £20,000 to commercial premises.
- 6.2 Any bonfire on trade premises which causes dark smoke is an offence regardless of whether anybody else is affected. This includes domestic dwellings where a contractor is employed. This offence falls under the Clean Air Act 1993 and there are fines of up to £20,000 for each offence.
- 6.3 The duty of care provisions in the Environmental Protection Act 1990 place a duty on businesses to ensure they dispose of and maintain their waste in a suitable manner. The burning of commercial waste would not be appropriate and the Council can prosecute a business if warnings are not heeded in respect of the suitable disposal of waste.
- 6.4 During 2014 the Pollution and Public Health team dealt with 83 complaints in respect of smoke nuisance from domestic bonfires and 69 complaints with regard to burning at Industrial/Commercial premises.

7.0 **CONCLUSIONS**

- 7.1 The Public Health and Protection Department will continue to utilise the available statutory powers to protect and improve air quality in Rhondda Cynon Taff. However due to the on going cutbacks in Local Authority funding, the budget to deal with Air Quality issues is being reduced. As a result there is an increasing need to ensure the Department prioritises actions and makes the best possible use of available resources to improve air quality in the future.