

RECORD OF DELEGATED OFFICER DECISION

Key Decision

SUBJECT:

Local Air Quality Management - 2017 Progress Report and the proposed declaration and revocation of Air Quality Management Areas.

PURPOSE OF REPORT:

The purpose of this report is to seek approval to publish the "2017 Progress Report" for public consultation and, dependent upon the outcome of said public consultation, declare, by Order, two new Air Quality Management Areas as well as revoke, by Order, an existing Air Quality Management Area.

DELEGATED DECISION (Date):

- 1. To publish the "2017 Progress Report" for public consultation; and
- 2. Delegate authority to the Service Director, Public Health and Protection, to consider the outcome of the public consultation and ensure that Rhondda Cynon Taf County Borough Council, discharge its statutory duty and make the following Orders: -
 - (a) The 'Tonyrefail Air Quality Management Area Order (NO₂) 2017'.
 - (b) The 'Treforest Air Quality Management Area Order (NO₂) 2017'.
 - (c) The 'Llantwit Fardre Air Quality Management Area Revocation Order (NO₂) 2017'.

Chief Officer Signature

PAUL CHEF

Print Name

23/10/17

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution



| CONSULTATION CONSULTEE CABINET MEMBER SIGNATURE | 23/10/2017 DATE |
|--|--------------------|
| CONSULTEE OFFICER SIGNATURE (if required) | DATE |

CALL IN PROCEDURE RULES.

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

YES√

Reason for urgency: To allow sufficient time for public consultation

If deemed urgent - signature of Mayor or Deputy Mayor or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

(Mayor) 33.10-3017.

NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.

FOR CABINET OFFICE USE ONLY

| PUBLICATION & IMPLEMENTATION DATES | | | | |
|---|--|----------|--|--|
| PUBLICATION Publication on the Councils Website: | PUBLICATION Publication on the Councils Website:- 23/10/17 | | | |
| DATE | | | | |
| IMPLEMENTATION OF THE DECISION Note: This decision will not come into force and may not be implemented until the expiry of 5 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules. Subject to Call In the implementation date will be DATE | | | | |
| // / | | | | |
| Com Topy | EHRISTIAN 53 HANAGAN | 23/10/17 | | |
| Secretary to the Cabinet Signature | Print Name | Date | | |

Further Information

| Directorate: | Community and Children's Services Group |
|---------------|---|
| Contact Name: | Neil Pilliner |
| Designation: | Pollution & Public Health Manager |
| Tel. No. | 01443 425519 |

DELEGATED DECISION REPORT

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

REPORT TO ACCOMPANY A DECISION OF THE SERVICE DIRECTOR, PUBLIC HEALTH & PROTECTION

23rd OCTOBER 2017

LOCAL AIR QUALITY MANAGEMENT

AUTHOR: Paul Mee, Service Director, Public Health & Protection

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval to publish the "2017 Progress Report" [the 2017 Progress Report] for public consultation.
- 1.2 Dependent upon the outcome of said public consultation, to declare the Tonyrefail Air Quality Management Area, the Treforest Air Quality Management Area and to revoke the Llantwit Fardre Air Quality Management Area.
- 1.3 In accordance with the Council's scheme of delegation this report, as described below, has been prepared to accompany the decision of the Service Director, Public Health & Protection.

2. RECOMMENDATIONS

- 2.1 To publish the "2017 Progress Report" for public consultation; and
- 2.2 The Service Director, Public Health and Protection considers the outcome of the public consultation and ensure that Rhondda Cynon Taf County Borough Council discharge its statutory duty and make the following Orders:
 - a) The 'Tonyrefail Air Quality Management Area Order (NO₂) 2017';
 - b) The 'Treforest Air Quality Management Area Order (NO₂) 2017';
 - c) The 'Llantwit Fardre Air Quality Management Area Revocation Order (NO₂) 2017'.

3. REASONS FOR RECOMMENDATIONS

3.1 The Local Authority conducts regular monitoring and review of ambient outdoor air quality within its area to determine compliance to statutory Air Quality Objectives, set by national Government to protect public health. The 2017 Progress Report provides the latest examination of

local air quality and continues to reaffirm that the vast majority of Rhondda Cynon Taf exhibits good air quality but that there are still some localised areas which continue to be vulnerable to poor air quality.

- 3.2 It is acknowledged that local air quality will vary over time in response to changes to local, regional and national sources of pollutants as well as fluctuations in climate and weather. As part of the regular review of local air quality, the 2017 Progress Report has confirmed that fourteen of the existing Quality Management Areas, declared in relation to breaches of the Air Quality Objectives for Nitrogen Dioxide, are still relevant and without local intervention, local air quality in these areas are unlikely to significantly improve in the foreseeable future.
- 3.3 Furthermore, it identified that the level of Nitrogen Dioxide within a limited area of Mill Street, Tonyrefail and separately Cardiff Rd, Treforest is in breach of the annual mean Air Quality Objective for Nitrogen Dioxide. Combined, the area in breach, as identified by local monitoring data is expected to incorporate twenty eight properties. The elevated levels of Nitrogen Dioxide at these locations has been linked, in the case of the former, to local road traffic moving through a congested built up urban environment and in the latter, large volumes of regional road traffic using the strategic A470. As such, it is proposed to create a new Air Quality Management Area for each area respectively.
- 3.4 Nitrogen Dioxide is a toxic gas, which, in concentrations above the relevant Air Quality Objective, may reduce the quality and length of life of chronically exposed individuals. Evidence suggests that the lowest social economic groups are most likely to experience poor air quality and are likely to be the most adversely affected.
- 3.5 Pursuant to The Well-being of Generations (Wales) Act 2015, the "level of Nitrogen Dioxide in ambient air" has been set as National Indicator No. 4. The National Indicator will take a burden reduction approach aimed at achieving a reduction in the population weighted general level of Nitrogen Dioxide throughout Rhondda Cynon Taf. Progress in achieving improvement will be gauged against milestones, the achievement of which will be reported in a "Future Trends Report" produced by Welsh Government.
- 3.6 The 2017 Progress Report also highlights the evolving nature of local air quality and that, in certain circumstances, areas previously experiencing poor air quality can improve. The Llantwit Fardre Air Quality Management Area, which previously experienced elevated levels of Nitrogen Dioxide associated with significant traffic congestion along the B4595, has, in recent years, shown dramatic improvement. This improvement has largely been the result of a significant volume of traffic being relieved by the Church Village Bypass, with a number of years of monitoring data demonstrating continued and sustainable

compliance. Therefore, it is considered appropriate to revoke the existing Llantwit Fardre Air Quality Management Area, covering 12 houses.

- 3.7 To facilitate future Air Quality Action Plans, the 2017 Progress Report also contains information on the source apportionment of Nitrogen Dioxide, within several current and proposed Air Quality Management Areas. This analysis reinforces the importance of road traffic, its management and the local urban environment in the local prevalence of Nitrogen Dioxide. The 2017 Progress Report also restates that the Local Authority will continue to aspire to implement its current Air Quality Action Plans within the revised published time frames. To facilitate delivery of the Plans in the current financial climate, the Local Authority will seek to identify dedicated external funding opportunities to deliver any future Air Quality Action Plan actions.
- 3.8 The 2017 Progress Report provides an update on proposed and existing developments and ongoing monitoring and assessment at Glyncoch. It reports that local air quality has continued to improve in 2016
- 3.8 The Local Authority will consult upon the findings of the 2017 Progress Report, both with directly affected local ward members, the public and other statutory consultees including the Welsh Government, who will peer review its findings.

4. **LEGAL POSITION**

- Rhondda Cynon Taf County Borough Council is under a legal obligation, in accordance with Section 83(1) of the Environment Act 1995 [the Act], to declare an Air Quality Management Area, should it appear that any Air Quality Objectives are not being achieved, or not likely within the relevant period to be achieved, within its area. Correspondingly, in accordance with Section 83(2) of the Act, Rhondda Cynon Taf County Borough Council may determine to revoke or amend an Air Quality Management Area, should that area no longer accurately represent an area in breach of an Air Quality Objective.
- 4.2 It is the current opinion of the Local Authority that the annual mean Air Quality Objective for Nitrogen Dioxide is breached within an area of Tonyrefail and separately within an area of Treforest. As such it is necessary, dependent upon public consultation, to declare the Tonyrefail Air Quality Management Area and the Treforest Air Quality Management Area, respectively to take account of the areas in breach.
- 4.3 In addition, it is the current opinion of the Local Authority that there is sufficient monitoring evidence which demonstrates sustained compliance, to the annual mean Air Quality Objective for Nitrogen Dioxide within the existing Llantwit Fardre Air Quality Management

- Area. Therefore, dependent upon public consultation, it is proposed to revoke the Llantwit Fardre Air Quality Management Area.
- 4.4 Under Section 85 of the Act, the National Assembly of Wales may compel the Local Authority to act in a certain way in regard to local air quality. Recent statutory guidance has clarified that such a direction will be issued to instruct the Local Authority to undertake its local air quality management duties, including declaring, amending or revoking an Air Quality Management Area, should Welsh Government feel it necessary to do so. In addition, the Localism Act 2011 may provide a mechanism for the Welsh Minister to recover any costs as a result of infraction proceedings, brought against the United Kingdom, as a result of an 'EU Limit Value' air quality standard not being achieved due to the inaction of Rhondda Cynon Taf County Borough Council.
- 4.5 Current advice from Welsh Government is that until such time as the United Kingdom withdraws from the EU, all air quality management duties, transposed from EU legislation, shall be adhered to. It is also noted that local air quality management duties are an obligation derived from United Kingdom primary legislation in its own right

5. CONCLUSIONS

- 5.1 The Local Authority has produced the "2017 Progress Report" and will publish its findings for public dissemination and comment.
- 5.2 The Local Authority has identified that it is necessary, subject to the outcome of public consultation, to declare the Tonyrefail Air Quality Management Area and separately, the Treforest Air Quality Management Area. Both in respect of a breach of the annual mean Air Quality Objective for Nitrogen Dioxide. In addition, the Local Authority has identified that it is necessary, subject to the outcome of public consultation, to revoke the existing Llantwit Fardre Air Quality Management Area, previously declared for a breach of the annual mean Air Quality Objective for Nitrogen Dioxide.
- 5.3 To comply with statutory obligations and promote understanding of the situation, a comprehensive consultation will be undertaken. The responses received, including that from the Welsh Government, will be considered prior to any final decision being made and if necessary this matter will be re-examined.

Appendix 1 – 2017 Progress Report

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

REPORT TO ACCOMPANY A DECISION OF THE SERVICE DIRECTOR, PUBLIC HEALTH & PROTECTION

23rd OCTOBER 2017

LOCAL AIR QUALITY MANAGEMENT REPORT

Background Papers

None

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Tel: 01443 425519

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

PART IV, ENVIRONMENT ACT 1995 LOCAL AIR QUALITY MANAGEMENT

Internal Briefing Note for the 2017 Air Quality Progress Report

October 2017

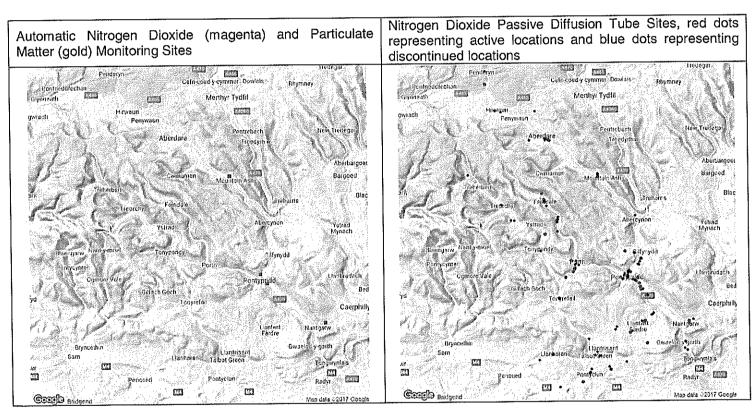


This internal briefing note provides a short outline of the 2017 Progress Report and its findings.

The vast majority of Rhondda Cynon Taf observes on average good levels of air quality. Although Rhondda Cynon Taf will be influenced, to some extent, by regional sources of pollution, where sustained elevated levels of a pollutant are observed, this is likely to be as a result of specific local factors.

Local air quality can have a significant impact on the public health of local communities. The Local Authority has, since the late 90's, undertaken regular reviews of local air quality; the 2017 Progress Report representing the latest. These reviews include local monitoring of air pollution, collected via different methods at a number of locations (currently 73).

Table 1: Location of air pollution monitoring sites



Real time monitoring results are available at http://www.welshairquality.co.uk/

Table 2 shows how Nitrogen Dioxide levels, an air pollutant often associated with road traffic and household heating, has changed over the years in both the rural, suburban and urban environments. It demonstrates that although the rural and suburban levels of Nitrogen Dioxide have slightly improved. The urban environment fails to show this improvement, although historic worsening has lessened in recent years.

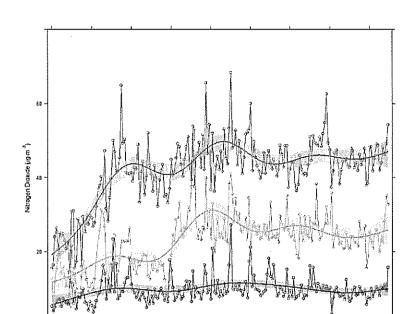


Table 2: Trends of Nitrogen Dioxide

The Local Authority has confirmed that sixteen limited areas within Rhondda Cynon Taf experience levels of Nitrogen Dioxide which are currently in breach of a statutory Air Quality Objective.

2012

Fourteen of these areas have already been declared as Air Quality Management Areas (a statutory designation). An additional two areas, Treforest and Tonyrefail, now require to be declared as Air Quality Management Areas. Whilst one area, the Llantwit Fardre AQMA, previously identified as being in breach of an Air Quality Objective for Nitrogen Dioxide is now compliant and the AQMA is no longer needed.

| Table | 2. Current | and proposed | √ Air Oualit∨ | Management | Areae |
|-------|-------------|----------------|---------------|------------|--------|
| Idule | o. Cullelli | . anu brobosei | ı Ali Quality | Manauement | Al eas |

| Air Quality Management Area | Pollutant | AQMA Declaration Year | Estimated Number of Properties |
|--------------------------------|------------------|-----------------------------|--------------------------------------|
| Aberdare Town Centre | Nitrogen Dioxide | 2007 | 270 |
| Broadway | Nitrogen Dioxide | 2007 | 259 |
| Church Village ¹ | Nitrogen Dioxide | 2015 | 21 |
| Cilfynydd | Nitrogen Dioxide | 2007 | 173 |
| Cymmer | Nitrogen Dioxide | 2009 | 146 |
| Ferndale | Nitrogen Dioxide | 2009 | 102 |
| Llanharan | Nitrogen Dioxide | 2016 | 7 |
| Llantwit Fardre ² | Nitrogen Dioxide | 2015 | 12 |

¹ Successor to the Tonteg – Church Village – Llantwit Fardre A473 Corridor AQMA

² Successor to the Tonteg - Church Village - Llantwit Fardre A473 Corridor AQMA

| Llwynypia | Nitrogen Dioxide | 2009 | 28 |
|-----------------------------|------------------|----------|----|
| Mountain Ash Town Centre | Nitrogen Dioxide | 2009 | 57 |
| Mwyndy | Nitrogen Dioxide | 2007 | 1 |
| Nantgarw | Nitrogen Dioxide | 2007 | 8 |
| Nightingales Bush | Nitrogen Dioxide | 2009 | 11 |
| Pontypridd Town Centre | Nitrogen Dioxide | 2007 | 84 |
| Tonyrefail | Nitrogen Dioxide | Proposed | 20 |
| Treforest | Nitrogen Dioxide | Proposed | 8 |
| Tylorstown | Nitrogen Dioxide | 2007 | 65 |

It has been identified that both Treforest and Tonyrefail are likely to be in breach of the annual mean Air Quality Objective for Nitrogen Dioxide. Nitrogen Dioxide is a toxic gas, which in concentrations above the relevant Air Quality Objective may reduce the quality and length of life of chronically exposed individuals.

A large amount of traffic using the A470, which often takes a route in close proximity to residential areas, has resulted in an impact upon local air quality at a number of locations. For instance, the Cilfynydd and Nightingales Bush Air Quality Management Areas are both heavily linked to emissions from the A470. Even though Cardiff Rd, Treforest itself has a negligible impact upon local air quality the very close proximity and higher elevation of the A470 has resulted in some of the residential properties being subject to levels of Nitrogen Dioxide in breach of the annual mean Air Quality Objective for Nitrogen Dioxide. At Treforest the major sources of Nitrogen Dioxide are believed to be from Diesel Cars using the A470.

Traffic along Mill St, Tonyrefail is relatively low compared to other major routes within Rhondda Cynon Taf. However, due to the inclined and canyon like nature of Mill St, as it approaches the traffic light controlled junction of Waunrhydd Rd, High St and Collenna Rd, and the frequent occurrence of local traffic congestion, emissions of Nitrogen Dioxide are in breach of the annual mean Air Quality Objective for Nitrogen Dioxide. At Tonyrefail the major sources of Nitrogen Dioxide are believed to be from Diesel Cars, HGVs and buses using Mill St.

Both new Air Quality Management Areas, as well as all existing ones, will be subject to bespoke Air Quality Action Plans which will look to attempt to deliver cost-effective actions to work towards bringing about compliance.

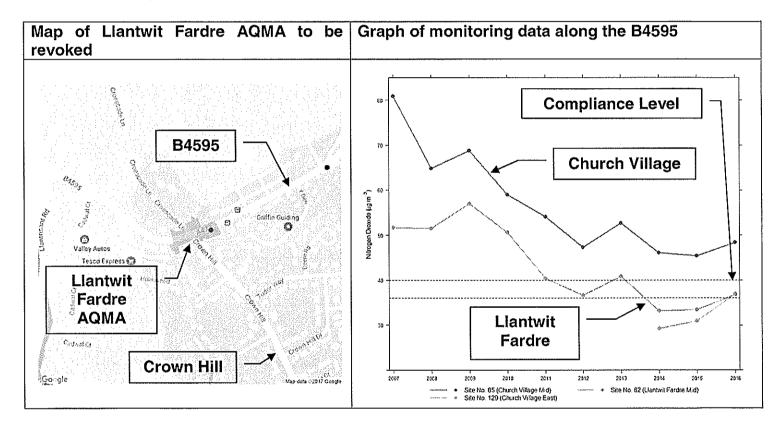
Table 4: New Air Quality Management Area's Details

| | Map of Proposed AQMA | Apportionment of Nitrogen Dioxide | | |
|------------|----------------------|---|--|---------------|
| Treforest | Cardiff Rd | Component Regional Background Local Background Total from A470 Apportioned A470 All Vehicle Classes by Direction Cars Diesel LGVs Petrol Diesel HGVs Rigid Artic Buses Motorbikes Total Roadside Reduction to achieve Compliance | 14. 10. 75. lorthbound A470 45.4% 3.4% 23.5% 0.2% 12.9% 3.1% 1.0% 1.1% 0.2% | 7% |
| Tonyrefail | Mill St Pritchard St | Component Regional Background Local Background Total Roadside Apportioned N Roadside [‡] Cars Petrol Cars Diesel LGVs Petrol Diesel HGVs Rigid Artic Buses Total Roadside Reduction to achiev Compliance | MIII St 2.1% 14.7% 0.1% 4.7% 17.3% 3.8% 19.6% | 4% % 5% |

The Llantwit Fardre AQMA, previously identified as being in breach of an Air Quality Objective for Nitrogen Dioxide has shown compliance to the relevant Air Quality Objects since 2014. It is believed this compliance has been brought about by the reduction in overall traffic and related traffic congestion at this location by the completion of the Church Village Bypass.

The length of time of compliance and the permanent nature of the intervention supports the understanding that sustainable compliance has been achieved. Therefore, the Llantwit Fardre Air Quality Management Area is no longer required and should be revoked. Continued monitoring and vigilance will be maintained to monitor any longer term changes, for instance the increased impact of local urbanisation.

Table 5: Llantwit Fardre



Other pollutants which tend to be associated with emissions from heavy industry or large conurbations, are, in general, not considered to be prominent any longer within Rhondda Cynon Taf. However, long term monitoring has identified the area of Glyncoch near Craig Yr Hesg Quarry as experiencing levels of Fine Particulate Matter requiring further study.

It is possible that during 2016 the impact of Craig Yr Hesg Quarry on local Fine Particulate Matter levels may have been subdued. This change, which has been observed since 2015, may be as a result of ongoing improvements to reduce emissions from Craig Yr Hesg Quarry or prevailing meteorological conditions since 2015 being less conducive to the transportation of emissions.

The Local Authority will strive to build-upon and improve joined-up working, both inter-departmentally and with external bodies, to enable a partnership approach to local air quality management. This will include considering the implications of the Well-being of Future Generations (Wales) Act 2015 and the future priorities of the Cwm Taf Public Service Board.

The Local Authority continues to seek to identify dedicated external funding opportunities to deliver current and future Air Quality Action Plan actions. However, in a financial climate of continued diminishing resources for Local Government, there will be a need to prioritise budgets and this may impact upon the availability of funding for Local Air Quality Management, including its future review and reporting.

