



RHONDDA CYNON TAF

RECORD OF DELEGATED OFFICER DECISION

SUBJECT:

Local Air Quality Management – revocation of the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area' and subsequent adoption of the 'Church Village Air Quality Management Area' and 'Llantwit Fardre Air Quality Management Area'.

PURPOSE OF ATTACHED REPORT:

The purpose of this report is to seek approval to declare the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area Revocation Order (NO₂) 2015' and rescind the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Action Plan'. Subsequent to the aforementioned declaration, to declare the 'Church Village Air Quality Management Area Order (NO₂) 2015' and the 'Llantwit Fardre Air Quality Management Area Order (NO₂) 2015' and to commence work to produce individual Air Quality Action Plans for them respectively. As pursuant to the recommendations of the 2014 Progress Report and Further Assessment of Nitrogen Dioxide.

DELEGATED DECISION (Date):

Rhondda Cynon Taff County Borough Council shall, in discharging its statutory duty:

- a. declare the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area Revocation Order (NO₂) 2015';
- b. rescind the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Action Plan';
- c. declare the 'Church Village Air Quality Management Area Order (NO₂) 2015';
- d. declare the 'Llantwit Fardre Air Quality Management Area Order (NO₂) 2015'.

Chief Officer Signature

C. ISINGRINI

Print Name

25.02.15

Date

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.

Michael Jorey

CONSULTEE CABINET MEMBER SIGNATURE

24/02/2015

DATE

P J Wee

OFFICER CONSULTEE SIGNATURE

24/02/15

DATE

Directorate:	Public Health and Protection
Contact Name:	Neil Pilliner
Designation:	Public Health and Pollution Manager
Tel.No.	01443 425519

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014/2015: REPORT TO ACCOMPANY DECISION OF THE GROUP DIRECTOR, COMMUNITY & CHILDREN'S SERVICES

Local Air Quality Management: Replacement of the 'A473 Corridor' AQMA
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1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to revoke, by Order, the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor' Air Quality Management Area and consequently withdraw the corresponding 'Tonteg - Church Village - Llantwit Fardre A473 Corridor' Air Quality Action Plan. Subsequent to the revocation, approval is also sought to declare, by Order, the 'Church Village Air Quality Management Area' and the 'Llantwit Fardre Air Quality Management Area' and consequently work towards producing respective Air Quality Action Plans for each.
- 1.2 In accordance with the Council's scheme of delegation this report, as described below, has been prepared to accompany the decision of the Group Director of Community and Children's Services.

2.0 RECOMMENDATIONS

- 2.1 Rhondda Cynon Taff County Borough Council shall, in discharging its statutory duty, make the following Orders: -
- a) The 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area Revocation Order (NO₂) 2015';
 - b) The 'Church Village Air Quality Management Area Order (NO₂) 2015';
 - c) The 'Llantwit Fardre Air Quality Management Area Order (NO₂) 2015'.
- 2.2 Rhondda Cynon Taff County Borough Council shall, upon the revocation of the Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area, rescind the Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Action Plan.
- 2.3 Rhondda Cynon Taff County Borough Council shall, upon the declaration the 'Church Village Air Quality Management Area' and the 'Llantwit Fardre Air Quality Management Area', produce individual Air Quality Action Plans for them respectively.

3.0 BACKGROUND

- 3.1 The Local Authority conducts regular monitoring and review of ambient outdoor air quality within its area. This work has demonstrated that the vast majority of Rhondda Cynon Taf experiences good air quality with a few areas of poor air quality being highly localised.
- 3.2 As a result of the operation of the Church Village Bypass and the resultant successful completion of the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Action Plan' the Local Authority undertook a review of the existing 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area'. The Air Quality Management Area being previously declared for a breach of the 1-hour and annual mean air quality objectives for Nitrogen Dioxide, largely as a result of local road vehicle emissions.
- 3.3 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 by it.
- 3.4 The review of comprehensive and concurrent evidence, contained within the '2014 Progress Report & Further Assessment of Nitrogen Dioxide', demonstrated that the Church Village Bypass has successfully reduced levels of Nitrogen Dioxide, by diverting road traffic away from vulnerable areas, throughout the existing air quality management area. It also identified that the reduction in the levels of Nitrogen Dioxide were likely to be sustainable and that within most areas of the existing Air Quality Management Area the levels of Nitrogen Dioxide are unlikely to exceed the 1-hour or the annual mean air quality objectives for Nitrogen Dioxide.
- 3.5 The review also identified two geographically limited areas in Church Village and Llantwit Fardre, centred around strategic road junctions of the B4595 and within the existing Air Quality Management Area, which will likely to continue to experience levels of Nitrogen Dioxide above the annual mean Air Quality Objective for Nitrogen Dioxide, albeit at considerably reduced levels to that experienced prior to the operation of the Church Village Bypass.
- 3.6 The review highlighted the need for future local air quality management to represent the currently existent circumstances. As such it was recommended to withdraw the existing air quality management area and replace it with two smaller independent air quality management areas. This will ensure local air quality management remains focused upon local circumstances whilst impacting only upon relevant vulnerable areas.
- 3.7 The Local Authority has consulted upon the findings of the review, both with local ward members, the public and other statutory consultees. During this consultation, the Welsh Government endorsed the review and proposed course of action.

4.0 Legal Position

- 4.1 Rhondda Cynon Taff 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 Taff 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 it is appropriate to revoke the existing 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area', as it no longer accurately reflects the area in breach of the air quality objectives for which it was declared for.
- 4.3 Upon the revocation of the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area' the corresponding Air Quality Action Plan will also be rescinded. Subsequent to the revocation of the existing air quality management area the Local Authority will immediately declare the 'Church Village Air Quality Management Area' and the 'Llantwit Fardre Air Quality Management Area' and, in accordance with Section 84(2)(b) of the Act, work towards producing two separate Air Quality Action Plans for each of the replacement air quality management areas.
- 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. Such a direction could be issued to instruct the Local Authority to declare, amend or revoke an Air Quality Management Area. 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 Taff County Borough Council.

5.0 Conclusions

- 5.1 The Local Authority has, as a result of comprehensive and concurrent evidence published within a statutory review, identified that the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area' is no longer relevant and requires replacement with the smaller 'Church Village Air Quality Management Area' and the 'Llantwit Fardre Air Quality Management Area'.
- 5.2 The success of the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Action Plan' underlines reliance on locally produced and implemented solutions to particular areas within the Local Authority. Without site specific action in the form of Local Authority adopted Air Quality Action

Plans, it is likely that air quality in areas breaching an Air Quality Objective for Nitrogen Dioxide will continue to deteriorate.

- 5.3 In revoking the 'Tonteg - Church Village - Llantwit Fardre A473 Corridor Air Quality Management Area' it is necessary to rescind the associated Air Quality Action Plan. However, with the immediate declaration of the new replacement 'Church Village Air Quality Management Area' and the 'Llantwit Fardre Air Quality Management Area' the Local Authority will work towards producing respective Air Quality Action Plans.
- 5.4 To comply with statutory obligations and promote understanding of the situation, a comprehensive consultation has been undertaken. The responses received, including that from the Welsh Government, have been considered supportive of the Local Authority's position.