



RECORD OF DELEGATED OFFICER DECISION

Key Decision ✓

SUBJECT: Local Air Quality Management – 2016 Progress Report and the proposed modification of the Cilfynydd Air quality Management Area.

PURPOSE OF REPORT:

In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision to seek approval to publish the "2016 Progress Report" for public consultation and, dependent upon the outcome of said public consultation, modify, by Order, the extant Cilfynydd Air Quality Management Area.

DELEGATED DECISION:

It was **AGREED:**

1. To publish the "2016 Progress Report" for public consultation; and
2. Dependent upon the outcome of the public consultation, for Rhondda Cynon Taff County Borough Council shall, in discharging its statutory duty, make the following Order: -
 - a) The 'Cilfynydd Air Quality Management Area Amendment Order (NO₂) 2017'.


Chief Officer Signature

PAUL MEE
Print Name

17.02.17
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



CONSULTATION

Jaybosser

CONSULTEE CABINET MEMBER SIGNATURE

16/2/17

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:

NO ✓

Reason for urgency:.....

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)

.....
(Dated)

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:- 17.02.17

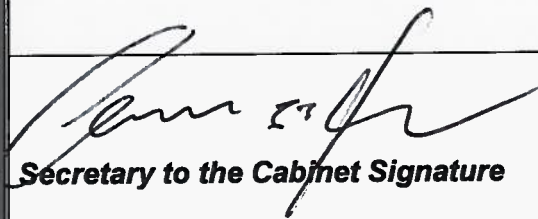
DATE

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 27.02.17

DATE



Secretary to the Cabinet Signature

CHRISTIAN SJ HANAHAN

Print Name

17.02.17

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

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

10TH FEBRUARY 2017

Local Air Quality Management

AUTHOR(s): Neil Pilliner, Pollution and Public Health Manager

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval for the Local Authority to discharge its statutory duty in regard to the administration and reporting of Local Air Quality Management.
- 1.2 This report seeks approval to publish the 2016 Progress Report, which provides the latest local air quality annual reporting elements recommend by statutory guidance. This includes an update on locally produced air quality monitoring data, consideration of developments, local policies and strategies which may impact local air quality and outlining progress achieved in undertaking works which aspire to improve local air quality.
- 1.3 This report also seeks to acknowledge the current local air quality situation, as illustrated within the 2016 Progress Report, and initiate consultation upon ensuring that the current statutorily designated Air Quality Management Areas reflect continuing changes to local air quality.
- 1.4 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 and Protection.

2. RECOMMENDATIONS

It is recommended:

- 2.1 To publish the '2016 Progress Report' for public consultation; and
- 2.2 Dependent upon the outcome of the public consultation, Rhondda Cynon Taff County Borough Council shall, in discharging its statutory duty, make the following Order: -
 - a) The 'Cilfynydd Air Quality Management Area Amendment Order (NO₂) 2016'.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Local Authority has produced the 2016 Progress Report which collates all the local air quality reporting elements, suggested by statutory guidance, to enable public dissemination and comment.
- 3.2 The Local Authority has identified evidence that the extant Cilfynydd Air Quality Management Area, previously declared for a breach of the Air Quality Objective for Nitrogen Dioxide, requires modification to also include a breach of the 1-hour Air Quality Objective for Nitrogen Dioxide.
- 3.3 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 may be re-examined.

4. BACKGROUND

- 4.1 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 2016 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.
- 4.2 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 2016 Progress Report has confirmed that the existing fifteen Air 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.
- 4.3 Furthermore, it identified that the level of Nitrogen Dioxide within the Cilfynydd Air Quality Management Area, previously declared for a breach of the annual mean Air Quality Objective for Nitrogen Dioxide, has further deteriorated. This deterioration is likely, based upon available monitoring data interpreted in accordance with statutory guidance, to have resulted in the 1-hour mean Air Quality Objective for Nitrogen Dioxide also being breached within the existing Cilfynydd Air Quality Management Area, a resultant of the established trend for the area. It is proposed to amend the Cilfynydd Air Quality Management Area to include the additional breach of the 1-hour mean Air Quality Objective for Nitrogen Dioxide as well.

- 4.4 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 by it.
- 4.5 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 aspiring 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.
- 4.6 The 2016 Progress Report also highlights the progress made in local air quality management with several completed Air Quality Action Plan projects resulting in measureable improvements in local air quality at a number of targeted locations. The Local Authority will continue to aspire to implement the AQAPs within the revised published time frames. Given the current financial climate and various competing priorities within the Local Authority budget, the Local Authority will seek to identify external funding opportunities to deliver any future Air Quality Action Plan actions
- 4.7 The 2016 Progress Report also includes ongoing monitoring and assessment at Glyncoch. It reports that although local air quality may have improved in 2015, it is currently unclear if this improvement will persist into the future.

5. EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 An Equality Impact Assessment is not needed because the contents of the report are for information purposes only.

6. CONSULTATION

- 6.1 Schedule 11 of the Environment Act 1995 prescribes the need and scope of the consultation to be undertaken in regards to the 2016 Progress Report and the proposed changes to the Cilfynydd Air Quality Management Area.
- 6.2 The eight week consultation will include Welsh Government, other statutory agencies, Cwm Taf University Health Board, neighbouring Local Authorities, relevant parts of the local business community and the public. The outcome of the consultation will be analysed and reported upon before any final decisions is taken to revise the 2016 Progress Report or modify the Cilfynydd Air Quality Management Area.

7. FINANCIAL IMPLICATION(S)

- 7.1 There are no direct financial implications aligned to this report



8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 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.
- 8.2 It is the current opinion of the Local Authority that the 1-hour mean Air Quality Objective for Nitrogen Dioxide is likely to be breached within the Cilfynydd Air Quality Management Area and it is necessary, dependent upon public consultation, to modify the existing Cilfynydd Air Quality Management Area to take account of the additional breach.
- 8.3 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.
- 8.4 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 was also noted that local air quality management duties are an obligation derived from United Kingdom primary legislation in its own right.

9. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES/SIP

- 9.1 It will become incumbent upon the members of Cwm Taf Public Service Board to consider their service delivery and the potential for positive action to be taken to holistically improve overall air quality.
- 9.2 It will also be a requirement for partners of the Cwm Taf Public Service Board to provide annual updates and reviews of progress in furthering achievement of the well-being objectives, including any objectives for air quality.



10. CONCLUSION

- 10.1 The Local Authority has produced the “2016 Progress Report”, in accordance with statutory guidance.
- 10.2 The Local Authority has identified evidence that the extant Cilfynydd Air Quality Management Area, previously declared for a breach of the Air Quality Objective for Nitrogen Dioxide, requires modification to also include a breach of the 1-hour Air Quality Objective for Nitrogen Dioxide.
- 10.3 To comply with statutory obligations and promote understanding of the situation, it is necessary to publish the 2016 Progress Report and undertake a comprehensive consultation. The responses received, including that from the Welsh Government, will be considered prior to any final decision being made and if necessary this matter may be re-examined.

Relevant Scrutiny Committee

Health and Wellbeing Scrutiny Committee; and/or
Environmental Services Scrutiny Committee



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 AND PROTECTION**

Local Air Quality Management – 2016 Progress Report and the proposed
modification of the Cilfynydd Air quality Management Area

Background Papers: 2016 Progress Report (available upon request)

Officer to contact:

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