

## **The Vale of Glamorgan Council**

### **Cabinet Meeting: 9 October, 2017**

## **Report of the Cabinet Member for Regulatory and Legal Services**

### **Local Air Quality Management Annual Progress Report 2016**

#### **Purpose of the Report**

1. To seek approval for the 2016 Local Air Quality Management Annual Progress Report (LAQR) to enable its submission to Welsh Government.

#### **Recommendations**

1. That Cabinet approve the LAQR, attached at [Appendix 1](#) to this report, for submission to Welsh Government.
2. That Cabinet approve the submission of a request to remove the Air Quality Management Area (AQMA) covering Windsor Road.

#### **Reasons for the Recommendations**

1. The report fulfils the requirements of the statutory Local Air Quality Management (LAQM) process. The LAQR is part of The Vale of Glamorgan Council's sixth round of Review and Assessment for Local Air Quality Management and contains results of air quality data captured in 2016.
2. Where compliance within an AQMA occurs over a period of 3 years or more then the local authority should consider revoking the need for the continued presence of the AQMA.

#### **Background**

2. The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas and to determine whether the air quality objectives to protect health are likely to be achieved.

#### **Relevant Issues and Options**

3. The LAQR provides details on the ratified data for the air quality monitoring undertaken in 2016. The Report confirms that air quality within the Vale of Glamorgan meets relevant air quality objectives, including the AQMA on Windsor Road, Penarth.

4. There are no monitoring sites with nitrogen dioxide (NO<sub>2</sub>) concentrations above 60µg/m<sup>3</sup> in 2016 anywhere in the Vale of Glamorgan. This indicates it is unlikely that the hourly NO<sub>2</sub> objective will be exceeded at any location in the Vale of Glamorgan.
5. The results of the monitoring indicate that the annual average particulate matter PM<sub>10</sub> concentration at the Windsor Road monitoring station is compliant with the AQS objective of 40µg/m<sup>3</sup>. This is the only location across the Vale where PM<sub>10</sub> is actively monitored.
6. Although Ozone is not included in the Local Air Quality Management system, the results are included in the report for completeness. There are no exceedences of the 8-hour mean objective of 100µg/m<sup>3</sup> on more than 10 days per year as set by the Expert Panel on Air Quality Standards (EPAQs). This is the only location across the Vale where PM<sub>10</sub> is actively monitored.
7. The report details that monitoring within the Windsor Road Air Quality Management Area (AQMA), shows continued compliance of the Air Quality Standard of 40 µg/m<sup>3</sup> for NO<sub>2</sub>. Welsh Government Policy Guidance indicates that where compliance within an AQMA occurs over a period of 3 years or more then the local authority should consider revoking the need for the continued presence of the AQMA.
8. As such, the Cabinet is asked to agree that a supporting report accompany the Annual Progress Report highlighting the continued compliance and recommending the formal revocation of the AQMA on Windsor Road.
9. The final decision to revoke the Windsor Road, Penarth AQMA will be taken by Welsh Government following a review and consultation with the local communities affected.
10. SRS will ensure that any future developments in the area are fully assessed in terms of Air Quality, in order to ensure there is no detrimental impact on the Air Quality in the area.
11. Welsh Government has issued new statutory policy guidance which highlights the need for Local Authorities to inform the public about the state of air quality in their area in a timely fashion and involve local communities in identifying local solutions to air quality issues. Cabinet will be apprised of any pertinent findings arising from a consultation to be undertaken in 2017.

### **Resource Implications (Financial and Employment)**

12. SRS has an existing budget to complete a programme of air quality monitoring across the Vale.
13. The 2017 consultation can be met from existing budgets and resources.

### **Sustainability and Climate Change Implications**

14. There are no direct sustainability or climate change implications from the report itself. However the continued monitoring proposed will help the Council identify any potential areas where poor air quality is of a concern where any action is necessary to improve air quality, then the results of any actions should also have a positive outcome for climate change.

### **Legal Implications (to Include Human Rights Implications)**

15. Section 82 of the Environment Act 1995 places a duty on all Local Authorities to review periodically air quality in their area. This includes assessment of compliance

of present and likely future air quality to comply with the objectives of the Air Quality (Wales) Regulations 2010.

16. Where air quality is unlikely to meet the objectives Section 83 of the Environment Act 1995 requires that the Council declares an Air Quality Management Area.
17. Section 84 of the Environment Act 1995 places a duty on the Council to develop an Action Plan to address the situation.
18. Statutory duty to produce and publish reports To fulfil the requirements of the Local Air Quality Management process as set out in Part IV of the Environment Act (1995), the Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 and relevant Policy.

### **Crime and Disorder Implications**

19. There are no Crime and Disorder implications as a result of the report.

### **Equal Opportunities Implications (to include Welsh Language issues)**

20. There are no equal opportunities implications from the publication of the report. Invitations to comment will be sent to all known stakeholders and interest groups to provide an opportunity for comments.

### **Corporate/Service Objectives**

21. The Corporate Plan for the Vale of Glamorgan Council for 2016-2020, includes a Well Being Outcome which is - An Environmentally Responsible and Prosperous Vale. A key part of this outcome states that The Vale of Glamorgan Council will look 'to protect our environment for future generations.' This Progress Report demonstrates that currently Air Quality within the Vale meets National Air Quality Standards and this report demonstrates one aspect where The Vale of Glamorgan Council is meeting this outcome.

### **Policy Framework and Budget**

22. This is a matter for Executive decision by Cabinet.

### **Consultation (including Ward Member Consultation)**

23. The 2016 Annual Progress Report does not require, any external consultation and following approval from Cabinet will be submitted to Welsh Government.
24. The report does propose that the Windsor Road AQMA be revoked in accordance with the latest Welsh Government Policy Guidance on Local Air Quality Management. SRS will draft a detailed report on this recommendation and will look to undertake a public consultation exercise on this proposal.

### **Relevant Scrutiny Committee**

25. Environment and Regeneration.

### **Background Papers**

Vale of Glamorgan Annual Progress Report 2016 - [Appendix 1](#)

**Contact Officer**

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**Officers Consulted**

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Legal Services, Vale of Glamorgan Council  
Financial Services, Vale of Glamorgan Council

**Responsible Officer:**

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