

# **BRIDGEND COUNTY BOROUGH COUNCIL**

## **REPORT TO CABINET**

**20 NOVEMBER 2018**

### **REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES**

#### **LOCAL AIR QUALITY MANAGEMENT – PROPOSED AIR QUALITY MANAGEMENT AREA**

#### **1. Purpose of report**

- 1.1 Supported by the evidence outlined in the Technical Note, attached at Appendix 1, the purpose of the report is to seek Cabinet approval for an Air Quality Management Area (AQMA) designation order for Park Street, Bridgend. Cabinet is required to approve the designation of the AQMA order prior to a final version being submitted to Welsh Government, and the order made publically available.
- 1.2 To approve a public engagement exercise with impacted residents and businesses prior to the implementation date of 1st January 2019.

#### **2. Connection to corporate improvement objectives/other corporate priorities**

- 2.1 This report assists in the achievement of the following corporate priority/priorities:
  - Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

#### **3. Background**

- 3.1 Under Section 82 of the Environment Act 1995 every local authority has an obligation to regularly review and assess air quality in their areas, and to determine whether or not air quality objectives to protect health are likely to be achieved. Where the air quality reviews indicate that the air quality objectives are not being achieved, or are not likely to be achieved, Section 83 of the 1995 Act requires local authorities to designate an Air Quality Management Area ('AQMA'). Section 84 of the Act ensures that action must then be taken at a local level which is outlined in a specific Air Quality Action Plan (AQAP) to ensure that air quality in the identified area improves.
- 3.2 There are currently 30 specifically allocated non automatic monitoring sites in Bridgend which monitor levels of Nitrogen Dioxide (NO<sub>2</sub>). These sites are supported and maintained by SRS on behalf of BCBC. The non-automatic sites do not provide live data; instead they consist of diffusion tubes which are placed at each of the

sites, collected and replaced on a rolling monthly basis. The results derived from the tube sampling are then averaged over the year to enable a comparison of the results against the **annual mean (40µg/m<sup>3</sup>) and 1-hour mean (200µg/m<sup>3</sup> not to be exceeded > 18 times per year)** air quality objectives for NO<sub>2</sub>.

#### 4. Current situation/proposal

4.1 On 18<sup>th</sup> September 2018 BCBC's Cabinet approved the 2018 Local Air Quality Management Annual Progress Report (APR) for Bridgend, as produced by SRS on behalf of BCBC. The report examined datasets captured during 2017 and noted that Park Street, Bridgend was an area of particular concern and subsequently an Air Quality Management Area (AQMA) was required.

4.2 It was reported that two nitrogen dioxide (NO<sub>2</sub>) monitoring locations situated at residential facades on Park Street, as displayed by Figure 1 and Table 1 recorded elevated and exceeding annual average levels of NO<sub>2</sub> when compared to the annual mean NO<sub>2</sub> Air Quality Objective of 40µg/m<sup>3</sup>.

**Table 1- 2017 Annual Mean NO<sub>2</sub> Concentrations**

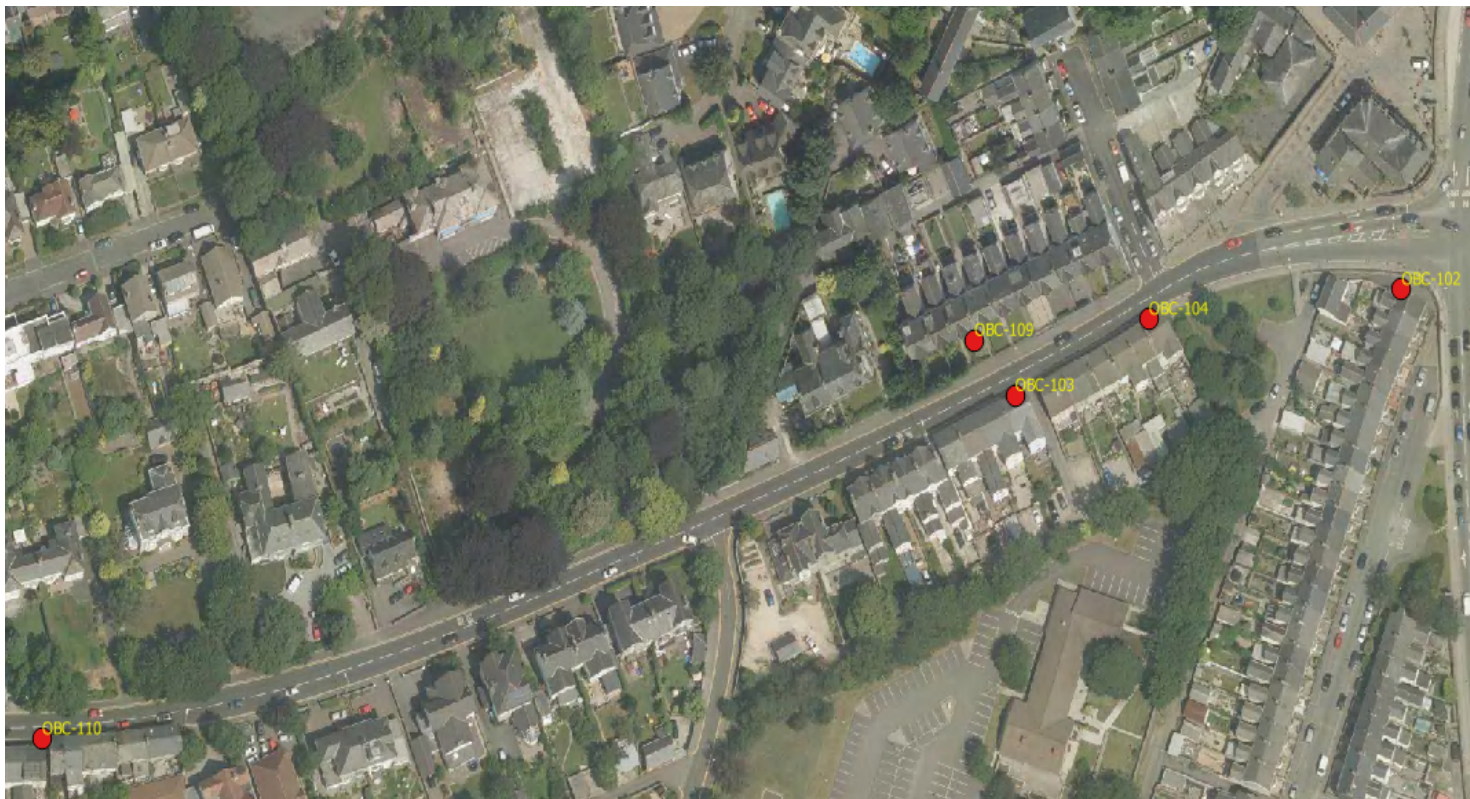
Site ID	Annual Mean Concentration (µg/m <sup>3</sup> ) AQS = 40 µg/m <sup>3</sup> (2)
	2017
OBC- 102	23.7
OBC- 103	37.6
OBC- 104	<b>41.5</b>

**Figure 1 – 2017 NO<sub>2</sub> Diffusion Tube Monitoring Locations on Park, Street, Bridgend**



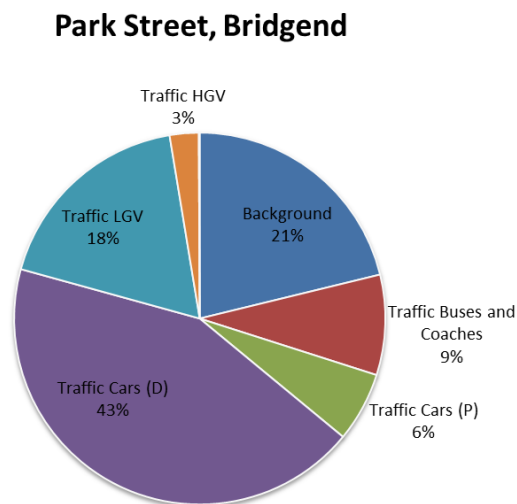
4.3 For 2018, monitoring for NO<sub>2</sub> has been increased further along Park Street, with an additional two NO<sub>2</sub> monitoring sites implemented. These will continue to be monitored. Figure 2 illustrates the current 2018 network of monitoring for Park Street including the additional two locations (OBC- 109 and OBC- 110).

**Figure 2- 2018 NO<sub>2</sub> Diffusion Tube Monitoring Locations, Park Street**



- 4.4 Although a full dataset is not available for 2018, it is evident that the NO<sub>2</sub> annual mean objective is likely to be breached, especially at newly commissioned site **OBC-110**.
- 4.5 **Source apportionment analysis;** Using available 2017 DfT manual count data and adopting the guidance outlined in Local Air Quality Management (LAQM) Technical Guidance 16, Box 7.5, the percentage proportion of various vehicle classifications contributing towards measured annual average NO<sub>2</sub> concentrations has been quantified, as set out in Figure 3 below.

**Figure 3- Park Street NO<sub>2</sub> Source Apportionment Assessment**



- 4.6 Section 83 of the Environment Act 1995, BCBC is required to legally declare an AQMA for Park Street, Bridgend, and in doing so raise an AQMA order that defines the detail and locality of the AQMA.
- 4.7 WG's Policy Guidance outlines that the exact wording of an AQMA order is at the discretion of the Local Authority. However, it should include the date on which it comes into force, the pollutant(s) and national air quality objective(s) for which the AQMA is being designated, a map showing the AQMA and a description of the area.
- 4.8 A draft AQMA order is attached at Appendix 2. It is proposed that the order will come into effect on the 1<sup>st</sup> January 2019.
- 4.9 In accordance with WG's Policy Guidance; a draft action plan will be produced for review by the Welsh Government within 18 months of the coming-into-force date of the AQMA order, and the action plan must be formally adopted before two years have elapsed.
- 4.10 As part of developing an Air Quality Action Plan (AQAP) SRS/ BCBC will form a cross departmental working group that will examine and assess a number of

mitigation measures designed to improve/ reduce NO<sub>2</sub> levels as low as reasonably practicable.

- 4.11 As part of the AQAP schedule a public consultation will be undertaken which will allow for residents to pass comment on envisaged mitigation measures as well as make their own mitigation suggestions.

## **5. Effect upon policy framework and procedure rules**

- 5.1 The report does not have any impacts on policy framework and procedure rules.

## **6. Equality Impact Assessment**

- 6.1 There are no equality implications arising from this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 SRS & BCBC adopt the principles of The Well-being of Future Generations (Wales) Act 2015. The act is a significant enabler to improve air quality as it calls for sustainable cross-sector action based on the principles of long-term, prevention-focused integration, collaboration and involvement. It intends to improve economic, social, environmental and cultural well-being in Wales to ensure the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 7.2 Subject to approval, declaration of the AQMA on Park Street and the subsequent production of an Action Plan, will ensure that future decision making in terms of air quality complies with the WFG, and the Council meets the five ways of working, as detailed below:

- Long term – The action plan will balance short-term needs of improving air quality, and will also look at measures to safeguard the ability of meeting long-term needs.
- Prevention – By implementing measures which will be set out in the Action Plan, the Council should ensure improvements in air quality and will be able to prevent air quality deteriorating in the future.
- Integration – SRS will look to ensure that the work undertaken as part of the Action Plan integrates with public body's environmental well-being objectives.
- Collaboration – The Action Plan will be developed in collaboration with many departments within the Council and other external organisations, i.e., Public Health Wales.
- Involvement – The action plan will be subject to public consultation, and will ensure that those who have a strong interest in improving air quality will be fully involved and their ideas considered.

## **8. Financial implications**

- 8.1 Subject to approval of the AQMA order, detailed air quality and transport modelling will likely be required to support any decisions to implement mitigation measures to improve NO<sub>2</sub> levels along Park Street. It therefore needs to be understood that this will require financial support which, depending on the amount required, will necessitate discussion with the Section 151 Officer as to how it can be funded. The financial support will also cover the implementation of any preferred mitigation measures outlined by the analysis.

## **9. Recommendation**

- 9.1. Cabinet approves the decision to implement an Air Quality Management Area (AQMA) on Park Street based on the evidence provided.
- 9.2. Cabinet approves the detail of the proposed AQMA order, as attached in Appendix 2 for submission to Welsh Government and to be made publically available.
- 9.3. Cabinet approves the decision to undertake a public engagement exercise with impacted residents and businesses, prior to the implementation of the AQMA order.

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20<sup>th</sup> November 2018

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### **Background documents:**

**Bridgend County Borough Council (2018). Report to Cabinet, Report of the Head of Legal and Regulatory Services- Annual Progress Report 2018. From;** <https://democratic.bridgend.gov.uk/documents/s17130/18.09.11%20Air%20Quality%2018%20Sep%20Cabinet%20Report%20Bridgend%20LF%20approval.pdf>

**Welsh Government (2017). Local air quality management in Wales, Policy guidance, June 2017. From;** <https://gov.wales/docs/desh/publications/170614-policy-guidance-en.pdf>

Appendix 1- Technical Note on the Proposed Declaration of Air Quality Management Area (AQMA), Park Street, Bridgend

Appendix 2- Bridgend County Borough Council Air Quality Management Area Order No. 1, Park Street.