



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

CABINET

2nd October 2024

Report of the Head of Planning and Public Protection Ceri Morris

Matter for Decision

Wards Affected: All Wards

Part IV Environment Act 1995 – Consideration of the Draft Air Quality Action Plan (2024-2029) and the consultation procedures to be implemented.

Purpose of the Report

To consider the Draft Air Quality Action Plan along with the consultation / engagement procedures to be implemented.

Executive Summary

The draft Air Quality Action Plan has been produced as part of statutory duties placed on the Local Authority by the Local Air Quality Management framework.

The plan outlines the actions required to improve air quality in Neath Port Talbot between 2024 and 2029, to ensure that the daily mean PM₁₀ Air Quality Objective (AQO) is met. Upon publication, it will replace the previous Action Plan which covered the period 2012 to 2024.

This report seeks Member endorsement of the Draft Air Quality Action Plan for the purposes of consultation.

Background

In 2000 the Council declared an Air Quality Management Area (AQMA) for Taibach–Margam, due to exceedances of the national Air Quality Objective (AQO) for daily mean particulate matter (PM₁₀).

Whilst the PM₁₀ daily AQO was not exceeded from 2018 through to 2022, the daily mean AQO at the 'Prince Street 2' monitoring station was exceeded in 2023; hence the Air Quality Management Area continues to remain in place.

The Council is required to review and revise its Air Quality Action Plan in order to achieve the prescribed air quality objectives. When considering revisions to the Action Plan, the Council is required to consult and engage widely with the public and stakeholders.

Following the formal consultation process, all comments and observations received will be reviewed and a final version of the Action Plan will be prepared and reported back to Members.

Draft Air Quality Action Plan (2024-2029)

The Draft Air Quality Action Plan is presented in full in Appendix 2.

The Action Plan presents a summary of the current air quality in Neath Port Talbot; sets the current issues within the broader context; presents the Council's air quality priorities; and ultimately presents the measures and priority actions to improve air quality across the County Borough.

Members should note that all proposed measures / actions are presented in Table 5-1, which contains:

- A list of the actions that form part of the Plan.
- The responsible individual and/or Department/Organisation who will deliver the respective action.
- An estimated cost of implementing each action (i.e. overall cost and cost to the Local Authority).
- The expected benefit in terms of pollutant emission and/or concentration reduction (ranked as 'high', 'medium' and 'low').
- The timescale for implementation.
- How progress will be monitored.

The Air Quality Action Plan will be subject to an annual review and appraisal of progress. Progress each year will be reported in the 'Annual Status Reports' (ASRs) produced by the Council as part of our statutory Local Air Quality Management duties.

Consultation and Engagement Procedures

Members should note that the Air Quality Action Plan has already been the subject of stakeholder engagement and workshops, which has enabled the preparation of the current draft.

Subject to Member approval, the next step will be for the draft Action Plan to be subject to a formal statutory period of consultation. With the feedback from the consultation, a final version of the Action Plan will be prepared and brought back to Members for approval – this is likely to be towards the end of 2024.

The draft Air Quality Action Plan has been produced with engagement from a Steering Group, which comprised of members from the Council, Natural Resources Wales, Public Health Wales and local businesses operating Environmental Permits in the area.

The Council must now undertake a 28-day public consultation process with interested local organisations and bodies (e.g. residents and local businesses affected by the AQAP measures), which will be done via the Council's website.

As part of the formal consultation process, officers will also directly correspond with consultees, namely Secretary of State for Wales; Welsh Government / DEFRA; Natural Resources Wales; South Wales Trunk Road Agent (SWTRA); Neath Port Talbot Council Highways; Neighbouring Local Authorities; Public Health Wales and Swansea Bay University Health Board.

Financial Impacts

The projects and initiatives to be delivered by the Council, to achieve the measures in the Action Plan, will be funded using a combination of existing budgets and new external sources of funding such as the Welsh Air Quality Grant. Where currently available, an estimate of cost of the measures is included in the Action Plan.

Given the current financial pressures on budgets however, further financial appraisals will be required, and it may not be possible to achieve all of the measures set out in the plan due to cost, especially where a specific budget has not been identified.

Members should note that the Council does not have direct control over the delivery of all of the projects and initiatives contained in the Action Plan. Their implementation therefore will rely on the responsible organisation being able to fund and implement the measure.

Integrated Impact Assessment

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment, presented in Appendix 1, has indicated that a more in-depth assessment is not required.

Valleys Communities Impacts

No implications.

Workforce Impacts

No implications.

Legal Impacts

The statutory framework for air quality management is contained in Part IV of the Environment Act 1995 (as amended). Any alleged failure to conduct a lawful consultation, or to have proper regard to the responses received, when adopting the final version of the Air Quality Action Plan, may be subject to a legal challenge.

Risk Management Impacts

The Council will be in breach of its statutory duties to prepare, consult upon and publish an Air Quality Action Plan should there be a failure to implement the proposed recommendations.

Recommendations

That having considered the report and having due regard to the Integrated Impact Assessment, it is recommended that:

1. The Draft Air Quality Action Plan (2024-2029) as presented in Appendix 2 be agreed for the purposes of consultation.
2. The consultation procedures as set out in the report are implemented.

Reasons for Proposed Decision

The decisions are needed to ensure compliance with the requirements of Part IV of the Environment Act 1995.

Implementation of Decision

The decision is proposed for implementation after the three day call in period.

Appendices

Appendix 1 – First Stage Integrated Impact Assessment.

Appendix 2 – Draft Air Quality Action Plan 2024-2029

List of Background Papers

Local Air Quality Management Policy Guidance.

Officer Contact

Celvin Davies – General Environmental Health Manager

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Appendix 1: First Stage Integrated Impact Assessment

1. Details of the initiative

Initiative Description and Summary: Draft Air Quality Action Plan
Service Area: Planning & Public Protection
Directorate: Environment & Regeneration

2. Does the initiative affect:

	Yes	No
Service users		x
Staff		x
Wider community	x	
Internal administrative process only		x

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				Action required to comply statutory air quality requirement
Disability		X				Action required to comply statutory air quality requirement
Gender Reassignment		X				Action required to comply statutory air quality requirement
Marriage/Civil Partnership		X				Action required to comply statutory air quality requirement
Pregnancy/Maternity		X				Action required to comply statutory air quality requirement
Race		X				Action required to comply statutory air quality requirement
Religion/Belief		X				Action required to comply statutory air quality requirement
Sex		X				Action required to comply statutory air quality requirement
Sexual orientation		X				Action required to comply statutory air quality requirement

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		x				Action required to comply statutory air quality requirement
Treating the Welsh language no less favourably than English		x				Action required to comply statutory air quality requirement

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		x				No negative impact anticipated. The Air Quality Limits identified in the report are used by legislation as a measure of regulatory compliance for Air Quality in the UK.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		x				Air Quality Standards are concentrations recorded over a given time period, which are considered to be acceptable in terms of what is scientifically known about the effects of each pollution on health and on the environment. They can also be used as a benchmark to indicate whether air pollution is getting better or worst. Implementation of the actions contained in the draft Air Quality Action Plan will not negatively impact biodiversity or ecosystems but will help achieve better air quality, which will have a positive effect on biodiversity and ecosystems.

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details

Long term - how the initiative supports the long-term well-being of people	X		The links between Air Quality and Health impact are widely reported. Any improvements to Air Quality will have a positive impact on the long term well being of people in Neath Port Talbot.
Integration - how the initiative impacts upon our wellbeing objectives	X		The Air Quality Action plan will contribute towards 'Well-being Objective 2: All our communities will be thriving and sustainable', so that we can maintain and enhance resilient communities and a resilient natural environment.
Involvement - how people have been involved in developing the initiative	X		A stakeholder group comprising of partner organisations and local businesses with an environmental permit has been established. A workshop took place with the stakeholder group, and their comments and feedback to date has been absorbed into to the draft Air Quality Action Plan. The next step is to undertake wider Engagement and Consultation with the public and stakeholder group.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		A stakeholder group of other services and organisations fed into the development of the draft air quality action plan.
Prevention - how the initiative will prevent problems occurring or getting worse	X		The measures set out in the draft air quality action aim to reduce air pollution and put in place specific actions to prevent breaches of air quality objectives.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
Reasons for this conclusion: Action required to comply statutory air quality requirement to produce an Air Quality Action Plan.	
A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Date
Completed by	Celvin Davies	General Environmental Health Manager	16/08/2024
Signed off by	Ceri Morris	Head of Planning & Public Protection	16 th August 2024