



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Scrutiny Performance Panel - Natural Environment

At: Committee Room 5, Guildhall, Swansea

On: Monday, 16 December 2019

Time: 10.00 am

Convenor: Councillor Peter K Jones

Membership:

Councillors: E W Fitzgerald, S J Gallagher, J A Hale, M H Jones, I E Mann, H M Morris, C Richards, B J Rowlands, M Sherwood, W G Thomas and L J Tyler-Lloyd

Agenda

Page No.

- 1 Apologies for Absence.**
- 2 Disclosure of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
- 3 Prohibition of Whipped Votes and Declaration of Party Whips.**
- 4 Minutes.** 1 - 6
To receive the minutes of the previous meeting(s) and agree as an accurate record.
- 5 Public Questions.**
Questions must relate to matters on the open part of the Agenda of the meeting, and will be dealt with within a 10 minute period
- 6 Weed Management.** 7 - 22
 - a) Report from Cabinet Member for Environment & Infrastructure Management.
 - b) External Submission from Dr. Rosemary Mason on Use of Glyphosate for Weed Management.
- 7 Air Pollution Control.** 23 - 58
 - a) Report from Cabinet Member for Environment & Infrastructure Management.
 - b) Local Air Quality Management in Wales - Policy Guidance (Welsh Government – June 2017)

- 8 Letters.** **59 - 70**
Panel Meeting 25 September 2019:
- a) Letter to/from Cabinet Member for Delivery & Performance.
 - b) Letter to/from Welsh Government Minister for Environment, Energy and Rural Affairs
 - c) Correspondence with Cabinet Member for Education Improvement, Learning & Skills
- 9 Work Plan 2019/20.** **71**
- 10 Date and Time of Next Meeting.**
- 11 For Information: Environment (Wales) Act 2016 - First Section 6 Biodiversity Duty Monitoring Report to Welsh Government.** **72 - 87**

Next Meeting: to be arranged

Huw Evans

Huw Evans
Head of Democratic Services
Tuesday, 10 December 2019

Contact: Brij Madahar, Scrutiny Officer - Tel (01792) 637257

Agenda Item 4



City and County of Swansea

Minutes of the **Scrutiny Performance Panel - Natural Environment**

Committee Room 5, Guildhall, Swansea

Wednesday, 25 September 2019 at 10.00 am

Present:

Councillor(s)

E W Fitzgerald
P K Jones
B J Rowlands

Councillor(s)

L J Tyler-Lloyd
I E Mann
M Sherwood

Councillor(s)

M H Jones
C Richards
W G Thomas

Other Attendees

David Hopkins

Cabinet Member - Delivery & Performance (Joint-Interim Deputy Leader)

Officer(s)

Deb Hill
Bethan Hopkins
Paul Meller
Penny Gruffydd

Nature Conservation Team Leader
Scrutiny Officer
Strategic Planning and Natural Environment Manager
Sustainable Policy Officer

Apologies for Absence

1 Apologies for Absence

2 Election of Convener

- Councillor Peter Jones was elected as Convener for the year

3 Disclosure of Personal and Prejudicial Interests

- Cllr Mary Sherwood – Member of RSPB, Greenpeace, Woodland Trust
- Cllr Wendy Fitzgerald – Board Member of Penllergaer Trust
- Cllr Peter Jones – Member of RSPB, Greenpeace, Friends of the Earth
- Cllr Brigitte Rowlands – Secretary of West Glamorgan Commoners Association

4 Prohibition of Whipped Votes and Declaration of Party Whips

- None

5 Public Questions

- None

6 Terms of Reference

- The Panel agreed the Terms of Reference

7 Natural Environment - An Overview

- Deb Hill gave a presentation to the Panel
- Main focus on what has been happening over the last 3 years but Swansea Council has been doing work relating to the environment for the last 50-60 years
- 80% of Swansea is green space and is very diverse with woodland, wetlands, grassland, heath, meadow, marine, coastland, farmland, urban parks, nature reserves and wildlife corridors
- Over 50% of the County has significant ecological value
- There is protection for the environment via a range of site designations
- The benefits of biodiversity to well-being are becoming more widely recognised
- Recognition of ecosystem services and their role
- Biodiversity loss and species extinction is a challenge and a risk – need to raise awareness and manage land sustainably
- The risks are both local and national
- Various legislative frameworks for protecting biodiversity
- Recent legislation - the Resilient Wales goal in the Well-being of Future Generations Act 2015 is about ecological resilience. Also the Environment(Wales) Act 2016
- Connectivity between sites is imperative so biodiversity can move where possible
- Biodiversity consideration should be embedded at an early stage and is everyone's responsibility
- As a Council we need to submit a section 6 plan and submit a plan on progress every 3 years in line with legislative requirements
- The Public Services Board Well-being Plan has a Working with Nature objective and we also have the new biodiversity Corporate Priority in the Corporate Plan
- The team have been mapping land use – links with the South East Wales Biodiversity Records Centre (SEWBREC) which collates, manages and disseminates biodiversity information
- The team have also been ward mapping to identify areas of ecological significance etc in each ward and will be increasing this as resources allow
- The Council owns a lot of land in Swansea (e.g. parks, education sites, estates, highways, cemeteries etc) and they have a duty to manage it sustainably
- Team currently producing a green infrastructure strategy which looks at nature based solutions

- Events, procurement, tourism, regeneration, highways, housing, education estates – all teams have major parts to play in relation to biodiversity
- Must support community engagement and volunteers e.g. friends of parks and wildlife volunteers etc
- Looking at next steps – securing additional resources, raising awareness internally and externally and developing plans and reports
- Cabinet Member thanked Deb and the team for the great work they have done. The team is small and needs more support. Needs to be a shared responsibility across the whole Council and training needs to be put in place so like safeguarding, biodiversity is everybody's business
- Town and Community Councils can really help with these issues as small changes can make a big difference – many already have excellent biodiversity awareness but could extend training to them and work together
- Discussed planning issues – confirmed that the relationship with the Nature Conservation Team and Planning is excellent but issues arise outside of the planning process sometimes prior or post planning permission e.g. Tree Preservation Orders ignored or land cleared before planning permission is given and land surveyed
- Lack of capacity not lack of will in planning enforcement
- Enforcement is a major issue. Need additional support to enforce the rights of nature as currently lacking capacity under planning ecology enforcement
- Ongoing internal conflict – ecology value or financial value of green space and biodiversity
- Need a fundamental culture change
- Discussed peat and its role in carbon absorption and value
- Townhill campus an excellent example of green development
- Where development impacts farmland etc aim to try and keep as many natural features as possible
- Common land is also very important
- Some discussion around section 106 agreements – they should be used to 'enhance' biodiversity – ongoing discussion over suitability of amounts requested
- Need to recognise the 'economic value' of biodiversity – for example, trees as flood prevention can be costed against hard engineering projects and enhance biodiversity and climate change at the same time
- Despite some part-time temporary funding for a planning ecologist there is no money from the Council for this role, it is based on grants
- Council declared climate emergency but no funds allocated to the 2 posts required – Planning Ecologist and Section 6 Officer which are essential posts
- Local councils do not have the capacity to deliver this essential work. Teams locally want to do work on these issues but do not have the funding support from Central or Welsh Government to maintain and enhance biodiversity – letter to be written to Welsh Government to highlight the severity of the situation
- Some project work currently funded by Natural Resources Wales including 'Our Nature, Our Future' and Wildlife Volunteers
- Some churches have signed up to be 'Eco Churches'
- Some resistance internally to culture change on this issue – all directors need to imbue this duty in their work

- There needs to be more sanctions for public bodies when this duty is not delivered and a lobby for change on this issue
- Swansea Council are a very engaged Council in relation to biodiversity and want more funding to deliver even more
- Can no longer be economic priority over ecology
- Local issues around littering and young people – if local environment is not respected then global one will not be
- Schools should have a littering policy – schools usually very engaged in ecology issues
- Need more recycling bins within Swansea to help with this issue
- Could look to do more around regional biodiversity working linking in line with other regional working projects
- Green infrastructure strategy developed in City Centre to influence change
- Working with Natural Resources Wales and leading GI consultant to put the policy together
- On street engagement to get people's views
- New vision will be going out to consultation – panel to engage
- Want Swansea to be greener and support biodiversity by;
 1. Leading by example and governance
 2. Supporting learning to improve skills and knowledge
 3. Exploring how to maintain work
- Circulate draft Green Infrastructure document to Panel

8 Work Plan 19/20

- Some items switches within the work plan
- Glyphosate item to be replaced by 'Weed Management'
- Explore whether Air Pollution can be explored via reports rather than a scrutiny item
- 5G to be looked at as part of Scrutiny Programme Committee Q & A with relevant Cabinet Member

The meeting ended at 11.55 am

Chair



City and County of Swansea

Minutes of the **Scrutiny Performance Panel - Natural Environment**

Committee Room 3 - Civic Centre, Swansea

Tuesday, 22 October 2019 at 11.30 am

Present: Councillor P K Jones (Chair) Presided

Councillor(s)
E W Fitzgerald
W G Thomas

Councillor(s)
M H Jones
L J Tyler-Lloyd

Councillor(s)
I E Mann

Other Attendees

Mark Thomas

Cabinet Member – Environment & Infrastructure Management

Phil Slater

Mayals Friends and Residents Group

Caroline Slater

Mayals Friends and Residents Group

John Roach

Royal Society for the Protection of Birds

Officer(s)

Mark Wade

Head of Housing & Public Health

Tom Price

Team Leader – Pollution Control & Private Sector Housing

Brij Madahar

Scrutiny Team Leader

Apologies for Absence

Councillor(s): C Richards, B J Rowlands and M Sherwood

9 Disclosure of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor P K Jones – prejudicial – Minute No. 5 – Member of the RSPB and withdrew from meeting as a Panel Member, but with the agreement of the Panel remained to make representations to the Panel on the subject of gull nuisance.

10 Election of Chair Pro Tem.

AGREED that Councillor M H Jones be elected Chair Pro Tem.

Councillor M H Jones (Chair Pro Tem) presided.

11 Prohibition of Whipped Votes and Declaration of Party Whips.

In accordance with the Local Government (Wales) Measure 2011, no declarations of Whipped Votes or Party Whips were declared.

12 Public Questions.

There were no public questions.

13 Discussion on Public Concerns - Gull Nuisance.

Following referral by the Scrutiny Programme Committee, the Panel dealt with a public request for scrutiny in relation to concerns about gull nuisance in Swansea.

The concerns brought to the attention of scrutiny centred on the persistent nuisance experienced by residents in Mayals and behaviour of people feeding gulls, and detrimental effect on residents' well-being, health and safety within their communities.

The Panel considered the following perspectives on the issue which were discussed:

- Public concerns outlined by Mr & Mrs Slater (Mayals Friends and Residents Group).
- Report of the Cabinet Member for Environment & Infrastructure Management, Councillor Mark Thomas, which accounted for the Council's position on this matter, and contributions of the Council's Head of Housing & Public Health, Mark Wade, and Team Leader – Pollution Control & Private Sector Housing, Tom Price.
- Information from the Royal Society for the Protection of Birds, and supporting views from Mr John Roach and Councillor Peter Jones

The Panel debated the issues raised, discussed possible solutions and considered what action(s) may be necessary to address the problem across Swansea. This included actions to discourage public feeding and improve food waste storage and disposal.

AGREED that the Panel write to the Cabinet Member for Environment & Infrastructure Management on its findings and recommendations on the issue of gull nuisance.

The meeting ended at 1.02 pm

Chair

Agenda Item 6



Report of the Cabinet Member for Environment & Infrastructure Management

Natural Environment Scrutiny Performance Panel – 16 December 2019

Weed Management

Purpose:	To brief/update the Scrutiny Panel on Weed Management
Content:	A briefing/update on guidance and practices
Councillors are being asked to:	Consider the information provided and give views
Lead Councillor:	Councillor Mark Thomas, Cabinet Member for Environment & Infrastructure Management
Lead Officer & Report Author:	Bob Fenwick/Jeremy Davies Tel: 01792 841681 E-mail: bob.fenwick@swansea.gov.uk

1. Background

1.1 The Council is responsible for the public highway and large areas of public spaces and council owned land.

2. Why we do this

2.1 It is important that these spaces are maintained free of obstruction and that weed growth is maintained to acceptable levels. The appearance of an area is an integral factor in the quality and character of a place.

2.2 Spraying is undertaken to remove Weed, moss, algae on hard surfaces including tarmac, concrete, block & paved surfaces. This operation is carried out to reduce the likelihood of residents/visitors having slips, trips or falls.

2.3 Each year numerous complaints are received in relation to weed growth and the appearance and perceived damage to reputation particularly in tourist areas.

2.4 Weed Growth also needs to be limited to prevent established weeds causing damage to the public realm.

3. Highway Weed Treatment

3.1 Highway weed spraying is managed by the Highways Maintenance group, in Clydach.

3.2 The Highways service used tendered contractors to carry out a spraying regime. Contractors are fully compliant with best practice and member of the amenity forum. Operational practices are considered during the tender and have to be compliant with current industry best practice.

3.3 During the tendering process alternative methods are requested with costs to give options other than the use of weed spraying chemicals. To date nothing available or reviewed during this process has been viable in terms of outcome and cost. This includes but is not limited to, steam treatments, mechanical removal and foam.

3.4 The weed spraying programme is intended to limit weeds to a reasonable level not to provide a weed free highway. The current programme is limited to three sprays per season with the exception of the primary gateway routes which receive 4 sprays. Weeds are not removed following sweeping other than by routine mechanical sweeping.

3.5 Central car parks are included within the regime.

3.6 A treatment chart showing progress to date is published on the council Web pages together with a number of frequently asked questions.

4. Other Public Areas and Council Land Treatment

4.1 Weed spraying of other areas is managed by the Parks Service.

4.2 Spraying undertaken to remove moss, algae is undertaken in housing areas and Sheltered Housing Complexes and Estates Land sites. High importance in locations predominantly occupied by elderly residents).

4.3 Glyphosate based herbicides are used to spray off areas prior to sowing wildflower sites, if this was not carried out, the seed would compete with established greenery for nutrients and subsequently there would be a poor or no showing of wildflowers.

4.4 Treatment of Japanese knotweed, as a paid service to the private sector for specific areas with knotweeds problems. Increasingly in demand due to lenders/estate agents refusing/reluctant to provide mortgages on any property that has knotweed in the vicinity. We provide single treatments plus 3 year treatment programs for private customers.

4.5 Treatment of knotweed on the majority of council owned land on as required basis.

4.6 Treatment of knotweed on the Highway, only undertaken where obstruction is or vision splays are an issue.

4.7 The majority of knotweed treatments are with the use of foliar spray equipment using glyphosate based herbicides (Round-up Pro Active).

4.8 Weed spraying using glyphosate based herbicides is used to reduce strimming/cutting around obstructions, mowing margins, trees etc. this operation has been curtailed within the last 18 months and limited to where safety implications have been identified.

4.9 The majority of pesticide application is carried out via our dedicated in-house "Weed Spraying Team" who all possess all the necessary relevant qualifications/ and training.

4.10 Glyphosate based herbicides are used for the treatment of weeds/bramble etc. on hard surfaces in schools. This is done as part of the grounds maintenance contract with each school. The majority of weed control is carried out when the pupils are not in present via foliar spraying control using glyphosate based formulations.

5. Performance and Benchmarking

5.1 Following concerns in the media over the safety of the Chemicals used the WLGA carried out a review and sought advice from Welsh Government. The response from Welsh Government is included in Appendix A.

5.2 APSE performance networks briefing note 19-32 (Appendix B)

6. Future Challenges & Opportunities

6.1 The main challenges for the service in relation to this report are:-

- The need to ensure continuity of service against a backdrop of resource pressures.
- Increasing demand and expectations from stakeholders in terms of a weed free environment.
- Increasing concern over the safety of the chemicals used.

The Authority will continue to review other options as they become commercially available.

7. Conclusions / Key Points Summary

7.1 All current practices follow the best practice guidance available and follow the advice note issued by Welsh Government. The use of Glyphosate needs to be balanced between cost, public demand both on concerns over safety and the effect on the public realm. Currently it is believed there is no other cost effective treatment to meet public demand.

8. Legal implications

8.1 The primary legislation for this process are: The Highways Act 1980 and the Weeds Act 1959.

These Acts, only refer to obstruction in the case of Highways or specific species of weeds in the case of the Weeds Act. All other weeds issues are non-statutory.

8.2 In terms of Glyphosate use the Authority cannot be criminally prosecuted as the chemical is an approved substance on the EU Pesticides database providing all regulations relating to its use are complied with. (Refer to APSE briefing note Appendix B).

9. Finance Implications

9.1 Dealing with weeds on the public highway is part of the Highway Maintenance function for which revenue budget is provided. The budget is minimal and covers only a limited service.

9.2 Dealing with weeds within other area is revenue funded through service maintenance budgets.

9.3 Treatment of weeds in private areas is an income source.

10. Equality & Engagement Implications

10.1 Engagement with the wider public sector, Welsh government and the WLGA is required to monitor any changes in legislation or best practice guidance.

Background papers: *None*

Appendices:

Appendix A: Welsh government Glyphosate Information note August 2018

Appendix B APSE Briefing note 19/32



GLYPHOSATE

INFORMATION NOTE – AUGUST 2018

It is the policy of the Welsh Government to reduce to the lowest possible level the effect of pesticide use on people, wildlife, plants and environment while making sure pests, diseases and weeds are effectively controlled. All pesticide products available in the UK have to meet strict regulatory standards to ensure they do not pose a threat to human or animal health and the environment. The regulatory authorities undertake ongoing scientific research to make sure such chemicals are safe to use and have no long-lasting effect on the environment.

Glyphosate is the active substance in many herbicides and is widely used around the world. All pesticide active substance approvals are subject to periodic review and the approval of glyphosate has recently gone through this process. In November 2017, the European Union re-approved the continuing use of glyphosate from 16 December 2017. Reviews of the scientific data by the European Food Safety Authority (EFSA) and the European Chemicals Agency's Committee for Risk Assessment have found no safety concerns that would prevent continuing approval, and UK scientists agree with this assessment. The new approval lasts until 15 December 2022; use beyond that date would be subject to a further decision.

Risks associated with the use of pesticides in amenity areas, such as parks, is specifically considered as part of the authorisation process. Legally enforceable conditions of use are imposed on the way products can be applied to ensure the public are not exposed to levels of pesticides that would harm health or have unacceptable effects on the environment.

Pesticides in amenity areas should be used responsibly and only as part of an integrated programme of control. They can help deliver substantial benefits for society which include: management of conservation areas, invasive species and flood risks; access to high quality sporting facilities; and safe public spaces (for example, by preventing weed growth on hard surfaces creating trip hazards), industrial sites and transport infrastructure.

In regards to glyphosate use for controlling invasive non-native plant species you may wish to note recent research undertaken by Swansea University examining the physical and chemical control of Japanese knotweed. These were the largest field trials of their kind ever undertaken worldwide. Initial [results were published](#) earlier this year. Though no control treatment delivered complete eradication of Japanese knotweed glyphosate applied at an appropriate dose, phenological stage and level of coverage was found to be the most effective control treatment. They made a recommendation for stakeholders to discontinue the use of other widely used herbicides for control of Japanese knotweed and unnecessary physical control methods that add equipment and labour costs and increase environmental impacts, without improving control compared to spraying alone.

The Welsh Government works with industry bodies and others to promote best practice in vegetation and weed management in the amenity sector. We support the work of the [Amenity Forum](#) in promoting the importance of sustainable pesticide use and developing user practice so that all amenity pesticide users are operating to consistently high standards. We strongly encourage engagement with the Amenity Forum, particularly at Local Authority level, so we can be assured that amenity pesticide users in Wales are conforming to the standards expected under the UK [National Action Plan for the Sustainable Use of Pesticides](#) and EU law. The Amenity Forum's main objective is to be the collective body representing the amenity industry, in relation to pesticide use and weed and pest control within the sector. To deliver on this, the Forum has developed a number of activities which include issuing [guidance notes](#) to support 'Best Practice' messages, organising conferences and workshops and working closely with the Chemicals Regulation Division of the Health and Safety Executive to ensure the amenity sector meets the requirements of the Nation Action Plan.

Please find below information from the [Health and Safety Executive website](#) regarding obligations tailored for those in the amenity sector using professional pesticide products.

Those who use, or cause or permit others to apply, plant protection products or who store and/or dispose of products are subject to a number of legal requirements. Key points to note are:

- Use of plant protection products should be considered as part of an integrated programme of control. The [Amenity Forum](#) provides practical advice on how this can be done.
- Anyone who applies pesticides as part of their professional activities must (including those previously operating under grandfather rights) hold a [recognised specified training certificate](#).
- All those purchasing professional plant protection products must reasonably believe that products are used by someone holding a specified certificate.
- All application equipment, except knapsacks and hand-held, must possess a certificate demonstrating that it has passed an officially recognised test conducted by the [National Sprayer Testing Scheme](#). Equipment has to be tested on either a three, five or six yearly basis thereafter depending on when the most recent test was conducted and the type of equipment. All equipment must be calibrated on a regular basis.
- Users, or those who cause or permit use, must ensure that: all reasonable precautions are taken to protect human health and the environment; applications are confined to target areas; and in certain areas (including public spaces and conservation areas) that the amount used and frequency of use is as low as reasonably practicable.
- Priority is given to particular products where there are risks to water quality.
- Professional users and distributors take all reasonable precautions to ensure handling, storage and disposal operations do not endanger human health or the environment.
- Storage areas are constructed in such a way as to prevent unwanted releases of products.



APSE briefing: Glyphosate- Where do local authorities stand?

This briefing is provided to all APSE member authorities but will be of particular interest to those officers responsible for grounds maintenance, parks and street cleansing services.

Key Issues:

- Following the publication of a report from the International Agency for Research on Cancer (IARC) in 2015 which found that glyphosate was “a probable human carcinogen”, there has been a great deal of debate across the world as to whether the herbicides which include glyphosate are safe to use.
- This debate has been heightened by recent court rulings in the United States which have awarded multi-million dollar damages to citizens who have claimed continued use of glyphosate has caused them to develop cancer.
- National agencies across the world have declared glyphosate to be safe to use, suggesting it poses no threat. However some countries have now decided to ban glyphosate or severely curtail its use.
- Regarding the UK, it continues to say glyphosate based products are safe to use, but local authorities now find themselves caught between legal advice and the moral question of knowing there have been successful claims that glyphosate has caused cancers.
- APSE has therefore produced this briefing note, itself taking legal advice, as to where local authorities stand in this situation.

Background

The mention of glyphosate tends to drive people into two camps: those who advocate its use as a cheap, effective and readily available herbicide, essential to grounds maintenance and agricultural practices all over the country, and a second group who see it as a potentially dangerous carcinogenic substance which should be banned from use.

Glyphosate as a product is rarely used on its own, but as part of a group of chemicals in products such as Roundup, Pathclear or Weedol, which in themselves are far more toxic than glyphosate on its own.

Local authorities across the country still use glyphosate-based products in large quantities, despite calls to reduce chemical use and move towards a more integrated weed management approach.

There are few alternatives to glyphosate and even those which are seen as alternatives are often still in a pilot phase and much more expensive to use, which considering the budget cuts many local authority parks and grounds maintenance services have suffered, do not make these products attractive.

However, recent United States court rulings against Monsanto, the supplier of one of the world's leading glyphosate-based products, Roundup, has led to the awarding of millions of dollars in damages to plaintiffs who claim to have contracted cancer as a result of the prolonged use of glyphosate-based products. Currently there are over 18,400 lawsuits alleging links between Roundup pesticide and cancer going through, or about to go through the US courts. This situation has led many users to reconsider glyphosate's safety as well as the possibility of legal actions being taken against them.

These concerns has resulted in some UK local authorities joining a growing group of organisations and countries around the world which have banned the use of glyphosate and glyphosate-based herbicides.

Therefore the question has to be asked, where does a local authority stand in relation to using a European Union licenced product which has scientific backing as being safe to use, against the possibility of legal action being taken by employees or residents who claim the use of glyphosate has given them cancer.

Safety concerns

The original safety concerns over the dangers from glyphosate came out of a report from the International Agency for Research on Cancer (IARC) in 2015 which found that glyphosate was "a probable human carcinogen".

This report has been roundly attacked by the manufacturers of glyphosate and called into question by many countries' regulatory bodies which argue that glyphosate is safe to use; it has over 40 years of use and 800 studies behind it. However, critics of glyphosate state that many of these studies can be called into question, as a large proportion were commissioned by the industry which created glyphosate and therefore cannot be trusted.

Despite assurances from national and regulatory bodies (such as the European Food Safety Authority) some UK local authorities have taken the decision to either ban glyphosate and glyphosate-based herbicide use totally, or at least in specific areas, such as schools, playgrounds, parks and pavements i.e. areas where there is a high public footfall or where high risk groups are present.

Against such a complicated and conflicting catalogue of information, where do local authorities stand in relation to the continued use of glyphosate-based products whilst at the same time being aware of the potential hazards and legal implications of using this herbicide?

Where do local authorities stand?

Claims to date have mainly been against the suppliers. For instance, in the US, a groundskeeper at a California county school was awarded \$79 million after arguing that his cancer was caused by several years of exposure to Roundup. As noted above, there are numerous other claims ongoing in the US and we are now also seeing litigation outside of the US. A recent claim has been brought in Australia against Bayer (the parent company of Monsanto) claiming that glyphosate was linked to a claimant's cancer. In addition to this claim there are also reportedly landscape gardeners, council workers and farmers seeking to bring further lawsuits.

As the use of glyphosate-based products is still legal in the UK (glyphosate is an approved active substance on the EU Pesticides Database until 15 December 2022), local authorities cannot be criminally prosecuted simply for using these products. Nevertheless, the Health and Safety Executive (**HSE**) enforce regulations relating to the advertisement, sale, storage, supply and use of pesticides as part of a work activity to ensure the health and safety of employees and persons affected by such work activity is protected. Local authorities themselves are required to enforce controls in respect of the advertisement, sale, supply, storage and use of pesticides for those areas not under the HSE's jurisdiction, including sports grounds, gardens and parks.

In particular, the Plant Protection Products (Sustainable Use) Regulations 2012 (**the Regulations**) require a person who uses or permits an individual to use a plant protection product (pesticide) to ensure that all reasonable precautions are taken to protect human health and the environment and specifically notes that the amount of pesticide used and the frequency of use must be as low as reasonably practicable when pesticides are used in areas used by the general public or by vulnerable groups. Failure to comply with the Regulations, as well as general health and safety legislation requiring an organisation to protect the health, safety and welfare of its employees and those affected by their undertaking, can result in a criminal prosecution and fine.

It is therefore imperative that local authorities using glyphosate products are aware of their legal obligations and continue to use these pesticides accordingly. Conducting thorough risk assessments to understand the impact of using these products and putting in place suitable control measures, including the provision of information, instruction, training and personal protective equipment to persons using pesticides directly is fundamental.

Local authorities should also consider the possibility that future civil claims could be made against them by persons exposed to glyphosate-based products. Much like asbestos-related claims, if it can be proven that exposure to glyphosate during the course of employment has links to cancer, there may be the possibility of a compensation claim. The robustness of the risk assessments undertaken and control measures implemented by local authorities will therefore be fundamental to ensuring any such claims can be prevented or challenged in the future.

For members of the public, such as park users, it is likely to be much more difficult (although not necessarily impossible) for them to establish that regularly using a park treated with Roundup or another glyphosate-based product would have caused or contributed to their cancer therefore limiting the ability for successful claims against local authorities. Nevertheless, local authorities should note increasing pressure from resident groups and other interested parties have been seen elsewhere, with members of the public campaigning for organic pesticides to be used or for no pesticides to be used.

In New York, legislation has been introduced to ban glyphosate-based products from public parks and other properties. Other countries, such as Italy and Portugal, have also

imposed bans on the use of glyphosate-based products in public areas. France and Germany, are seeking to phase-in prohibitions on glyphosate use.

In the UK, a number of local authorities have taken their own steps to impose restrictions on the use of glyphosate-based products and other pesticides and herbicides. For example Croydon, Lewes, Glastonbury, Wadebridge and the London Borough of Hammersmith & Fulham are all reportedly banning the use glyphosate-based products in public areas.

Whilst glyphosate currently remains an approved pesticide in the EU, in light of the successful prosecutions around the world and the growing concerns about glyphosate, it may be prudent for all local authorities to carefully consider the scale of glyphosate use, the likely risks arising, the potential to limit the reliance on glyphosate-based products and the ability to find a suitable alternative product to prepare for the future.

Financial implications

Banning glyphosate-based products will come at a cost. The Crop Protection Agency (whose members include major producers of pesticides and herbicides) stated that banning glyphosate-based products would cost councils an estimated £228 million in higher costs to use alternatives. There may also be additional costs involved in terminating contracts and re-procuring alternatives.

The anti-glyphosate lobby argue that there are organic methods to manage weeds and use manual or other mechanical methods (such as foamstream). However, these alternatives also have cost implications for local authorities and glyphosate-based products remain particularly cost-effective for invasive type weeds.

At this stage, local authorities have a choice. The continued use of glyphosate products responsibly (and in accordance with legal requirements) is permitted and allows for a cost effective solution to the need for pesticide use. Alternatively, local authorities may feel public pressure to limit the use of glyphosate products, or ban their use entirely. Either way, all local authorities need to give serious consideration to the future of using glyphosate products.

As the levels of public interest surrounding these products and the number of successful claims continues to grow, the risk of the products being banned in the EU increases as, no doubt, does the appetite of potential claimants. Local authorities should take the

opportunity whilst the use of glyphosate remains lawful to identify an appropriate, cost effective solution and potential alternative products to ensure the financial implications of using glyphosate can be appropriately managed.

As a footnote, Bayer has recently committed to spend £5.6 billion on weed killer research which will reduce its environmental impact by up to 30% through more targeted and reduced use of chemicals. In addition, Bayer has recently signed an agreement with a UK company for exclusive world-wide rights to commercialise its pollinator friendly bioinsecticide. Therefore whilst still claiming there is a place for glyphosate, Bayer are clearly looking at alternative and more nature-based products.

APSE Comment

Unfortunately there is no right or wrong answer to the question is it safe to continue to use glyphosate products.

Some will argue that 40 years evidence proves it is safe to use whilst others will argue a good deal of the research which proves this has come from the manufactures of glyphosate.

There is the issue of successful claims in court that the continued use of glyphosate has led to cancer together with thousands more cases awaiting judgement. There is also the concern that these claims are now appearing in several countries across the globe and if such a case were to be brought in the UK, whether Local Authorities would be able to cope with paying any damages awarded against them, as well as the cost of finding alternatives.

Equally now that we have seen this 'link', proven or not, then morally should we continue using a product which although highly effective and affordable, could potential pose a threat to our residents.

It appears the only realistic option at the moment, until affordable and effective alternatives can be found is to use glyphosate products as sparingly as possible and away from high public footfall areas. The adoption of more integrated weed control approaches is clearly the way to go as this reduces exposure to chemicals and can also improve levels of biodiversity. Obviously there may be a need for the public to accept higher levels of

weeds as a result, but perhaps this is a price they would be willing to accept if it means the potential threat from chemical spraying can be avoided.

Despite protestations from the manufacturers of glyphosate that they are being unfairly treated and the claims are based more on public opinion rather than hard scientific facts, they are now looking at more natural weed and pest control methodologies such as bioinsecticides, which perhaps in the long-run will be the most positive outcome of this debate.

APSE thanks Walker Morris, LLP for their guidance and advice on this briefing. This briefing does not constitute direct legal advice to local authorities and local authorities and other parties should always secure their own independent legal advice on the matters of litigation, risk and health and safety of workers and the public referred to in this briefing.

Wayne Priestley, APSE Principal Advisor

Richard Butterworth
Senior Associate, Walker Morris LLP

Claire Burrows, Senior Associate, Walker Morris LLP

Revised Paper on Glyphosate to the Swansea City and County Council Natural Environment Performance Panel at their meeting at 10 am on 16 December 2019

In March 2006, we attended a conference about the declining numbers of birds in Wales. The changes in Welsh Agriculture from arable to livestock had resulted in a scarcity of fields to provide winter seed feeding for finches. We were asked to consider establishing a sacrificial crop of seeds (e.g. sunflower/barley/linseed/triticale). In the first year 2006 we sowed sunflower/barley and linseed. In July 2006 we commissioned a professional naturalist to do a moth count with three moth traps. He set the moth traps the evening before. When he came at 6 am the following morning we were amazed at the numbers and diversity of moths that the powerful lights had attracted from many miles away. He recorded (and we photographed) 143 species, in numbers up to 500. We asked him whether it was as a result of the sunflowers we had sown. He said no: it was associated with the numbers of insignificant wildflowers (agricultural weeds) that had grown up that weren't being killed by pesticides.

In 2010, we published two photo-journals: *Speckled Bush Crickets* and *The Year of the Bumblebee*. Between 2006 and 2010 we documented huge numbers of insects that seemed to appear from nowhere, as if by magic. It was miraculous. I think those 4 years were the happiest and most productive of my life. We photographed moths, butterflies, bumblebees (seven types), hoverflies, beetles, wasps, lady birds, solitary bees, four types of bush cricket, shield bugs, spiders, in particular the orb web spider and her mating strategy. There were two bat species that benefitted from the profusion of insects, and many swallows, house martins and swifts flew over the fields.

When we sent the book *Speckled Bush Crickets* to an expert on grasshoppers and bush crickets in the Natural History Museum, she said it was the first monograph that had been published on a single species.

Then in 2011, I noticed subtle changes. These were changes that only I could detect, having walked the reserve many times daily for more than 5 years. The orb web spider had disappeared from its position between the hedge and the fence, there were fewer moths and fewer ladybirds. By 2013 I knew there was something seriously wrong. Glyphosate-based herbicides (GBH) were being sprayed on Japanese Knotweed in the valley below us and we were pretty certain they were responsible.

But we had to have proof. In August 2013, we sent samples of river water from areas that had been sprayed with GBH and tap water to the Veterinary University at Leipzig. The level of glyphosate in tap water was 30 ppt. On 18 September 2013 our then Assembly member, Edwina Hart had received a letter from Richard Staton, Head of the Parks Department Re: Glyphosate (Roundup) usage and its potential dangers to human health confirming that they used glyphosate-based products. That it was one of many herbicides approved by DEFRA and until they had a letter from the Health and Safety instructing them otherwise they would continue to use it. He said they didn't have the manpower and resources to remove the invasive weed manually. He suggested that we raised the matter with DEFRA and HSE.

We repeated the analysis a year later in August 2014. The concentrations of glyphosate in tap water had increased ten-fold from 30 ppt to 300 ppt. These were the orders of concentrations of glyphosate that in the laboratory promoted the growth of breast cancer cells.

Between February 2014 and October 2017, I wrote to HSE and DEFRA to ask them to contact the Council and request them to stop spraying GBH because it was poisoning our nature reserve, but they refused to do so. They argued that GBH were still legal. The number of insects in our nature

reserve continued to decline. In 2019, the few butterflies that remained flew around aimlessly not knowing which flowers to take nectar from. They appeared to be brain damaged.

Roundup was introduced in 1975: Japanese Knotweed became Roundup-resistant in the 1980s

Monsanto was invited by the Westminster Government in 1949 to set up a factory in Newport, Wales, to manufacture chemicals for use in engineering and agriculture.

In 1975, Monsanto's test bed for its flagship herbicide Roundup was in Swansea, former centre of the mining industry where Japanese Knotweed grows freely in disturbed soil. Herbicides have turned weeds into invasive weeds. Japanese knotweed *Reynoutrie japonica* (syn. *Polygonum cuspidatum*) was introduced into Europe in the mid-16th Century by an amateur botanist from the Netherlands, Van Reynoutrie (syn: Karel van Sint Omaars). The myth that it was brought in by the Victorians in the late 19th Century, as stated by BBC Wales, has been deliberately spread (presumably by the pesticides industry). For about 500 years it appears to have caused minimal trouble, until the introduction of chemical herbicides in the early 1900s. However, even in the 1969 edition of the Marshall Cavendish Illustrated *Encyclopedia of Gardening*, knotweed was still being recommended as a suitable plant for gardens. In fact, with regard to the compact variety: "It is the most desirable garden form having received the RHS's Award of Merit." A member of the Balsam species *Impatiens roylei* (syn: *I glandulifera*) that was similarly recommended for garden cultivation has also become a monster on waste ground in urban situations.

Japanese Knotweed began to become Roundup-Resistant in the 1980s. **That means it cannot be killed however much chemical is applied.** But Roundup sprayed each month poisons insects, birds that are dependent on insects to raise their young, and mammals. It also damages human health.

The areas surrounding our small nature reserve in Wales are not the only areas that have become biological deserts. There have been apocalyptic declines in global wildlife, presumably because Roundup has been sprayed on farmland, waterways and cities around the world. Areas of farmland in the US growing Roundup-Ready Corn and Soy have become biological deserts with few insects.

Roundup is the most used herbicide in the world. Global Chemicals Outlook II published in 2018 found that glyphosate was No 1 of the top 10 products by volume sprayed on major crops between 1968 and 2016 in the US and its use was increasing.

Helsinki 15 March 2017 The European Chemicals Agency (ECHA) Committee for Risk Assessment (RAC) agrees to maintain the current harmonised classification of glyphosate as a substance causing serious eye damage and being toxic to aquatic life with long-lasting effects.

RAC concluded that the available scientific evidence did not meet the criteria to classify glyphosate as a carcinogen, as a mutagen or as toxic for reproduction.

The committee concluded that the scientific evidence available at the moment warrants the following classifications for glyphosate according to the CLP Regulation:

- Eye Damage 1; H318 (Causes serious eye damage)
- Aquatic Chronic 2; H411 (Toxic to aquatic life with long lasting effects)

<https://echa.europa.eu/-/glyphosate-not-classified-as-a-carcinogen-by-echa>

Almost 35,000 people at risk of permanent sight loss are waiting too long for eye care, according to new statistics from the Welsh Government

In Wales, 35,000 patients are at risk of going blind from macular degeneration and glaucoma while on the waiting list. "It has introduced a new target aimed at prioritising the most urgent patients and preventing those with treatable conditions losing their sight. The figures mean almost 35% of all patients in the highest risk category waited longer than the target time. No health board met the

target to see 95% of the most serious cases on time. The worst-performing health board was Cardiff and the Vale where 48.6% of patients at risk of irreversible sight loss waited longer.”

<https://www.bbc.co.uk/news/uk-wales-48585767>

ECHA classifies glyphosate as a substance that is toxic to aquatic life with long lasting effects

Lesley Griffiths, Minister for the Environment, Energy and Rural Affairs in Wales backs Byelaws to protect declining salmon and sea trout stocks at the Local Inquiry published on 16 July 2019.

“It is clear to see, from the Report, the depth of feeling and passion on both sides of the debate and to see there is common ground between Natural Resources Wales (NRW) and objectors that salmon and sea trout stocks in Wales are suffering an ongoing decline. It is, therefore, generally agreed there is a problem. It is also accepted stock levels must not fall to unsafe levels and should be increased as a matter of urgency. The report recognises many anglers already operate voluntary catch and release and, therefore, the Byelaws will not have an impact on them... The effects of agricultural pollution have a significant impact on the mortality of these stocks. I intend to bring into force regulations to tackle agricultural pollution in January 2020, aligning with the introduction of the Byelaws.”

<https://gov.wales/written-statement-outcome-local-inquiry-natural-resources-wales-proposed-all-wales-salmon-and-sea>

Rosemary Mason 5th November 2019

Agenda Item 7



Report of the Cabinet Member for Environment & Infrastructure Management

Natural Environment Scrutiny Performance Panel – 16 December 2019

Local Air Quality Management Update Report

Purpose:	To brief/update the Natural Environment Scrutiny Performance Panel
Content:	An update on air pollution monitoring in Swansea
Councillors are being asked to:	Consider the information provided and give views
Lead Councillor:	Councillor Mark Thomas, Cabinet Member for Environment & Infrastructure Management
Lead Officer & Report Author:	Tom Price Team Leader Pollution Control and Private Sector Housing Tel: 01792 635600 E-mail: tom.price@swansea.gov.uk

1. Air Quality in Swansea Council

- 1.1 Swansea Council submits an Annual Progress Report (APR) to Welsh Government each year advising upon the assessment of ambient air quality in accordance with the EU objective concentrations. The conclusions reached, for 2018, are that the objectives for benzene, lead and sulphur dioxide have been met and that there is no requirement to proceed any further in reporting upon these pollutants. The Council no longer monitors for benzene and lead and currently has two monitoring locations for sulphur dioxide.
- 1.2 Ozone is monitored at four sites in Swansea. Compliance with the 8-hour mean UK objective (not set in regulation) has been seen during 2018 at Hafod and Morryston. However, the Cwm Level Park (12 times) and St. Thomas sites (32 times) have reported concentrations in excess of $100\mu\text{g}\text{m}^{-3}$ more than 10 times a year.
- 1.3 The Council participates in the UK Heavy Metals Monitoring Network and there are two UK Heavy Metal Network funded monitoring sites, one in Coedgwilym Cemetery and one in Morryston. These sites will remain and have confirmed continued and ongoing compliance with the EU target value for nickel.

- 1.4 All monitoring sites remain compliant with both the annual mean and daily mean exceedance (35 days permitted) for particulate matter PM₁₀.
- 1.5 The main pollutant of interest, for exceeding the National air quality objective concentration in Swansea, is Nitrogen Dioxide (NO₂), for the annual mean objective of 40µgm⁻³. The latest monitoring data from 2018, indicates that concentrations are continuing to decrease from those in 2017 and are following a downward trend over the last five years. There are currently no monitoring locations in excess of the annual mean NO₂ National air quality objective at locations within Swansea. Welsh Government has appraised and accepted the 2019 APR, the document can be viewed via the following https://www.swansea.gov.uk/media/34309/Progress-Report-2019/pdf/Swansea_Annual_Progress_Report_2019.pdf
- 1.6 The Council is currently updating the Draft Air Quality Action Plan, submitted to Welsh Government in 2018, with a view to going out to public consultation in Spring 2020.

2. Actions to Improve Air Quality

- 2.1 The opening of the Morfa Distributor Road and the implementation of the Nowcaster system within the Hafod area, have led to reductions in NO₂ being recorded along Neath Road in 2017 and 2018. Recent junction improvement works carried out on Gower Road, in Sketty, are also indicating a positive effect upon concentrations of NO₂ recorded. Data can be seen in Appendix A.
- 2.2 The Council is looking to test Green Infrastructure works, such as 'living screens', at a site in order to gather data to look at policy development at exposure sites of interest. This project has now progressed to the pre-procurement stage as funding has been obtained via the Council's Conservation Team and their Green Infrastructure Programme.
- 2.3 Council Officers take an active role within the Welsh Air Quality Forum (WAQF) <https://airquality.gov.wales/> engaging with experts to share and learn from best practice.
- 2.4 The Council is taking part in collaborative research with Swansea University to work towards developing interventions, in areas of 'public health interest'. Research, carried out with Swansea University, includes testing behaviour change messages at busy road junctions and specifically looks at the potential effects of engine idling at junctions on local air quality.
- 2.5 The Council has a clause in contracts for vehicles that are contracted by the council, for example school buses. This clause requires that vehicles parked on any public highway, where the layover time exceeds ten minutes, should turn off their engines.

- 2.6 Collaborative works have led to the Council being involved in a research project looking at the digital environment in the City Centre, focusing on the collection of Air Quality, Noise and Parking data. This project commenced in April 2019.
- 2.7 NO₂ monitoring is currently being carried out in the vicinity of the following schools:
- 2.7.1 Bishop Gore Comprehensive – All monitoring data compliant for 2018. See Appendix A for data from the APR 2019.
- 2.7.2 Brynhyfryd Primary – All monitoring data compliant for 2018. See Appendix B for data from the APR 2019.
- 2.7.3 Gorseinon Infants – All monitoring data compliant for 2018. See Appendix C for data from the APR 2019.
- 2.7.4 Morryston Primary – The site, which has been operational since September 2000, is located on Wychtree Street and has returned compliant annual mean data for many years. See Appendix D for data from the APR 2019.
- 2.7.5 Oystermouth Primary (New location)
- 2.7.6 Penllergaer Primary – All monitoring data compliant for 2018. See Appendix E for data from the APR 2019.
- 2.7.7 Waunarlwydd Primary – All monitoring data compliant for 2018. See Appendix F for data from the APR 2019.
- 2.7.8 Ysgol Gynradd Gymraeg Lon Las – Monitoring commenced in February 2019. Provisional mean data for NO₂ from February 2019 to November 2019 is 11.5ugm⁻³. Whilst this site has not been monitoring for the full calendar year the provisional mean is indicating compliance with the annual mean objective concentration of 40ugm⁻³, will be achieved.

3. Key Points Summary

- 3.1 The Council intends to continue monitoring the pollutants detailed in this report. The assessment of locations for NO₂ diffusion tube monitoring will continue and sites returning low concentrations will be closed down in order to allow new sites to be created to enhance the quantitative data available.
- 3.2 The draft Air Quality Action Plan will be issued for public consultation in 2020 and the Council will work with all interested parties to implement schemes/works to achieve Welsh Government's aims to maintain compliance and further reduce public health exposure to pollutants.

- 3.3 Real-time monitoring data is available via <http://swansea.airqualitydata.com/> and data can be downloaded from this site. A review of this site is scheduled for the first quarter of 2020. The Council's data can also be viewed and downloaded via the Welsh Air Quality Forum website <https://airquality.gov.wales/>

4 Legal implications

- 4.1 None

5. Finance Implications

- 5.1 Revenue to fund the monitoring detailed in this report is contained within existing budgets.

Glossary of terms:

APR – Annual Progress Report

NO₂ – Nitrogen Dioxide

ugm⁻³ – micrograms per metre cubed

PM₁₀ – Particulate Matter <10microns

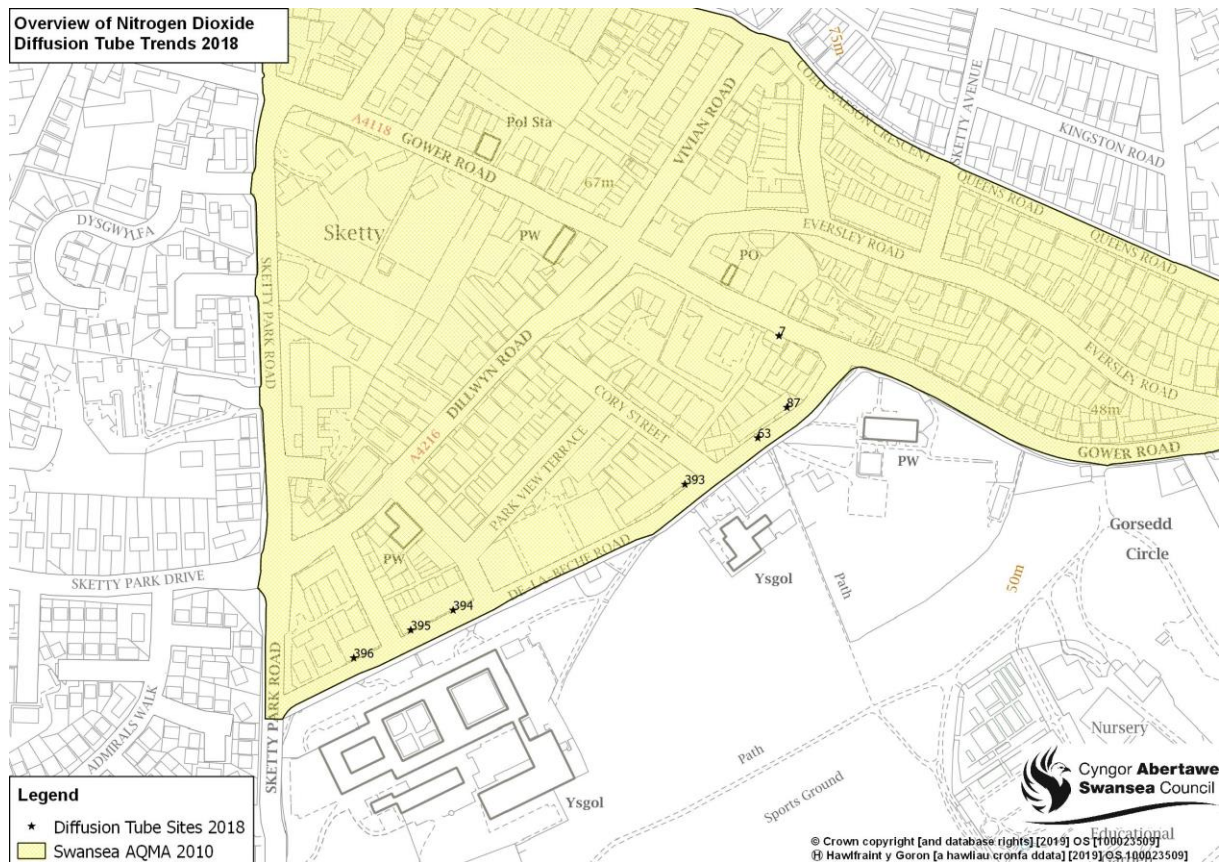
WAQF – Welsh Air Quality Forum

Background papers:

None

Appendix A - Bishop Gore Comprehensive

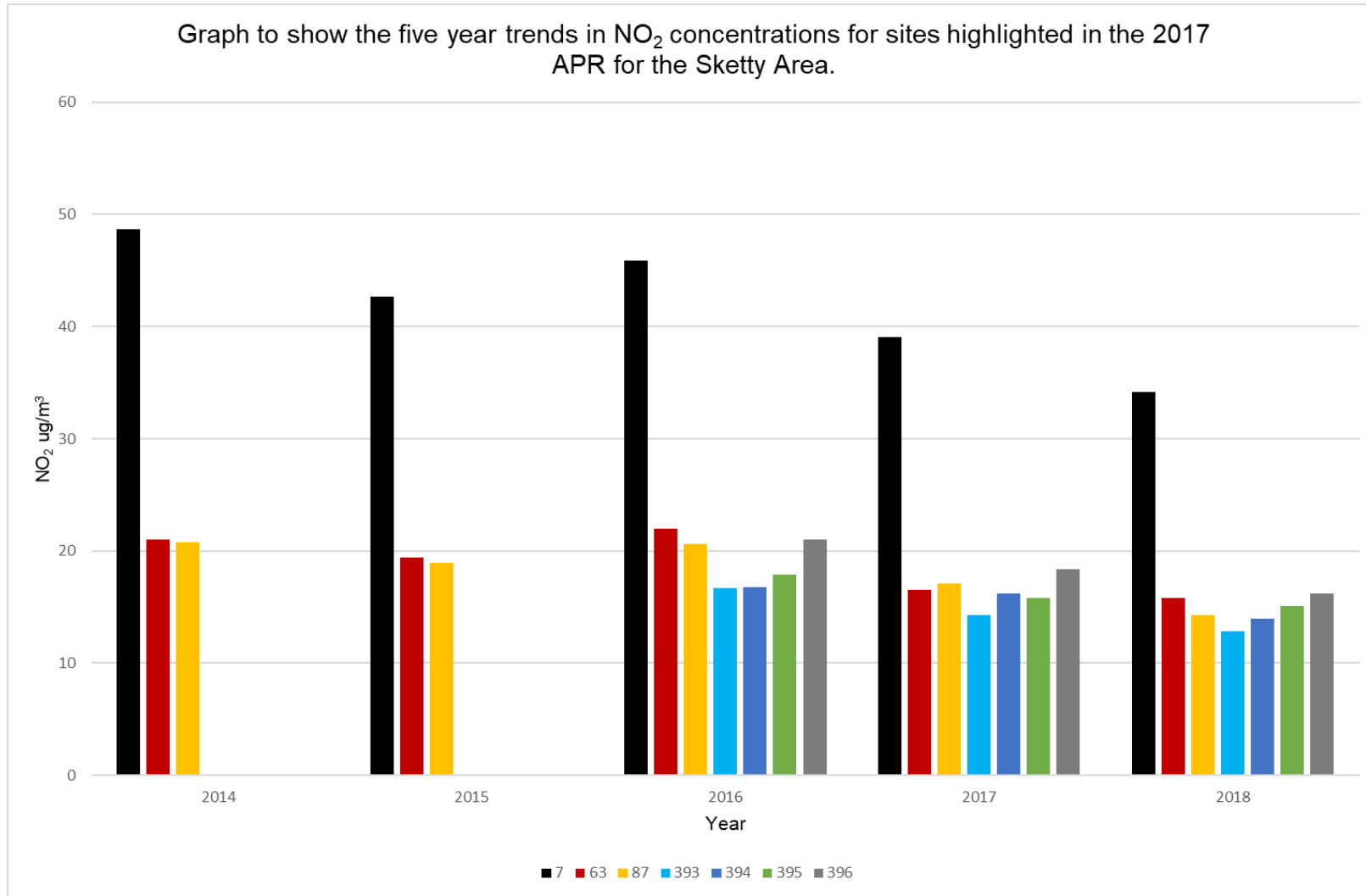
Figure 2.3.1.11 - Map to show Overview of Nitrogen Dioxide Diffusion Tube Trend Sketty Locations 2018



The NO₂ data for the sites is shown in figure 2.3.1.12, below, indicates continued compliance with the Annual Mean Objective Concentration. The diffusion tubes along De La Beche Road also continue to show a reduction in concentration and compliance with the Annual Mean Objective Concentration for the residential exposure.

The monitoring sites on Gower Road, Sketty will remain along with the sites on De La Beche Road in order to create a long-term dataset to assess the effects of the new junction upon the surrounding environment.

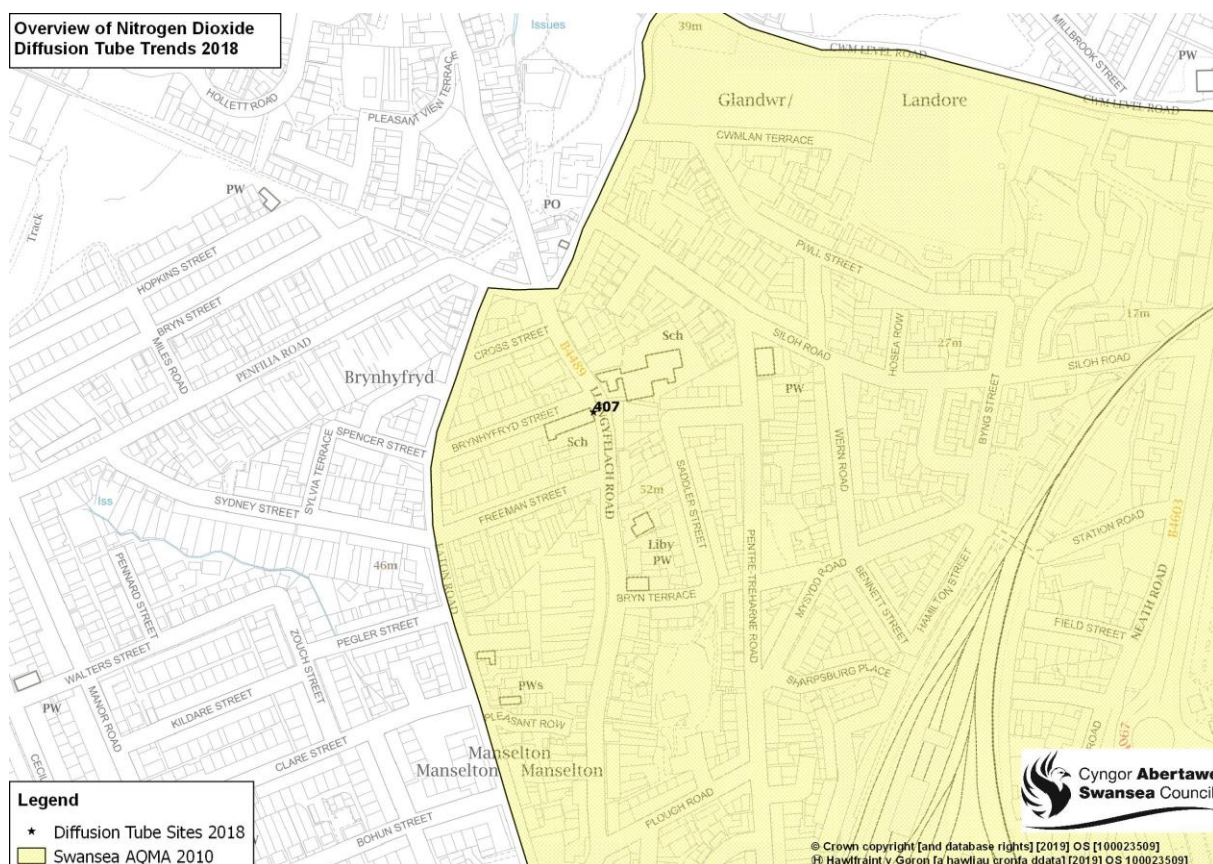
Figure 2.3.1.12 – Trends in Annual Mean NO₂ Concentrations



Appendix B - Brynhyfyd Primary

Figure 2.3.1.30 shows the new site located outside Brynhyfyd Infants School, Llangyfelach Road, Swansea. The B4489 is a busy section of road with an Annualised Average Daily Traffic of 12,744 in 2018. This data is obtained from the Automatic Traffic Counter located on Llangyfelach Road approximately 600m to the south. Brynhyfyd Junior School is located opposite the site, but is set further back from the highway and so the monitoring location chosen was felt to be representative of both the annual mean and Hourly Objective Concentrations. This site was set up in order to respond to queries raised by Friends of the Earth regarding pollutant concentrations due to a short survey they carried out in the area.

Figure 2.3.1.30 - Map to show Diffusion Tube Site 407



Monitoring at the site commenced in April 2017 and achieved 75% (9 out of 12 months) exposure for 2017. The annual mean returned was $20.79\mu\text{g}\cdot\text{m}^{-3}$. The site achieved 100% exposure for 2018 and reported an annual mean concentration of $19.38\mu\text{g}\cdot\text{m}^{-3}$. This site has been established to look at both the annual and hourly exposure, as it is located on the façade of a primary school. Data will continue to be collected here and further monitoring studies are being developed with collaborative partners to further assess the exposure in this area.

Appendix C - Gorseinon Infants



Site ID	Site Type	Monitoring Type	Valid Data Capture 2018 (%) ⁽²⁾	NO ₂ Annual Mean Concentration (µg/m ³) ⁽³⁾				
				2014	2015	2016	2017	2018
295*	Roadside	Diffusion Tube	91.67	30.70	28.50	31.70	26.79	23.69
296	Roadside	Diffusion Tube	100	35.59	31.10	36.27	31.25	28.19

*Distance corrected to Nearest Exposure (Façade)

Appendix D - Morriston Primary

Morriston Groundhog station has been operational since September 2000 and is located adjacent to the southbound slip road to the busy A4067 dual carriageway at Morriston Underpass. To the left of the site and on the opposite side of the dual carriageway is Morriston Primary School. The school buildings abut the red brick retaining wall to the northbound Morriston slip road exit. The A4067 carries on for approximately one mile northbound where it meets the M4 motorway at junction 45. The station has been given a site classification Roadside. Figure 2.1.1.2 below is an aerial view of the site and the surrounding locations.

All equipment is housed within an air-conditioned unit and operates continuously. The equipment comprises of Advanced Pollution Instruments (API) real-time analysers measuring ozone and NO₂.

Figure 2.1.1.2 - Aerial view - Morriston Groundhog

© Crown copyright and database rights 2019 Ordnance Survey 100023509 © Hawlfraint y Goron a hawliau cronfa ddata 2019



Arolwg Ordnans 100023509

Site Type	Monitoring Type	Valid Data Capture 2018 (%) ⁽²⁾	NO ₂ Annual Mean Concentration (µg/m ³) ⁽³⁾				
			2014	2015	2016	2017	2018
Roadside	Automatic	99.94	21.1	20.5	22.3	20.6	18.1

Appendix E - Penllergaer Primary

Figure 2.3.1.24 shows site 404 that commenced monitoring on 3rd March 2017. This site was selected in order to answer a local Ward Member’s query regarding pollutant concentration at the Primary School on Gorseinon Road and the potential exposure of school children at peak periods.

Figure 2.3.1.24 - Map to show Diffusion Tube site 404.

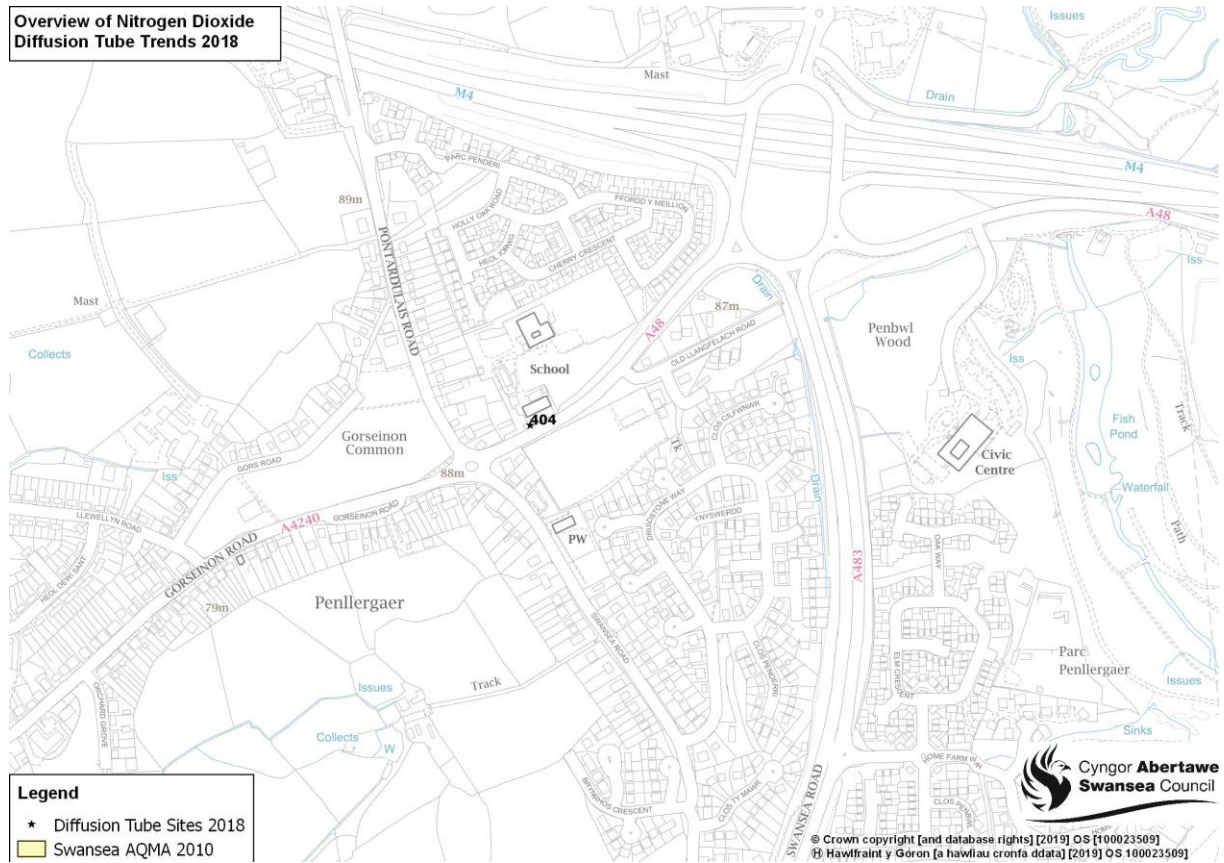
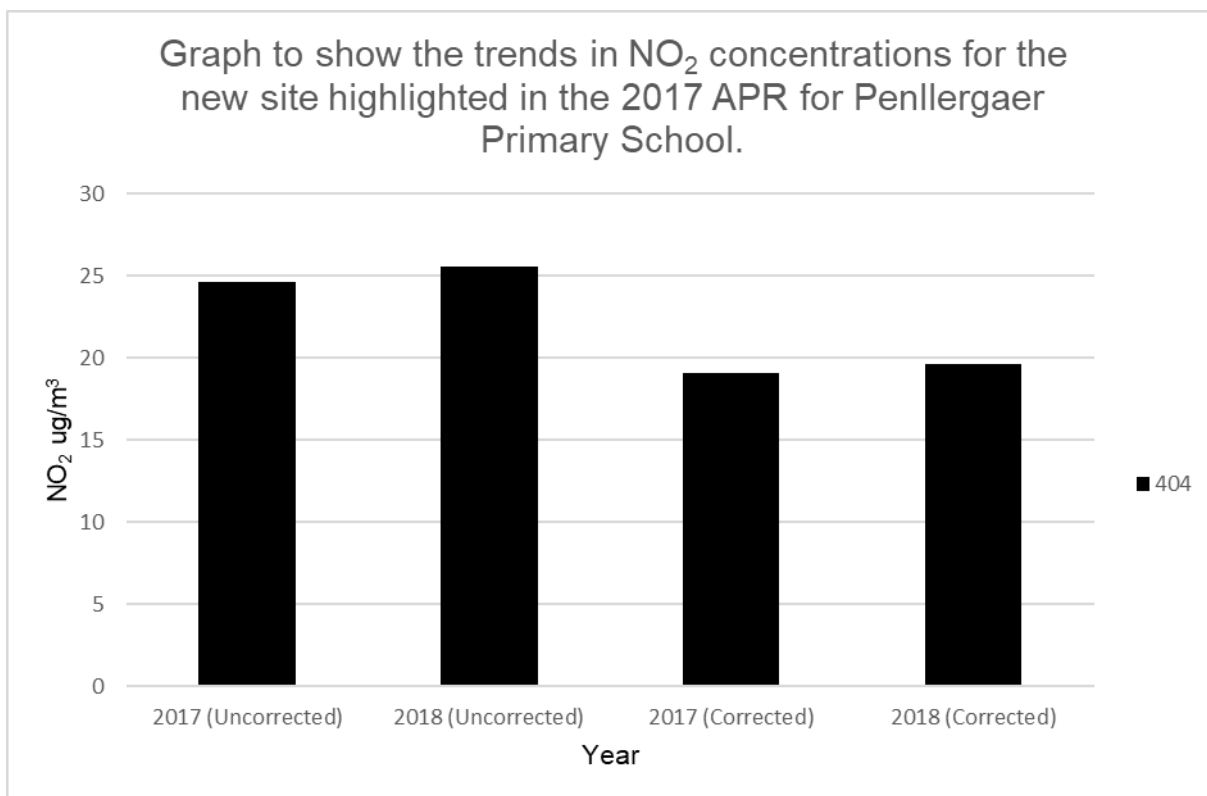


Figure 2.3.1.25 to show the NO₂ ug^m-³ data for site 404



The monitoring location is sited at the fence line of the school. The annual mean concentration of 40ugm⁻³ for NO₂ relates to a façade concentration. The data for this site is displayed as a distance uncorrected annual mean, to assess against the hourly NO₂ Objective Concentration and as the distance corrected façade annual mean. As the table shows, the site is in compliance with the Objective Concentrations. Monitoring will continue at this location in 2019 and will then be reassessed.

Appendix F - Waunarlydd Primary

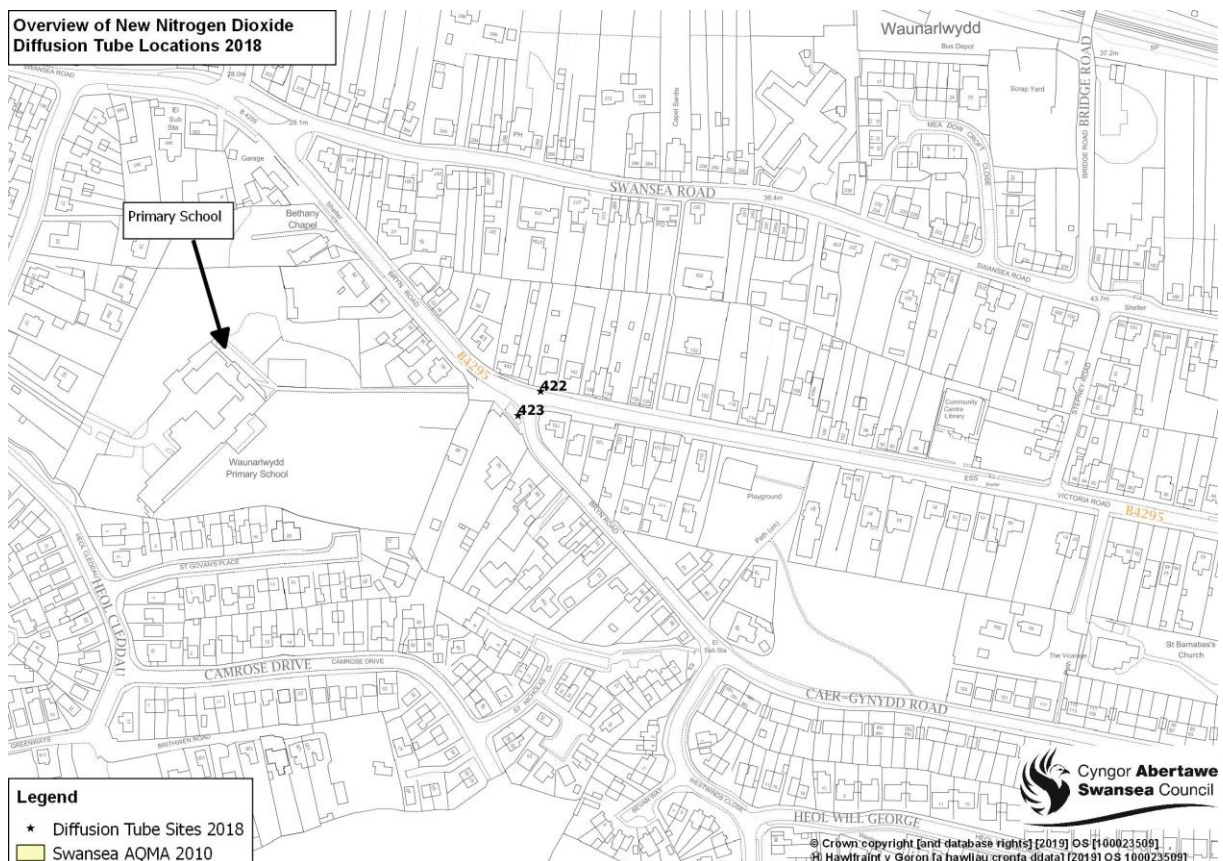
Sites 422 and 423 commenced monitoring on 6th December 2018. These locations were created due to a request from a local Ward Member regarding air quality and the local primary school. The data presented below in table 2.3.1.5 displays the annualised distance uncorrected concentration to assess for the one hour exposure concentration and the distance corrected concentration to assess for the annual mean exposure at the nearest façade.

Table 2.3.1.5 shows the annualised concentrations for 2018, both uncorrected and corrected distance.

	422	423
Uncorrected 2018	18.09	13.64
Corrected 2018	13.54	8.64

Monitoring will continue in 2019 to obtain a more accurate result.

Figure 2.3.1.35 - Map to show Diffusion Tube Sites 422 and 423





Llywodraeth Cymru
Welsh Government



Local air quality management in Wales

Policy guidance

June 2017

Part IV of the Environment Act 1995

Local air quality management in Wales

Policy guidance

PG(W)(17)

Contents

Introduction	1
1 Ways of working	3
2 Long-term thinking	6
3 Policy integration.....	8
4 Involvement	12
5 Collaboration.....	16
6 Prevention.....	18
Annex A Air quality objectives and standards	20

Introduction

Air quality management is a public health priority. Integrated action to improve the air people breathe must be taken internationally, nationally, regionally and locally. The Welsh Ministers issue this guidance to Local Authorities in Wales in accordance with section 88 of the Environment Act 1995 (“the 1995 Act”). Local Authorities, in carrying out any of their functions under Part IV of the 1995 Act, must have regard to this guidance insofar as it relates to those functions.

For Local Authorities to be effective in working towards the national air quality objectives¹, local air quality management (LAQM) must encompass more than just Local Authorities’ functions under Part IV of the 1995 Act. The exercise of those functions must be properly joined up with the management of local air quality under the land use and transport planning, environmental permitting and statutory nuisance regimes, as well as with the carrying out of any other activities, not confined to the public sector, which have a bearing on local air quality.

The Welsh Government wishes Local Authorities to adopt the five ways of working set out in the Well-being of Future Generations (Wales) Act 2015 (“the WFG Act”) when carrying out LAQM. As these ways of working include policy integration and collaboration with partners, this guidance does not confine itself solely to Local Authorities’ functions under Part IV of the 1995 Act but rather seeks to convey the importance of joined-up working to achieve multiple outcomes.

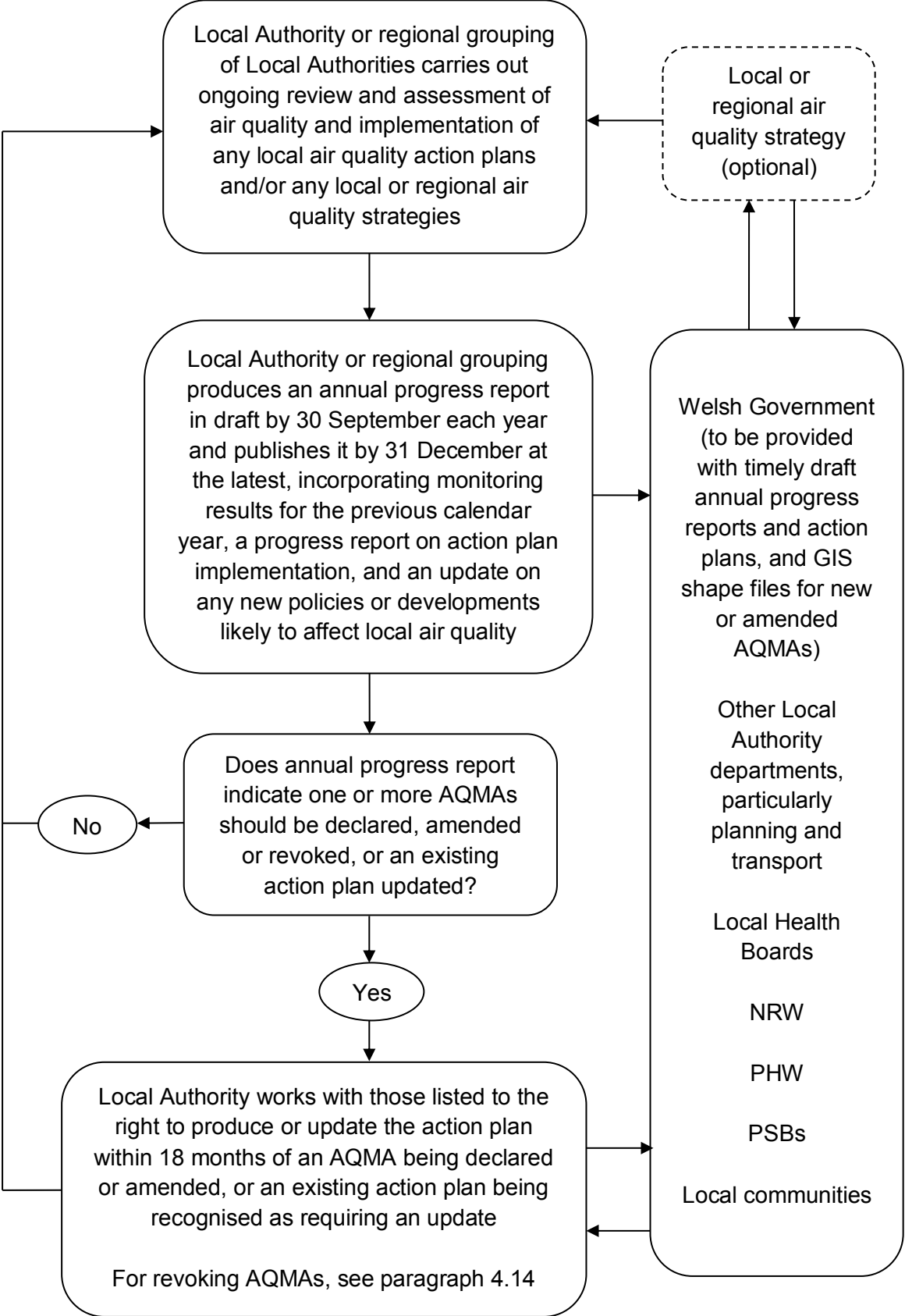
This document is considerably shorter than previous iterations of the Welsh Government’s LAQM policy guidance. It no longer spells out in detail how Local Authorities should go about such activities as public consultation and the processes of developing strategies and action plans. While these remain vitally important, they need to be tailored to local circumstances, and Local Authorities, being bound by the WFG Act, are expected to manage such activities as that Act requires.

Nor does this policy guidance list potential air quality improvement measures and where to find further information on them. Any such list quickly becomes out of date. The intention is for this guidance to provide stability in terms of Welsh Government policy expectations and for it to always be read by Local Authorities in conjunction with the latest expert advice on what works in practice.

¹ The national air quality objectives for Wales are set out in the Air Quality (Wales) Regulations 2000, as amended by the Air Quality (Wales) (Amendment) Regulations 2002.

The purpose of LAQM remains the improvement of human health and quality of life, and the Welsh Government currently has no plans to broaden Local Authorities' specific duties under Part IV of the 1995 Act to include managing the effects of air pollution on sensitive natural habitats. The management of those effects should continue to be addressed robustly through the land use and transport planning regimes, environmental permitting and any other regulatory activities focused on mitigating the environmental impacts of agricultural practices.

THE STREAMLINED LAQM PROCESS



1 Ways of working

- 1.1 The WFG Act requires public bodies such as Local Authorities, Local Health Boards, Natural Resources Wales (NRW), Public Health Wales (PHW) and the Welsh Government to carry out sustainable development. This is the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the seven national well-being goals².
- 1.2 The sustainable development principle defined in the WFG Act is a fundamental part of how public bodies and Public Services Boards (PSBs) must now operate. They must act in a manner which seeks to ensure the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 1.3 The principle is made up of five ways of working public bodies should follow when carrying out sustainable development. These are:
- looking to the **long term** so we do not compromise the ability of future generations to meet their own needs;
 - taking an **integrated** approach;
 - **involving** a diversity of the population in the decisions affecting them;
 - working with others in a **collaborative** way to find shared sustainable solutions; and
 - acting to **prevent** problems from occurring or getting worse.

Box 1.1

The Welsh Government expects Local Authorities in Wales to follow these five ways of working when carrying out LAQM.

² A prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language, a globally responsible Wales.

DOS AND DON'TS

1.4 In light of the above, LAQM in Wales **should not** be carried out in the following ways:

- seeking only short-term solutions to instances of non-compliance with the national air quality objectives;
- seeking to manage air quality separately from the pursuit of other, related outcomes such as better soundscapes, reduced carbon emissions, safer roads, healthier lifestyles and more resilient ecosystems;
- letting the experts decide what's best, and informing the public only after it's all been settled;
- Local Authority air quality officers trying to do it all on their own; or
- waiting for the national air quality objectives to be breached before starting to do something about it.

1.5 Instead, LAQM in Wales **should** be carried out by:

- pursuing long-term, enduring solutions to any existing instances of non-compliance with the national air quality objectives;
- seeking to manage air quality at the same time as achieving other, related outcomes;
- taking every opportunity to talk to the public about air quality challenges, listen to their concerns and seek their views on potential solutions and their involvement in delivering them;
- working actively with internal and external partners to mutual benefit in the delivery of desired outcomes; and
- keeping exposure to air pollution as low as reasonably practicable across the whole of the population, looking out in particular for areas where the national air quality objectives might be at risk of being breached at some point in the future and acting pre-emptively to prevent those breaches from occurring.

2 Long-term thinking

- 2.1 Development Plans are a key element of the planning system in Wales. They are fundamental to planning for sustainable development and provide a firm basis for decisions on land use planning applications and appeals. Planning authorities should work closely with air quality officers when preparing Development Plans and when determining land use planning applications.
- 2.2 Development Plans should ensure consideration is given to the long-term air quality effects of proposed developments and the demand for transport associated with them. They should also ensure consideration is given to the long-term effects air quality may have on people residing in proposed developments.
- 2.3 Land use planning is clearly not the only avenue for addressing the long-term challenges posed by air pollution. Equally important are plans and strategies for promoting cleaner transport and active travel over a Local Authority or regional grouping of Local Authorities, together with the robust assessment of individual transport infrastructure proposals. Transport planners should work closely with air quality officers when preparing and implementing plans and strategies with potential long-term implications for local air quality.
- 2.4 Local air quality action plans drawn up to pursue compliance with the national air quality objectives in air quality management areas (AQMAS) should look for permanent, long-term solutions, not for quick fixes resulting in compliance for only a little while. When prioritising measures, long-term traffic demand forecasting is just as important as understanding the current level of road use.
- 2.5 In all aspects of land use and transport planning, careful consideration should be given to Future Trends reporting³.
- 2.6 The Welsh Government welcomes any Local Authority or regional grouping putting in place a local or regional air quality strategy, whether to keep levels of air pollution as low as reasonably practicable or to tackle non-compliance strategically over an area wider than individual AQMAS. However, such a strategy must not operate in isolation from other policy areas, but be integrated with land use and transport planning, public health, active travel, green infrastructure, road safety and climate change wherever potential long-term synergies and conflicts with those other policy areas are known to exist.

³ <http://gov.wales/statistics-and-research/future-trends>

2.7 Any public body or group of public bodies developing or implementing a local or regional long-term plan or strategy with potential implications for air quality should as a minimum ensure it does not contribute to future breaches of the national air quality objectives. However, the national air quality objectives are not 'safe' levels of air pollution. Rather they represent a pragmatic threshold above which government considers the health risks associated with air pollution are unacceptable. Air just barely compliant with the objectives is not 'clean' and still carries long-term health risks. Nitrogen dioxide and particulate matter currently have no safe threshold defined, and the lower the concentration of those pollutants, the lower the risks of adverse health effects in the exposed population. Therefore, while compliance with the national air quality objectives is essential, it is desirable to keep levels of pollution as low as reasonable practicable.

Box 2.1

Our long-term goal for air quality should be twofold, to achieve compliance with the national air quality objectives in specific hotspots and to reduce exposure to pollution more widely, so as to achieve the greatest public health benefit.

3 Policy integration

- 3.1 Airborne environmental noise pollution, meaning unwanted or harmful sound from transport and industry, has much in common with air pollution. The sources of air and environmental noise pollution tend to be either identical or else closely linked, their transmission pathways are similar, and the most affected receptors are also often the same, typically the people situated closest to the source.
- 3.2 For road traffic travelling at a fixed speed, emissions of both air and noise pollution increase or decrease in proportion to the number of vehicles. The noisiest and dirtiest vehicles are often the same, as are the quietest and cleanest. The levels of both air and noise pollution are highest at the road itself and fall off with distance. Buildings and terrain can obstruct or channel both air and noise pollution. Traffic travelling at very high speeds and congested traffic can result in high levels of both air and noise pollution. In addition, some adverse health effects have been linked to both air and noise pollution, for example increased risk of cardiovascular disease.
- 3.3 For all these reasons, it makes sense to consider both forms of airborne traffic pollution together. Pursuing them separately would at best result in duplication of effort and missed opportunities, at worst in the implementation of conflicting policies.
- 3.4 Whenever developing local air quality action plans or wider policies with a view to improving air quality, Local Authorities should ask themselves the following questions:
- Are there existing environmental noise pollution issues associated with the known air quality issues? If so, can we address them at the same time?
 - Is there a risk of some of our proposed air quality actions making the environmental noise pollution situation worse? If so, how can we mitigate this risk?

Box 3.1

The purpose of LAQM is to improve human health and quality of life. This improvement to health and quality of life will be greater if improved soundscapes are achieved alongside reductions in air pollution.

- 3.5 Green infrastructure refers to natural or semi-natural areas partially or completely covered by vegetation or water in or near built-up areas. It includes parks and gardens, woodlands, allotments, nature reserves, ponds, lakes, rivers, canals, wetlands and off-road paths bordered by vegetation or water, which provide habitat for wildlife and can be used for recreation, education or active travel.
- 3.6 Trees, hedgerows and green infrastructure more broadly can contribute to reducing the harmful effects of air and noise pollution in a number of ways:
- By removing pollution from the air and aiding its dispersion, and by absorbing, scattering and reducing the perception of noise.
 - By putting a buffer distance between sources and receptors.
 - By enabling off-road active travel and making it an attractive alternative to motor vehicle use, thereby reducing both the user's vehicular emissions and their personal exposure.
 - By providing tranquil environments and positive soundscapes, which reduce the stress levels associated with busy roads.
 - By encouraging sport and other outdoor recreation, improving people's overall state of health and thereby building their resilience to the health risks posed by air and noise pollution.
- 3.7 In addition, the presence of trees and hedgerows by the roadside or along a central reservation may have a calming effect, causing motorists to drive more smoothly. However, with regard to the significance of effects such as this, along with the potential of trees, hedgerows and other vegetation to absorb or disperse air pollution, the Welsh Government urges Local Authorities to always refer to the latest advice issued by bodies such as the UK Government's Air Quality Expert Group⁴.

Box 3.2

The Welsh Government is prioritising the delivery of nature-based solutions to improve our social, ecological and economic resilience. Such solutions should be given due consideration in the development of any plan or strategy to address air and/or noise pollution at a local or regional level.

⁴ <https://uk-air.defra.gov.uk/library/ageg/publications>

- 3.8 The adverse impact on local air quality of the uptake of diesel vehicles, which were promoted as being more environmentally friendly for having lower emissions of greenhouse gases than petrol vehicles but later found to have unacceptably high emissions of oxides of nitrogen, is now clearly acknowledged. It is essential we identify and avoid any further potential conflicts between climate change and air quality policy going forward.
- 3.9 There are potentially strong synergies between policies to improve air quality and policies to reduce emissions of greenhouse gases. In general, the sources tend to be the same, with emissions related to fuel consumption in the case of combustion sources, and to levels of activity in the case of other types of source such as intensive livestock units and composting. Measures to reduce emissions of air pollution will often reduce emissions of greenhouse gases, and vice versa.

Box 3.3

Local Authorities' climate change and air quality plans and policies should be closely aligned and integrated where appropriate to maximise any potential synergies and avoid any potential conflicts.

- 3.10 The primary source of local air pollution tends to be road traffic. The solution to local air quality challenges must therefore lie in large part with local and regional transport policies. This includes road traffic management, encouraging the uptake of cleaner technologies, modal shift and active travel. If LAQM cannot influence and work in a joined-up fashion with these policy areas, it cannot possibly succeed. LAQM must also be closely integrated with road safety initiatives, so as to achieve multiple benefits and avoid conflicting policies.
- 3.11 Similarly, LAQM cannot hope to prevent air quality from deteriorating further, nor take advantage of the potential for development to improve air quality, if air quality officers do not maintain an extremely close working relationship with their planning colleagues, both on broad policy and on individual cases.

Box 3.4

Alongside integrating air quality with other environmental policies, interdepartmental policy integration is absolutely essential, particularly in relation to land use and transport planning.

- 3.12 Reducing exposure to air and noise pollution can lead to a healthier, safer and more productive population and a reduced demand on the health service. It is therefore in the interests of the health and public health professions to support action by Local Authorities to reduce the risks and inequalities associated with airborne pollution.
- 3.13 Health and public health professionals, including those in research establishments, can make a valuable contribution to LAQM by helping Local Authorities target their actions to maximum effect, not only in the most polluted areas but also in places where airborne pollution exists alongside deprivation and other risk factors associated with health inequalities.
- 3.14 Health and public health professionals can also help lower risks and disproportionate disease burdens, including in disadvantaged populations, by working in partnership with Local Authorities to communicate important air quality information and advice to the public, particularly where this leads to behaviour change. It is important for such information and advice to be co-ordinated, so as not to send confusing mixed messages from public bodies working in partnership on LAQM.

Box 3.5

Local Authority air quality officers should work with health and public health professionals to integrate LAQM effectively with other local initiatives aiming to reduce health risks and inequalities in affected communities.

4 Involvement

- 4.1 For local communities, including residents and businesses, to play their part in the solution to local air quality challenges, they must first be engaged. This requires they be provided with clear, accurate, timely information on the nature of any problem. Members of the public always have a right to know the state of air quality in their area, even when there is full compliance with the national air quality objectives.
- 4.2 Section 82 of the 1995 Act requires every Local Authority to review the present and likely future air quality within its area. Section 83 requires Local Authorities to designate an AQMA when a national air quality objective is not being achieved, or is not likely to be achieved. Section 84 then requires a Local Authority to develop an action plan for the AQMA. Local communities should be informed and engaged in the course of the first two of these activities so they can then make a useful contribution to the development and implementation of any local air quality action plans or related strategies.
- 4.3 Local Authorities in Wales should focus on monitoring and reporting nitrogen dioxide and particulate matter (PM₁₀). Monitoring and reporting of fine particulate matter (PM_{2.5}) is encouraged but not mandatory. Routine monitoring of other pollutants is no longer required unless there is reason to believe there is a particular local problem with one of them. Such a reason could be a non-compliant reading from the national air quality monitoring network, or a prediction of non-compliance by the national air quality model.
- 4.4 The public is becoming increasingly interested in the health issues associated with nitrogen dioxide and particulate matter, in part due to heightened media coverage. It is no longer uncommon for members of the public to know about the air quality concerns associated with diesel vehicles, while activities seen to generate smoke, dust or odour are likely to make people concerned about the potential health impacts of those activities. It is therefore vital to publish accessible, up-to-date, accurate information on the air quality where they live.

Box 4.1

Local Authorities or regional groupings of Local Authorities should produce a draft annual air quality progress report every year by the end of September, written for the general public and following a template issued by the Welsh Government, and publish the finalised report before the year ends.

- 4.5 Each annual progress report and the data associated with it should be published in an open format and be made available for general re-use under the Open Government Licence⁵.
- 4.6 Local Authorities who are late in submitting their draft annual progress reports will be issued with a reminder and then a warning letter by Welsh Government officials. If they fail to produce their draft report by the end of the calendar year, they will, in the absence of a compelling explanation, be issued with a direction from the Welsh Ministers under section 85(3) of the 1995 Act.
- 4.7 Members of the public have a right to know not only the extent to which they are exposed to airborne pollution, but also whether the relevant public bodies are treating it as a priority. From 2018 onwards, in addition to reporting progress in relation to AQMAs, each annual progress report should also state:
- whether air and/or environmental noise pollution are addressed in the Local Authorities' well-being objectives under the WFG Act, and if so, in what form, and what progress has been made in meeting those well-being objectives to date; and
 - what policies, if any (e.g. relating to land use and transport planning, green infrastructure and active travel), Local Authorities have in place to reduce overall levels of nitrogen dioxide, particulate matter and environmental noise pollution for the population as a whole, taking into consideration the Welsh air quality exposure indicators⁶ and national noise maps⁷.
- 4.8 A Local Authority must by order designate as an AQMA any part of its area in which it appears one or more of the national air quality objectives is not being achieved, or is not likely to be achieved.
- 4.9 When determining the boundary of an AQMA, the Local Authority should make an appropriate judgement based on the extent of predicted areas of non-compliance, the locations of relevant receptors, the nature and location of relevant sources, and other local factors.
- 4.10 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.

⁵ <http://www.nationalarchives.gov.uk/doc/open-government-licence>

⁶ <https://statswales.gov.wales/catalogue/environment-and-countryside/air-quality>

⁷ <http://lle.gov.wales/map/airbornepollution>

- 4.11 Local Authorities should declare or extend an AQMA as soon as possible after recognising the need for it to be declared or extended. A copy of the new or amended AQMA order should be submitted to the Welsh Government and Defra, together with a GIS shape file of the AQMA boundary. The order must also be made public and drawn to the attention of people living and working within the AQMA boundary.
- 4.12 Following the declaration or extension of an AQMA, the Local Authority should immediately begin working with the local community and other stakeholders to develop an effective local air quality action plan in pursuit of full compliance with the national air quality objectives. Ideally the initial draft should take no more than a year to prepare. A draft action plan must 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. A Local Authority failing to produce a draft action plan for review by the Welsh Government within two years of declaring or extending an AQMA will, in the absence of a compelling explanation, be issued with a direction from the Welsh Ministers under section 85(3) of the 1995 Act.
- 4.13 Local air quality action plans should be reviewed and updated whenever deemed necessary, but certainly no less frequently than once every five years. Such reviews should involve input from the local communities.
- 4.14 Local Authorities wishing to revoke or reduce an AQMA should only do so with the approval of the Welsh Government following a review and consultation with the local communities affected. The review should clearly demonstrate national air quality objectives are being met and will continue to be met. In other words, the Local Authority should have confidence the observed improvements will be sustained. Typically this requires three years or more of full compliance, but once the revocation or reduction has been agreed by the Welsh Government, it should occur without delay. Following a revocation, the Local Authority should ideally put in place a local or regional air quality strategy to ensure air quality remains a high-profile issue and conditions are prevented from deteriorating in future.

Box 4.2

Local communities should be involved from the outset in the development of a local air quality action plan. Local Authorities should not wait until the plan exists in draft form before seeking their input. Within 18 months of declaring or extending an AQMA, a draft action plan informed by local community engagement should be submitted for inspection by the Welsh Government.

SCHOOLS AND OTHER SENSITIVE RECEPTOR LOCATIONS

- 4.15 Certain groups are considered to be at greater risk of suffering ill health as a result of exposure to air pollution than the rest of the population. These particularly vulnerable groups include older people and those with pre-existing medical conditions. Babies and children are also particularly vulnerable, since harm suffered at a young age can have impacts lasting far into the future. People undertaking vigorous exercise and therefore breathing heavily may also be at particular risk if simultaneously exposed to high levels of air pollution over a sustained period.
- 4.16 Care homes, hospitals, nurseries, schools, sports grounds and active travel routes are examples of locations where people falling within the above groups may be expected to be found in large numbers. However, older people, those with pre-existing medical conditions, babies, children, and people undertaking prolonged physical activity are not confined to the aforementioned locations and may be found on any residential street in Wales. They deserve the same level of protection wherever they may be. Local Authorities must take a risk-based approach in siting their monitors. This should be informed by where the evidence, including evidence drawn to their attention by local communities, indicates people are likely to be exposed to the highest levels of air pollution.
- 4.17 Schools have a unique role to play in LAQM not so much because they are a place where children are found (they may also be found living in any residential air pollution hotspot), but for two other particular reasons. The first is the significant contribution made by the “school run” to levels of air pollution and traffic congestion on roads within many school catchment areas during term-time rush-hours. (Children are likely to be exposed to far higher levels of air pollution when travelling to and from school than when actually on school grounds.) The second is the potential for schools to help educate children and parents on the issues around air quality and explore potential solutions, such as car sharing and no-idling policies on and around school grounds. Local Authorities should consider engaging with schools as part of their LAQM activities, both to explore options for mitigating the impacts of the school run on society in general and children in particular, and to educate children and grown-ups on local air quality more generally.

Box 4.3

In working towards the well-being of future generations, Local Authorities should give special consideration to the long-term risks posed to babies and children by exposure to air pollution, whether in their homes, in their school or nursery, or travelling between the two.

5 Collaboration

- 5.1 For LAQM to be effective, Local Authority air quality officers must undertake it collaboratively with both internal and external partners. If planning authorities and transport departments within Local Authorities do not take part-ownership of the LAQM work programme, it is likely to amount to little more than an endless cycle of monitoring the problem and, in some places, watching it get worse.
- 5.2 The Welsh Government would like to see Local Authorities undertake LAQM on a regional rather than an individual Local Authority basis wherever it makes sense to do so. Regional working should enable a greater focus on prevention and help bring about better outcomes for people and communities in both the short and the long term. It offers practical benefits in terms of economies of scale, removing duplication, reducing complexity, simplifying activity, ensuring consistency and building workforce resilience in what is a highly specialised policy area, too often dependent for delivery on small numbers of specialist staff. It should decrease the likelihood of missed deadlines due to unplanned staff absence. It should also help to identify, at an early stage, situations where air quality in one Local Authority may be adversely affected by land use or transport decisions made in a neighbouring Local Authority, and to pursue cross-border solutions to shared problems.
- 5.3 The WFG Act puts on a statutory footing PSBs made up of Local Authorities, Local Health Boards, fire and rescue services and NRW. Each PSB must improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the national well-being goals. PSBs must carry out an assessment of local well-being, which should take account of Local Authorities' reviews and assessments of local air quality. They must then set well-being objectives and implement a local well-being plan. Each PSB must publish an annual report on progress towards meeting its well-being objectives.
- 5.4 The Environment (Wales) Act 2016 gives NRW a statutory duty to produce a State of Natural Resources Report (SoNaRR) and area statements which will facilitate the implementation of the National Natural Resources Policy and prioritise action at a local level. Area statements will provide a vital evidence base for the sustainable management of natural resources, including air, to inform and influence public service delivery in Wales. NRW should take account of Local Authorities' reviews and assessments of local air quality when carrying out this work. Both PSBs' assessments of local well-being and Local Development Plans must have regard to NRW's area statements.

- 5.5 Local Health Boards and PHW are well placed to educate and inform the public and decision-makers on matters relating to public health. In addition to preparing SoNaRR and area statements, NRW is the regulator for emissions to air (including noise) from large industrial and waste facilities. Local Health Boards, PHW and NRW should all support Local Authorities wherever they can in the development and implementation of local air quality action plans and local or regional air quality strategies. This support could be through work within PSBs. However, collaboration between Local Authorities and other public bodies on air quality and noise management can and should occur even where it is not a priority for the local well-being plan adopted by the PSB.
- 5.6 Where an appropriate level of co-operation from partner organisations is not forthcoming, Local Authorities should seek to resolve this directly with the organisations in question, escalating to a higher level if necessary. If, and only if, this fails, Local Authorities should bring the case to the attention of the Welsh Government.
- 5.7 Each annual progress report should state whether and how LAQM monitoring, the Welsh air quality exposure indicators and national noise maps have informed or will inform PSBs' assessments of local well-being. If a local air quality action plan does not naturally align with any of the objectives in the PSB's local well-being plan, this should be clearly stated. Air quality officers should find it easier to access this information as the requirements for integration and collaboration required by the WFG Act become embedded in their organisations. The Welsh Government recognises if lines of communication within a Local Authority are not functioning as well as they should, the information being requested here could be more onerous for officers to obtain. This may result in some additional work for officers in the short term.
- 5.8 The Welsh Ministers are the highway authority for motorways and trunk roads in Wales, and take seriously their responsibility for managing the environmental impacts of those roads. The Welsh Government will, where needed, engage constructively with individual Local Authorities and/or PSBs (of which the Welsh Ministers are a statutory invitee) to seek effective remedies to air quality and noise problems arising from the motorway and trunk road network. Conversely, where the national air quality monitoring network or national air quality model identifies or predicts non-compliance with EU air quality limit values (or UK equivalent following EU exit) and the roads in question are the responsibility of a Local Authority, the Welsh Government will expect the Local Authority to register this in their annual progress reports, consider developing remedial plans and work with the Welsh Government to bring those roads back into compliance as quickly as possible.

6 Prevention

- 6.1 Air pollution is estimated to reduce the average life expectancy of each person living in the UK by several months. In Wales, over a thousand deaths and over 10,000 lost life-years are attributed annually to both nitrogen dioxide and particulate matter, and the financial cost of air pollution in the UK has been estimated at around £20 billion per year⁸. In Wales, Local Authorities have declared more than 40 AQMAs to date, one for particulate matter, the rest associated with nitrogen dioxide from road traffic.
- 6.2 Noise emitted by sources of air pollution affects people primarily through sleep disturbance and annoyance, but also through an increased risk of hypertension-related health conditions and impacts on productivity and learning, with a cost to the UK valued conservatively at around £10 billion per year⁹. According to the national noise maps produced in 2012, the homes of more than 200,000 people in Wales are exposed to levels of road traffic noise exceeding World Health Organisation (WHO) night noise guidelines.
- 6.3 The legislation we have inherited is strong when it comes to identifying the problems. However, it has had limited success, to date, in resolving them. We should be able to do better than this, in terms of both finding innovative solutions to existing problems and preventing further problems from arising.
- 6.4 Regardless of where they live and work, people's peak doses of traffic-related airborne pollution will tend to come when they are in transit, travelling along or by the side of busy roads. People living and working in AQMAs are likely to be exposed to higher concentrations of airborne pollution at home and in the workplace than people living and working elsewhere. However, the air pollutants of greatest concern from a public health perspective hold 'non-threshold' status, which means there is no 'safe' level of exposure. As a consequence, the majority of the avoidable health burden is the result of population exposure to airborne pollution outside AQMAs.
- 6.5 The land use and transport planning regimes are key to preventing fresh instances of non-compliance with the national air quality objectives and unacceptable levels of noise from arising as a consequence of new development. There is also some scope for using those regimes to try to maintain levels of public exposure to airborne pollution at as low a level as is reasonably practicable.

⁸ <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution>

⁹ <https://www.gov.uk/noise-pollution-economic-analysis>

- 6.6 Local Authorities and partner organisations may decide something extra is needed to prevent ill health caused by airborne pollution, over and above the air quality and noise provisions contained within the land use and transport planning regimes. Where this is the case, one option which might be considered is a local or regional air quality strategy. The Welsh Government would welcome public bodies working together to produce such strategies. Depending on the priorities emerging from their assessments of local well-being, PSBs could choose to focus on this issue and/or address it as part of wider consideration. Public bodies who choose to come together to develop a local or regional air quality strategy will be best placed to determine what is most appropriate in terms of its scope, form, content and overall level of ambition. The Welsh Government does not intend to impose a one-size-fits-all model in this regard.
- 6.7 Local Authorities who have declared AQMAs should use their local air quality action plans not only to pursue compliance with the national air quality objectives within the AQMA, but also to try to prevent or reduce the harmful effects of airborne pollution both inside and outside the AQMA. This could be achieved in part through work with schools and Local Health Boards.

Box 6.1

Any new or updated local air quality action plan from 2017 onwards should state how actions are being taken forward not solely with a view to achieving technical compliance with the national air quality objectives, but also with a view to maximising their contribution to reducing overall levels of nitrogen dioxide, particulate matter and environmental noise pollution for the population as a whole, so as to achieve the greatest public health benefit.

- 6.8 To be clear, the Welsh Government is not suggesting Local Authorities should be able to demonstrate reductions in air and noise pollution across their entire territory through measurement and attribute those reductions to local air quality action plans. They are, however, being asked to factor any potential benefits in terms of more widespread airborne pollution reduction into the selection and prioritisation of measures in their action plans. This way of thinking should come naturally over time as the ways of working set out in the WFG Act become more prevalent within Local Authorities. In working in accordance with the sustainable development principle, Local Authorities should, as a matter of course, be looking to exploit any opportunities for wider benefits arising from their activities, including the public health consequences of how they select and prioritise actions in their local air quality action plans. Narrative on these wider considerations should be included in action plans.

Annex A Air quality objectives and standards

Table A.1 National air quality objectives contained in the Air Quality (Wales) Regulations 2000, as amended by the Air Quality (Wales) (Amendment) Regulations 2002

Pollutant	National air quality objective	
	Concentration	Measured as
Benzene	16.25 $\mu\text{g}/\text{m}^3$	running annual mean
	5 $\mu\text{g}/\text{m}^3$	annual mean
1,3-butadiene	2.25 $\mu\text{g}/\text{m}^3$	running annual mean
Carbon monoxide	10 mg/m^3	maximum daily running 8-hour mean
Lead	0.25 $\mu\text{g}/\text{m}^3$	annual mean
Nitrogen dioxide	200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year	1-hour mean
	40 $\mu\text{g}/\text{m}^3$	annual mean
Particles (PM ₁₀) (gravimetric)	50 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 35 times a year	24-hour mean
	40 $\mu\text{g}/\text{m}^3$ (WHO guideline 20 $\mu\text{g}/\text{m}^3$)	annual mean
Sulphur dioxide	266 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 35 times a year	15-minute mean
	350 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 24 times a year	1-hour mean
	125 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 3 times a year (WHO guideline 20 $\mu\text{g}/\text{m}^3$)	24-hour mean

Table A.2 Other air quality standards relevant to human health

Pollutant	EU limit or target value	
	Concentration	Measured as
Arsenic	6 ng/m ³	total content in the PM ₁₀ fraction averaged over a calendar year
Benzo(a)pyrene	1 ng/m ³	total content in the PM ₁₀ fraction averaged over a calendar year
Cadmium	5 ng/m ³	total content in the PM ₁₀ fraction averaged over a calendar year
Nickel	20 ng/m ³	total content in the PM ₁₀ fraction averaged over a calendar year
Ozone	120 µg/m ³ not to be exceeded on more than 25 days a year averaged over three years (WHO guideline 100 µg/m ³)	maximum daily running 8-hour mean
Particles (PM _{2.5}) (gravimetric)	25 µg/m ³ (WHO guideline 10 µg/m ³)	annual mean

Agenda Item 8



**To/
Councillor David Hopkins
Cabinet Member for Delivery and
Performance**

BY EMAIL

*Please ask for:
Gofynnwch am:*

*Direct Line:
Llinell Uniongyrochol:*

*e-Mail
e-Bost:*

*Date
Dyddiad:*

Overview & Scrutiny

01792 637732

scrutiny@swansea.gov.uk

4th October 2019

Summary: This is a letter from the Natural Environment Performance Panel from the meeting on 25th September 2019. The letter concerns the Natural Environment Overview the Panel received.

Dear Councillor Hopkins,

On the 25th September 2019 the Panel met to discuss the Terms of Reference of the new Natural Environment Performance Panel and the Overview of current Council commitments in relation to this. The discussion focussed mainly on activity over the last 3 years, but we are aware that Swansea Council has been doing work in relation to this for the last 50-60 years.

The Panel are grateful to all who attended to provide information and answer questions. The Panel do have some thoughts and observations to share with you.

We were told that 80% of Swansea is green space and is extremely diverse with over 50% of the County having significant ecological value. Although there is protection for the environment via a range of site designations and legislation, biodiversity loss and species extinction is a challenge and a risk and more awareness raising is needed.

Recent legislation such as the Resilient Wales Goal in the Well-being of Future Generations Act 2015 and the Environment (Wales) Act 2016 requires specific actions by bodies and biodiversity should be embedded in all policies so it is everyone's business. As a Council we need to submit a Section 6 plan and submit a plan on progress to Welsh Government every 3 years.

We feel as a Council we are amongst leaders in relation to natural environment maintenance and enhancement. There is a Working with Nature objective within the Public Services Board Well-being Plan and we have a new biodiversity Corporate Priority in the Corporate Plan. However, much of the work which is required and desired cannot be undertaken due to resource restrictions.

OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU

SWANSEA COUNCIL / CYNGOR ABERTAWE

GUILDHALL, SWANSEA, SA1 4PE / NEUADD Y DDINAS, ABERTAWE, SA1 4PE

www.swansea.gov.uk / www.abertawe.gov.uk

I dderbyn yr wybodaeth hon mewn fformat arall neu yn Gymraeg, cysylltwch â'r person uchod
To receive this information in alternative format, or in Welsh please contact the above

We heard how recognition of ecosystem services and their role (e.g. trees as flood defence) is rising, along with the benefits of green spaces on well-being, both physically and mentally. It was pleasing to hear that your team is working on a green infrastructure strategy which looks at nature based solutions going forward, we would be grateful to be able to contribute to this at the appropriate time. However, time is of the essence and current Council owned land needs to be immediately managed appropriately and sustainably to ensure there is no biodiversity loss in the interim. For example, connectivity between sites is imperative and allows wildlife to move whenever required and needs to be incorporated into all current physical planning. This Council owns a lot of land throughout Swansea such as parks, education sites, cemeteries etc and it is vital that the most is made of these sites in relation to biodiversity.

We discussed farm land and although it was recognised that some farmland does not hold masses of biodiversity, its contribution to nature must not be underestimated. Hedgerows, trees and the value of peat and its role in carbon absorption should be valued. We were glad to hear the team agree with this and the same applies to common land. You told us that where developments impact farmland, as many natural features as possible are maintained. We feel all green space is beneficial to people and nature.

We were told how the Nature Conservation Team have been mapping land use with use of data from the University and South East Wales Biodiversity Records Centre (SEWBREC) which collates, manages and disseminates biodiversity information. The team have also been ward mapping to identify areas of ecological significance in each ward and will be increasing this as resources allow. We feel this is very important as each ward member should be aware of what is important in their ward so they are better placed to maintain and enhance it.

The issue of planning came up as there is some concern that this may be contributing to biodiversity loss. We were assured that the Nature Conservation Team work very closely with the Planning Services and the Planning Service are passionate about this issue and do whatever they can to maintain and enhance biodiversity within the planning guidelines. Some issues arise outside of the planning process, sometimes prior or post planning permission. For example, tree preservation orders are ignored or land cleared before or after surveys.

The real problem here it seems, is a lack of capacity relating to enforcement not a lack of will. This resource issue is not just limited to staffing levels within the Council and other relevant agencies, but the lack of consequence within the legislation. We need additional support to enforce the rights of nature under planning ecology enforcement. We will be writing to the Minister for Environment, Energy and Rural Affairs to lobby for stronger enforcement and more severe penalties for damaging biodiversity or contributing to its loss. We will also be including in the letter the problem of lack of funding. We as a Council are passionate about these issues but cannot do it alone. Welsh Government need to provide funding for us to do the work we are so keen to do.

You told us of the new Townhill Campus project as an example of a successful green development where as many trees as possible were maintained. We are pleased to hear that policy is turning into action with demonstrable outcomes. This momentum needs to continue and increase. There needs to be a complete culture shift relating to how we think about the environment. All staff need to look for opportunities to improve green spaces and be environmentally friendly wherever possible.

This led onto a discussion around Section 106 agreements and their use. These should be used to enhance biodiversity and there needs to be a discussion about the suitability of the amounts requested. You said you are available for discussions on this issue.

We heard that Community Councils can play a significant role in ecology enhancement. Many are already leaders in relation to nature conservation, but some may not have the specific knowledge around what they can do to help. We must support Community Councils and all community engagement such as volunteers to assist us in this task. The issue of training was raised and you suggested that internal training which will be developed for staff, could be offered externally so everyone can benefit from this knowledge and we can create a Swansea wide approach to biodiversity enhancement. This sounds encouraging, but again there is a resource issue over who can develop and deliver this training.

It was interesting to hear that some churches have now signed up to be 'Eco-Churches' and we are interested to see how this progresses. We do feel that more recycling bins could be placed around Swansea to assist with the issue of litter. Leading on from this, we discussed littering and schools and a concern that if young people are not looking after their local environment it will be hard for them to care about their global environment. We will contact the Cabinet Member for Education Improvement, Learning and Skills to raise the issue.

We were told about the draft green infrastructure policy which has been developed along with Natural Resources Wales and a leading consultant. We are pleased that this is being taken seriously and understand that consultation and engagement with the public will play a large part in this and this is most welcome. We look forward to seeing how green infrastructure develops in the Swansea and hope Swansea continues to be a leader in relation to this with a vibrant and biodiversity filled City Centre.

You made the point in the meeting that environment issues should not be limited to the Nature Conservation Team. We completely agree with this and services including but not limited to Events, Procurement, Highways, Housing, Education and Estates all have vital and major parts to play in relation to biodiversity maintenance and enhancement. Not only is the team too small to cope with the volume of work required, the issue of nature conservation should be built into very basic policies of all teams with no monitoring by the Nature Conservation Team required – like safeguarding and as stated previously, biodiversity is everyone's business.

We were told about a joint project with Natural Resources Wales 'Our Nature, Our Future' and we are pleased that this kind of collaborative work is being undertaken. Sharing knowledge and best practice is the best way to achieve outcomes in relation to nature. However, it does raise the question of wider and more formal collaborative work. Could there be a regional approach to biodiversity? There are many areas of Council work which are scrutinised, advised on or developed at a regional level such as education, regeneration and even transport. It would seem that a regional panel/body looking at collaborative ways to improve biodiversity across South West Wales could share skills, knowledge and resource.

You discussed the next steps which included raising awareness internally and externally, securing additional resources and developing plans and reports. We need to move past the ongoing conflict of ecological value vs financial value and see them as the same thing. We need to deal with internal resistance to change in relation to this if we are to succeed and have all Directors embed this thinking in their plans. Despite some part time temporary external grant funding for a Planning Ecologist, there is still no money from the Council for this role or the Section 6 Officer role. We hope this changes considering the Council have declared a climate emergency.

The Panel will continue to look at issues relevant to the natural environment throughout the year and welcome you to attend any meeting to contribute to the discussion and ideas which arise. The Panel do feel strongly that the issue of biodiversity loss is an emergency and should be treated as such. There can no longer be an economic priority over ecology and we hope to see swift and substantial progress on the issue in the immediate future.

Any thoughts you have are welcome but could you respond to the following query by 25th October 2019.

1. Could there be a regional approach to biodiversity? There are many areas of Council work which are scrutinised, advised on or developed at a regional level such as education, regeneration and even transport. It would seem that a regional panel/body looking at collaborative ways to improve biodiversity across South West Wales could share skills, knowledge and resources.

Yours sincerely,

Councillor Peter Jones

Convener, Natural Environment Scrutiny Performance Panel

✉ cllr.peter.jones@swansea.gov.uk

Councillor Peter Jones
Convener, Natural Environment Scrutiny
Performance Panel

Please ask for: Councillor David Hopkins
Direct Line: 01792 63 7439
E-Mail: cllr.david.hopkins@swansea.gov.uk
Our Ref: DH/JW
Your Ref:
Date: 22 October 2019

BY EMAIL

Dear Councillor Jones

I was pleased to be invited to the Natural Environment Performance Panel meeting on 25th September 2019. I support the comments raised by the Panel as set out in your letter of 4th October 2019 and confirm that I would be available for future discussions on the issue of Section 106 agreements and their use to enhance biodiversity.

I note that since the Panel meeting you have written to Ms Lesley Griffiths, Minister for Environment, Energy and Rural Affairs setting out the Panel's concerns in about a lack of funding for work relating to the natural environment and a lack of deterrent for biodiversity damage in legislation.

Following on from discussions at the Panel meeting you have subsequently asked me: *'Could there be a regional approach to biodiversity? There are many areas of Council work which are scrutinised, advised on or developed at a regional level such as education, regeneration and even transport. It would seem that a regional panel/body looking at collaborative ways to improve biodiversity across South West Wales could share skills, knowledge and resources.'*

I would advise that as part of the drive for greater regional collaboration across the Swansea Bay City Region new governance arrangements being proposed include a joint committee to oversee the coherent management and delivery of strategic land use plans. Land use planning covers both the built and natural environment in order to deliver sustainable places and development as well as strategically managing spatial growth. This means that biodiversity will be an integral component in future decision making at the regional level.

In addition the emerging National Development Framework (NDF) for Wales, which is currently subject of national consultation <https://gov.wales/draft-national-development-framework> recognises the role that natural resources, biodiversity and resilient ecosystems play in placemaking and supporting our well-being and prosperity. It includes a specific policy to this effect which requires local authorities, working with Natural Resources Wales (NRW), to take action at a regional level to secure biodiversity enhancements, safeguard ecological networks, and to maximise the use of green infrastructure and nature based solutions. This complements the emerging NRW Area Statements which will be the subject of monitoring mechanisms.

Specific biodiversity actions will be set out in a Strategic Development Plan (SDP) for the region which will encompass Swansea, Neath Port Talbot and Carmarthenshire Councils. The SDP will cover all regional planning issues and governance arrangements will be put in place to oversee preparation, implementation and monitoring of the plan across all these issues.

Furthermore, regional and national collaboration on biodiversity matters is already well-established amongst practitioners for both the terrestrial and marine environments through, for example, the Wales Biodiversity Partnership, Local Nature Partnerships, All-Wales Association of Local Government Ecologists, CIEEM, CBEEMS, GI Working Groups, etc, which enables shared skills, knowledge and good practice. I would also highlight the fact that natural environment posts are already subject of job-sharing between Councils and this practice will continue as regional collaboration on biodiversity matters will form the basis of future funding bids.

I am satisfied that these proposed and existing arrangements adequately address the Panel's concerns and I do not therefore consider it necessary for a separate regional body to be established to specifically consider biodiversity which would potentially only add a further reporting burden and duplicate workload for already thinly stretched resources.

Yours sincerely



**COUNCILLOR DAVID HOPKINS
CABINET MEMBER FOR DELIVERY & PERFORMANCE**

To/
Ms Lesley Griffiths
Minister for Environment, Energy
and Rural Affairs

BY EMAIL

Please ask for:
Gofynnwch am:

Direct Line:
Llinell Uniongyrochol:

e-Mail
e-Bost:

Date
Dyddiad:

Overview & Scrutiny

01792 637732

scrutiny@swansea.gov.uk

4th October 2019

Summary: This is a letter from the Natural Environment Scrutiny Performance Panel from the meeting on 25th September 2019. This letter concerns a lack of funding for work relating to the natural environment and a lack of deterrent for biodiversity damage in legislation.

Dear Ms Griffiths,

A new Natural Environment Scrutiny Performance Panel has been set up in Swansea Council to monitor and contribute to issues around biodiversity. On the 25th September 2019 the Panel held their first meeting to discuss the Terms of Reference of the new Natural Environment Performance Panel and receive an overview of current Council commitments in relation to this. The discussion focussed mainly on activity over the last 3 years, but we are aware that Swansea Council has been doing work in relation to this for the last 50-60 years.

We felt as a Panel the discussions from the meeting warranted a letter to you to highlight our concerns.

We were told that 80% of Swansea is green space and is extremely diverse with over 50% of the County having significant ecological value. Although there is protection for the environment via a range of site designations and legislation, biodiversity loss and species extinction is a challenge and a risk and more awareness raising is needed.

Recent legislation such as the Resilient Wales Goal in the Well-being of Future Generations Act 2015 and the Environment (Wales) Act 2016 requires specific actions by bodies and biodiversity should be embedded in all policies so it is everyone's business. As a Council we need to submit a Section 6 plan and submit a plan on progress to Welsh Government every 3 years.

OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU

SWANSEA COUNCIL / CYNGOR ABERTAWE

GUILDHALL, SWANSEA, SA1 4PE / NEUADD Y DDINAS, ABERTAWE, SA1 4PE

www.swansea.gov.uk / www.abertawe.gov.uk

I dderbyn yr wybodaeth hon mewn fformat arall neu yn Gymraeg, cysylltwch â'r person uchod
To receive this information in alternative format, or in Welsh please contact the above

We feel as a Council we are amongst leaders in relation to natural environment maintenance and enhancement. There is a Working with Nature objective within the Public Services Board Well-being Plan and we have a new biodiversity Corporate Priority in the Corporate Plan. We have also declared a Climate Emergency.

As you can see, we at Swansea Council are dedicated to maintaining and enhancing the natural environment but we have two substantial issues which continue to stifle and restrict our efforts;

1. A lack of funding from Welsh Government for Local Authorities and other relevant agencies to undertake environmental maintenance, enhancement and enforcement work.
2. A lack of penalties within legislation to deal with and deter people who breach the law and contribute to biodiversity loss

A lack of funding from Welsh Government for Local Authorities and other relevant agencies to undertake environmental maintenance, enhancement and enforcement work

We have dedicated and passionate officers and ward members in this Council who work every day to improve the green spaces of Swansea. This does not include the plethora of volunteers and other agency workers who work closely with us.

There have been various requirements placed on public bodies recently (noted in the legislation above) which require urgent and substantial work, and yet no funding has been made available to help achieve this.

We also lack capacity relating to enforcement and need to be able to fund Enforcement Officers who can deal with issues as they arise, because after the damage is done, it is too late. We need to maintain and enhance the environment and be able to provide enforcement for breaches.

Can you provide us with an outline of your plans to immediately fund work in relation to the Natural Environment so Councils and other organisations can deal with this emergency?

A lack of penalties within legislation to deal with and deter people who breach the law and contribute to biodiversity loss

We, along with other organisations work within legislative frameworks but these frameworks do not empower us to deal with those who breach the legislation. We need to be able to provide effective enforcement in relation to the natural environment.

We need the legislation to be a sufficient deterrent so we can deal with things like planning ecology enforcement swiftly and firmly. There do not appear to be implications for those choose to damage the environment.

Can you provide information on how you plan to deal with the lack of consequence and deterrent within the legislation itself?

The Panel do feel strongly that the issue of biodiversity loss is an emergency and should be treated as such. There can no longer be an economic priority over ecology and we hope to see swift and substantial progress on the issue in the immediate future.

I look forward to your response concerning the issues raised in this letter

Yours sincerely,

Councillor Peter Jones

Convener, Natural Environment Scrutiny Performance Panel

✉ cllr.peter.jones@swansea.gov.uk



Ein cyf/Our ref LG/07136/19

Councillor Peter Jones
Natural Environment Scrutiny Performance Panel
Swansea Council

Bethan.Hopkins@swansea.gov.uk

23 October 2019

Dear Mr Jones

Thank you for your letter of 4 October, regarding funding for work relating to the natural environment and deterrents for biodiversity damage in legislation.

I agree that biodiversity loss is an emergency and should be treated as such. I also agree that awareness raising is important and this is reflected by one of the primary objectives of our Nature Recovery Action Plan, to improve understanding and raise awareness of biodiversity.

Integrating biodiversity into decision-making at all levels is key to delivering biodiversity action so I am very pleased and encouraged to see Swansea Council have included biodiversity as one of their priorities within their Corporate Plan. This represents part of the cultural change that is needed if we are to reverse the decline of biodiversity and I look forward to seeing how action is taken across the Authority.

This integration or embedding approach that we are encouraging is part of the legislative requirements under section 6 the Environmental (Wales) Act, the biodiversity and resilience of ecosystems duty. Actions for biodiversity under the duty will be delivered through the existing functions of public authorities.

As an example, I would hope the Swansea City Deal can provide funding and resourcing for biodiversity through its green infrastructure strategy, as you highlighted when the then Minister for Environment, Hannah Blythyn, visited in November last year. Greenspace and green infrastructure has been shown to be cost effective in improving well-being, and saving health services costs through removing air pollution and encouraging physical activity.

Biodiversity action can also be funded indirectly through the section 6 duty. Where public authorities offer grants for whatever purpose, the biodiversity duty should be cascaded through the funding criteria, requiring applicants to include actions that will benefit biodiversity.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Some biodiversity actions could also have a positive resource implication, such as changes to mowing regimes to encourage wild flowers that reduce the frequency of cuts.

Outside of these legislative obligations, our current approach to providing financial support focuses on delivering activity and outcomes in line with Welsh Government policy priorities, rather than providing funding for specific posts within organisations. Funding for the natural environment is available through our environmental grant schemes which includes the Enabling Natural Resources and Well-being grant. Awards that will benefit Swansea include the Local Nature Partnerships Cymru project which will fund a part time LNP officer and provide £7000 annually for projects. Another successful application was *Biophilic Wales* who were awarded £977,493 for a collaborative project which includes Swansea University and the Swansea University Bay Health Board.

I am also pleased to note that projects in Swansea have been successful with applications to the Landfill Disposals Tax Community Scheme, one of which is your Council's project, *Swansea Vale Wetland Nature Reserve* which was awarded the sum of £48,944.35.

With regard your concerns about the sanctions available, a key aspect of our environmental legislation and policy, such as the Nature Recovery Action Plan and the section 6 duty, is a positive, collaborative and partnership based approach. For example, the latest edition of Planning Policy Wales, provides specific guidance for Local Planning Authorities on implementing the s6 duty, to move away from the 'damage and mitigate' effect of development, to one of working with nature, to maintain and enhance the biodiversity value on development sites.

We will be evaluating the implementation of the section 6 duty by public authorities following the first reporting round at the end of this year.

Notwithstanding this, there are penalties available in appropriate circumstances to enforce breaches of environmental legislation. I am very pleased to see the successful action that Swansea Council has taken against the cutting down of trees in Penllergaer Woods in breach of a Tree Preservation Order. Other legislative options include the Wildlife and Countryside Act (1981) which sets out offences in order to protect wild birds, protected animals and wild plant species.

I am very proud of the work we are doing in Wales to embed biodiversity into our policies and delivery to support resilient ecosystems and our well-being. However, much still needs to be done and we are looking at ways to increase these ambitions, including budget opportunities. The refreshed Nature Recovery Action Plan due at the end of the year, will set out actions to develop initiatives across Government and the wider Welsh nation, recognising the value we must place on our biodiversity and ecosystems.

*Yours sincerely
Lesley Griffiths*

Lesley Griffiths AC/AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Correspondence with Cabinet Member for Education Improvement, Learning & Skills (October 2019)

The Issue:

During the Natural Environment Scrutiny Performance Panel meeting on the 25th September, Councillors discussed the issue of litter and schools.

There was some concern that pupils are littering in and around school, which affected the natural environment.

The Panel requested that the Cabinet Member for Education Improvement, Learning & Skills be asked to advise if there was a general policy covering all schools regarding litter, or whether each school would have their own, which they would implement individually.

An email was sent to the Cabinet Member on behalf of the Panel by the Scrutiny Team.

Response from Cabinet Member Councillor Jennifer Raynor:

Many schools have very active and successful eco committees that lead on environmental issues including litter. A large number of our schools have done a lot to increase the amount of recycling that they do.

I am sure individuals who have concerns would be more than welcome to contact individual head teachers on this issue and potentially meet with the eco committee to offer support and guidance.

Although this is a matter for each individual school, the local authority has provided schools with advice and checklists for this specific area and we would encourage all members of governing bodies to play an active part in this part of a school's life:

Governing Body Site Safety Check List – Half Termly asks:

- Are litter bins secure and undamaged?
- Is the site free from litter, glass or any other dangerous object?

The caretakers/ site managers check list which has been developed to support all premises managers in maintaining a safe working / teaching environment for all employees, pupils and visitors, suggest that daily duties should include:

- Litter pick – all areas

Agenda Item 9

Natural Environment Scrutiny Performance Panel

Work Plan – 2019/20

Panel Meetings	Main Agenda Item(s)
Meeting 1 25 September 2019 Committee Room 5, Guildhall	<ul style="list-style-type: none">• Election of Convener• Overview of Natural Environment (including Council's Policy Commitments / Corporate Plan Detail• Draft Work Plan 2019/20
Meeting 2 22 October 2019 Committee 3, Civic Centre	<ul style="list-style-type: none">• Public Request for Scrutiny – Gull Nuisance
Meeting 3 16 December 2019 Committee Room 5, Guildhall	<ul style="list-style-type: none">• Weed Management• Air Pollution Control
Meeting 4 March 2020 (tba)	<ul style="list-style-type: none">• Follow Up – Natural Environment Scrutiny Inquiry• Local Flood Risk Management
Meeting 5 May / June 2020 (tba)	<ul style="list-style-type: none">• Corporate Objective Performance Review - Maintaining and Enhancing Swansea's Natural Resources and Biodiversity• Ash Dieback

Swansea Council Section 6 Biodiversity Duty Monitoring Report to Welsh Government December 2019

A. Introduction

1. Since 2015, Swansea Council (together with all other public bodies) has been given increased responsibilities and legal duties to maintain and enhance the natural environment and biodiversity as a result of the following:
 - The Well-being of Future Generations (Wales) Act 2015, Resilient Wales Goal: *'A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change)'*
 - The Environment (Wales) Act 2016 (Part 1) Section 6 Biodiversity and Resilience of Ecosystems Duty which requires that : *'A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions'*
2. In complying with the Section 6 Biodiversity Duty, the Council is required to prepare and submit to Welsh Government by the end of 2019 (and then every three years after this date) a report (Section 6 monitoring Report) outlining what it has done to comply with the Biodiversity Duty.
3. Since the Environment (Wales) Act 2016 came into force much work has been undertaken by the Council at both a strategic and operational level to maintain and enhance biodiversity and the resilience of ecosystems.
4. This report is Swansea Council's first Section 6 Biodiversity Duty monitoring Report to Welsh Government. It provides an overview of the key Biodiversity Duty actions and initiatives that the Council has undertaken over the last 2-3 years showing how this work has contributed to the six objectives of the Nature Recovery Action Plan for Wales which are:
 - Objective 1: Engage and support participation and understanding to embed biodiversity throughout decision making at all levels
 - Objective 2: Safeguard species and habitats of principal importance and improve their management
 - Objective 3: Increase the resilience of our natural environment by restoring degraded habitats and habitat creation
 - Objective 4: Tackle key pressures on species and habitats
 - Objective 5: Improve our evidence, understanding and monitoring
 - Objective 6: Put in place a framework of governance and support for delivery.

B. Background

5. Swansea is one of the most ecologically rich and diverse counties in the UK, with over 50% of the County's area being of significant biodiversity value including 17% of

international importance. Its unique variety of habitats and species and wonderful range of parks, greenspaces, nature reserves, beaches and landscapes needs to be maintained, enhanced and sustainably managed for the benefit of everyone now and into the future.

6. More detailed information about biodiversity in Swansea is provided in the Local Biodiversity Action Plan (LBAP) which is currently under review and will become the Nature Recovery Action Plan for Swansea.
<https://www.swansea.gov.uk/article/10113/Swansea-Local-Biodiversity-Action-Plan>
7. Our well-being, prosperity, quality of life, resilience to climate change and future survival is dependent on a healthy resilient natural environment and the multiple benefits (ecosystem services) it provides.
8. However, we know that our natural environment and biodiversity is under threat and in decline due to unsustainable human activities. Habitats and species are being lost at an alarming and unsustainable rate.
9. We need to reverse the loss of biodiversity through reducing harm and unsustainable use and moving to a situation where we are working with nature to maintain healthy resilient ecosystems that will continue to provide long-term benefits.
10. We need to embed the responsibility for maintaining and enhancing biodiversity across all Council services, and work more collaboratively and effectively with our partners to address the challenges we face.
11. We need everyone to understand and appreciate the unique value and fragility of Swansea's outstanding natural environment and to play their part in looking after and enhancing it.
12. In addition, we urgently need to tackle climate change by reducing our use of carbon and by maintaining and enhancing ecosystems and a resilient green infrastructure network to help us mitigate for and adapt to the pressures of climate change.
13. The following section provides an overview of the more significant actions that Swansea Council has undertaken over the past 3 years to meet these challenges and comply with the Biodiversity Duty. They are grouped under the six Nature Recovery Action Plan for Wales Objectives in accordance with Welsh Government guidance

C. Overview of Biodiversity actions and initiatives undertaken since the introduction of the Environment (Wales) Act 2016

14. Many of the achievements outlined in this report were actions already planned that nevertheless met the Biodiversity Duty. There are however additional actions that have been achieved as a direct result of the new Duty. These mainly relate to the embedding of the responsibility for maintaining and enhancing Biodiversity across the whole authority as outlined in Objective 1 below

OBJECTIVE 1

Engage and support participation and understanding to embed biodiversity throughout decision making at all levels

Swansea Well Being Plan –‘Working with Nature Objective’

15. In 2017 the Council and its Public Service Board’s Partners identified and adopted ‘Working with Nature’ as a key priority in Swansea’s Well Being Plan: <https://www.swansea.gov.uk/localwellbeingplan> Council officers and Members have been actively engaged in the working group led by Natural Resources Wales (NRW) and Swansea Environmental Forum (SEF) to develop and deliver an action plan around this objective which states:

‘We want to work with nature to improve health and well-being, maintain and enhance biodiversity, reduce our carbon footprint and improve our knowledge and understanding of our natural environment.’

Scrutiny Inquiry

16. Between April 2018 and March 2019, a Natural Environment Scrutiny Inquiry Panel was established to examine:
‘What should Swansea Council do to maintain and enhance its natural environment and biodiversity and in doing so, promote the resilience of eco-system services?’
17. A report of the Inquiry findings and its 22 recommendations was submitted to Cabinet in July 2019 and an Action Plan for delivery agreed.
<https://democracy.swansea.gov.uk/ieListDocuments.aspx?CId=124&MId=8501&Ver=4&LLL=0> One of the key Scrutiny Panel recommendations was implemented before the end of the Inquiry. This was the addition of a Corporate Objective for ‘*Maintaining and Enhancing Swansea’s Natural Resources and Biodiversity*’, building on the Public Services Board’s ‘Working with Nature’ Local Well-being Objective.

Corporate Priority for Biodiversity

18. In order to ensure that Biodiversity was given greater priority and embedded across all Council services, in October 2018 the Council adopted and published a new Corporate Objective for ‘*Maintaining and Enhancing Swansea’s Natural Resources and Biodiversity*’. The objective identifies 17 ‘steps’ or high level actions to be delivered and these have formed the basis of the Council’s first Section 6 Biodiversity Duty Action Plan. A copy of the Corporate Plan be found here:
<https://www.swansea.gov.uk/corporateimprovementplan>

Questionnaire to Heads of Service

19. In December 2016, and again in 2018, questionnaires were sent to all Heads of Service to raise awareness of the new Biodiversity Duty and to gather information on what each service was already doing to help maintain and enhance biodiversity, and also to ascertain what more could be done and what support might be needed to achieve this. This information has been incorporated into the Council’s Section 6 Action Plan for 2020-2022 which is under preparation.

Corporate Plan and Business Planning Reporting

20. Since the adoption of the new Corporate Objective for Biodiversity, there has been a requirement for the preparation of quarterly and annual progress reports relating to

delivery of the steps or actions set out under this objective, and the associated Performance Indicators as part of the Council's business planning and monitoring processes. The first annual report will be submitted to Council in December 2019

Corporate Biodiversity Working Group:

21. To promote engagement in, and shared responsibility for, delivering the new Corporate Biodiversity Objective, a Corporate Biodiversity Working Group has been set up to help review, monitor and report on progress in delivering the steps /actions listed under the Objective. The terms of reference of this officer group include helping to ensure that biodiversity is integrated into daily business operations and to provide a vehicle for awareness raising and capacity building; cascading information and best practice to all service delivery teams as well as exploring and testing new approaches to delivering the sustainable management of natural resources. It is also responsible for reviewing and monitoring the Council's Section 6 Biodiversity Duty Action Plan.

Scrutiny Panel for Natural Environment and Biodiversity

22. Following on from the Scrutiny Inquiry into how the Council is delivering against the Environment (Wales) Act 2016 and the Well Being of Future Generations Act 2015, a Scrutiny Panel for the Natural Environment and Biodiversity has been established to provide ongoing scrutiny of the Council's progress in meeting the requirements of the legislation and its new Corporate Biodiversity Objective.

Corporate Biodiversity Action Plan /Section 6 Action Plan:

23. The biodiversity actions listed under the Corporate Objective for Maintaining and Enhancing Swansea's Natural Resources and Biodiversity forms the basis of the Council's Section 6 Action Plan. This has been expanded to incorporate additional actions to be delivered over the next 3 years including:
 - Relevant recommendations of the Scrutiny Inquiry/Panel
 - The responses to questionnaires sent to all Heads of Service identifying any additional relevant existing and planned actions
 - Actions put forward by the Corporate Biodiversity Working Group
24. This Action Plan will seek to reverse the loss of biodiversity, promote healthy resilient ecosystems, strengthen green infrastructure and facilitate adaptation to and mitigation for the impacts of climate change. It will seek to ensure that our natural environment, together with the benefits and services it provides, are protected for the benefit of existing and future generations.

Climate Emergency Declaration

25. In June 2019 Swansea Council agreed a Notice of Motion declaring a climate emergency and has committed to a number of actions to work towards reducing the Council's carbon footprint.

<https://democracy.swansea.gov.uk/ieListDocuments.aspx?CId=177&MId=8502&Ver=4&LLL=0>

It has also agreed to report on work undertaken by the Council in this area through the Council's Annual Review of Performance Report.

Swansea Local Development Plan (LDP)

26. The Council's LDP adopted in 2019 includes policies which seek to improve protection for biodiversity and promote ecological resilience in all new developments: <https://swansea.gov.uk/article/48659/Adopted-Local-Development-Plan-LDP> The policies are in line with Planning Policy Wales 10 and provide the appropriate framework for the Council to deliver the Section 6 Duty through the planning decision making process. LDP policies recognise both the importance of designated sites, and the wider ecological network of locally important and undesignated sites. Planning policies will be supported by emerging Supplementary Planning Guidance (SPG) on Biodiversity and Green Infrastructure Networks.

Countywide Green Infrastructure (GI) Strategy

27. Work has begun on preparing a Countywide GI Strategy to set out how all stakeholders can contribute to maintaining and enhancing the County's GI resource.

Green Infrastructure SPG

28. Green Infrastructure SPG is being prepared to provide guidance on the implementation of relevant LDP policies and setting out how all new development should explore opportunities to maintain and enhance the County's GI network.

Raising Awareness and Understanding

29. Numerous activities have been undertaken to raise awareness of biodiversity and the new Section 6 Duty. These include:

Talks and Training Workshops

30. Following its enactment in 2016, a number of training events were held for Council officers and Members to raise awareness of the Environment (Wales) Act and the Section 6 Biodiversity Duty. These have been complemented by a range of other in-house biodiversity training sessions including bat awareness and Aderyn (access to local biodiversity records) training for planners, GI training for officers Members and developers, Japanese knotweed training for Members. The Council has also run a well-attended programme of biodiversity identification and ecology training workshops for volunteers and the public. These have included reptiles and amphibians, mammals, water vole and mink, invertebrates, conservation grazing, invasive non- native species, submitting wildlife records, and ancient woodland survey methodology.

Environmental Events

31. A programme of environmental events is published annually. This provides details of hundreds of free or low cost environmental events in Swansea: <https://www.swansea.gov.uk/environmentalevents>. These are also regularly posted on the 'Love Your Countryside' web site.
32. Guided tours of the County's specialist parks and volunteer days have been particularly popular events, together with an annual series of public 'Seashore Safaris' delivered across the shores of Gower, raising awareness of marine and coastal issues and biodiversity.

Schools

33. The Council supports Foundation Phase pupils to study and learn outdoors, ensuring a respect for nature, biodiversity and ecosystems. In support of this the Council's Nature Conservation Team have provided opportunities for children and young people to engage with nature via a range of initiatives such as:
- Outdoor activities delivered at the Council's Activity Centres in Port Eynon, Rhossili and Bishop's Wood, Caswell
 - Regular field study visits and numerous public events at Bishops Wood Local Nature Reserve
 - Development of an outdoor learning network and a project with four local secondary schools.
 - Delivery of the NRW funded 'Our Nature, Our Future' project, which has enabled children in twenty local primary schools to benefit from advice on how to improve their school grounds for biodiversity. The pupils have also attended field study sessions with outdoor learning experts using wildlife sites that are within walking distance of their school. These schools have also benefited from training for their teaching staff so that biodiversity can be embedded within the curriculum.
 - INSET days have been delivered to build capacity among teachers for working outdoors with pupils. Topics have included: an introduction to outdoor learning; group management and safety; sensory exploration of the outdoors; techniques for investigating biodiversity; environmental art; and using games to explain ecological concepts.
 - Support for the Swansea Neath Port Talbot Forest School programme, which provides opportunities for young people to benefit from an outdoor learning experience in local native woodlands.
 - Support for the RSPB 'Giving Nature a Home' project, which has provided a biodiversity outdoor learning experience for over 87% of schools across Swansea.
34. There are several examples of Swansea schools developing the theme of sustainability in an integrated way. Work within classrooms, through cross-curricular topics aligned to the science and geography curriculum is a key feature of sustainability education. Developing the outdoor environment and establishing links with projects and schools at an international level also supports learners to develop a better understanding of local bio-diversity as well as global citizenship. Numerous Swansea schools have been accredited with the platinum award for eco schools. A few schools have retained their platinum status on re-assessment. (In Swansea 100% of schools are registered to the Eco-Schools programme, 61% have achieved Green Flags and 36% of all schools have received Platinum Awards).

Development of the natural environment within Swansea school grounds has seen vegetable gardens grown, bug hotels opened, raised flower beds sown and literacy trails established. Consumption and waste reduction is a key theme in Swansea schools. A strong willingness by schools to re-cycle and re-use is championed by eco school committee members across Swansea. Nearly all Swansea schools have developed their own eco code to support sustainability. In the current statutory curriculum, schools have suitable resources and opportunities to support the education for sustainable development and global citizenship. In the new Curriculum for Wales 2022 cross-curricular work to develop ethical citizens will feature strongly as one of the

Interpretation

35. Interpretation panels have been designed and installed at Bracelet Bay and Swansea Bay providing information to the public on the rich biodiversity that can be found around the shore.
36. Information leaflets have been produced for Carmarthen Bay European Marine Site, and for Swansea's Ancient Woodlands.

OBJECTIVE 2

Safeguard species and habitats of principal importance and improve their management

The Local Biodiversity Action Plan

37. The Swansea LBAP is under review by the Local Nature Partnership and will become the Local Nature Recovery Action Plan

Biodiversity Supplementary Planning Guidance (SPG)

38. Work has commenced on preparing Biodiversity SPG to assist the implementation of adopted Local Development Policies relating to development and ecologically important and protected sites and species. This guidance will give clear advice on the natural assets located within the County, necessary survey and licencing processes, and the Council's approach to ensuring mitigation and compensation of impact and the delivery of net benefit for biodiversity.

Gower Area of Outstanding Natural Beauty (AONB) Management Plan:

39. This statutory plan adopted in March 2017 sets out the Council's policy for the conservation and enhancement of the natural beauty of Gower AONB, which is a Category V Protected Landscape recognised by the International Union for Conservation of Nature (IUCN) World Commission on Protected Areas. It is defined as: *'A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value; and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.'*

Provision of Ecological Advice

40. Responses to planning application consultations continue to be provided by the Council's Nature Conservation Team to Development Management Officers regarding the possible impacts of developments on protected species, habitats and sites. Recommendations for mitigation, compensation and ecological enhancements are made as appropriate. Similarly, guidance and advice is provided to other Council services, for example, Highways, Housing, Parks, Education and Corporate Property to ensure that their activities and projects do not impact adversely on biodiversity and wherever possible contribute to nature recovery.
41. The team has also provided ecological advice to inform the formulation of ecological policies in the recently adopted LDP, and is beginning to work with the Council's Drainage section to provide biodiversity advice in relation to the new Sustainable Drainage System (SuDS) legislation.

New Designations

42. The Council has supported NRW to designate a new Site of Special Scientific Interest (SSSI) on land it owns in the Lower Swansea Valley (the Six Pit, Swansea Vale and White Rock SSSI)

Management of Council owned sites of ecological importance

43. An ongoing programme of preparing, reviewing and implementing management plans for Council owned Special Areas of Conservation(SAC's), SSSI's, Local Nature Reserves (LNRs), and Sites of Importance for Nature Conservation (SINCs)) has continued to ensure their biodiversity value is maintained and enhanced.
44. The implementation of habitat and species management works has been largely funded through external grant aid from Welsh Government, NRW, Rural Development Plan, National Lottery, Landfill and other grant sources. This work has included:
- Woodland: ongoing rhododendron control in Clyne Valley Country Park, management of SAC woodland at Bishop's Wood Local Nature Reserve.
 - Lowland meadow: bracken control at Duvant Brickworks
 - Grassland/heath: fire breaks in urban commons, at Pwlldu coastal heath/grassland and Kilvey Hill
 - Gower Commons: work has been undertaken to enable grazing of Fairwood Common SAC
 - Fen, marsh, swamp: scrub removal at Swansea Vale
 - Sand dunes: sand dune creation and restoration at Swansea Bay.
45. A small capital grants programme (through the Gower Landscape Partnership) has enabled the Council to manage its own sites and support other SINC landowners to improve the condition of priority habitats and species on their land. For example, sea buckthorn control at Llangennith Burrows.

Farm and business tenancy agreements

46. These are in the process of being updated to ensure the biodiversity value of land is recognised and safeguarded. For example, grazing of marshy grassland at Garth Farm in Glais and grazing of coastal grassland and heath at Pwlldu Cliffs LNR.

Friends of Parks Agreements /Memoranda of Understanding

47. These have been amended to ensure that biodiversity is taken into consideration by the Friends Groups when undertaking management activities or events within their adopted Park or Greenspace.

OBJECTIVE 3

Increase the resilience of our natural environment by restoring degraded habitats and habitat creation

Activities

48. The Council is working with partners and voluntary groups, to improve biodiversity and ecological resilience through restoration of degraded habitats, new habitat creation and improving ecological connectivity. Ecological connectivity mapping has been used to identify gaps and priority areas for habitat creation and enhancement.

49. These habitat and green infrastructure enhancements provide a range of ecosystem services and also help to improve the quality of the residential environment and reduce inequalities in access to greenspace. Practical examples include:
- The creation of verge habitats and wildlife corridors by reducing and carefully timing verge cutting and by substantially increasing uncut areas
 - The creation of new ponds and an otter holt at Llys Nini RSPCA reserve
 - Creation of new ponds at Cadle Heath LNR and Swansea Vale Nature Reserve
 - Conversion of four World War 2 bunkers in Clyne Valley Country Park to create bat habitat
 - Collaboration with Bug Life to create and improve habitat for pollinator species as part of their 'B Lines' project
 - Fencing and planting of thousands of marram grass plants on Swansea beach to create new sand dune habitat and reduce problems caused by wind-blown sand.
 - Installation of dipper boxes on a bridge over the river Morlais in collaboration with the Council's Countryside Access Team
 - Supporting Swansea Environmental Forum's Community Green Spaces project which helps local communities to improve and manage local green spaces.

Tree Planting Projects

50. The Council has supported and delivered a number of tree planting projects through partnership working with the Swansea Tree Forum, Coed Cymru, Coeden Fach, the Woodland Trust, Trees for Cities and local community groups. Wherever possible, native trees of local provenance have been used.
51. A new woodland has been created at Mynydd Newydd Playing Fields in Penlan through the planting of 4000 native trees in collaboration with Trees for Cities. This planting will improve biodiversity and woodland connectivity, help to reduce flooding, provide shelter from the wind and improve air quality
52. The friends of the Ganges Field in Townhill have been supported to plant nearly 1000 native trees to create woodland habitat and improve woodland connectivity.
53. The Friends of Morryston Park have been helped to undertake a community tree planting project, and over 200 native trees have been planted in Brynmelyn Park
54. The Council has provided space in Clyne Gardens to accommodate a new native tree nursery run by Coeden Fach - a local tree nursery charity to develop a source of local provenance trees

City Centre Tree Planting

55. A green artery is being created through Swansea City Centre with several green, tree-lined spaces integrated within development plans for the city. The redevelopment of the Kingsway has seen the planting of the first of 170 new trees. They include alder, birch, cherry, lime, maples and flowering pears. Other city centre tree planting projects, such as the Boulevard and Westway, have seen the Council introduce significantly more street trees and other green areas than were previously present. This has created an attractive street scene and will encourage greater biodiversity.

Tree Planting on Housing Estates

56. A programme of green space improvements have been carried out within Council housing estates to help meet the Welsh Government's Welsh Housing Quality Standard (WHQS) that requires all social landlords to improve the external environment of their housing stock to an acceptable level by December 2020. Wherever possible native species and biodiversity enhancements have been incorporated. In Penlan, 144 semi-mature trees standing 10 to 12 feet tall have been planted alongside residential streets together with wildflower planting on roadside verges.

Hedgerow Hub

57. The Gower Hedgerow Hub, running since August 2018, works with landowners and partner organisations to celebrate, raise awareness and carry out management of hedgerows across Gower and Swansea. The project provides training, volunteer opportunities, advice and funding support to landowners, as well as public walks and crafts sessions. To date, 18 training sessions, 33 volunteer days and 8 public events have been delivered, and over 3000m of hedgerow has been improved by volunteers, contractors, and landowners. There has been a growth in appreciation of, and interest in, this key habitat as a result of the project.

Wildflower Planting

58. The Council's Parks service have continued their popular programme of wildflower planting, resulted in displays at over 180 locations. Seeds including medieval carpet, candy, pixie, honey bee, pastel and express summer are among the wild flower seed mixtures planted on roundabouts, roadside verges, parks and at prominent landmarks.

59. Locations benefitting from wild flowers have included Mumbles Road, Fabian Way, Ravenhill Park, Carmarthen Road, Dyfatty Interchange, Brynmill Park, Parc Llewellyn, Brynmelyn Park, Mayhill Washing Ponds, and land at Ysgubor Fach and Llangyfelach as well as outside the Council's Guildhall offices. For each of the last three years 37,000 square metres of wildflowers were sown - equivalent to about seven football pitches.

60. The Council has also worked in partnership with the Friends of the Botanical Gardens, who are selling the wildflower seeds during their plant sale events.

School grounds

61. The 'Our Nature Our Future' project funded by NRW has enabled landscape design plans to be drawn up for 20 primary schools showing how they could improve their school grounds for biodiversity.

OBJECTIVE 4

Tackle key pressures on species and habitats

Green Infrastructure (GI) Strategy for Central Swansea

62. The Council's Nature Conservation Team working in partnership with NRW and Green Infrastructure Consultancy has drafted a Green Infrastructure Strategy to guide development within the Swansea Central Regeneration Area. The Strategy will

create, connect and improve areas of green space making the city more biodiverse and resilient to the impacts of climate change. Key aims are improving the multi-functionality, ecological resilience and connectivity of urban green spaces; helping to improve the health and well-being of both people and wildlife; and also improving prosperity by encouraging visitors to stay longer and enjoy the city centre.

GI Stakeholder Consultation:

63. The vision and strategy of the draft Swansea Central GI Strategy was informed by the voices of city centre residents and users, including those of the next generation. Several stakeholder involvement events and public consultation activities were held with partners in the public, private and third sector.

Green Space Factor Toolkit:

64. In collaboration with NRW and Green Infrastructure Consultancy a Green Space Factor Toolkit has been produced which will help developers maximise the quality of their scheme's green impact, for example, by designing-in green walls and green roofs. The tool is designed to measure permeability so can also be used to help schemes meet new statutory SuDS standards.

Council Tree Strategy

65. A tree strategy is being prepared setting out how trees on Council owned land will be managed and maintained. The aim of the tree policy will be to maintain and expand tree cover; raise awareness of the value of trees, ensure risks from trees are adequately managed, conserve trees of value and encourage the planting of more trees woodlands and hedgerows. The strategy will also ensure that the Council meets its biodiversity duties in respect of trees.
66. In addition to the compliance expected of Council services, the strategy will also seek to raise awareness of the rights and responsibilities of the public, encouraging "ownership" of the planting and management of trees. The tree strategy aligns with the Local Development Plan policy to protect trees and encourage planting. This explicitly includes the planting of trees and the creation of linkages between existing habitats and in the creation of 'Place', especially where new neighbourhoods are developed.

Enforcement

67. The Council has worked to improve enforcement procedures against wildlife crime and for illegal felling/felling of trees subject to a Tree Protection Order. It has also lobbied for greater penalties for illegal felling of trees. It has successfully prosecuted a major housebuilder and tree contractor for illegal felling of a protected tree and ancient woodland achieving fines totalling over £400,000.

Ash Die Back

68. Thousands of trees are likely to be felled within the County over the next few years due to Ash Dieback. This means the planting of new trees has become increasingly important. Plans are being prepared to replace lost ash trees with other native species.

Management of Invasive Non Native Species (INNS)

69. The Council has carried out actions to control INNS including Japanese Knotweed, Himalayan Balsam, Himalayan Knotweed, Giant Hogweed, Rhododendron, Laurel, Hottentot Fig, Holm Oak, Portuguese Bay, Himalayan Honeysuckle, and Cotoneaster. Sites treated have included Rhododendron in Clyne Valley Country Park, Holm Oak at Pwlldu Bay, Cotoneaster at Port Eynon dunes/Mumbles Hill, Himalayan Balsam at Fairwood Common and Cilibion.
- A programme of Knotweed control is also being rolled out in support of the Welsh Housing Quality Standards programme at Penlan, Bonymaen/Pentrechwyth, and Port Tennant/St Thomas
 - The mapping of areas affected by INNS is being undertaken for the whole county.
 - Planning applications are screened for the presence of knotweed and other INNS and where appropriate planning conditions relating to the control of Knotweed and other INNS are imposed.
 - Collaborative working has taken place with all land holding or land managing departments to treat INNS on Council owned land
 - Guidance has been delivered to the public and advice is provided to landowners in various formats to raise awareness of the problem to help control the spread of INNS
 - New webpages on Japanese Knotweed have been set up on the Council's website.
 - The Council's Commercial Services Team have supported the marketing, promotion and sale of a service that tackles invasive species, i.e. the Japanese knotweed treatment service provided by Parks Service.
 - Natural control trials for knotweed and Himalayan balsam have been undertaken at various locations in Swansea in collaboration with Centre for Agriculture and Bioscience International (CABI) following a rigorous site selection criteria.

OBJECTIVE 5

Improve our evidence, understanding and monitoring

Planning Consultations

70. The Council's Planning Ecologist has monitored planning applications submitted and provided ecological advice and comments to try to ensure no biodiversity loss.
71. Advice has also been provided at the pre- application stage.

Biodiversity Data

72. A Service Level Agreement has been established with the South East Wales Biodiversity Record Centre (SEWBREC) for the past 2 years to enable access to Aderyn and to provide biodiversity information in relation to planning applications received. In addition SEWBREC have undertaken a review of SINC sites to record those that have already been lost to development. They have also provided a list of priority habitats and species known to be present in Swansea and Gower.

GI and Biodiversity Mapping

73. The Council has undertaken a collaborative project with NRW, Neath Port Talbot and Bridgend Councils and Public Health Wales to map existing green infrastructure and ecosystem resources and identify priority areas for improvement.
74. A process of developing GI and biodiversity maps at a ward level to identify opportunities for enhancement has also begun.

Tree Register

75. The Council has 900 woodlands that contain an estimated 250,000 trees and 38,000 individual trees, mapped and surveyed in Parks, Schools, Cemeteries, and Housing Land & Highways.
76. Tree planting on Council land is now a performance indicator (since April 2019). In addition to providing a register of tree loss/gain on Council owned land, future work involves the mapping of suitable areas for tree planting on Council owned land and the setting of annual targets for planting.
77. A survey of Ancient Woodlands on Gower was undertaken as a collaborative project between the Nature Conservation Team and County Archives.

Asset Review

78. A scheme of work is currently planned to review all Council assets in terms of biodiversity.
79. Actions include:
 - A biodiversity audit of all Council owned SINC's,
 - A biodiversity audit of land identified for disposal
 - A review of grazing agreements

Ecological Surveys

80. A number of ecological surveys have been commissioned to inform, management proposals, plans and projects on Council owned land.
81. These include Phase 1 survey, breeding birds and reptiles at Felindre; and otters, water vole, ponds and watercourses surveys at Swansea Vale.
82. In summer 2017, the Nature Conservation Team supported a Bioblitz at the RSPCA's Llys Nini wildlife site.
83. Detailed environmental impact assessments are undertaken by Corporate Property in respect of all sites sold by the Council. Where ecological or environmental issues are identified relevant mitigation and or compensation works are incorporated into any final scheme.

Species Monitoring

84. Annual monitoring of selected species is being undertaken by the Nature Conservation Team. This includes:
 - INNS - Hottentot Fig on three Gower AONB sites
 - Spartina in Swansea Bay SSSI

- Sand martin tubes on River Tawe embankment
 - Barn owls throughout the County area
 - Otters - annual NRW fixed point surveys at Clyne and River Tawe corridor
 - Survey of greater horseshoe bats at Duvant tunnel hibernation site
 - Vegetation monitoring within newly created dunes on Swansea Bay
85. As a member of the Relevant Authority Group for Carmarthen Bay & Estuaries European Marine Site (CBEEMS), the Council is supporting two NRW research projects:
- The effect of sheep grazing of saltmarsh for commercial shellfisheries in Burry Inlet.
 - The Impact of Non-licensed Activities, particularly bait collection and removal of living resources on site features, for example, within Carmarthen Bay and Estuaries SAC.

OBJECTIVE 6

Put in place a framework of governance and support for delivery

Governance

86. As outlined under Objective 1, a Corporate Biodiversity Working Group has been established to coordinate, implement, monitor and review the Council's new corporate priority for Natural Resources and Biodiversity, and the Council's Section 6 Action Plan, and to ensure that biodiversity is embedded across the Council. This builds on the substantial work already undertaken across the organisation and will enable all Council Services to be increasingly ambitious in the way they engage with natural resources in future.
87. Monitoring of progress in delivering the Section 6 Duty will be reported through the Council's business planning processes, and scrutinised by the new Biodiversity Scrutiny Panel.
88. The Council's Biodiversity Champion and Biodiversity Cabinet Members are actively engaged in promoting and supporting the delivery of the Biodiversity Duty, as well as a number of other ward councillors who fund biodiversity projects from their community budgets.

Staffing and Resources

89. The Council has a small Nature Conservation Team who currently lead on co-ordinating and reporting on the Section 6 Plan. There is no dedicated Section 6 or Biodiversity Officer at present. It is expected that staff in other service areas will become more involved as the Corporate Working Group evolves.
90. Most of the activities detailed in this report have been delivered by the Council's Strategic Planning and Natural Environment Service, but other Service areas have played a key role, notably Parks, Regeneration, Housing and Highways. Some Service areas are beginning to work collaboratively to identify pilot initiatives which benefit biodiversity, and have started to consider biodiversity opportunities each year as an integral part of delivery of capital investment priorities.

91. Apart from funding for core staff, there is no dedicated Council budget for biodiversity, so most of the initiatives undertaken are reliant on obtaining external funding, (which by its nature makes it difficult to commit to long term projects or retain grant funded project staff). Significant sums of external grant aid have been secured over the last 3 years, including grants from Welsh Government, NRW, Heritage Lottery, Landfill, and the RDP

Volunteering

92. The Council has increased capacity to meet its Biodiversity Duty by involving and supporting the local community and volunteers to identify and deliver initiatives that maintain and enhance the natural environment as outlined below:

Swansea Wildlife Volunteers

93. With grant, funding from Welsh Government and NRW the Council has developed and supported a strong volunteer base to help with practical wildlife site management and enhancement works. A temporary volunteer co-ordinator post has been created to develop and co-ordinate a programme of practical conservation tasks and training workshops for volunteers, and a volunteer database has been established. As well as delivering biodiversity benefits, this project has enabled participants to gain skills and confidence.
94. Funding has also been accessed to launch a Gower Hedgerow Hub. This initiative is training volunteers in skills that will help sustain the vitality of Gower's hedgerows for years to come.

Supporting Community Engagement

95. The Parks and Nature Conservation Teams have helped to establish and support numerous Friends of Parks and Friends of Wildlife Sites groups to assist with the management of Council owned parks, semi natural open spaces and wildlife sites. Commercial Services have worked with Parks to generate new income and thus safeguard green assets. Many of the groups have been successful with grants as they are able to apply for funding that the Council is unable to access.
96. A memorandum of understanding has been produced in partnership with the groups, which will assist with future funding applications. This has recently been updated to ensure that biodiversity is taken into account when the Friends are planning management and improvement works or events in parks.
97. There are currently nearly 30 active Friends of Parks groups currently being supported. The Nature Conservation Team are working with and supporting Friends groups at a number of wildlife sites, including Mayhill Washing Lake, Kilvey Community Woodland, Rosehill Quarry, Swansea Vale, Penllegare Valley Woods, Llys Nini, Bishop's Wood LNR and Mumbles Hill LNR.
98. The Team also provides advice and support to the Swansea Community Greenspace project and has helped several site based projects and helped to develop a web-based toolkit for groups and individuals who want to set up get involved in a community green space project. <http://swanseacommunitygreenspaces.weebly.com/>

Partnership Working

99. Swansea Council has a strong track record of partnership and collaborative working within the environment sector and over the past 3 years has continued to play an important role in supporting the work of the following key environmental/ partnerships:

- Swansea Environmental Forum (SEF)
- Swansea Local Nature Partnership
- PSB 'Working with Nature' Task Group
- Gower AONB Partnership
- Wildlife Trust of South and West Wales
- Carmarthen Bay and Estuaries European Marine Site RAG
- Forest School Swansea Neath Port Talbot
- Coed Cymru
- Wales Biodiversity Partnership

D. Concluding remarks

100. This report shows that since 2016 Swansea Council has made significant steps towards implementing plans, projects and initiatives to ensure that the Council meets its Section 6 Biodiversity Duty and deliver against each of the 6 objectives of the Nature Recovery Action Plan. Much good work was already being done, but the strengthened legal and policy framework has helped to ensure that greater priority is given to the natural environment and biodiversity across the breadth of Council Services.
101. At the heart of this progress was embedding the natural environment and biodiversity into the PSB's Swansea Well Being Plan and the Council's Corporate Plan. In addition the biodiversity Scrutiny inquiry and its recommendations has had a significant impact in terms of raising awareness of the Duty and highlighting areas for improvement.
102. There is a growing awareness of the importance of biodiversity across the authority and an increasing willingness in some areas to take biodiversity into account and try to achieve biodiversity gain when delivering services, but there is still a great deal to be done .
103. The lack of financial and staff resources to provide specialist advice and support and deliver on all identified and future actions was recognised by the Scrutiny committee, as was the need for culture change within and outside the organisation to address conflicting priorities and identified barriers
104. Long term solutions to build capacity will need to be identified over the next reporting period and set out in the Council's action plan if we are to make the changes needed to meet the challenging and urgent targets for biodiversity recovery and tackling climate change.
105. The newly formed Corporate Biodiversity Working Group will be key to addressing these issues and continuing the progress on embedding Section 6 across all Council services, as well as working more collaboratively and effectively with our partners to address the challenges we face.