

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL



**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

**Licensing and Public Protection Committee
05 September 2023**

Report Title: Revocation of Little Madeley Air Quality Management Area

Submitted by: Service Director- Regulatory Services

Portfolios: Sustainable Environment

Ward(s) affected: Madeley & Betley

Purpose of the Report

To advise on the outcome of a four week consult on the making of an Order under the Environment Act 1995 to revoke the Little Madeley Air Quality Management Area and to recommend that the revocation order is accepted and confirmed

Recommendation

That Committee:-

1. Formally approves the Little Madeley Air Quality Management Area Number 4- Revocation Order 2023 and for this to take effect from the 6th September 2023.

Reasons

The revocation of the Little Madeley Air Quality Management Area is encouraged by DEFRA as the AQMA is no longer required as measured levels of nitrogen dioxide have been below nationally set Air Quality Objective Levels between 2016 and 2022.

1. **Background**

- 1.1 Part IV of the Environment Act 1995 introduced a requirement on all local authorities to carry out duties in relation to local air quality management. All local authorities are obliged to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives for different pollutants are likely to be achieved.
- 1.2 Where it is likely that air quality levels are such that certain pollutants are above specified levels the Local Authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 1.3 Air quality objectives have been set for 7 pollutants, but only Particulate Matter (PM₁₀ and PM_{2.5}) Nitrogen Dioxide (NO₂) are seen as a potential problem in most locations in the U.K.
- 1.4 In 2015, an AQMA in Little Madeley was declared in line with duties prescribed in the Environment Act 1995. This is shown in Appendix 1. The AQMA was declared due to a likely breach of the annual mean Nitrogen Dioxide national air quality objective of 40 µg/m³. This was due to there being residential receptors presenting relevant exposure in close proximity to busy roads.

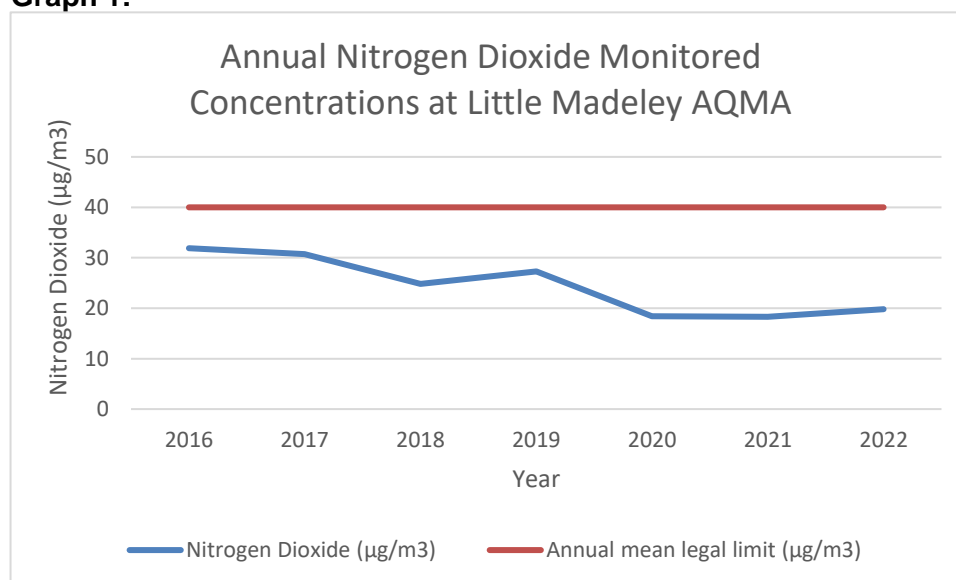
2. Issues

- 2.1 Air Quality in this location is heavily influenced by traffic using the M6 motorway which runs within 20 metres of the nearest relevant receptor at Collingwood, 3 Newcastle Road. The nearby M6 being the major contributor to nitrogen dioxide emissions in this location.
- 2.2 The Council has been monitoring nitrogen dioxide concentrations in the AQMA since that date and for the past 7 years the concentrations have fallen to a level well below the 40 $\mu\text{g}/\text{m}^3$ standard as shown in the Table 1 and Graph 1 below:

Table 1: Annual Nitrogen Dioxide Monitored Concentrations at Little Madeley AQMA

Year	Nitrogen Dioxide ($\mu\text{g}/\text{m}^3$)
2016	31.9
2017	30.7
2018	24.8
2019	27.3
2020	18.4
2021	18.3
2022	19.8

Graph 1:



- 2.3 Due to the prolonged period that the concentrations have been significantly below the Air Quality Objective in the AQMA, the service is confident that the reduction is permanent and not due to annual variations as a result of, for example, meteorological conditions.
- 2.4 The specific reasons for the reductions are likely to be a combination of factors, but the key reason will be the reduction in the number of old polluting vehicles and improvements in emission standards for newer vehicles.
- 2.5 The conclusion that the AQMA can be revoked has been approved by the Department for Environment Food and Rural Affairs (DEFRA) following submission of the Council's Annual Status Reports for 2021 and 2022.
- 2.6 Following a report to Committee in December 2022, your officers have now formally consulted with a number of organisations and interested parties seeking comments on the proposal to revoke the AQMA.

2.8. No objections to the proposal to revoke the Little Madeley AQMA have been received.

2.9 Given the previous advice from DEFRA and in consideration of the last seven years monitoring results, it is now considered appropriate for the Council to make an order under section 83(2)(b) of the Environment Act 1995 to revoke this AQMA. This order is produced in Appendix 2.

3. **Proposal**

3.1 That Committee:-

Formally approves the Little Madeley Air Quality Management Area Revocation Order 2023 and for this to take effect from the 6th September 2023.

4. **Reasons for Proposed Solution**

4.1 The air quality in Little Madeley No 4 Air Quality Management Area has been well within the National Air Quality Objectives for at least the last 7 years and has shown a gradual reduction over that period.

4.2 This was reported in the 2021 and 2022 Annual Status Report on Air Quality. DEFRA has also advised that the AQMA should now be considered for revocation.

4.3 The monitoring data has been evaluated by DEFRA and the conclusions supported.

4.4 There is no indication or reason to believe that air quality in this area

4.5 It is therefore recommended that the Little Madeley No 4 Air Quality Management Area be revoked and the Order (the Little Madeley No 4 Air Quality Management Area (Revocation Order)) be made.

5. **Options Considered**

5.1 The only alternative would be to keep the AQMA in place.

6. **Legal and Statutory Implications**

6.1 The Environment Act 1995, Part IV places an obligation on Local Authorities to assess and manage local air quality with the intention of ensuring compliance with relevant regulations Technical and Policy Guidance made under Part IV of the Environment Act 1995.

6.2 The Council is required to revoke a designated Air Quality Management Area where it can be robustly demonstrated that the prescribed pollutant achieves ongoing compliance with regulations made under Part IV of the Environment Act 1995. Before doing so, the Council must formally consult with relevant stakeholders.

7. **Equality Impact Assessment**

7.1 There are no impacts on equality arising from revocation of the AQMA.

8. **Financial and Resource Implications**

8.1 There are no direct financial or resource implications coming out of this report with the formal consultation, justification for revocation of the AQMA being met from the service budget.

9. **Major Risks**

9.1 A specific GRACE risk assessment has been prepared for this line of work. Those considered to be the most significant are identified below. Appropriate controls are in place to reduce these risks from being realised.

9.2 Failure to have adequate controls in place to enable the council to comply with its legal obligations under Part IV of the Environment Act 1990 could see the Council being formally Directed by the relevant minister to undertake any of the actions they see fit, in line with the Act.

9.3 Public bodies including local Authorities may also be subject to legal action for breach of a person's human rights specifically Article 2 Right to Life and Article 8: Respect for your private and family life.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 The following Un sustainable goals are relevant.



11. **Key Decision Information**

11.1 This is not a Key Decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Licensing & Public Protection Committee 22nd December 2014 <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=123&MID=2287>

12.2 Licensing & Public Protection Committee 13th December 2022 <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=435&MID=4075>

13. **List of Appendices**

13.1 Appendix 1 – Air Quality Management Order Number 4 - Little Madeley declared 15th January 2015

13.2 Appendix 2 – Proposed Revocation Order

14. **Background Papers**

14.1. Environment Act 1995 – Part IV <https://www.legislation.gov.uk/ukpga/1995/25/part/IV>

14.2 Local Air Quality Management Technical Guidance (LAQM.TG.22) Available at <https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>

14.3 Air Quality Reports completed available from <https://www.newcastle-staffs.gov.uk/protection/air-quality-management/9>

Appendix 1- AQMA number 4 – Little Madeley.



**Environment Act 1995 Part IV Section 83(1)
The Borough Council of Newcastle-under-Lyme
Air Quality Management Order Number 4 – Little Madeley**

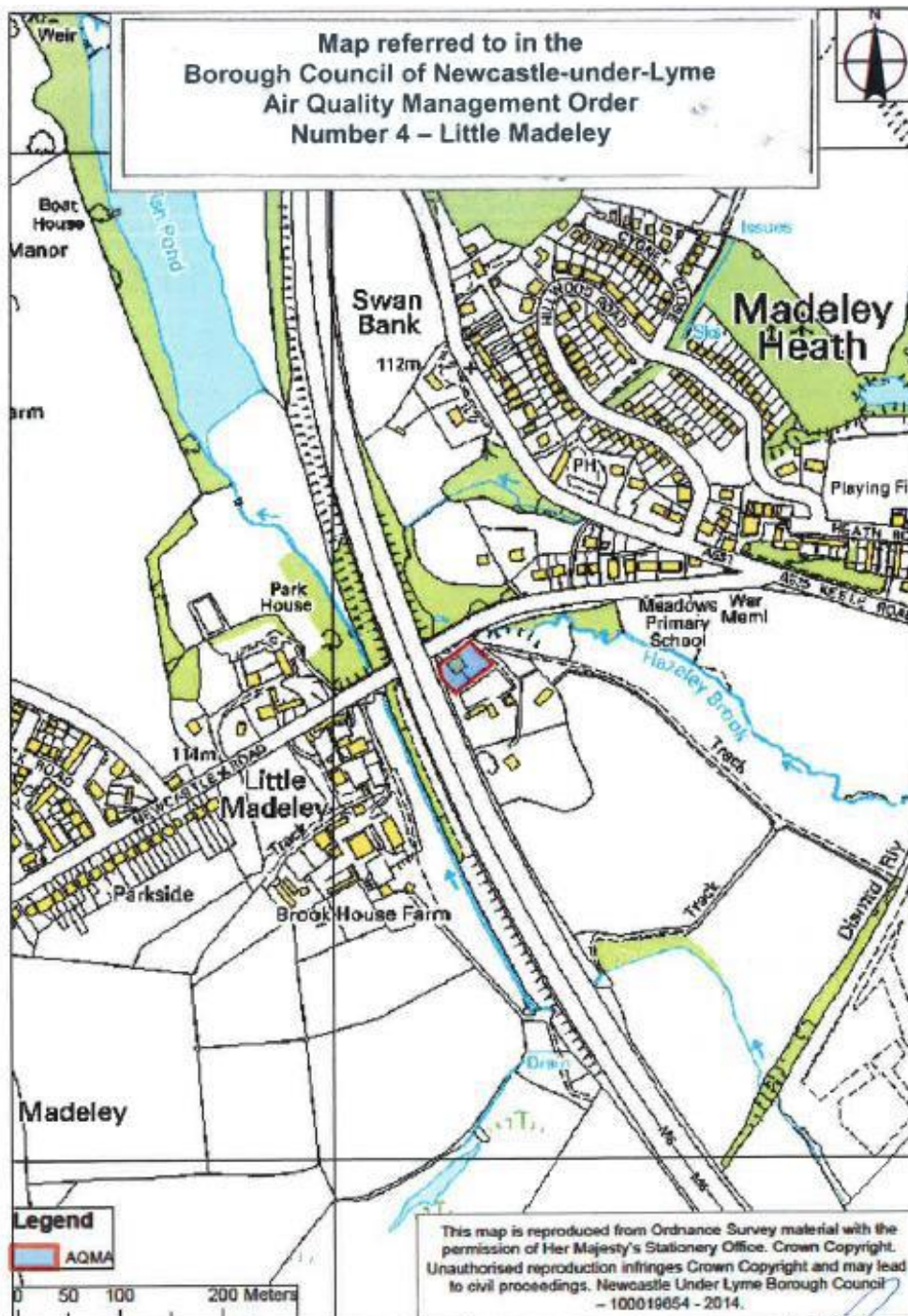
The Borough Council of Newcastle-under-Lyme in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following order:

1. This Order may be cited/referred to as The Borough Council of Newcastle – under-Lyme Air Quality Management Area Order Number 4 – Little Madeley and shall come into effect on 15th January 2015.
2. The area shown edged in red on the attached map is to be designated as an air quality management area. This Area is designated in relation to a breach of the nitrogen dioxide annual mean objective as specified in the Air Quality Regulations 2000.
3. This Order shall remain in force until it is varied or revoked by a subsequent order.

THE COMMON SEAL of)
THE BOROUGH COUNCIL OF)
NEWCASTLE UNDER LYME)
was herunto affixed in the
presence of:



Councillor: *T Handdigan*
Authorised Signatory: *[Signature]*



Thompson
Thompson



ENVIRONMENT ACT 1995 PART IV SECTION 83(2)(b)

**Air Quality Management Revocation Order - Little Madeley Air Quality
Management Area Number 4**

Newcastle-under-Lyme Borough Council, in exercise of the powers conferred on it by the Section 83(2)(b) of the Environment Act 1995 HEREBY makes the following order:-

1. This Order shall revoke the area known as Air Quality Management Order Number 4 - Little Madeley designated by Order on the 15th January 2015 as it has been evidenced that there is no longer a likely breach of the annual mean nitrogen dioxide national objective level of $40\mu\text{g}/\text{m}^3$ at relevant receptors.
2. A map of the air quality management area to be revoked is shown in schedule 1.
3. The Order shall come into force on 6th September 2023.

The Common Seal of
Newcastle under Lyme Borough Council
was affixed hereto

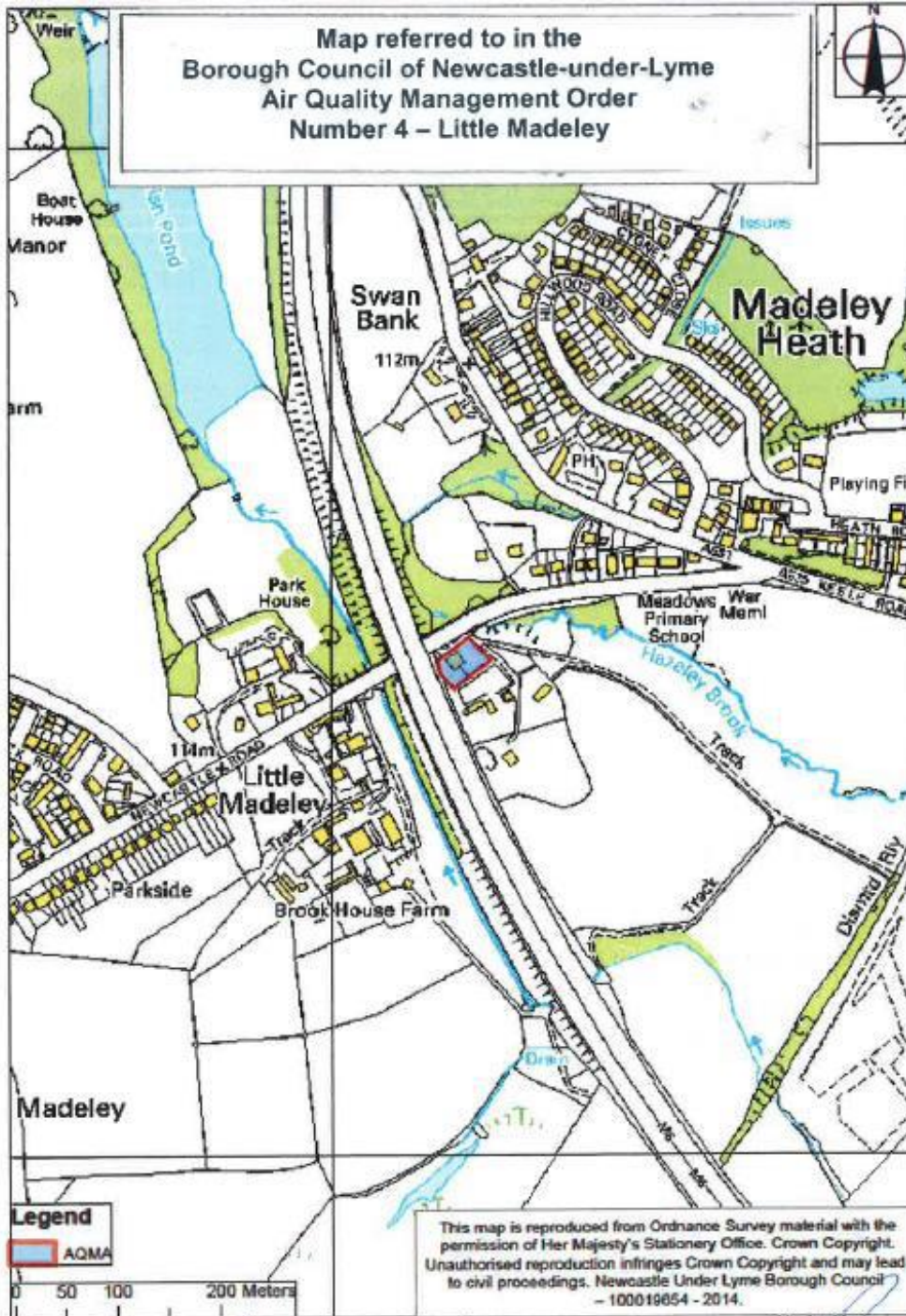
Dated:.....

In the presence of

Signed:.....

Printed Name:.....

Schedule 1 – Revoked Air Quality Management Area referred to in this revocation order



Thompson
Thompson