

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
CORPORATE LEADERSHIP TEAM
REPORT TO

Licensing and Public Protection Committee
12 March 2023

Report Title: Environment Act 1995 Part IV– Consultation on revocation of The May Bank, Wolstanton and Porthill AQMA

Submitted by: Service Director - Regulatory Services & Environmental Protection Team Manager

Portfolios: Sustainable Environment

Ward(s) affected: May Bank, Wolstanton, Porthill

Purpose of the Report

To seek authority from Committee to consult with relevant stakeholders on the revocation of the May Bank, Porthill and Wolstanton Air Quality Management Area

Recommendation

That

1. Committee authorises officers to enter into a six week consultation exercise with relevant stakeholders with a view to revocation of the May Bank, Wolstanton and Porthill AQMA.
2. Committee receives a further report containing proposals for the May Bank, Wolstanton and Porthill AQMA along with details of consultee responses.

Reasons

1. That monitoring of nitrogen dioxide levels against the prescribed annual mean objective have been compliant for the last seven years and accordingly DEFRA has advised the Council to revoke this Air Quality Management Area.

1. Background

- 1.1 Air quality is the largest environmental health risk in the UK. It shortens lives and contributes to chronic illness. Health can be affected both by short-term, high-pollution episodes and by long-term exposure to lower levels of pollution.
- 1.2 Local authorities in the UK have a statutory duties for managing local air quality under Part IV of the Environment Act 1995. District Councils have been required to review and assess air quality within their areas since 1997 for compliance against a range of pollutant objectives.
- 1.3 The Council has been carrying out reviews of air quality since December 1997; these involve measuring air pollution and trying to predict how it will change over the next few years. The review process aims to make sure that the national air quality objectives prescribed in the Air Quality Regulations [http://uk-air.defra.gov.uk/assets/documents/National air quality objectives.pdf](http://uk-air.defra.gov.uk/assets/documents/National_air_quality_objectives.pdf) will be achieved throughout the UK by the relevant deadlines. These objectives have been put in place to protect people's health and the environment. The Council has been carrying out reviews of air quality since December 1997; these involve measuring air pollution and trying to predict how it will change over the next few years.

- 1.4 The review process aims to make sure that the national Air Quality Objectives prescribed in the Air Quality Regulations http://ukair.defra.gov.uk/assets/documents/National_air_quality_objectives.pdf will be achieved throughout the UK by the relevant deadlines. These objectives have been put in place to protect people's health and the environment. In relation to people, the objectives apply at the facades of relevant receptors, generally dwellings, hospitals, schools. Workplaces are excluded.
- 1.5 In terms of costs to society recent research commissioned by Public Health England, *"found that the health and social care costs of air pollution (PM_{2.5} and NO₂) in England could reach £5.3 billion by 2035. This is a cumulative cost for diseases which have a strong association with air pollution: coronary heart disease; stroke; lung cancer; and childhood asthma.*
- When diseases with weaker evidence of association are also added, including chronic obstructive pulmonary disease; diabetes, low birth weight, lung cancer, and dementia, the costs could reach £18.6 billion by 2035. When all diseases are included, air pollution is expected to cause 2.4 million new cases of disease in England between now and 2035. PM_{2.5} alone could be responsible for around 350,000 cases of coronary heart disease and 44,000 cases of lung cancer in England over that time.*
- Even small changes can make a big difference, just a 1µg/m³ reduction in PM_{2.5} concentrations this year could prevent 50,000 new cases of coronary heart disease and 9,000 new cases of asthma by 2035."* (Source CLEAN AIR STRATEGY 2019 DEFRA, 2019).
- 1.6 The World Health Organisation, estimates that poor air quality within the UK costs the economy circa £54 billion which is equivalent to 3.7% of British GDP (based on 2010 data). It also accounts for 29,000 premature deaths annually. (Source: WHO Regional Office for Europe, OECD (2015). Economic cost of the health impact of air pollution in Europe: Clean air, health and wealth. Copenhagen: WHO Regional Office for Europe. <http://www.euro.who.int/en/mediacentre/events/events/2015/04/ehp-mid-term-review/publications/economic-cost-of-the-healthimpact-of-air-pollution-in-europe>)
- 1.7 Local authorities therefore have an important role in bringing about improvements in air quality and ensuring compliance with statutory requirements to reduce the impact on health and associated costs to the National Health Service and the wider economy.

Issues

- 2.1 In accordance with its statutory duties, the Borough Council has recently completed its Annual Status Report for 2023. A copy of the report can be found on line at [Air quality management – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](http://newcastle-staffs.gov.uk)
- 2.2 Previous assessments have identified nitrogen dioxide (NO₂) as the pollutant of concern, with a number of locations within the Borough exceeding the NO₂ annual mean objective. This is principally due to road traffic emissions.

The May Bank, Wolstanton and Porthill AQMA

- 2.3 [The May Bank, Wolstanton and Porthill AQMA](#) was formally declared by the Council in 2016 due to actual measured exceedances of the 40 microgramme Nitrogen Dioxide Annual Mean Objective in previous years. This AQMA was declared to comply with the requirements placed upon the Council by virtue of Part IV of the Environment Act 1995. The location of this AQMA can be found in **Appendix A**.

2.4 Air Quality in this location is heavily influenced by traffic using the High Street at Wolstanton and May Bank and also Porthill Bank. Since the completion of works to the Grange Lane Link Road and Etruria Valley Link Road, there have been notable decreases in traffic movements along the above roads.

2.5 The NO₂ concentrations at this location dropped dramatically in 2016 and have been greater than 10% below the UK NO₂ annual mean objective for the past six full calendar years and continue to exhibit a downward trajectory as shown in Appendix B.

2.6 Given that this location has been complaint for the past six years and in accordance with DEFRA guidance and advice to the Council, it is now recommended to revoke this AQMA.

2.7 Your officers, subject to committee approval, now intend to embark on consultation with key stakeholders (to include local residents and businesses, Borough and County Councillors for the area, Stoke on Trent City Council, Highways England, Staffordshire County Council Highways and Public Health) concerning this and will bring a report back to this Committee for consideration.

3. **Proposal**

3.1 Committee authorises officers to enter into a Six week consultation exercise with relevant stakeholders with a view to revocation of the May Bank, Porthill and Wolstanton AQMA.

3.2 Committee receives a further report at a future meeting containing proposals for the May Bank, Wolstanton and Porthill AQMA along with details of consultee responses.

4. **Reasons for Proposed Solution**

4.1 The Council is required to take the action outlined in this report in order to fulfil its statutory duties under Part IV of the Environment Act 1995

5. **Options Considered**

5.1 Nil

6. **Legal and Statutory Implications**

6.1 DEFRA have formally confirmed that they expect the Council to proceed with revocation of the May Bank, Porthill and Wolstanton AQMA given that it has been compliant for five or more years.

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.

6.3 Before doing so, the Council must formally consult with relevant stakeholders.

7. **Equality Impact Assessment**

7.1 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.

7.2 The work does not impact on any protected groups or characteristics.

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) & Council Plan 2022 to 2026**

10.1 The monitoring and assessment of local air quality, and the requirement for air quality management areas and associated air quality action plans contributes towards the following UN Sustainable Development Goals <https://sdgs.un.org/goals>



10.2 The following areas of the Council Plan 2022 to 2026 <https://www.newcastle-staffs.gov.uk/downloads/download/506/council-plan-2022-26> are also contributed towards

- Priority 1 – One Council delivering for Local People.
- Priority 3 –Healthy, active and safe communities.
- Council Plan Outcome 1.3 The negative impact that the Council, residents and local businesses have on the environment will have reduce.

11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 There are none relating to this item.

13. **List of Appendices**

13.1 Appendix A . Air quality Management Area Map for May Bank, Wolstanton and Potrhill https://www.laqmportal.co.uk/aqma_maps/maybank-porthill-aqma-map0.jpg

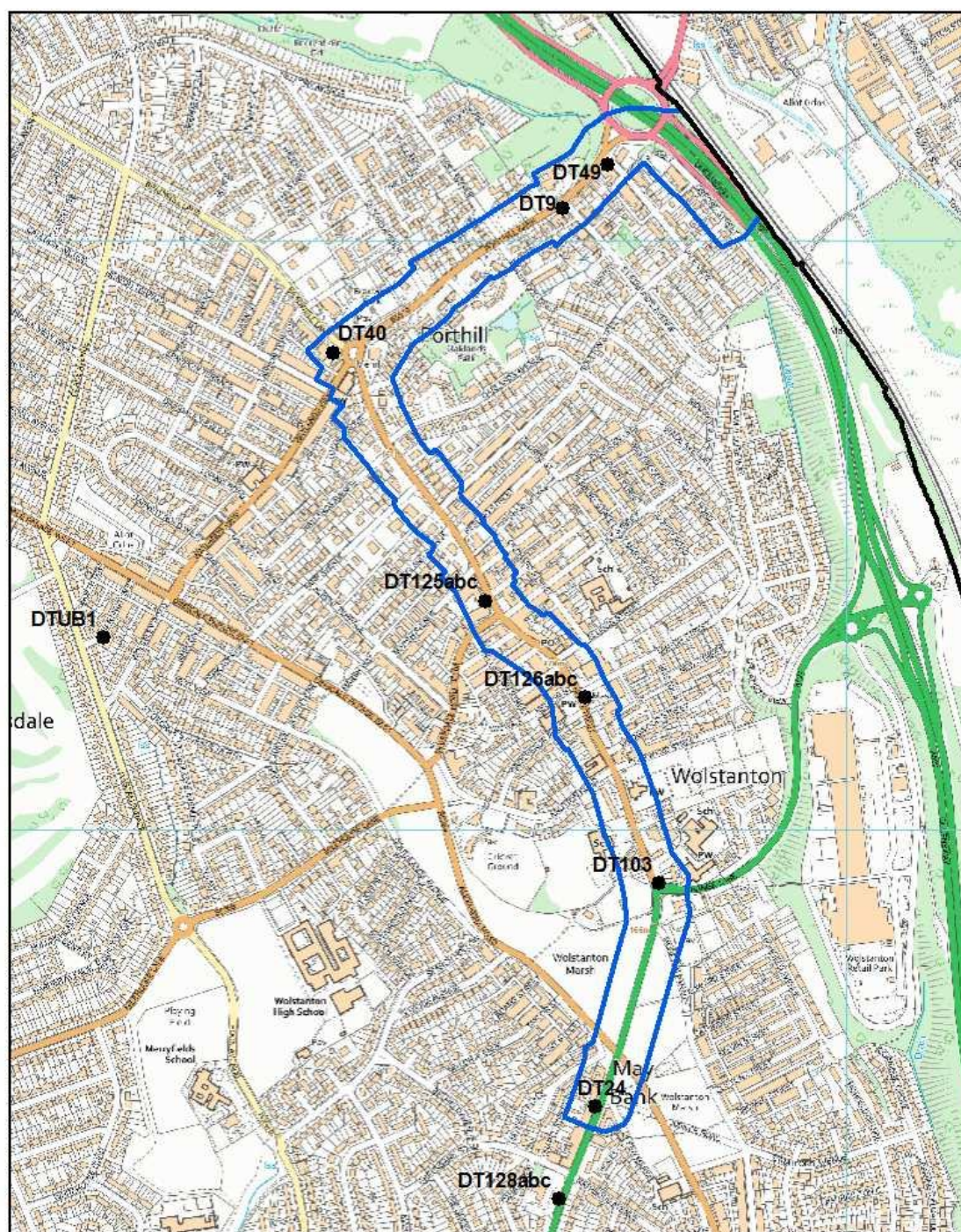
13.2 Appendix B. May Bank, Wolstanton and Porthill AQMA annual mean results 2016 to 2022 <https://www.newcastlestaffs.gov.uk/all-services/environment/environmental-protection/air-quality-newcastleunder-lyme>

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.23) (available at <http://laqm.defra.gov.uk/documents/LAQM-TG16-April-16-v1.pdf0>)
- 14.3. Local Air Quality Management Policy Guidance (LAQM PG09) ([available to view at https://www.gov.uk/government/publications/local-air-quality-management-policy-guidance-pg09](https://www.gov.uk/government/publications/local-air-quality-management-policy-guidance-pg09))
- 14.4. Air Quality Reports completed since 1997 available from <https://www.newcastlestaffs.gov.uk/all-services/environment/environmental-protection/air-quality-newcastleunder-lyme>

Appendix A.

Figure 1 Map of May Bank, Wolstanton and Porthill AQMA



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● DTs 2020

▬ NuLBC Boundary

▬ AQMA Boundary



Scale 1:8,000

Appendix B.

Nitrogen Dioxide annual mean diffusion tube results 2018 to 2022- May Bank, Wolstanton and Porthill AQMA

