

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

Cabinet
10 September 2024

Report Title: North Staffordshire Local Air Quality Plan (NSLAQP)

Submitted by: Chief Executive

Portfolios: Sustainable Environment

Ward(s) affected: May Bank

Purpose of the Report

To consider the progression of plans for tackling unacceptable air quality related to road traffic pollution on the A53 Etruria Road at Basford Bank.

Recommendation

That Cabinet:

- 1. Considers options for addressing air quality in line with a Ministerial Direction.**
- 2. Notes details of and agrees the progression of a plan which is an alternative to the A53 bus gate, details of which are set out in the Restricted Report, which is not for publication by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972. Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

Reasons

Exposure to high concentrations of nitrogen dioxide (NO₂) causes adverse health effects and the Council is under a legally binding Ministerial Direction, along with Stoke-on-Trent City Council, to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the shortest time possible, and subject to approval by Government will then be placed under further Direction to deliver the option.

1. Background

- 1.1** A Ministerial Direction - the "Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) (No. 2) Air Quality Direction 2018" was issued to Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council on 4 October 2018. This imposes a legal requirement on the two authorities to undertake a feasibility study in accordance with HM Treasury's Green Book appraisal process, to identify an option which would deliver compliance with legal limits for nitrogen dioxide (NO₂) in the shortest time possible.
- 1.2** One of the three areas where NO₂ levels were predicted to be exceeded is located on the A53 Etruria Road at Basford Bank. The other two are located wholly within Stoke on Trent. On Etruria Road, the original exceedance location was between Victoria Street and Basford Park Road, but later reviews of air quality resulted in the location being revised to a section of road closer to the A500.

- 1.3 An Outline Business Case (OBC) was submitted to UK Government on 15 May 2020. Government officials provided feedback on the Outline Business Case in late 2020 and advised that a Full Business Case (FBC) in respect of the preferred options for compliance be submitted for approval.
- 1.4 For Etruria Road, the preferred option as put to Government in the OBC was the installation of a two-lane peak period bus gate to be installed on the A53 Etruria Road westbound exit of the A53/A500 roundabout, with appropriate amendments to the existing road markings and advance signage at the bus gate and on the circulatory carriageway and approach roads, including the A500. In this proposal, westbound (Newcastle-bound) traffic would be restricted to buses, cyclists, taxis, zero emission vehicles and emergency service vehicles between 7am to 10am and 4pm to 7pm, Monday to Friday. Two ANPR cameras would need to be installed to manage compliance and enforce non-compliance, which would require an expensive back-office team of staff, and an extensive network of variable message signs would also be required, including on the A500 trunk road, to advise motorists of the varying restrictions during each day.

2. Issues

- 2.1 Substantial concerns have been raised in respect of the effect of the installation of a bus gate on other routes, causing congestion in parts of the Borough and City, diverting traffic and pollution to other less suitable routes and adversely affecting local businesses by reducing passing traffic.
- 2.2 In late 2023, a study was commissioned to review the bus gate's potential impacts on factors such as air quality and traffic flows in the wider area.
- 2.3 The study was submitted to Government in October 2023 and a meeting with Government officials was held to discuss it.
- 2.4 Working with the City Council and Staffordshire County Council as the highway authority an alternative plan that overcomes the concerns is being developed, which is the subject of the attendant Restricted Report. The alternative option to the bus gate will be managed by Stoke City Council, as it sits within the city boundary.

3. Proposal

- 3.1 It is proposed that Cabinet:
 - 3.1.1 **Considers options for addressing air quality in line with a Ministerial Direction**
 - 3.1.2 **Agrees the progression of a plan contained in the Restricted Report, which is not for publication by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972. Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

4. Reasons for Proposed Solution

- 4.1 Long-term exposure to high concentrations of nitrogen dioxide causes adverse health effects and the Council is under a Ministerial Direction, along with Stoke-on-Trent City Council, to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the shortest time possible, and subject to approval by Government will then be placed under further Direction to deliver the option.

5. **Options Considered**

5.1 Officers considered a do-nothing option, which would ignore the requirements of the Ministerial Direction option. This could result in legal action against the Borough and City Councils by the Government and/or environmental interest groups for failure to comply with the requirements set out in the Direction.

6. **Legal and Statutory Implications**

6.1 A Ministerial Direction - the "Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) (No. 2) Air Quality Direction 2018" was issued to the Borough and City Councils on 4 October 2018. This imposes a legal requirement on the two authorities to undertake a feasibility study in accordance with HM Treasury's Green Book approach, to identify the option(s) which will deliver compliance with the statutory limit for NO₂ concentrations in the shortest time possible. It is imperative that the Council continues to work actively to meet the requirements of the Direction.

7. **Equality Impact Assessment**

7.1 A joint Equality, Environmental and Community Impact assessment will be completed with Stoke on Trent City Council as part of an alternative plan.

8. **Financial and Resource Implications**

8.1 All costs associated with the development of the Outline and Full Business Cases, and subsequent implementation, monitoring and evaluation of the preferred option, will be met through Central Government grants, administered by the Government's Joint Air Quality Unit (JAQU), therefore there is no financial risk to the Council.

9. **Major Risks**

9.1 An assessment of major risks will be completed as part of an alternative plan.

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

10.1 The proposal considers or contributes towards the UN Sustainable Development Goals of:



11. **Key Decision Information**

11.1 This is not a key decision as it does not meet the expenditure, or savings thresholds and does not have a significant effect on communities living or working in an area comprising two or more electoral wards in the borough.

12. **Earlier Cabinet/Committee Resolutions**

12.1 [Economy, Environment & Place Scrutiny Committee - Thursday, 12th November, 2020](#)

12.2 [Cabinet - Wednesday, 9th December, 2020](#)

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 None