

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S **REPORT TO** **Licensing and Public Protection Committee**

19 August 2025

Report Title: **Revocation of the Maybank, Wolstanton & Porthill Air Quality Management Area**

Submitted by: Service Director- Regulatory Services

Portfolios: Sustainable Environment

Ward(s) affected: Bradwell, Wolstanton and Maybank

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To advise on the outcome of a four week consult on the making of an Order under the Environment Act 1995 to revoke the Maybank, Wolstanton & Porthill Air Quality Management Area and to recommend that the revocation order is accepted and confirmed.			
<u>Recommendation</u> That Committee approves the Air Quality Management Area Number 3 - Maybank, Wolstanton & Porthill - Revocation Order 2025 and for this to take effect from 20th August 2025.			
<u>Reasons</u> Monitoring of Nitrogen Dioxide (NO ₂) concentrations against the prescribed annual mean objective shows that there has been no exceedance within the last ten years (and that they have been substantially below since 2020). Therefore, the Department for Environment, Food & Rural Affairs (DEFRA) has advised the Council to revoke this Air Quality Management Area.			

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 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 was declared in Maybank, Wolstanton & Porthill as required by duties prescribed in the Environment Act 1995. 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 presence of residential receptors which presented relevant exposure in adjacent to busy roads.

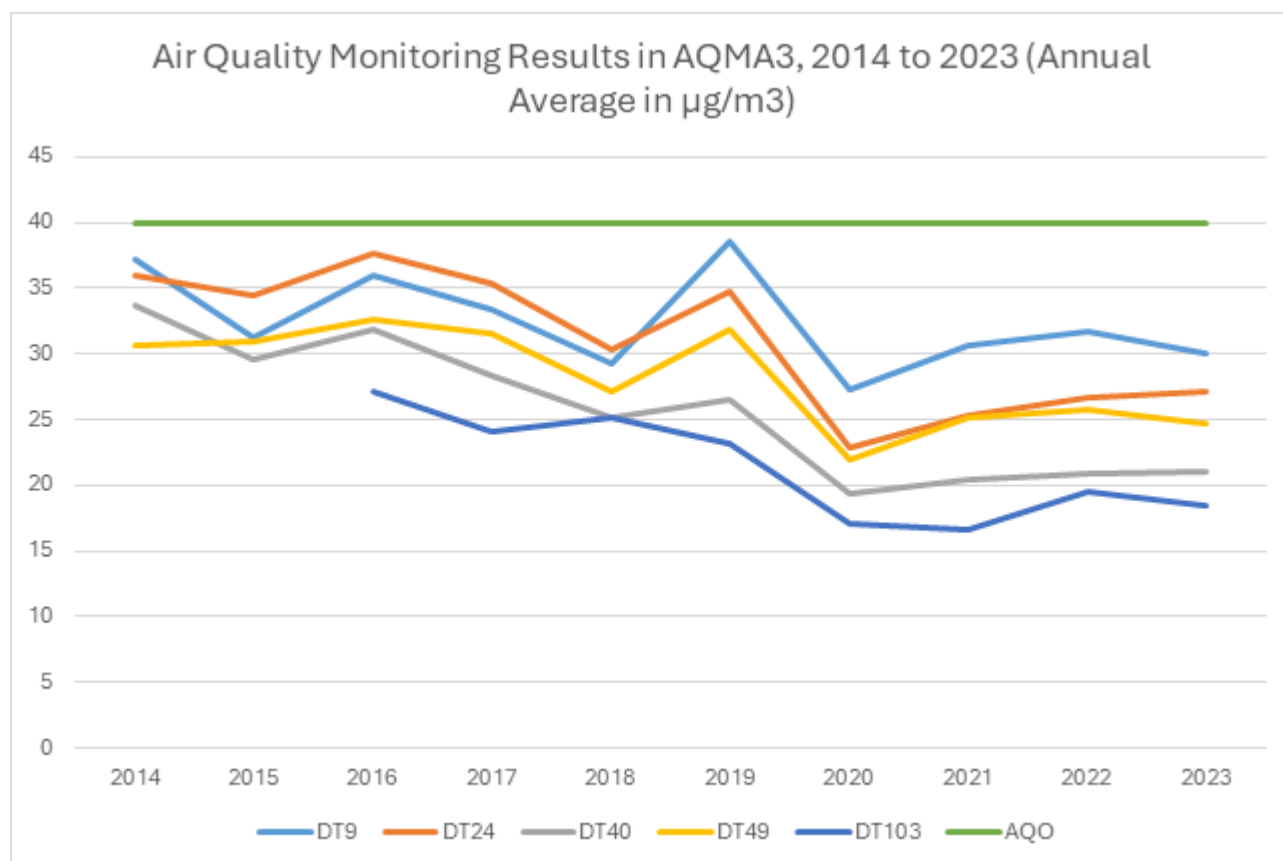
2. Issues

- 2.1 Historically, air quality in this location was impacted by emissions from road traffic vehicles which added to high background concentrations of NO₂.
- 2.2 The Borough Council has been monitoring air quality at various locations within the Maybank-Wolstanton-Porthill for a number of years. The locations where we monitor air quality were chosen to represent worst-case exposure to traffic emissions and to provide the best representation of where residents are exposed to these emissions over the course of a full year.
- 2.3 The concentration of nitrogen dioxide has significantly reduced, and has been consistently below the 40 µg/m³ standard since 2014, as shown in the Table 1 and Graph 1 below

Table 1 - Air Quality Monitoring Results in AQMA3, 2014 to 2023

Location	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Reduction
DT9	37.2	31.3	36	33.4	29.3	38.6	27.3	30.6	31.7	30.1	19.1%
DT24	35.9	34.5	37.7	35.3	30.4	34.8	22.9	25.3	26.7	27.1	24.4%
DT40	33.7	29.5	31.8	28.3	25.2	26.5	19.4	20.5	20.9	21.1	37.4%
DT49	30.6	30.9	32.6	31.5	27.2	31.9	21.9	25.1	25.7	24.7	19.4%
DT103	-	-	27.1	24.1	25.1	23.1	17.1	16.6	19.5	18.5	31.8%

Graph 1 - Air Quality Monitoring Results in AQMA3, 2014 to 2023



- 2.4 The measured NO₂ concentrations observed within the Maybank-Wolstanton-Porthill AQMA have been less than 36µg/m³ since 2020 at all monitoring locations. Statutory guidance published by DEFRA states that “Due to the inherent uncertainties of dispersion modelling, consideration should be given to predicted concentrations being 10% below the relevant objective before an amendment or revocation of an AQMA is completed” (LAQM TG22 para 3.53), and, revocation of an AQMA should be considered where there is robust evidence that air quality is consistently 10% lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ for 3 consecutive years (LAQM TG22 para 3.57).
- 2.5 Due to the prolonged period that the concentrations have been significantly below the Air Quality Objective within the AQMA, the service is confident that the reduction is permanent and not due to annual variations arising from factors such as meteorological conditions.
- 2.6 The reduction in NO₂ concentration is due to a combination of:
 - a decrease in the background concentration of NO₂, and,
 - an increased uptake of lower emission vehicles.

We are therefore confident that the compliance with the Air Quality Objective within Air Quality Management Area Number 3 - Maybank, Wolstanton, Porthill will be sustained.
- 2.7 The Department for Environment Food and Rural Affairs (DEFRA) has advised that the AQMA could be revoked following submission of the Council’s Annual Status Reports.
- 2.8 Between 1st March 2025 and 1st April 2025, your officers formally consulted with the public and a number of relevant organisations and interested parties in relation to the proposed revocation.
- 2.9. No objections to the proposal to revoke the Maybank, Wolstanton and Porthill AQMA were received. No responses were received during the consultation period but one representation was received shortly afterwards. This suggested that:
 - congestion would remain post revocation as traffic numbers have not decreased,
 - asked when the county council and Church of England would manage school traffic,
 - stated that on street parking aggravated congestion, and,
 - asked that bus gate upon Basford Bank is resisted.
- 2.10 Given the previous advice from DEFRA and in consideration of the nitrogen dioxide monitoring results, it is 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 1.
- 2.11 More detail regarding the work carried out to monitor, and understand, the air quality within the AQMA is given within the consultation report provided within appendix 2.

3. **Recommendation**

- 3.1 That Committee approves the Air Quality Management Area Number 3 - Maybank, Wolstanton and Porthill Revocation Order and for this to take effect from the 20th August 2025.

4. Reasons

- 4.1 There has been a gradual reduction in the concentration of NO₂ over the last decade within the Maybank, Wolstanton and Porthill Air Quality Management Area and has been consistently more than 10% below the National Air Quality Objective since 2020.
- 4.2 This was reported in recent Annual Status Reports upon Air Quality and DEFRA has advised that the AQMA should now be considered for revocation.
- 4.3 The monitoring data has been evaluated by DEFRA.
- 4.4 The reasons for the reduction in NO₂ concentrations are understood and there is no reason to believe that air quality in this area will exceedance the current relevant air quality objective within the future.
- 4.5 It is therefore recommended that the Air Quality Management Area Number 3 - Maybank, Wolstanton and Porthill be revoked and the revocation order (given within Appendix 1) be made.

5. Options Considered

- 5.1 The only alternative would be to retain the AQMA. However, this would prolong any potential adverse impact upon property values, and potentially deter future development, within the area of the AQMA.

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 for the Council arising from the recommendations of with costs associated with the administration of the revocation of the AQMA being met from the service budget.

9. Major Risks & Mitigation

- 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. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council ☐

We will make investment to diversify our income and think entrepreneurially.

One Digital Council ☒

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

One Sustainable Council ☒

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle

12. Key Decision Information

12.1 This is not a Key Decision.

13. Earlier Cabinet/Committee Resolutions

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

14. List of Appendices

Appendix 1 - Proposed Revocation Order.
 Appendix 2 - Consultation Report for the Revocation of the Air Quality Management Area
 Number 3 - Maybank, Wolstanton, Porthill

15. Background Papers

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

15.2 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>

15.3 Air Quality Reports completed available from
<https://www.newcastlestaffs.gov.uk/protection/air-quality-management/>

Appendix 1 – Proposed Revocation Order.



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

Air Quality Management Revocation Order

Air Quality Management Area Number 3 - Maybank, Wolstanton and Porthill

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:-

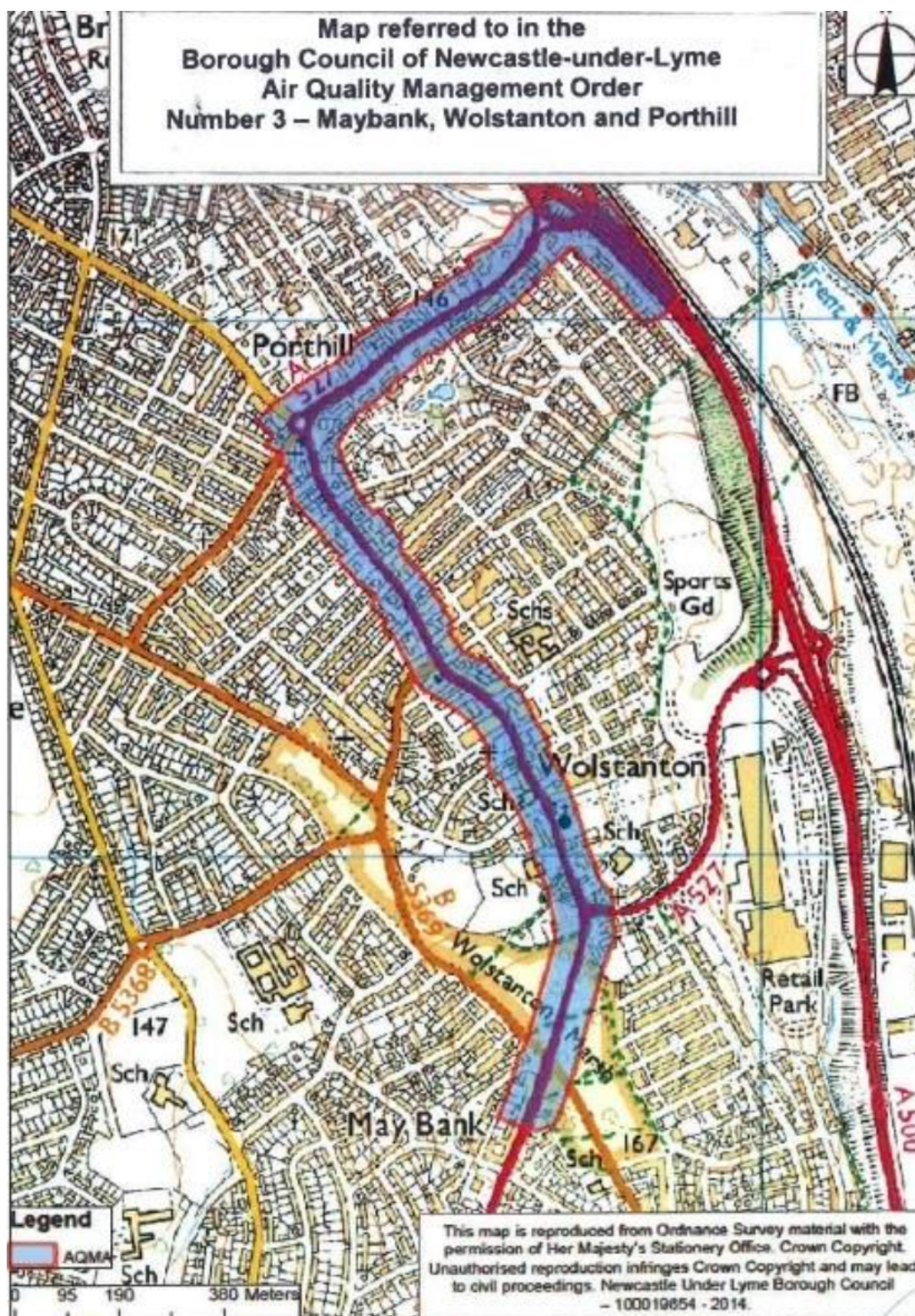
1. *As it has been evidenced that there is no longer a likely breach of the annual mean nitrogen dioxide national objective level of $40\mu\text{g}/\text{m}^3$ at relevant receptors within Air Quality Management Area Number 3 - Maybank, Wolstanton and Porthill.*
2. *This order shall therefore revoke 'Air Quality Management Order 3 - Maybank, Wolstanton and Porthill' which came into effect on the 15th January 2015*
3. *The air quality management area to be revoked is shown shaded in blue, and edged in red, upon the map appended herewith at appendix 1.*

This Order came into force on the 20th August, 2025.

EXECUTED as a DEED
By affixing the Common Seal
of THE BOROUGH COUNCIL OF
NEWCASTLE UNDER LYME

In the presence of
Councillor
Authorised Signatory
Dated

Appendix 1 – Air Quality Management Area to be revoked by this order



Councillor
Authorised Signatory
Dated