

Local Authority:	<b>Newcastle-Under-Lyme Borough Council</b>
Reference:	<b>ASR23-1961</b>
Date of issue	<b>November 2023</b>

## **Annual Status Report Appraisal Report**

The Annual Status Report sets out new information on air quality obtained by Newcastle-Under-Lyme Borough Council as part of the Review & Assessment process required under the Environment Act 1995 (as amended by the Environment Act 2021) and subsequent Regulations.

Newcastle-Under-Lyme Borough Council has 4 air quality management area (AQMA), within their jurisdiction. These are AQMA 1 (Liverpool Road, Kidsgrove), AQMA 2 (Newcastle-under-Lyme Town Centre), AQMA 3 (Maybank-Wolstanton-Porthill) and AQMA 4 (Little Madeley). AQMA4 has shown compliance with the UK objective for annual mean NO<sub>2</sub> for 8 years, with the Council currently undertaking consultation to revoke this AQMA. Sites AQMA 1 and AQMA 3 have shown compliance with the annual mean NO<sub>2</sub> over the past 3 years and 5 years respectively and should be revoked.

The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA. The LAQM Technical Guidance 2022 is clear in this respect:

"There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period." (Point 3.57, page 50).

Please be aware that unless a likely exceedance has been identified in the area, Defra will not appraise AQAPs for AQMAs that have been in compliance for five years. Local Authorities will instead be advised to revoke the AQMA.

AQMAs should identify areas where air quality objectives are not being met or are likely to be at risk of not meeting them. Keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM.

Local authorities that do not have an AQMA should continue to monitor for exceedances and should still have a local air quality strategy in place to ensure air quality remains a high-profile issue, thereby enabling a quick response should there be any deterioration in condition. See LAQM Statutory Policy Guidance 2022 for more information.

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The Council monitors nitrogen dioxide (NO<sub>2</sub>) using non-automatic (passive) monitoring across a network of 80 diffusion tube sites. The Council also has 1 automatic monitoring site (site CM1). The Council have developed a list of measures within the ASR for the current reporting year to further improve local air quality within Newcastle-Under-Lyme Borough Council. In terms of NO<sub>2</sub> diffusion tube data post-processing, QA/QC procedures have been applied for bias adjustment (using a national bias adjustment factor of 0.86).

During the reporting period, there was one exceedance of the NO<sub>2</sub> annual mean objective value recorded at monitoring location N145, this site recorded NO<sub>2</sub> concentration of 40.5 µg/m<sup>3</sup>. However, following distance correction at relevant exposure, the concentration was reduced to 25.3 µg/m<sup>3</sup>. The maximum automatic site recorded NO<sub>2</sub> concentration was noted at 26 µg/m<sup>3</sup> at site CM1.

On the basis of the evidence provided by the local authority the conclusions reached are **accepted** for all sources and pollutant. Following the completion of this report, Newcastle-Under-Lyme Borough Council should submit an Annual Progress Report in 2024.

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## Commentary

The report is well structured, detailed, and provides the information specified in the Guidance.

The following comments are designed to help inform future reports:

1. The ASR confirms that AQMA 4: Little Madeley continues to comply with the NO<sub>2</sub> air quality objective. The Council has plans to revoke this AQMA in Winter 23/24. This is supported and confirmation of the revocation should be reported in next year's ASR.
2. AQMA 3: Maybank-Wolstanton-Porthill has also shown a downward trend for annual mean NO<sub>2</sub> concentration with compliance recorded over the last 5 years. As stated in the letter above, the Council is advised to consider revocation of this AQMA.
3. On Page 89, the bias adjustment factor is quoted incorrectly. This should be rectified to 0.86 before publication of the report.
4. Table B.1 shows distance corrected results for three diffusion tube locations. However, the 'NO<sub>2</sub> Fall-off with Distance from the Road' calculation has not been presented in the report for diffusion tubes under QA/QC section.
5. Following last year's appraisal, the Council has addressed the issues raised and made necessary changes to the report. This is encouraged.
6. The ASR has been signed off by the Director of Public Health. This is welcomed and should continue for future reports.
7. A national bias adjustment factor has been used to adjust the monitoring data. It would be beneficial for the Council to derive a local bias adjustment factor using the automatic monitor and the co-located triplicate diffusion tube site DT89 at Queen's Garden.
8. The Council have provided detailed comments on the progress of action measures. This is welcomed and should continue for future reports.

This commentary is not designed to deal with every aspect of the report. It highlights a number of issues that should help the local authority either in completing the Annual Status Report adequately (if required) or in carrying out future Review & Assessment work.

**Issues specifically related to this appraisal can be followed up by returning the attached comment form to Defra, Welsh Government, Scottish Government or DOE.**

For any other queries please contact the Local Air Quality Management Helpdesk:  
 Telephone: 0800 0327 953  
 Email: LAQMHelpdesk@bureauveritas.com

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## LAQM Guidance Notes – 2023

Through the Environment Act 2021 and updated Local Air Quality Management Statutory Policy Guidance 2022, the Local Air Quality Management (LAQM) framework has been considerably strengthened. This page highlights some of the changes for delivery to help you prioritise action for improved air quality:

### 1. Strengthened Criteria for Air Quality Action Plans (AQAPs)

Where a Local Authority is not meeting air quality objectives, they must create an AQAP setting out their intentions to improve air quality in the area. Without current action plans in place, Local Authorities risk negatively impacting their communities by not proactively working to reduce air pollution in the area.

The requirements and guidance around AQAPs were recently strengthened under the Environment Act 2021 and revised LAQM Statutory policy guidance, which Local Authorities must have regard to. The key criteria for action plans are that they:

- set out the measures they will take to secure the achievement, and maintenance, of air quality standards and objectives
- specify a date by which each measure will be carried out
- are revised no later than every five years

### 2. New Escalation Process for Reporting

To ensure ASRs and AQAPs are delivered on time, Defra has introduced a new reminder and warning letter system for Local Authorities. This system was set out in the LAQM Statutory Policy Guidance 2022, published on 6 August 2022.

From 30 June 2023, Local Authorities with overdue ASRs and AQAPs will start to receive their first reminder letters. As set out in the Tables 1 and 2 below, if reporting requirements continue to be missed, the matter can be escalated to a Section 85 Secretary of State direction to the relevant Local Authority Chief Executive specifying action.

You are therefore advised to ensure all statutory reporting duties for LAQM are met on time. Please refer to the LAQM Statutory Policy Guidance 2022 for more information.

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**Table 1: Reminder and warning process for ASRs**

<b>Timescale</b>	<b>Enforcement</b>	<b>Recipient</b>
Six months before deadline - <b>January</b>	<b>Pre-reminder letter</b>	From the Air Quality and Industrial Emissions (AQIE) Deputy Director to all local authority Chief Executives and relevant director/s - environment & public health reminding them of LAQM statutory requirements.
Two months before deadline - <b>April</b>	<b>Final pre-reminder letter</b>	From Defra's LAQM team to all Air Quality officers reminding them of June deadline
One month overdue - <b>July</b>	<b>Reminder letter</b>	From Defra's LAQM team to Air Quality Officer at non-submitting local authorities
Three months overdue - <b>September</b>	<b>Warning Letter</b>	From the AQIE Deputy Director to relevant director/s - environment & public health
Four months overdue - <b>October</b>	<b>Final Warning letter</b>	From the AQIE Deputy Director to relevant director/s - environment & public health
Six months overdue – <b>December</b>	<b>Ministerial letter:</b> Section 85 direction	Local Authority Chief Executive

**Table 2 – Reminder and warning process for AQAPs - Due to be revised at least every five years**

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<b>Timescale</b>	<b>Enforcement letter</b>	<b>Recipient</b>
<b>AQAP 2 months overdue</b> (e.g. 14 months post AQMA designation or 5 years & 2 months since previous AQAP publication)	<b>Reminder letter</b>	From Defra's LAQM team to Air Quality Officer at non-compliant Local Authority
<b>AQAP 4 months overdue</b>	<b>Warning Letter</b>	From the AQIE Deputy Director to Environment Health / Air Quality Manager at non-compliant Local Authority
<b>AQAP 6 months overdue</b>	<b>Final Warning letter</b>	From the AQIE Deputy Director to relevant Director at non-compliant Local Authority
<b>AQAP 8 months overdue</b>	<b>Ministerial letter:</b> Section 85 direction	Local Authority Chief Executive

### 3. Public Bodies Required to Contribute to Action Plans

The Environment Act 2021 amended the Environment Act 1995 to increase the number of public bodies that have a duty to co-operate with Local Authorities for LAQM. Air quality partners are certain other public bodies that a Local Authority identifies as having responsibility for a source of emissions contributing to an exceedance of local air quality objectives. This could be a neighbouring authority, National Highways, or the Environment Agency. Once identified, there is a statutory requirement for such public bodies to engage and to contribute actions they will take to secure achievement of the local air quality objective and to maintain achievement thereafter.

All tiers of local Government are also now required by law to collaborate to address exceedances of Air Quality Objectives. County councils, the Mayor of London and combined authorities have similar duties to air quality partners. The difference is that, when requested, they must contribute to an action plan being prepared by a Local Authority, regardless of whether the local authority has identified them as being responsible for a source of emissions.

Under the new legislation, you may choose to request the support of another public body in the development of an AQAP and the same may be requested of your organisation.

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Please refer to the LAQM Statutory Policy Guidance 2022 for more information. Should you require further assistance, please contact the LAQM Helpdesk:

Web: <http://laqm.defra.gov.uk/helpdesks.html>

FAQs: <http://laqm.defra.gov.uk/laqm-faqs/>

Tel: 0800 032 7953

Email: [laqmhlpdesk@uk.bureauveritas.com](mailto:laqmhlpdesk@uk.bureauveritas.com)

The Air Quality Hub also provides free online information and is a knowledge sharing resource for local authority air quality professionals: <https://www.airqualityhub.co.uk/>

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## Appraisal Response Comment Form

Contact Name:	
Contact Telephone number:	
Contact email address:	UKLAQMAppraisals@aecom.com

**Comments on appraisal/Further information:**