

**REPORT AUDIT TRAIL****CONSULTATION**

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. **You must liaise with and receive sign off from the relevant Cabinet Member(s).***

<b>Name/Position</b>	<b>Portfolio/Ward/ Directorate</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in para:</b>
Councillor Saghir Alam	Cabinet Member for Transport and Environment	26/03/24	26/03/24	Okay with the content
<i>Paul Woodcock</i>	Strategic Director for Regeneration and Environment	Click here to enter a date.	Click here to enter a date.	
<i>Jonathon Baggaley/Jayne Close, Finance</i>	Finance and Customer Services	16/02/24	19/02/24	Sent to Jon Baggaley – section 6
<i>Michelle Scales, Legal Services</i>	Legal Services	16/02/24	28/02/24	Section 7 and Appendix 1, 2, 3 and 4
<i>Rebecca Price Human Resources</i>	Assistant Chief Executive's Office	16/02/24	27/02/24	Section 8
<i>Karen Middlebrook, Procurement</i>	Finance and Customer Services	Click here to enter a date.	Click here to enter a date.	Not submitted, no procurement implications
<i>Arthur King, Climate</i>	Assistant Chief Executive's Office	16/02/24	16/02/24	Appendix 6
Equalities Inbox	Assistant Chief Executive's Office	16/02/24	22/03/24	Appendix 5 no comments

<b><u>REPORT APPROVAL TRACKING</u></b>			
<b>Equalities</b> Your report will not be authorised for submission to Cabinet by your Strategic Director if you have not undertaken and included an initial equalities screening. All equalities analysis documents should be included as appendices	<b>Initial Screening completed and included with report</b>	YES	16 <sup>th</sup> February 2024
	<b>Full Assessment completed and included with report</b>	NO	Insert date agreed
<b>Carbon Impact Assessments</b> Carbon Impact Assessments are to be appended to the associated cabinet reports. Carbon Impact Assessments should be sent to <a href="mailto:climate@rotherham.gov.uk">climate@rotherham.gov.uk</a> for feedback prior to your report being sent to your Strategic Director for approval.	Carbon Impact Assessment completed and included with report.	YES	16 <sup>th</sup> February 2024
<b>Background information</b> <b>MANDATORY:</b> Insert headings for a few main <b>public</b> documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, <b>insert hyperlinks</b> . Do not list private documents.	Environment Act 1995  DEFRA <i>The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Volume 1)</i> , 2007  DEFRA Air Quality Management Areas (AQMAs) ( <a href="https://uk-air.defra.gov.uk/aqma/">https://uk-air.defra.gov.uk/aqma/</a> )  'Wales (NO2) AQMA' ( <a href="https://uk-air.defra.gov.uk/aqma/details?aqma_ref=218">https://uk-air.defra.gov.uk/aqma/details?aqma_ref=218</a> )  DEFRA UK Air Web page <a href="#">Site Information for Rotherham Centre(UKA00349) - Defra, UK</a>  DEFRA Local Air Quality Management Policy Guidance (PG22), August 2022		
<b>Appendices</b> If appendices are essential to the understanding of the report, list titles here. Equality Analysis documents should be listed as Appendix 1 for all reports. Ensure that appendices have proper titles.	Appendix 1 Revocation of the Wortley Road hourly mean Air Quality Management Area – Revocation Notice  Appendix 2 Revocation of the Fitzwilliam Road hourly mean Air Quality Management Area – Revocation Notice		

	<p>Appendix 3 Revocation of the Wortley Road hourly mean Air Quality Management Area – Revocation Order</p> <p>Appendix 4 Revocation of the Fitzwilliam Road hourly mean Air Quality Management Area – Revocation Order</p> <p>Appendix 5 Equalities Screening Assessment</p> <p>Appendix 6 Carbon and Climate Change Assessment</p>	
<p><b>Cabinet Member Approval</b>          You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off</p>	YES/NO	<a href="#">Click here to enter a date.</a>
<p><b>Report Authorised by Strategic Director</b></p>	YES/NO	<a href="#">Click here to enter a date.</a>
<p><b>Report Authorised for publication by Chief Executive</b></p>	YES/NO (delete as appropriate)	<a href="#">Click here to enter a date.</a>

Public Report with Exempt Appendices  
Delegated Officer Decision

---

**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 28 March 2024

**Report Title**

Revocation of the Wortley Road and Fitzwilliam Road hourly mean nitrogen dioxide  
Air Quality Management Areas

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Assistant Director Approving Submission of the Report**

Sam Barstow, Assistant Director, Community Safety and Streetscene

**Report Author(s)**

Lewis Coates

01709 823117 or [lewis.coates@rotherham.gov.uk](mailto:lewis.coates@rotherham.gov.uk)

Julie Kent

01709 823318 or [julie.kent@rotherham.gov.uk](mailto:julie.kent@rotherham.gov.uk)

**Ward(s) Affected**

Rotherham East Ward

Rotherham West Ward

**Report Summary**

Air quality monitoring data demonstrates that for the past three years the levels of hourly mean nitrogen dioxide in the Wortley Road and Fitzwilliam Road area have been compliant with the relevant national air quality objective. Consequently, the declared Air Quality Management Areas for hourly mean nitrogen dioxide are to be revoked. The Air Quality Management Areas for annual mean nitrogen dioxide will remain.

**Recommendations**

1. To note the decision to revoke the Air Quality Management Area
2. To note the improvement in air quality in Rotherham

**List of Appendices Included**

Appendix 1 Revocation of the Wortley Road hourly mean Air Quality Management Area – Revocation Notice

- Appendix 2 Revocation of the Fitzwilliam Road hourly mean Air Quality Management Area – Revocation Notice
- Appendix 3 Revocation of the Wortley Road hourly mean Air Quality Management Area – Revocation Order
- Appendix 4 Revocation of the Fitzwilliam Road hourly mean Air Quality Management Area – Revocation Order
- Appendix 5 Equalities Screening Assessment
- Appendix 6 Carbon and Climate Change Assessment

### **Background Papers**

Environment Act 1995

DEFRA *The Air Quality Strategy for England* [The air quality strategy for England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422222/air-quality-strategy-for-england-2018.pdf)

DEFRA Air Quality Management Areas (AQMA) (<https://uk-air.defra.gov.uk/aqma/>)

DEFRA Local Air Quality Management Policy Guidance (PG22), [England \(exc. London\) Policy Guidance | LAQM \(defra.gov.uk\)](https://www.defra.gov.uk/air-quality/policy-guidance/laqm/)

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Name of Committee – Click here to enter a date.

### **Council Approval Required**

No

### **Exempt from the Press and Public**

No

## Revocation of the Wortley Road and Fitzwilliam Road hourly mean nitrogen dioxide Air Quality Management Areas

### 1. Background

- 1.1 Part IV of the Environment Act 1995, connects national strategy with local action and amongst other things, places an obligation on Councils to introduce Air Quality Management Areas where national air quality standards or objectives are not met.
- 1.3 Air Quality in Rotherham has been continually monitored for many years and for the last four years it has been demonstrated that hourly mean levels of nitrogen dioxide have fallen consistently below the threshold of 18 exceedences. The table below shows the exceedences of hourly nitrogen dioxide measured within the two Air Quality Management Areas.

#### Hourly mean nitrogen dioxide-Wortley Road, Rotherham

2020	
Location	Number of exceedences of 200ug/m <sup>3</sup> /annum (18 are allowed)
Wortley Road, Bradgate	0
Fitzwilliam Road	0
2021	
Location	Number of exceedences of 200ug/m <sup>3</sup> /annum (18 are allowed)
Wortley Road, Bradgate	0
Fitzwilliam Road	0
2022	
Location	Number of exceedences of 200ug/m <sup>3</sup> /annum (18 are allowed)
Wortley Road, Bradgate	0
Fitzwilliam Road	0

- 1.4 Nitrogen dioxide pollution is primarily linked to vehicle emissions from the A630 and A629 roads in this area. As the fleet has improved, air quality has improved so these Air Quality Management Areas for hourly mean nitrogen dioxide can be revoked.

- 1.5 This trend was particularly marked during 2020 with the impact of various movement restrictions and changes in behaviour. However, as levels of traffic return to normal, the national objective for nitrogen dioxide hourly mean will not be breached at relevant locations near to Wortley Road and Fitzwilliam Road.

## **2. Key Issues**

- 2.1 Section 83(2)(b) of the Environment Act 1990 states that an Air Quality Management Area should be revoked where an air quality review shows compliance and that this is expected to be maintained. There is a clear indication that where an area becomes compliant and is expected to remain that way, then the Council should revoke. It would be appropriate to recognise this improvement in air quality in the area and consequently revoke the declared Air Quality Management Area.
- 2.2 DEFRA has already been made aware of the desire to revoke the AQMAs through the Local Air Quality Management Helpdesk and supports the revocations. DEFRA will expect to receive a copy of the Revocation Orders once it has come into effect through the Local Air Quality Management Helpdesk.
- 2.3 With respect of the proposed revocation, this will be initiated through the mechanism of a Notice advising that the Council is intending to revoke the Air Quality Management Areas around Wortley Road and Fitzwilliam Road. A copy of the Notices attached at Appendix 1 and 2.
- 2.4 Subject to the responses received to the Notices issued on 31<sup>st</sup> March 2024, a Revocation Order will be made and come into effect on 13<sup>th</sup> May 2024. A copy of the Orders is attached at Appendix 3 and 4.

## **3. Options considered and recommended proposal**

- 3.1 The Council could have considered keeping the declared Air Quality Management Areas in place. However, there would be little justification for this given that the air quality monitoring data demonstrates that the areas are compliant likely to continue to be so and we had been advised to revoke them by Defra.
- 3.2 The preferred option would be to revoke the AQMA and undertake the statutory consultation. Monitoring demonstrates the improvement of air quality in the area and consequently, within the provisions of legislation, the declaration can be revoked.

## **4. Consultation on proposal**

- 4.1 Schedule 11 of the Environment Act 1995 directs Councils to ensure other relevant public bodies are aware of the revocation. Additionally, Local Air Quality Management Policy Guidance (PG22) requires that a copy of the Revocation Order should be submitted to Defra and other statutory

consultees and made publicly available to ensure the public and local businesses are aware of the situation.

- 4.3 Copies of the Order will be provided to DEFRA and changes to Rotherham's AQMAs will be displayed on their UK Air web page.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 A six week period for responses is provided between the issue of the Notice and the making of the Order.

The Notice of intention to implement a Revocation Order will be issued on 31<sup>st</sup> March 2024.

It is expected that the Order will come into effect on 13<sup>th</sup> May 2024 subject to responses.

- 5.2 The Service Manger Regulation and Enforcement is accountable for implementing the decision.

## **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

- 6.1 It is anticipated that there are no financial or procurement implications arising from this officer decision. Any costs associated with removing and redeploying the monitoring equipment will be contained within the Service's approved revenue budget.

- 6.2 Air quality monitoring will continue as previously in both AQMAs as the annual mean AQMAs are still in force.

## **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

- 7.1 The Council has a statutory duty under section 82(1) of the Environment Act 1995 to regularly review and assess local air quality against national targets to check whether or not the targets are likely to be met.

- 7.2 Under section 83(1) of the Environment Act 1995, the Council is able to designate, by order, an area as an air quality management area where there is evidence that any national air quality standards or objectives are not being met.

- 7.3 Section 83(2) provides that whereupon review of any designated area, it appears that the air quality standards or objectives are being met and it is anticipated that compliance will be maintained, the Council is able to revoke the order making the designation.



- 7.4 For revocation this should demonstrate that air quality objectives are being met and will continue to do so. In other words, the Council should have confidence that the air quality improvements will be sustained.
- 7.5 A copy of the order will be provided to statutory consultees. Schedule 11(1)(2) of the Environment act 1995 and the Local Air Quality Management Policy Guidance (PG22), August 2022, specifies the statutory consultees along with DEFRA as:
- Environment Agency;
  - Highways England;
  - The Mayor of London (for London Boroughs only)
  - All local authorities neighbouring the local authority in question;
  - The County Council (if a District Council);
  - Any National Park authority as appropriate;
  - Other public authorities as appropriate; and
  - Bodies representing local business interests and other organisations as appropriate.
- 7.6 Chapter 4 of the Local Air Quality Management Policy Guidance (PG22), August 2022 addresses air quality management areas. Paragraph 4.11 requires that where an Order is revised, a copy of the revocation or amendment Order should be submitted to DEFRA and other statutory consultees and made publicly available to ensure the public and local businesses are aware of the situation.
- 7.7 Once a Revocation Order is effective a copy of the Revocation Order must be shared with DEFRA via the Local Air Quality Management Helpdesk and all other statutory consultees. The Revocation Order will be publicly available to ensure that the public are aware of the situation.
- 7.8 The Council is able to demonstrate that air quality objectives are being met and that this will continue to be the case and DEFRA have confirmed that they support the revocation orders. The Council must ensure that the process for revoking an air quality management area are followed and the proposed timetable is in line with the process set out within the legislation and policy guidance. It is expected that the relevant action imposed by the Order will be taken within four months following receipt of comments from Defra.

## **8. Human Resources Advice and Implications**

- 8.1 There are no human resources implications arising from this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no implications for Children and Young People and Vulnerable Adults

## 10. Equalities and Human Rights Advice and Implications

10.1 A screening assessment has been carried out in Appendix 5.

## 11. Implications for CO2 Emissions and Climate Change

11.1 An assessment has been carried out in Appendix 6.

## 12. Implications for Partners

12.1. There are no implications for partners

## 13. Risks and Mitigation

13.1 Choosing not to revoke the Order may attract criticism from DEFRA for failing the Council's statutory obligation to effectively review the air quality of the Borough

## 14. Accountable Officers

Sam Barstow, Assistant Director, Community Safety & Streetscene

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.

*Report Author:*            *Lewis Coates*  
   *01709 823117 or lewis.coates@rotherham.gov.uk*

*Julie Kent*  
*01709 823318 or julie.kent@rotherham.gov.uk*

This report is published on the Council's [website](#).

