

Select report type
Delegated Officer Decision

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 27 March 2025

Report Title

Revocation of annual mean nitrogen dioxide Air Quality Management Areas on Wortley Road and adjacent to the M1 at Brinsworth, Catcliffe, Blackburn, and Meadowbank

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 & Street Scene

Report Author(s)

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Ward(s) Affected

Brinsworth Ward
Rother Vale Ward
Rotherham West Ward

Report Summary

Air quality monitoring data demonstrates that for the past four years the levels of annual mean nitrogen dioxide in the Wortley Road and M1 (Brinsworth, Catcliffe, Blackburn, Meadowbank) area have been compliant with the relevant national air quality objective. Consequently, the declared Air Quality Management Areas for annual mean nitrogen dioxide are to be revoked.

Recommendations

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

List of Appendices Included

Appendix 1 Wortley Road annual mean nitrogen dioxide Air Quality Management Area – Revocation Notice

- Appendix 2 AQMA 1 M1(Brinsworth, Catcliffe, Blackburn, Meadowbank) annual mean nitrogen dioxide Air Quality Management Area – Revocation Notice
- Appendix 3 Wortley Road annual mean nitrogen dioxide Air Quality Management Area – Revocation Order
- Appendix 4 AQMA 1 M1(Brinsworth, Catcliffe, Blackburn, Meadowbank) annual mean nitrogen dioxide Air Quality Management Area – Revocation Order
- Appendix 5 Equalities Screening Assessment
- Appendix 6 Carbon Impact Assessment

Background Papers

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Name of Committee – Click here to enter a date.

Name of Committee – Click here to enter a date.

Council Approval Required

No

Exempt from the Press and Public

No

Revocation of annual mean nitrogen dioxide Air Quality Management Areas on Wortley Road and adjacent to the M1 at Brinsworth, Catcliffe, Blackburn, and Meadowbank

1. Background

- 1.1 Part IV of the Environment Act 1995, links 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 being met. Many Air Quality Management Areas were introduced during the early 2000s in England, however, air quality has improved significantly since then and now these Air Quality Management Areas are required to be revoked. This is an administrative process required by Defra.
- 1.2 Air Quality in Rotherham has been continually monitored for many years and for the last four years it has been demonstrated that annual mean levels of nitrogen dioxide have fallen consistently below the threshold of 40 microgrammes per metre cubed in the Wortley Road and M1 Air Quality Management Areas. The table below shows the level of annual nitrogen dioxide measured within the two Air Quality Management Areas.

Annual mean nitrogen dioxide-Wortley Road and M1 (Brinsworth, Catcliffe, Blackburn, and Meadowbank), Rotherham

2020	
Location	Maximum annual mean nitrogen dioxide measured The national objective is 40ug/m ³
Wortley Road, Bradgate	32
Rotherham AQMA 1 Part1, Part 2 and Part 4 (Brinsworth, Catcliffe, Blackburn, Meadowbank)	28
2021	
Location	Maximum annual mean nitrogen dioxide measured The national objective is 40ug/m ³
Wortley Road, Bradgate	31
Rotherham AQMA 1 Part1, Part 2 and Part 4 (Brinsworth,	29

Catcliffe, Blackburn, Meadowbank)	
2022	
Location	Maximum annual mean nitrogen dioxide measured The national objective is 40ug/m ³
Wortley Road, Bradgate	19
Rotherham AQMA 1 Part1, Part 2 and Part 4 (Brinsworth, Catcliffe, Blackburn, Meadowbank)	
	29
2023	
Location	Maximum annual mean nitrogen dioxide measured The national objective is 40ug/m ³
Wortley Road, Bradgate	30
Rotherham AQMA 1 Part1, Part 2 and Part 4 (Brinsworth, Catcliffe, Blackburn, Meadowbank)	
	28

1.3 Nitrogen dioxide pollution is linked to vehicle emissions from the M1 and A629 roads in these areas of Rotherham. As the fleet has improved over the years, air quality has improved significantly so these Air Quality Management Areas for annual mean nitrogen dioxide need to be revoked as required by Defra.

1.4 The national objective for nitrogen dioxide annual mean will not be breached at relevant locations near to Wortley Road and M1 motorway in future years.

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 M1 (Brinsworth, Catcliffe, Blackburn, and Meadowbank). A copy of the Notices attached at

2.4

Appendix 1 and 2.

Subject to the responses received to the Notices issued on 31st March 2025, a Revocation Order will be made and come into effect on 1st June 2025. 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, this would be counter to Defra's advice and guidance as 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 as soon as possible.

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 the proposal

4.1 Defra has been consulted and require the Council to revoke the Air Quality Management Areas

4.2 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 expectation that where an area becomes compliant and is expected to remain that way, then the Council should revoke. It is therefore appropriate to recognise this improvement in air quality in the two areas and consequently revoke the two declared Air Quality Management Areas.

5. Timetable and Accountability for Implementing this Decision

- 5.1 A notice is required to be published informing of the decision to revoke the AQMAs, which will take place six weeks from the date of the notice.
- 5.2 The Notice of intention to implement a Revocation Order will be issued on 31st March 2024.
- 5.3 It is expected that the Order will come into effect on 13th May 2024 subject to responses.
- 5.4 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)

Any costs associated with removing and redeploying the monitoring equipment will be contained within the Service's approved revenue budget.

There are no direct procurement implications associated with the recommendations detailed in this report.

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 the recommendations contained in this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The improvement in air quality in the borough should be noted.

10. Equalities and Human Rights Advice and Implications

10.1 None, the paper relates to an administrative process. A screening assessment is attached at appendix 5

11. Implications for CO2 Emissions and Climate Change

11.1 None, a carbon impact assessment is attached at appendix 6

12. Implications for Partners

12.1. None

13. Risks and Mitigation

13.1 None

14. Accountable Officers

Name, Job Title

Name, Job Title

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	Click here to enter a date.

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