

Gateshead Council

Environment Act 1995 – Part IV section 83(2)(b)

Order Revoking Air Quality Management Order – Area No. 2

(Portobello Terrace / Penshaw View, Birtley)

Gateshead Council, in exercise of the powers conferred on it by section 83(2)(b) of the Environment Act 1995 HEREBY makes the following Order –

1. This Order shall revoke the area known as Air Quality Management Area 2 for nitrogen dioxide around Portobello Terrace / Penshaw View, Birtley as shown in the attached (original) map and as set out in the schedule to this Order.
2. This Order shall come into force on 1 October 2018.

SCHEDULE

Street / road number	From	To
Portobello Terrace	1	16
Penshaw View	23	33

The Common Seal of Gateshead Council

Was hereunto affixed in the presence of :

Mayor :



Solicitor to the Council :



Dated :

RECORD OF DELEGATED DECISION

1. In exercise of the Council's powers under section 83(1) of the Environment Act 1995 <https://www.legislation.gov.uk/ukpga/1995/25/contents>, on 1 April 2008 an Air Quality Management Order was made in respect of Portobello Terrace / Penshaw View in Britley <https://www.gateshead.gov.uk/article/3393/Air-quality>.
2. The Order designated an area in relation to a likely breach of the nitrogen dioxide (annual mean) objective specified in the Air Quality Regulations (England) 2000 <http://www.legislation.gov.uk/uksi/2000/928/contents/made>.
3. Monitoring and assessment of the air quality in the designated area has established that the annual mean concentrations of nitrogen dioxide have reduced below the maximum permitted levels
<https://www.gateshead.gov.uk/media/3650/Detailed-Assessment-of-Nitrogen-Dioxide-at-Portobello/pdf/Detailed-Assessment-of-Nitrogen-Dioxide-at-Portobello.pdf>.
4. Consultation has taken place with relevant statutory bodies, stakeholders and the public; and no objections to the revocation of the Order have been received. The Department for Environment, Food & Rural Affairs has approved the revocation of the Order made on 1 April 2008
5. Pursuant to section 83(2) of the Environment Act 1995, revocation of the Order is effected by further Order of the Council. A copy of that Order will then be published on the Council's website, sent to DEFRA and to local residents in the designated area.
6. Pursuant to paragraph 11 of schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000 <http://www.legislation.gov.uk/uksi/2000/2853/made>, the discharge of any function relating to the control of pollution or the management of air quality may but need not be the responsibility of the Council's Executive. The Council's Constitution specifies that revocations in respect of air quality management are the responsibility of the Service Director for Development, Transport & Public Protection (at paragraph 1(b) of the non-executive powers delegated to the Service Director, at page 64 [https://www.gateshead.gov.uk/media/2717/Constitution-of-the-Council/pdf/Constitution\(March2018\).pdf](https://www.gateshead.gov.uk/media/2717/Constitution-of-the-Council/pdf/Constitution(March2018).pdf)).
7. In exercise of my power, and having due regard to the facts set out above, I hereby authorise the Mayor to affix the Common Seal to the attached Order revoking the Air Quality Management Order Area No. 2.

Signed : 

Dated : 21.9.18

Anneliese Hutchinson, Service Director of Development, Transport & Public Protection