
D I R E C T I O N

ENVIRONMENT ACT 1995

Environment Act 1995 (Coventry City Council) Air Quality Direction 2019

The Secretary of State, in exercise of the power conferred by section 85(5) of the Environment Act 1995(a), gives the following direction.

In accordance with section 85(6) a copy of this direction will be published in the London Gazette.

The Secretary of State makes this direction having determined that it is necessary in order to meet obligations placed upon the UK under the EU Ambient Air Quality Directive(b).

Citation, commencement and application

1.—(1) This direction may be cited as the Environment Act 1995 (Coventry City Council) Air Quality Direction 2019 and comes into force on the day after it is made.

(2) This direction applies to Coventry City Council.

Interpretation

2. In this direction—

“AQP” means the UK plan for tackling roadside nitrogen dioxide concentrations 2017, drawn up by the Secretary of State in accordance with regulation 26(1) of the Air Quality Standards Regulations 2010(c);

“the authority” means Coventry City Council;

“benchmark option” means the clean air zone charging option that was detailed in the local plan for NO₂ compliance and is summarised in Schedule 1.

“full business case” means a document that sets out the commercial and contractual arrangements, affordability, and management arrangements to ensure successful delivery of the benchmark option;

“local plan for NO₂ compliance” means the study which the authority developed as part of the AQP to deliver compliance with the legal limit value for nitrogen dioxide in the shortest possible time that was considered by the Secretary of State on 25 March 2019.

(a) 1995 c25.

(b) 2008/50/EC OJ No. L 152, 11.06.08, p.1.

(c) S.I. 2010/1001. A copy of the plan is available at: <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>.

Duty to implement the benchmark option

3.—(1) The authority must take steps to implement the benchmark option for the area for which it is responsible.

(2) The authority must ensure that the benchmark option is implemented so that—

- (a) compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time, and by 2023 at the latest;
- (b) exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.

Duty to submit additional documentation

4.—(1) The authority must submit revised air quality modelling to the Secretary of State as soon as possible and by 14 June 2019 at the latest.

(2) The revised air quality modelling provided under sub-paragraph (1) must demonstrate the applicable class of charging clean air zone and what (if any) additional measures would need to be implemented by the authority to deliver compliance in the shortest possible time.

Duty to prepare and submit a full business case

5.—(1) The authority must prepare a full business case for the area for which it is responsible.

(2) The full business case must be submitted to the Secretary of State as soon as possible and by 27 September 2019 at the latest.

Submission of the full business case to the Secretary of State

6. When submitting the full business case, the authority must provide the Secretary of State with the following information—

- (a) the date on which it is proposed that the scheme identified in the full business case will come into effect;
- (b) confirmation that all public consultation necessary in respect of the scheme identified in the full business case, has been completed;
- (c) a summary of any responses received in response to any consultation and of the changes (if any) made to the scheme identified in the full business case following that consultation.

Variation, revocation or suspension

7. The authority must not vary, revoke or suspend their implementation of the benchmark option pursuant to paragraph (3), without the prior written consent of the Secretary of State.

Guidance

8. The authority, in taking steps under this direction, must have regard to relevant guidance issued by the Secretary of State.

Thérèse Coffey MP
Parliamentary Under Secretary of State for the Environment
Department for the Environment Food & Rural Affairs
26 March 2019

SCHEDULE 1

Paragraph 3

Summary of benchmark option included in the local plan for NO₂ compliance

<i>Measures description</i>	<i>Deadlines</i>
Class D Charging Clean Air Zone and additional complementary measures.	To be implemented as soon as possible and at least in time to bring forward compliance to 2023

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Coventry City Council to implement the benchmark option included in its local plan for NO₂ compliance, to provide further air quality monitoring and to prepare a full business case all in connection with duties in respect of air quality under Part 4 of the Environment Act 1995 and as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017. The local plan for NO₂ compliance was considered by the Secretary of State on 25 March 2019, and it has been determined as part of that consideration that the benchmark option must now be implemented to ensure compliance with the legal limit value for nitrogen dioxide is achieved in Coventry City Council's area in the shortest possible time. Under section 85(7) of the Environment Act it is the duty of a local authority to comply with a direction given to it. A copy of this direction is available at for inspection at Seacole Building, 2 Marsham Street, London, SW1P 4DF.