

## ENVIRONMENT ACT 1995

### Environment Act 1995 Bath and North East Somerset 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 (Bath and North East Somerset Council) Air Quality Direction 2019 and comes into force on 19 March 2019.

(2) This direction applies to Bath and North East Somerset Council.

#### Interpretation

2. In this direction—

“the authority” means Bath and North East Somerset Council;

“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);

“full business case” means a document that sets out the commercial and contractual arrangements, affordability, and management arrangements to ensure successful delivery of the scheme detailed in the local plan for NO<sub>2</sub> compliance;

“local plan for NO<sub>2</sub> compliance” means the detailed scheme (excluding any associated mitigation measures) which Bath and North East Somerset Council identified as part of the AQP to deliver compliance with the legal limit value for nitrogen dioxide in the shortest possible time that was approved by the Secretary of State on 18 March 2019 and is summarised in Schedule 1.

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(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 local plan for NO<sub>2</sub> compliance**

**3.**—(1) The authority must take steps to implement the local plan for NO<sub>2</sub> compliance for the area for which it is responsible.

(2) The authority must ensure that the local plan for NO<sub>2</sub> compliance is implemented so that—

- (a) compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time, and by 2021 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 paragraph (3) must demonstrate the applicable class of charging Clean Air Zone and what (if any) additional measures would need to be implemented by the authorities 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 23 August 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 its implementation of the local plan for NO<sub>2</sub> compliance 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.

Parliamentary Under Secretary of State for the Environment  
Department for the Environment Food & Rural Affairs

18 March 2019

## SCHEDULE 1

Paragraph 3

### Summary of local plan for NO<sub>2</sub> compliance measures

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<i>Measures description</i>	<i>Deadlines</i>
Class C 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 2021

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#### **EXPLANATORY NOTE**

*(This note is not part of the direction)*

This direction directs Bath and North East Somerset Council and, for the purposes of this direction is referred to as “the authority”, to implement its local plan for NO<sub>2</sub> compliance, 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 NO<sub>2</sub> compliance was approved by the Secretary of State on 18 March 2019, and it must now be implementation to ensure compliance with the legal limit value for nitrogen dioxide is achieved in the authority’ areas 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.