
D I R E C T I O N

ENVIRONMENT ACT 1995

Environment Act 1995 (Basildon Borough Council and Essex County Council) Air Quality Direction 2019

The Secretary of State, in exercise of the power conferred by section 85(5) and 86(8) of the Environment Act 1995(a), gives the following direction.

In accordance with section 85(6) and 86(9) 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 (Basildon Borough Council and Essex County Council) Air Quality Direction 2019 and comes into force on the day after it is made.

(2) This direction applies to—

- (a) Basildon Borough Council;
- (b) Essex County 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 authorities” means —

- (a) Basildon Borough Council;
- (b) Essex County Council;

“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 NO₂ compliance;

“local plan for NO₂ compliance” means the study which the authorities developed as part of the AQP to deliver compliance with the legal limit value for nitrogen dioxide in the

(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>.

shortest possible time that was considered by the Secretary of State on 17 June 2019 and is summarised in Schedule 1.

Duty to implement the local plan for NO₂ compliance

3.—(1) The authorities must take steps to implement the speed limit reduction for the area on the A127 for which they are responsible.

(2) The authorities must ensure that the speed limit is implemented so that—

- (a) compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time, and by 2020 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 authorities must submit further air quality, transport and economic modelling to the Secretary of State as soon as possible and by 31 July 2019 at the latest.

(2) The revised modelling provided under sub-paragraph (1) must demonstrate what measures would need to be implemented by the authorities to deliver compliance quicker than 2023 at local exceedance locations

(3) The revised modelling provided under sub-paragraph (1) must include modelling on a suitable benchmark option, this should be either a small charging Clean Air Zone around the East Mayne exceedance location or a suitable access restriction (charge or ban) for HGVs to determine whether compliance can be brought forward from 2023.

Duty to prepare and submit a full business case

5.—(1) The authorities must prepare a full business case for the area for which they are responsible and for the speed limit reduction.

(2) The full business case must be submitted to the Secretary of State as soon as possible and by 25 October 2019 at the latest.

Submission of the full business case to the Secretary of State

6. When submitting the full business case, the authorities 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 authorities must not vary, revoke or suspend their implementation of the speed limit reduction for NO₂ compliance pursuant to paragraph (3), without the prior written consent of the Secretary of State.

Guidance

8. The authorities, 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
17 June 2019

SCHEDULE 1

Paragraph 3

Summary of speed limit reduction for NO₂ compliance

<i>Measures description</i>	<i>Deadlines</i>
Speed limit reduction on the A127.	To be implemented as soon as possible and at least in time to bring forward compliance to 2020

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Basildon Borough Council and Essex County Council to implement a speed limit reduction option included in their local plan for NO₂ compliance, to provide further air quality and transport modelling for the non charging Clean Air Zone option 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 17 June 2019, and it has been determined as part of that consideration that the speed limit reduction option must now be implemented to ensure compliance with the legal limit value for nitrogen dioxide is achieved in Basildon Borough Council's area in the shortest possible time and by 2020. 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.