

ENVIRONMENT ACT 1995

Environment Act 1995 (Nottingham City Council) Air Quality Direction 2018

The Secretary of State, in exercise of the power conferred by section 85(5) of the Environment Act 1995⁽¹⁾, 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⁽²⁾.

Citation, commencement and application

1.—(1) This direction may be cited as the Environment Act 1995 (Nottingham City Council) Air Quality Direction 2018 and comes into force on 21 November 2018.

(2) This direction applies to Nottingham City Council.

Interpretation

2. In this direction—

“local plan for NO₂ compliance” means the detailed scheme (excluding any associated mitigation measures) which Nottingham City 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 20 November 2018 and is summarised in Schedule 1;

“the authority” means Nottingham City 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⁽³⁾;

Duty to implement the approved local plan for NO₂ compliance

3.—(1) The authority must take steps to implement the local plan for NO₂ compliance for the area for which it is responsible.

(2) The authority must ensure that the local plan for NO₂ compliance is implemented so that—

- (a) compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time, and by 2019 at the latest;
- (b) exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.

(1) 1995 c25.

(2) 2008/50/EC OJ No. L 152, 11.06.08, p.1.

(3) 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>.

Variation, revocation or suspension

4. The authority must not vary, revoke or suspend its implementation of the local plan for NO₂ compliance pursuant to paragraph 3, without the prior written consent of the Secretary of State.

Guidance

5. 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

20 November 2018

SCHEDULE 1

Paragraph 2

Summary of local plan for NO₂ compliance measures

<i>Measures description</i>	<i>Deadlines</i>
Clean Bus Technology Fund bus retrofit programme	To be implemented as soon as possible and at least in time to bring forward compliance to 2019
Updating the taxi licensing policy (as set out in the Age and Emissions Policy)	To be implemented as soon as possible and at least in time to bring forward compliance to 2019

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Nottingham City Council to implement its local plan for NO₂ 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 NO₂ compliance was approved by the Secretary of State on 20 November 2018, and it must now be implemented to ensure compliance with the legal limit value for nitrogen dioxide is achieved in Nottingham 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.