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DIRECTION

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## ENVIRONMENT ACT 1995

### Environment Act 1995 (Birmingham 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 (Birmingham City Council) Air Quality Direction 2019 and comes into force on 12 March 2019.

(2) This direction applies to Birmingham City Council.

#### Interpretation

2. In this direction—

“the authority” means Birmingham 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(c);

“local plan for NO<sub>2</sub> compliance” means the detailed scheme (excluding any associated mitigation measures) which Birmingham 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 7 March 2019 and is summarised in Schedule 1.

#### Duty to implement the approved full business case option

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.

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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>.

(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.

#### **Variation, revocation or suspension**

4. 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**

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

11 March 2019

## SCHEDULE 1

Paragraph 2

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

<i>Measures description</i>	<i>Deadlines</i>
Class D Charging Clean Air Zone	To be implemented as soon as possible and at least in time to bring forward compliance to 2021
Traffic Management Measures	To be implemented as soon as possible and at least in time to bring forward compliance to 2021
- action on all free on-street parking within the Clean Air Zone;	
- action on traffic travelling northbound on Suffolk Street Queensway (A38) that exits onto Paradise Circus to then access Sandpits Parade and southbound traffic from Paradise Circus accessing the A38;	
-action on Lister Street and Great Lister Street at the junction with Dartmouth Middleway.	

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

This direction directs Birmingham City Council 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. Birmingham City Council's local plan for NO<sub>2</sub> compliance was approved by the Secretary of State on 7 March 2019, and it must now be implemented to ensure compliance with the legal limit value for nitrogen dioxide is achieved in Birmingham 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.