
DIRECTION

ENVIRONMENT ACT 1995

Environment Act 1995 (Blackwater Valley) 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 (Blackwater Valley) Air Quality Direction 2019 and comes into force on the day after it is made.

(2) This direction applies to—

- (a) Rushmoor Borough Council;
- (b) Surrey Heath Borough Council;
- (c) Hampshire County Council;
- (d) Surrey 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) Rushmoor Borough Council;
- (b) Surrey Heath Borough Council;
- (c) Hampshire County Council;
- (d) Surrey County Council;

(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>.

“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 detailed scheme (excluding any associated mitigation measures) which the authorities 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.

Duty to implement the local plan for NO₂ compliance

3.—(1) The authorities must take steps to implement the local plan for NO₂ compliance for the areas for which they are responsible.

(2) The authorities 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 2021 at the latest;
- (b) exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.

Duty to start consultation

4. Where it is necessary to conduct public consultation ahead of the submission of the full business case, the authorities must commence that consultation by 28 March 2019 at the latest.

Duty to prepare and submit a full business case

5.—(1) The authorities must prepare a full business case for the areas for which they are responsible.

(2) The full business case must be submitted to the Secretary of State as soon as possible and by 17 May 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 the implementation of the local plan 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

19 March 2019

SCHEDULE 1

Paragraph 3

Summary of local plan for NO₂ compliance measures

<i>Measures description</i>	<i>Deadlines</i>
Speed limit restriction from 70mph to 50mph along a non-compliant section of the A331.	To be implemented as soon as possible and at least in time to bring forward compliance to 2021

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Rushmoor Borough Council, Surrey Heath Borough Council, Hampshire County Council, and Surrey County Council, that together make up the area known as Blackwater Valley and for the purposes of this direction are jointly referred to as “the authorities”, to implement their 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 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) and 86(10) 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.