

ENVIRONMENT ACT 1995

Environment Act 1995 (Sheffield City Council and Rotherham Metropolitan Borough Council) Air Quality Direction 2022

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 (Sheffield City Council and Rotherham Metropolitan Borough Council) Air Quality Direction 2022 and comes into force on the day after it is made.

(2) This direction applies to—

- (a) Sheffield City Council;
- (b) Rotherham Metropolitan Borough Council.

Interpretation

2. In this direction—

“the authorities” means —

- (a) Sheffield City Council; and
- (b) Rotherham Metropolitan Borough 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⁾;

“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 supplanted by Full Business Case documents provided to the Secretary of State on 22 April 2022 and is summarised in Schedule 1.

Revocation of previous direction

3. The Environment Act 1995 (Sheffield City Council and Rotherham Metropolitan Borough Council) Air Quality Direction 2020 is hereby revoked.

⁽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>.

Duty to implement the local plan for NO₂ compliance

4.—(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 2023 at the latest;
 - (b) exposure to levels above the legal limit for nitrogen dioxide are reduced in the shortest possible time.

Variation, revocation or suspension

5. The authorities must not vary, revoke or suspend their implementation of the local plan for NO₂ compliance pursuant to Article 4, without the prior written consent of the Secretary of State.

Guidance

6. The authorities, in taking steps under this direction, must have regard to relevant guidance issued by the Secretary of State.

Steve Double MP

Parliamentary under Secretary of State
Department for Environment, Food & Rural Affairs

13 July 2022

SCHEDULE 1

Article 2

Summary of local plan for NO₂ compliance measures

| <i>Measures description</i> | <i>Deadlines</i> |
|---|--|
| Package of measures, including: <ul style="list-style-type: none">- Charging Class C Clean Air Zone;- Bus gate on Arundel Gate;- Anti-idling measures on Arundel Gate;- A633 High Street/Bellows Road junction improvements;- A629 Wortley Road Northbound HGV prohibition;- A630 Sheffield Parkway and Rotherham Gateway 50mph speed limit; | To be implemented as soon as possible and at least in time to bring forward compliance to 2023 |

- A630 Fitzwilliam Road traffic signal and highway improvements.

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Sheffield City Council and Rotherham Metropolitan Borough Council and, for the purposes of this direction is 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 must now be implemented to ensure compliance with the legal limit value for nitrogen dioxide is achieved in the authorities’ 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 for inspection at Seacole Building, 2 Marsham Street, London, SW1P 4DF.