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MINISTERIAL DIRECTION

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**ENVIRONMENT ACT 1995****Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) (No. 2) Air Quality Direction 2018**

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 (Feasibility Study for Nitrogen Dioxide Compliance) (No. 2) Air Quality Direction 2018 and comes into force on 5 October 2018.

(2) This direction applies to England.

**Interpretation**

2. In this direction—

“specified authorities” means the local authorities listed in Schedule 1;

“specified activities” means the activities described in Schedule 2.

**Requirement to take certain steps**

3. Each of the specified authorities must complete the specified activities by the dates specified in Schedule 2.



Thérèse Coffey MP  
Parliamentary Under Secretary of State for the Environment  
Department for the Environment Food & Rural Affairs

4 October 2018

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(a) 1995 c25.

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

## SCHEDULE 1

Paragraph 3

### Specified Authorities

Bolsover District Council  
Broxbourne Borough Council  
City of Bradford Metropolitan District Council  
Leicester City Council  
Liverpool City Council  
Newcastle-under-Lyme Borough Council  
Portsmouth City Council  
Stoke-on-Trent City Council

## SCHEDULE 2

Paragraph 3

### Specified Activities

<i>Activity</i>	<i>Description of activity</i>	<i>Deadlines</i>
<b>Undertake as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017, together with the Supplement to that plan published on 5 October 2018, a Feasibility Study in accordance with the HM Treasury's Green Book approach, to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the area for which the authority is responsible, in the shortest possible time.</b>	<b>Initial Plan:</b> Setting out the case for change and the first stage in identifying, exploring, analysing and developing options for measures which the local authority will implement to deliver compliance in the shortest possible time, with indicative costs for those options.	<b>As soon as possible and by 31 January 2019 at the latest.</b>
As above	<b>Final Plan:</b> Identifying the preferred option for delivering compliance in the shortest possible time, and setting out value for money considerations and implementation arrangements	<b>As soon as possible and by 31 October 2019 at the latest.</b>

### EXPLANATORY NOTE

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

This direction directs certain English Local Authorities to carry out the specified activities listed in Schedule 2 in relation to their duties in respect of air quality under Part 4 of the Environment Act

1995 by the specified deadlines. Under section 85(7) of that 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.