

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Cardiff Council and Caerphilly County Borough Council to carry out the specified activities listed in the Schedule by the specified deadlines, in relation to their 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. Under section 85(7) of that Act it is the duty of each local authority to comply with a direction given to it. A copy of this direction is available from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

ENVIRONMENT ACT 1995

Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2018

The Welsh Ministers, in exercise of the power conferred by section 85(5) of the Environment Act 1995(1), give the following direction.

In accordance with section 85(6) a copy of this direction will be published in the London Gazette.

The Welsh Ministers make this direction having determined that it is necessary in order to meet obligations placed upon the United Kingdom under the EU Ambient Air Quality Directive(2).

Title, commencement and application

1.—(1) The title of this direction is the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2018.

(2) This direction comes into force on 15 February 2018.

(3) This direction applies to Cardiff Council and Caerphilly County Borough Council.

Interpretation

2. In this direction—

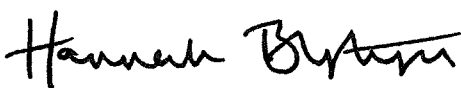
“specified authorities” means Cardiff Council and Caerphilly County Borough Council;

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

Requirement to take certain steps

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

Hannah Blythyn



Minister for Environment, under authority of the Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers.

Date

15/02/18

(1) 1995 c. 25. The functions of the Secretary of State under section 85(5) were transferred to the National Assembly for Wales in relation to Wales by article 2 of, and Schedule 1, to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions conferred on the Assembly are now exercisable by the Welsh Ministers.

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

SCHEDULE

Articles 2 and 3

Specified Activities

<i>Activity</i>	<i>Description of activity</i>	<i>Deadlines</i>
<p>Undertake, as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017, 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.</p>	<p>Initial scoping proposals: Setting out the proposed approach to the feasibility study and including scope of work, governance, resourcing, procurement approach, indicative costs and timings.</p>	<p>As soon as possible and by 31 March 2018 at the latest.</p>
<p>As above.</p>	<p>Initial Plan: Setting out the case for change and 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.</p>	<p>As soon as possible and by 30 September 2018 at the latest.</p>
<p>As above.</p>	<p>Final Plan: Identifying in detail the preferred option for delivering compliance in the shortest possible time, and including a full business case setting out value for money considerations and implementation arrangements and timings.</p>	<p>As soon as possible and by 30 June 2019 at the latest.</p>