
SUBORDINATE
LEGISLATION

WG22-38

ENVIRONMENT ACT 1995

Environment Act 1995 (Activity to
ensure Nitrogen Dioxide
Compliance) Air Quality Direction
2022

EXPLANATORY NOTE

(This note is not part of the Direction)

This direction directs Cardiff Council to carry out the specified activities listed in the Schedule by the specified deadlines, in relation to its 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 Cardiff Council to comply with a direction given to it. A copy of this direction is available from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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ensure Nitrogen Dioxide
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Made 20 September 2022

Coming into force 21 September 2022

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 the steps specified in this direction are appropriate in order to secure the meeting of the retained EU obligations under the Air Quality Standards (Wales) Regulations 2010(2).

Title, commencement and application

1.—(1) The title of this direction is the Environment Act 1995 (Activity to ensure Nitrogen Dioxide Compliance) Air Quality Direction 2022.

(2) This direction comes into force on 21 September 2022.

(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. Section 85(5)(a) Environment Act 1995 was amended by regulation 3(7) of the Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458).

(2) SI 2010/1433 W.126.

(3) This direction applies to Cardiff Council.

Interpretation

2. In this direction—

“specified authority” means Cardiff Council;

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

Requirement to take certain steps

3. The specified authority must complete the specified activities by the dates specified in the Schedule.

Julie James

Minister for Climate Change, one of the Welsh Ministers

20 September 2022

SCHEDULE Articles 2 and 3

Specified Activities

<i>Activity</i>	<i>Description of activity</i>	<i>Deadlines</i>
<p>Implementation of permanent variation of preferred option for Castle Street identified in <i>Cardiff Council Clean Air Feasibility Study Revised Final Plan – October 2019</i> as City Centre North (CCN).</p>	<p>Delivery of City Centre North (CCN) Scheme:</p> <ul style="list-style-type: none"> • Reduction of highway space. • Installation of two-way dedicated cycleway along the length of Castle Street. 	<p>To be delivered without delay and according to the agreed implementation timetable.</p>
<p>Should Cardiff Council prefer to review options for a permanent scheme for Castle Street to deliver an equal, or greater, level of ambition - 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 alternative option which will ensure sustained, long-term compliance with legal limits for nitrogen dioxide, 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 30 September 2022 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 ensure sustained, long-term compliance in the shortest possible time, with indicative costs for those options.</p>	<p>As soon as possible and by 28 November 2022 at the latest.</p>

As above.

Final Plan:

Identifying in detail the preferred (permanent scheme) 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.

As soon as possible and by 31 January 2023 at the latest.

Whilst delivering the specified activities, maintain legal compliance with NO₂ limits at Castle Street.

Monitoring plan:

Including timings/trigger points, and specific actions to be taken, to ensure concentrations on Castle Street remain compliant.

As soon as possible and by 30 September 2022 at the latest.
