Changes to legislation: *The Air Quality Limit Values (Scotland) Regulations 2001 is up to date with all changes known to be in force on or before 16 February 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2001 No. 224

ENVIRONMENTAL PROTECTION

The Air Quality Limit Values (Scotland) Regulations 2001

Made - - - -	*9th June 2001*
Laid before the Scottish Parliament - - - -	*11th June 2001*
Coming into force - -	*19th July 2001*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), **Schedule 8**, paragraph 15(3). The function conferred upon the Minister of the Crown under Section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Air Quality Limit Values (Scotland) Regulations 2001 and shall come into force on 19th July 2001.

(2) These Regulations extend to Scotland only.

Definitions

2.—(1) In these Regulations–

"agglomeration" means a zone with a population concentration in excess of 250,000 inhabitants or, where the population concentration is 250,000 inhabitants or less, a population density per km^2 for which the Scottish Ministers consider that the need for ambient air to be assessed or managed is justified;

"alert threshold" has the meaning given by regulation 8(2);

"ambient air" means outdoor air in the troposphere, excluding work places;

"assessment" means any method used to measure, calculate, predict or estimate the level of a relevant pollutant in the ambient air;

"fixed measurements" means measurements taken at fixed sites either continuously or by random sampling, the number of measurements being sufficiently large to enable the levels observed to be determined;

"level" means the concentration of a relevant pollutant in ambient air;

"limit value" has the meaning given by regulation 3(1);

"lower assessment threshold" has the meaning given by regulation 5(5);

"margin of tolerance" means the percentage of the limit value by which this value may be exceeded subject to the conditions laid down in Schedule 1;

"natural events" means volcanic eruptions, seismic activities, geothermal activities, wild-land fires, high-wind events or the atmospheric resuspension or transport of natural particles from dry regions;

"oxides of nitrogen" means the sum of nitric oxide and nitrogen dioxide added as parts per billion and expressed as nitrogen dioxide in microgrammes per cubic metre;

"$PM_{2.5}$" means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 2.5μm aerodynamic diameter;

"PM_{10}" means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 10μm aerodynamic diameter;

"relevant pollutants" means sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead;

"upper assessment threshold" has the meaning given in regulation 5(5); and

"zone" means a part of the territory of Scotland which is designated by Scottish Ministers for the purposes of these Regulations and shown on a map published by the Scottish Executive, Department of Environment, Transport and the Regions, the National Assembly of Wales and Department of Environment Northern Ireland on 19 January 2001, a copy of which is deposited at the offices of the Scottish Executive, Victoria Quay, Edinburgh, EH6 6QQ and displayed on the Scottish Executive website at http://www.scotland.gov.uk/environment/airquality/publications.asp

(2) In these Regulations, unless the context otherwise requires, any reference to–

(a) a numbered Regulation or Schedule is a reference to the Regulation in, or Schedule to, these Regulations bearing that number; and

(b) a numbered paragraph is a reference to the paragraph in that Regulation or Schedule bearing that number in the Regulation in which the reference appears.

Duty to ensure that ambient air quality is improved

3.—(1) The Scottish Ministers shall take the measures necessary to ensure that throughout Scotland in each zone concentrations of relevant pollutants in ambient air, as assessed in accordance with regulations 4 to 7, do not exceed the limit values set out in Schedule 1 from the dates specified in that Schedule.

(2) The measures taken shall–

(a) take into account an integrated approach to the protection of air, water and soil;

(b) not contravene Community legislation on the protection of safety and health of workers at work; and

(c) have no significant negative effects on the environment in the other Member States.

Assessment of ambient air quality

4. The Scottish Ministers shall ensure that ambient air quality is assessed in each zone in relation to each of the relevant pollutants in accordance with regulations 5 to 7.

Classification of zones

5.—(1) The Scottish Ministers shall classify each zone in relation to each of the relevant pollutants according to whether ambient air quality in that zone for that pollutant is required to be assessed by–

(a) measurements;

(b) a combination of measurements and modelling techniques; or

(c) by the sole use of modelling or objective estimation techniques.

(2) Measurements must be used to assess ambient air quality in relation to a relevant pollutant in a zone if–

(a) the zone is an agglomeration;

(b) the levels of that pollutant in the zone are between the relevant limit values and upper assessment thresholds; or

(c) the levels of that pollutant in the zone exceed the limit values for that pollutant.

(3) A combination of measurements and modelling techniques may be used to assess ambient air quality in any zone in relation to a relevant pollutant where the levels of the pollutant over a representative period are below the relevant upper assessment thresholds.

(4) Where the levels of a relevant pollutant in any zone are below the relevant lower assessment thresholds, the sole use of modelling or objective estimation techniques for assessing levels of that pollutant is permissible unless–

(a) the zone is an agglomeration; and

(b) the pollutant being assessed is sulphur dioxide or nitrogen dioxide.

(5) The upper and lower assessment thresholds for the relevant pollutants are determined in accordance with Schedule 2.

(6) Where a zone is classified in relation to a pollutant under paragraph (1)(a), modelling techniques may be used for supplementing the measurements taken in order to provide an adequate level of information on ambient air quality in relation to a relevant pollutant in a zone.

(7) The classification of zones required by paragraph (1) shall include any zones which may be classified by the Scottish Ministers as exceeding limit values for–

(a) sulphur dioxide owing to concentrations of sulphur dioxide in ambient air due to natural sources;

(b) PM_{10} owing to concentrations of PM_{10} in ambient air due to–

(i) natural events which result in concentrations significantly in excess of normal background levels from natural sources; or

(ii) the resuspension of particulates following the winter sanding of roads.

Review of classifications

6.—(1) The Scottish Ministers shall review the classification of each zone under regulation 5 at least once in every five years in accordance with Part II of Schedule 2.

(2) The Scottish Ministers shall also review the classification of any zone under regulation 5 in the event of significant changes in activities affecting ambient concentrations in the zone of any of the relevant pollutants.

Method of assessment of ambient air quality

7.—(1) The Scottish Ministers shall ensure that ambient air quality is assessed in each zone by following the specified method for each relevant pollutant in accordance with its current classification.

(2) Where a zone is classified under regulation 5(1)(a) or (b) in relation to a relevant pollutant–

(a) measurements of that pollutant must be taken at fixed sites either continuously or by random sampling; and

(b) the number of measurements must be sufficiently large to enable the levels of that pollutant to be properly determined.

(3) Schedule 3 shall have effect for the purposes of determining the location of sampling points for the relevant pollutants.

(4) For each zone classified under regulation 5(1)(a) the Scottish Ministers shall ensure that, in respect of a relevant pollutant, the minimum number of sampling points for fixed measurement of concentrations determined in accordance with Schedule 4 is used for sampling the concentrations of that pollutant in that zone.

(5) For each zone classified under regulation 5(1)(b) the Scottish Ministers shall ensure that, in respect of a relevant pollutant, the number of sampling points for fixed measurement of that pollutant in that zone, and the spatial resolution of other techniques, shall be sufficient for the concentrations of that pollutant to be established in accordance with Part I of Schedule 3 and Part I of Schedule 5.

(6) Reference methods for–

(a) the analysis of sulphur dioxide, nitrogen dioxide and oxides of nitrogen;

(b) the sampling and analysis of lead; and

(c) the sampling and measurement of PM_{10},

are set out in Schedule 6, and these methods must be used unless other methods are used which the Scottish Ministers consider can be demonstrated to give equivalent results.

(7) The Scottish Ministers shall ensure that measuring stations to supply representative data on concentrations of $PM_{2.5}$ are installed and operated, using any method for the sampling and measurement of $PM_{2.5}$ that they consider suitable, and that where possible sampling points for $PM_{2.5}$ are co-located with sampling points for PM_{10}.

(8) For zones which are classified under regulation 5(1)(b) or (c), the Scottish Ministers shall ensure that the information set out in Part II of Schedule 5 shall be compiled.

(9) For sulphur dioxide, nitrogen dioxide and oxides of nitrogen the volume must be standardised at a temperature of 293K and a pressure of 101.3 kPa.

Action plans

8.—(1) The Scottish Ministers shall draw up action plans indicating the measures to be taken in the short term where there is any risk of the limit values for any of the relevant pollutants, or the alert thresholds for sulphur dioxide or nitrogen dioxide, being exceeded, in order to reduce that risk and to limit the duration of such an occurrence.

(2) The alert threshold for sulphur dioxide is that set out in paragraph 1.2 of Part I of Schedule 1, and the alert threshold for nitrogen dioxide is that set out in paragraph 2.2 of Part II of Schedule 1.

Action to be taken where limit values are exceeded

9.—(1) The Scottish Ministers shall draw up a list of zones in which the levels of one or more of the relevant pollutants are higher than–

(a) in a case where there is no margin of tolerance shown in Schedule 1 in relation to a limit value, the limit value;

(b) in any other case, the limit value plus the margin of tolerance shown in Schedule 1.

(2) The Scottish Ministers shall draw up a list of zones in which the levels of one or more of the relevant pollutants are between the limit value and the limit value plus any margin of tolerance.

(3) Subject to paragraphs (6), (8) and (9), the Scottish Ministers shall draw up for each zone listed under paragraph (1) a plan or programme for attaining the limit values for the pollutants in question within the time limits specified in Schedule 1 and shall ensure that the plan or programme is implemented.

(4) The plan or programme shall at least include the information listed in Schedule 7.

(5) Where in any zone the level of more than one pollutant is higher than the limit values, an integrated plan covering all the pollutants in question shall be prepared.

(6) For zones to which regulation 5(7)(a) applies, the Scottish Ministers may provide that plans or programmes shall only be required under this regulation where the limit values are exceeded owing to man-made emissions.

(7) Plans or programmes for PM_{10} which are prepared in accordance with this regulation shall also have the aim of reducing concentrations of $PM_{2.5}$.

(8) For zones to which regulation 5(7)(b)(i) applies, the Scottish Ministers may provide that plans or programmes shall only be required where the limit values are exceeded owing to causes other than natural events.

(9) For zones to which regulation 5(7)(b)(ii) applies, the Scottish Ministers may provide that plans or programmes shall only be required where the limit values are exceeded owing to PM_{10} levels other than those caused by the resuspension of particulates following the winter sanding of roads.

Zones where the levels are lower than the limit value

10.—(1) The Scottish Ministers shall draw up a list of zones in which the levels of the relevant pollutants are below the limit values.

(2) The Scottish Ministers shall ensure that the levels of the relevant pollutants in these zones are maintained below the limit values and shall endeavour to preserve the best ambient air quality, compatible with sustainable development.

Public information

11.—(1) The Scottish Ministers shall ensure that up-to-date information on ambient concentrations of each of the relevant pollutants is routinely made available to the public.

(2) Information on ambient concentrations of sulphur dioxide, nitrogen dioxide and particulate matter shall be updated–

(a) in the case of hourly values for sulphur dioxide and nitrogen dioxide, where practicable on an hourly basis;

(b) in all other cases, as a minimum on a daily basis.

(3) Information on ambient concentrations of lead shall be updated on a three-monthly basis.

(4) Information made available under paragraph (1) shall include–