WELSH STATUTORY INSTRUMENTS

2005 No. 1157 (W.74)

ENVIRONMENTAL PROTECTION, WALES

The Air Quality Limit Values (Wales) (Amendment) Regulations 2005

Made - - - -	*12 April 2005*
Coming into force - -	*30 April 2005*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 29 of the Government of Wales Act 1998 [F1] and subsection (2) of section 2 of the European Communities Act 1972 [F2], and having been designated [F3] for the purpose of that subsection in relation to measures relating to the assessment and management of ambient air quality and compliance with air quality limit values, target values and objectives, hereby makes the following Regulations:

F1 1998 c. 38.
F2 1972 c. 68.
F3 *See* Article 2 of the European Communities (Designation) (No.3) Order 2000, S.I. 2000/2812.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Air Quality Limit Values (Wales) (Amendment) Regulations 2005 and come into force on 30 April 2005.

(2) These Regulations apply in relation to Wales.

Definition

2. In these Regulations, "the 2002 Regulations" ("*Rheoliadau 2002*") means the Air Quality Limit Values (Wales) Regulations 2002 [F4].

F4 S.I. 2002/3183 (W.299).

Amendments to the 2002 Regulations: public participation

3.—(1) In regulation 2 of the 2002 Regulations, insert in the appropriate place the following definition:

""public" means one or more natural or legal persons, including, but not limited to, health care bodies and organisations having an interest in ambient air quality and representing the interests of sensitive populations, consumers and the environment;".

(2) In regulation 10 of the 2002 Regulations, insert after paragraph (11)—

"(12) The National Assembly must ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of any plan or programme which is required to be drawn up under paragraph (3), in accordance with paragraphs (13) and (14).

(13) The National Assembly must—

(a) ensure that the public is informed, whether by public notices or other appropriate means such as electronic media, about any proposals for the preparation of such plans or programmes, or for their modification or review;

(b) ensure that any information about the proposals referred to in paragraph (a) which the National Assembly considers to be relevant is made available to the public, including information about the right to participate in decision-making and to submit comments to the National Assembly;

(c) ensure that the public is given an opportunity to submit comments before decisions on the plan or programme are made;

(d) take due account of any such comments in making those decisions; and

(e) having examined the comments submitted by the public, make reasonable efforts to inform the public about the decisions taken and the reasons and considerations upon which those decisions were based, including information about the public participation process.

(14) The National Assembly must publish any information which it is required to give under paragraphs (12) and (13) in such manner as it considers appropriate for the purpose of bringing it to the attention of the public and must—

(a) make copies of such information accessible to the public free of charge through the website of the National Assembly for Wales; and

(b) specify in a notice on that website the detailed arrangements which it has made for public participation in the preparation, modification and review of plans or programmes, including

(i) the address to which comments must be submitted and

(ii) the timescales within which comments may be submitted, allowing sufficient time for each of the different stages of public participation required by paragraphs (12) and (13).".

(3) In regulation 12 of the 2002 Regulations, omit paragraph (9).

Amendment to the 2002 Regulations: assessment method

4. In regulation 8(6) of the 2002 Regulations, after "equivalent results" insert " or, in relation to the sampling and measurement of PM10, which the National Assembly considers can be demonstrated to display a consistent relationship to the reference method ".