STATUTORY RULES OF NORTHERN IRELAND

2017 No. 2

ENVIRONMENTAL PROTECTION

The Air Quality Standards (Amendment) Regulations (Northern Ireland) 2017

Made - - - -	*9th January 2017*
Coming into operation	*9th February 2017*

The Department of Agriculture, Environment and Rural Affairs, being a Department designated(**1**) for the purposes of Section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the environment, makes these regulations in exercise of the power conferred upon it by that section.

Citation and commencement

1. These Regulations may be cited as the Air Quality Standards (Amendment) Regulations (Northern Ireland) 2017 and come into operation on 9th February 2017.

Amendment of the Air Quality Standards Regulations (Northern Ireland) 2010

2. The Air Quality Standards Regulations (Northern Ireland) 2010(**3**) are amended in accordance with regulations 3 to 5.

Amendment of regulation 2 (definitions and interpretation)

3. In regulation 2(2), for the definition of—

(a) "the Directive", substitute ""the Directive" means Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe, as amended by Commission Directive (EU) 2015/1480 amending several annexes to Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality(**4**);"; and

(b) "Directive 2004/107/EC", substitute ""Directive 2004/107/EC" means Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium,

(**1**) S.I. 2008/301
(**2**) 1972 c. 68
(**3**) S.R. 2010 No. 188
(**4**) O.J. No. L152, 11.6.08, p.1-44, as amended by Commission Directive (EU) 2015/1480 (O.J. No. L226, 29.8.15, p. 4-11)

mercury, nickel and polycyclic aromatic hydrocarbons in ambient air, as amended by Commission Directive (EU) 2015/1480 amending several annexes to Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality(**5**)".

Amendment of Schedule 1 (sampling points, etc.)

4. In Part 3 of Schedule 1 (microscale siting of sampling points)—

(a) In paragraph 9, for sub-paragraphs (a), and (b), substitute—

"(a) the flow around the inlet sampling probe shall be unrestricted (in general free in an arc of at least 270° or 180° for sampling points at the building line) without any obstructions affecting the airflow in the vicinity of the inlet (normally some metres away from buildings, balconies, trees and other obstacles and at least 0.5 m from the nearest building in the case of sampling points representing air quality at the building line);

(b) in general, the inlet sampling point shall be between 1.5 m (the breathing zone) and 4 m above the ground. Higher siting may also be appropriate if the station is representative of a large area and any derogations should be fully documented;";

(b) In paragraph 9, for sub-paragraph (e), substitute—

"in relation to the location of traffic-orientated samplers, sampling points must be at least 25 m from the edge of major junctions and no more than 10 m from the kerbside. A "major junction" is a junction which interrupts the traffic flow and causes different emissions (due to vehicles stopping and starting) from the rest of the road."; and

(c) After paragraph 10, insert—

"**11.** Any deviation from the criteria listed in this Part shall be documented in accordance with Part 4.".

Addition of Part 4 of Schedule 1

5. After Part 3 of Schedule 1, insert—

"PART 4

Documentation and review of site selection

1. The Department shall, for all zones and agglomerations, fully document the site-selection procedures and record information to support the network design and choice of location for all monitoring sites.

2. The documentation shall include compass-point photographs of the area surrounding monitoring sites and detailed maps.

3. Where supplementary methods are used within a zone or agglomeration, the documentation shall include details of these methods and information on how the criteria listed in Article 7(3) of the Directive are met.

(**5**) O.J. No. L23, 26.1.05, p.3-16, as amended by Commission Directive (EU) 2015/1480 (O.J. No. L226, 29.8.15, p. 4-11).