STATUTORY RULES OF NORTHERN IRELAND

2007 No. 265

ENVIRONMENTAL PROTECTION

The Air Quality Standards Regulations (Northern Ireland) 2007

Made - - - -	*30th April 2007*
Coming into operation	*28th May 2007*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) in relation to measures relating to the control of air pollution.

The Department of the Environment was designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the control of air pollution.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Air Quality Standards Regulations (Northern Ireland) 2007 and shall come into operation on 28th May 2007.

(2) The Interpretation Act (NI) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Definitions and interpretation

2.—(1) In these Regulations—

"action plan" means an action plan required by regulation 11;

"additional polycyclic aromatic hydrocarbons" means those organic compounds, other than benzo(a)pyrene and basic polycyclic aromatic hydrocarbons, which are composed of at least two fused aromatic rings made entirely from carbon and hydrogen;

"agglomeration" has the meaning given in regulation 5(2);

"air quality standards" means limit values, target values, and long-term objectives;

(**1**) 1972 c.68
(**2**) S.I. 1988/785
(**3**) 1954 c.33 (N.I.)

"alert threshold" means an alert threshold set out in Schedule 3;

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

"assessment" (unless the context indicates otherwise) means any method used to measure, monitor, calculate, predict or estimate the concentration of a pollutant;

"attainment date" means the date (or, in the case of ozone, year) specified for the relevant air quality standard in Schedule 1;

"basic polycyclic aromatic hydrocarbons" means—

(a) benzo(a)anthracene;

(b) benzo(b)fluoranthene;

(c) benzo(j)fluoranthene;

(d) benzo(k)fluoranthene;

(e) dibenz(a,h)anthracene; and

(f) indeno(1,2,3-cd)pyrene;

"combined measurement" means an assessment of a Group A or Group B pollutant by means of a combination of fixed measurement and modelling techniques;

"concentration" means—

(a) for pollutants other than Group B pollutants, the concentration of the relevant pollutant in ambient air; or

(b) for Group B pollutants, the total content of the relevant pollutant in the PM_{10} fraction in ambient air,

and, in both cases, a reference to a concentration is to a concentration assessed by the Department in accordance with these Regulations;

"fixed measurement" means measurement in accordance with regulation 14(1) for a Group A or Group B pollutant or regulation 14(3) for ozone;

"Group A pollutants" means benzene, carbon monoxide, lead, nitrogen dioxide and oxides of nitrogen, PM_{10} and sulphur dioxide;

"Group B pollutants" means arsenic, benzo(a)pyrene, cadmium and nickel and their compounds;

"improvement plan" means an improvement plan required by regulation 8;

"information threshold" means the information threshold set out in Part 2 of Schedule 3;

"limit value" means a maximum concentration of a Group A pollutant set out in Part 1 of Schedule 1;

"long-term objective" means a maximum concentration of ozone set out in Part 4 of Schedule 1 which is to be achieved in the long term, in so far as this is possible through the measures required in relation to the long-term objective by regulation 7(3);

"lower assessment threshold" means the lower assessment threshold specified for the relevant pollutant in Parts 1 and 2 of Schedule 4;

"margin of tolerance" means an amount specified in Part 2 of Schedule 1 by which a limit value may be exceeded;

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

"ozone precursor substances" means substances which contribute to the formation of ground level ozone;

"$PM_{2.5}$" 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, in relation to which, in the case of assessments of Group B pollutants, the inlet shall be as defined in CEN standard EN 12341: 1998(**4**)

"pollutant" means—

(a) any Group A pollutant;

(b) any Group B pollutant;

(c) ozone; or

(d) except in Part 2 of these Regulations, any pollutant to which Part 3 applies;

"polycyclic aromatic hydrocarbons" mean—

(a) the basic polycyclic aromatic hydrocarbons; and

(b) any of the additional polycyclic aromatic hydrocarbons;

"rural background station" means a station referred to in the fourth row (rural background) of the table in Part 3 of Schedule 6;

"target value" means a maximum concentration of a Group B pollutant set out in Part 3 of Schedule 1 or ozone as set out in Part 4 of Schedule 1;

"upper assessment threshold" means the upper assessment threshold specified for the relevant pollutant in Parts 1 and 2 of Schedule 4;

"the Department" means the Department of the Environment;

"the Air Framework Directive" means Council Directive 96/62/EC on ambient air quality assessment and management(**5**); and

"zone" means one of the parts of the territory into which the Department has divided Northern Ireland under regulation 5(1) for the purposes of Part 2 of these Regulations, and references to a zone shall (unless the context indicates otherwise) include an agglomeration.

(2) Other words and expressions used in these Regulations shall have the same meaning as in the following Directives—

(a) Council Directive 96/62/EC on ambient air quality assessment and management;(**6**)

(b) Council Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air(**7**)

(c) Directive 2000/69/EC of the European Parliament and of the Council relating to limit values for benzene and carbon monoxide in ambient air(**8**)

(d) Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air(**9**)

(e) Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air(**10**).

(**4**) This standard is issued by the European Committee for Standardisation (36 rue de Stassart, B-1050, Brussels, Belgium)
(**5**) OJ No.L296, 21.11.96, p.55
(**6**) OJ No L 296, 21.11.96, p.55
(**7**) OJ No L 163, 29.06.99, p.41,as amended by Commission Decision 2001/744/EC, OJ No L 278, 23.10.01, p.35
(**8**) OJ No L 313, 31.12.00, p.12
(**9**) OJ No L 67, 09.03.02, p.14
(**10**) OJ No L 23, 26.01.05, p.3

Responsibility for implementation of the Air Framework Directive

3. For the purposes of Article 3 (implementation and responsibilities) of Council Directive 96/62/EC on ambient air quality assessment and management 'the Air Framework Directive',

(a) the Department of the Environment shall be the competent authority responsible for—

(i) assessment of ambient air quality;

(ii) approval of measuring devices (methods, equipment, networks and laboratories);

(iii) ensuring accuracy of measurement by measuring devices and checking the maintenance of such accuracy by those devices, in particular by internal quality controls carried out in accordance with applicable quality assurance standards, including European standards;

(iv) analysis of assessment methods; and

(v) co-ordination within Northern Ireland of European Community-wide quality assurance programmes organised by the European Commission, save in so far as that co-ordination entails communication with European Commission;

(b) where a Northern Ireland department has functions relevant to the assessment and maintenance of ambient air quality, it shall exercise those functions so as to secure compliance with the requirements of the Air Framework Directive.

PART 2

Group A and Group B pollutants and ozone

CHAPTER 1

Air Quality Standards

Preliminary and application

4.—(1) This Part applies in respect of the following pollutants—

(a) Group A pollutants;

(b) Group B pollutants; and

(c) ozone.

(2) Northern Ireland departments shall ensure that all measures taken under Chapters 2 or 3 of this Part—

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

(b) have no significant negative effects on—

(i) any other member State; or

(ii) any other part of the United Kingdom.

Zones and agglomerations

5.—(1) The Department shall, for the purposes of this Part, divide the territory of Northern Ireland into zones.

(2) A zone shall be classified as an agglomeration for the purposes of this Part where—

(a) it has a population in excess of 250,000 inhabitants; or

(b) in any other case, the Department determines that its population density per km^2 is sufficiently high to justify such a classification.

(3) The Department may establish different zones for different pollutants where it considers this appropriate.

Air quality standards

6.—(1) Schedule 1 prescribes the following air quality standards—

(a) for Group A pollutants, the limit values set out in Part 1 of that Schedule;

(b) for Group B pollutants, the target values set out in Part 3 of that Schedule; and

(c) for ozone, the target values and long-term objectives set out in Part 4 of that Schedule.

(2) Limit values—

(a) shall be attained by the attainment date specified for the limit value concerned; or

(b) apply when these Regulations come into operation, if no attainment date is specified.

(3) Target values shall be attained from the attainment date specified, in so far as this is possible.

(4) In the case of benzene and nitrogen dioxide, the margins of tolerance set out in Part 2 of Schedule 1 apply within the periods specified.

CHAPTER 2

Attainment of air quality standards

General attainment measures

7.—(1) Northern Ireland departments shall take the necessary measures to ensure that the air quality standards in regulation 6 are attained.

(2) In the case of Group B pollutants, the necessary measures are—

(a) measures not entailing disproportionate costs; and

(b) in so far as concentrations of the relevant pollutants arise as a result of emissions from installations to which Council Directive 96/61/EC concerning integrated pollution prevention and control(**11**) applies, the application of best available techniques to prevent pollution from those installations in accordance with that Directive(**12**).

(3) In the case of ozone, the necessary measures are measures the Department considers to be proportionate and, in relation to the long-term objectives, cost effective.

Improvement plans

8.—(1) This regulation applies in respect of each zone in which prior to the attainment date—

(a) concentrations of benzene or nitrogen dioxide exceed a limit value plus the applicable margin of tolerance; or

(b) concentrations of ozone exceed a target value.

(2) Where paragraph (1)(a) applies, the Department, after consultation with other Northern Ireland departments, shall prepare and implement an improvement plan for the pollutant in question or, where concentrations of both pollutants exceed the level referred to, a single improvement plan

(**11**) OJ No L 257, 10.10.96, p.26

(**12**) The Directive is implemented by The Pollution Prevention and Control Regulations (Northern Ireland) 2003 (S.R. 2003 No.46 as amended by S.R. 2003 No.390, S.R. 2003 No.496, S.I. 2003/3311, S.R. 2004 No.36, S.R. 2004 No.297, S.R. 2004 No.507, S.R. 2005 No.285, S.R. 2005 No.300, S.R. 2005 No.454 and S.R. 2006 No.98)