ENVIRONMENT (NORTHERN IRELAND) ORDER 2002

S.I. 2002 No. 3153 (N.I. 7)

EXPLANATORY MEMORANDUM

OPTIONS CONSIDERED

Part Iii: Air Quality

Background and Policy Objectives

21. Part III of the Order will make provision for implementing Council Directive 96/62 EC on Ambient Air Quality Assessment and Management. It will also satisfy the Northern Ireland Executive's Programme for Government (PfG) commitment to have in place, by May 2003, a policy and legislative framework to deliver Northern Ireland's contribution to the targets in the UK Air Quality Strategy for England, Scotland, Wales and Northern Ireland.

22. Effective transposition of the Directive requires the establishment of a statutory scheme affecting the relevant parties. Part III, therefore, places a range of statutory requirements on relevant authorities (to be prescribed by regulations). These statutory requirements are dictated by the responsibilities within the various agencies' control and what is required to satisfy the Directive.

Key Features

23. The provisions of Part III seek to establish an effective local air quality management system for Northern Ireland. This aim will be achieved by:

- Implementing in Northern Ireland the requirements of the EC Directive (96/62/EC) on ambient air quality assessment and management. This will contribute to our achievement of the targets in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland;
- Placing a statutory requirement on the Department to draw up an Air Quality Strategy for Northern Ireland (this may be a joint strategy with other Administrations);
- Placing a duty on District Councils to conduct reviews and assessments of local air quality;
- Providing a statutory mechanism to deliver air quality management objectives; and
- Providing powers for the declaration by District Councils of air quality management areas and the establishment of action plans, indicating the measures to be taken where there is a risk of the limit values and/or alert thresholds being exceeded.

24. Subsequent Regulations to be made under Part III will place in statute the objectives and targets contained in the Air Quality Strategy which will reflect established EC limit values (objectives) and targets.

25. The proposals in Part III are mainly based on those contained in Part IV of the Environment Act 1995 which covers England, Scotland and Wales. In addition, Part III provides the Department with the power to fund air quality work and to recoup the cost

of carrying out any air quality function on behalf of a District Council. It also ensures the public are kept informed of air quality issues such as the designation of air quality management areas.