

EXPLANATORY MEMORANDUM TO

The Air Quality (Amendment, etc.) Regulations (Northern Ireland) 2018

S.R. 2018 No. 215

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations makes amendments to Part II of the Environment (Northern Ireland) Order 2002 – ‘Integrated Pollution Prevention and Control’ – by replacing two references to Council Directive 96/61/EC concerning integrated pollution prevention and control with Directive 2010/75/EC on industrial emissions (integrated pollution prevention and control).
- 2.2. These Regulations also update a reference to Directive 2008/98/EC contained in the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000.
- 2.3. These Regulations make amendments to the Air Quality Standards Regulations (Northern Ireland) 2010, to give effect in Northern Ireland law to Articles 20 and 21 of Directive 2008/50/EC on ambient air quality and cleaner air for Europe.
- 2.4. These Regulations apply to Northern Ireland and come into operation on 17th January 2019.

3. Background

- 3.1. These Regulations are being made in order to make minor miscellaneous technical amendments to update outdated references in existing legislation that transposes current EU environmental requirements.
- 3.2. They also transpose particular provisions of Directive 2008/50/EC on ambient air quality and cleaner air for Europe, by putting into Northern Ireland's domestic legislation procedures that may be followed in the case of these air quality exceedances being caused by natural phenomena or by winter-sanding or salting of roads. These procedures are currently followed at point of reporting.

4. Consultation

- 4.1. A full public consultation was not deemed necessary as the amendments, as these Regulations are highly technical in nature and do not introduce any change in policy.

5. Equality Impact

- 5.1. In accordance with the guidance produced by the Equality Commission for Northern Ireland and in keeping with section 75 of the Northern Ireland Act 1998, the proposals in this Statutory Rule have been screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.
- 5.2. The record of the screening exercise has been placed on record with the DAERA Equality Unit as required.

6. Regulatory Impact

- 6.1. Due to these Regulations being technical in nature, they do not place any direct or indirect additional burdens on businesses, charities, voluntary bodies or the public sector generally.
- 6.2. In accordance with section 1(1) of the Rural Needs Act 2016, the proposals in these Regulations have been subjected to a Rural Needs Impact Assessment ('RNIA'). This RNIA has been placed on record by DAERA's Regulatory and Natural Resources Policy Division.

7. Financial Implications

- 7.1. There are no financial implications associated with these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule complies with all of the provisions set out in section 24 of the Northern Ireland Act 1998, as amended by the European Union (Withdrawal) Act 2018.

9. EU Implications

- 9.1. This Statutory Rule contains amendments to Statutory Rules which have been made under powers of the European Communities Act 1972. However, the amendments do not implement any EU legislation. Rather, these Regulations updates references in domestic (Northern Ireland) subordinate legislation. As well as this, these Regulations transpose, for clarity, procedures in EU legislation that are currently followed at the point of compliance reporting.

10. Parity or Replicatory Measure

- 10.1. Amendments to the Environment (NI) Order 2002 are not relevant to the other Devolved Administrations.
- 10.2. Corresponding amendments to the The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000 are being made to analogous legislation affecting England and Wales.
- 10.3. Corresponding amendments to the Air Quality Standards Regulations 2010, which apply primarily to England, introduced through The Air Quality (Amendments) (EU Exit) (No. 2) Regulations 2018, are being made using powers conferred by section 2(2) of the European Communities Act.

11. Additional Information

11.1. Not applicable.