
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 182

The Air Quality Standards (Scotland) Regulations 2007

PART 2

Group A and Group B pollutants and ozone

CHAPTER 2

Attainment of air quality standards

General attainment measures

7.—(1) The Scottish Ministers shall take the necessary measures to ensure that the air quality standards set out 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 a relevant pollutant arise as a result of emissions from installations to which Council Directive 96/61/EC concerning integrated pollution prevention and control⁽¹⁾ applies, the application of best available techniques to prevent pollution from those installations in accordance with that Directive⁽²⁾.

(3) In the case of ozone, the necessary measures are measures the Scottish Ministers consider 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 Scottish Ministers 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 for both pollutants.

(3) Where paragraph (1)(b) applies, the Scottish Ministers shall prepare and implement an improvement plan in respect of ozone unless they consider that the target value would not be attainable through proportionate measures.

(4) An improvement plan shall include the information specified in Schedule 2.

(1) O.J. No L 257, 10.10.96, p.26.

(2) The Directive is implemented by the Pollution Prevention and Control (Scotland) Regulations 2000 (S.S.I. 2000/323 as amended by the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), Schedule 2 paragraph 7, S.S.I. 2002/493, S.S.I. 2003/146, 170, 221 and 235, S.S.I. 2004/26, 110, 112 and 512, S.S.I. 2005/101, 340 and 510).

(5) Where the Scottish Ministers are required to prepare and implement an improvement plan under both paragraphs (2) and (3), they shall, where they consider it appropriate, prepare and implement an integrated improvement plan covering all of the pollutants concerned.

(6) An improvement plan may comprise either a plan or a programme which, in either case, shall have the objective of attaining—

- (a) the limit value, by the attainment date; or
- (b) the target value, by 2010.

Other improvement measures

9.—(1) This regulation applies in respect of each zone in which—

- (a) concentrations of one or more Group B pollutants exceeds the relevant target value; or
- (b) concentrations of ozone are equal to or below the target values, but exceed a long-term objective.

(2) Where paragraph (1)(a) applies, the Scottish Ministers shall—

- (a) identify the cause of the pollution and the predominant sources of emissions; and
- (b) in relation to the pollutants concerned, ensure that the measures required by regulation 7(2) are directed in particular at the sources of emissions identified.

(3) Where paragraph (1)(b) applies, the Scottish Ministers shall prepare and implement measures which they consider to be cost-effective with the aim of attaining the long-term objective.

(4) The Scottish Ministers shall ensure that the measures required in paragraph (3) are consistent with the improvement plans prepared for ozone under regulation 8(3).