
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 182

The Air Quality Standards (Scotland) Regulations 2007

PART 4

Public information and participation

General requirements

21.—(1) The Scottish Ministers shall—

- (a) ensure that up-to-date information is made available to the public in accordance with this Part; and
- (b) consult the public in accordance with regulation 28.

(2) The Scottish Ministers shall ensure that the information to which this Part relates is—

- (a) made available in a form that is clear, comprehensible and accessible;
- (b) disseminated or published by the most appropriate means, as they may determine, including (but not necessarily limited to) broadcast media, press, publications, information screens, the internet or other computer network sources; and
- (c) up-dated—
 - (i) in accordance with a minimum frequency specified in this Part; or
 - (ii) in other cases, as soon as practicable.

(3) For the purposes of this Part, “the public” includes natural or legal persons, health-care bodies and other organisations having an interest in ambient air quality or representing the interests of sensitive populations, consumers or the environment.

Information regarding zones

22. The Scottish Ministers shall make available—

- (a) information identifying each zone and specifying which zones have been classified as agglomerations;
- (b) lists of—
 - (i) zones which have attained all air quality standards; and
 - (ii) zones which have not attained one or more of the air quality standards, in which case the list shall specify the pollutants and air quality standards concerned;
- (c) until 31st December 2009, a list of zones in which concentrations of benzene or nitrogen dioxide either—
 - (i) exceed a limit value plus the relevant margin of tolerance; or
 - (ii) are between a limit value and the relevant margin of tolerance,specifying, in both cases, the pollutant and limit values for which this is the case; and

- (d) a list classifying each zone in relation to the method by which the Scottish Ministers assess concentrations of each Group A and Group B pollutant within that zone in accordance with regulation 13.

Information on concentrations

- 23.**—(1) The Scottish Ministers shall make available information in respect of—
- (a) concentrations of Group A pollutants;
 - (b) concentrations of Group B pollutants;
 - (c) concentrations of ozone; and
 - (d) in so far as measured or monitored under Part 3 of these Regulations—
 - (i) concentrations of mercury, PM_{2.5} and polycyclic aromatic hydrocarbons; and
 - (ii) deposition rates of Group B pollutants, mercury and basic polycyclic aromatic hydrocarbons.
- (2) The information referred to in paragraph (1)(a) shall be updated in the case of—
- (a) benzene, as an average value over the preceding twelve months—
 - (i) at least on a three monthly basis; and
 - (ii) where practicable, on a monthly basis;
 - (b) carbon monoxide, as a maximum running average over eight hours—
 - (i) at least on a daily basis; and
 - (ii) where practicable, on an hourly basis;
 - (c) lead, on a three monthly basis; and
 - (d) nitrogen dioxide, sulphur dioxide and PM₁₀—
 - (i) at least on a daily basis; and
 - (ii) in the case of hourly values for nitrogen dioxide and sulphur dioxide, where practicable, on an hourly basis.
- (3) The information required to be made available by paragraph (1)(c) shall be updated—
- (a) at least on a daily basis; and
 - (b) where appropriate and practicable, on an hourly basis.
- (4) The information required to be made available by paragraph (1)(d)(i) in respect of PM_{2.5} shall be updated at least on a daily basis.

Information on breach of alert or information threshold

- 24.**—(1) The Scottish Ministers shall, as soon as possible in each case, make available—
- (a) the information set out in Part 1 of Schedule 11, when the alert threshold for nitrogen dioxide or sulphur dioxide is exceeded; and
 - (b) the information set out in Part 2 of Schedule 11—
 - (i) when the alert threshold or information threshold for ozone is exceeded; and
 - (ii) in so far as practicable, when either threshold is predicted to be exceeded.
- (2) In cases where the Scottish Ministers make information available under both sub paragraphs (a) and (b) of paragraph (1) they shall combine the information in a comprehensive format.

(3) Without prejudice to the generality of the obligation imposed by this regulation in cases where the alert threshold for ozone is exceeded, or is predicted to be exceeded, the Scottish Ministers shall ensure that timely information is provided to health care bodies.

Information on breach of air quality standards

25.—(1) The Scottish Ministers shall provide the information required by paragraphs (2) to (5) in respect of each of the pollutants to which those paragraphs relate.

(2) For Group A pollutants, the Scottish Ministers shall indicate the extent to which the following have been exceeded:—

- (a) any limit value, over the relevant averaging period set out in Part 1 of Schedule 1; or
- (b) the alert thresholds for nitrogen dioxide or sulphur dioxide,

and provide a short assessment of these occurrences and their effects on health.

(3) For Group B pollutants, the Scottish Ministers shall—

- (a) indicate any occasion during which any target value has been exceeded; and
- (b) in relation to each occurrence, provide at least the following information—
 - (i) the areas within each zone in which the target value was exceeded;
 - (ii) the reasons for the occurrence and the predominant sources of emissions identified in accordance with regulation 9(2)(a);
 - (iii) a short assessment of the effect of the occurrence on overall compliance with the target value in the zone concerned;
 - (iv) details of the measures being directed at any identified sources of emissions in accordance with regulation 9(2)(b); and
 - (v) the prospects for attainment of the target value in the zone affected.

(4) For ozone, the Scottish Ministers shall—

- (a) indicate any occasion during which concentrations have exceeded—
 - (i) the long-term objectives for the protection of human health;
 - (ii) the information threshold; or
 - (iii) the alert threshold; and
- (b) provide a short assessment of each occurrence, including its extent and its effects on health.

(5) The Scottish Ministers shall update the information referred to in paragraphs (2) and (4) in accordance with the timescales specified for the pollutants in question by regulation 23(2) and (3).

Ozone annual report

26.—(1) The Scottish Ministers shall produce an annual report in relation to ozone containing the following information:—

- (a) for human health, an indication of all occasions during which—
 - (i) the target value;
 - (ii) long-term objective; or
 - (iii) alert threshold,has been exceeded;
- (b) for vegetation, an indication of all occasions during which—
 - (i) the target value; or

- (ii) long-term objective,
has been exceeded; and
 - (c) in relation to both sub-paragraphs (a) and (b), a short assessment of the effects of each such occurrence.
- (2) The information referred to in paragraph (1) may include, where appropriate—
 - (a) further information and assessments on forest protection, obtained and collated in accordance with Part 1 of Schedule 12; and
 - (b) information on ozone precursor substances.

Information on action and improvement plans

27.—(1) The Scottish Ministers shall make available, and provide information on the implementation of, each action plan and improvement plan.

(2) Where regulation 11(4) applies, the Scottish Ministers shall make available the results of the investigations undertaken in the context of their considerations under that regulation, irrespective of whether they have prepared an action plan under regulation 11(1)(a).

Public participation in improvement plans

28.—(1) The Scottish Ministers shall consult the public where they propose to prepare, modify or review an improvement plan.

- (2) Where paragraph (1) applies, the Scottish Ministers shall—
 - (a) inform the public as to their proposal, any relevant background information and the right of the public to participate in the relevant decision making process;
 - (b) specify the means by which the public can participate in the consultation, including an address for responses, and a reasonable timescale for the consultation; and
 - (c) take account of the results of the consultation in making the relevant decision.

(3) Where, following a consultation, the Scottish Ministers take a decision in relation to their proposal, they shall inform the public and provide information as to the reasons and considerations on which their decision is based as well as information as to the public participation process.