
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 204

The Air Quality Standards (Scotland) Regulations 2010

PART 3

Duties of the Scottish Ministers in relation to limit values etc.

Duties in relation to limit values

17.—(1) The Scottish Ministers must ensure that levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and particulate matter do not exceed the limit values set out in Schedule 2.

(2) In zones where levels of the pollutants mentioned in paragraph (1) are below the limit values set out in Schedule 2, the Scottish Ministers must ensure that levels are maintained below those limit values and must endeavour to maintain the best ambient air quality compatible with sustainable development.

(3) Where, in accordance with Article 20 of Directive [2008/50/EC](#), the Commission has been informed that a limit value has been exceeded for a reason attributable to natural sources, that limit value will not be considered to be exceeded for the purposes of these Regulations.

Duties in relation to target values

18.—(1) The Scottish Ministers must ensure that all necessary measures not entailing disproportionate costs are taken to ensure that concentrations of PM_{2.5}, ozone, arsenic, cadmium, nickel and benzo(a)pyrene do not exceed the target values in Schedule 3.

(2) The Scottish Ministers must draw up a list of all zones where the target values for arsenic, cadmium, nickel or benzo(a)pyrene are met, and in relation to those zones must maintain the levels of those pollutants below those target values and must endeavour to achieve the best ambient air quality compatible with sustainable development.

(3) The Scottish Ministers must draw up a list of all zones in which the target values for arsenic, cadmium, nickel or benzo(a)pyrene are exceeded, and in doing so must identify the areas where those values are exceeded and the relevant sources of pollutants.

(4) In relation to the zones to which paragraph (3) applies, the measures referred to in paragraph (1) must be directed in particular at the predominant sources of emission which have been identified, and where applicable must entail the application of best available techniques in accordance with Directive [2008/1/EC](#) of the European Parliament and of the Council concerning integrated pollution prevention and control⁽¹⁾.

(5) In zones where the level of ozone exceeds the target value for that pollutant, the Scottish Ministers must implement the programme prepared pursuant to Article 6 of Council Directive [2001/81/EC](#) on national emission ceilings for certain atmospheric pollutants⁽²⁾ in order to attain

(1) O.J. No. L 24, 29.1.2008, p.8, amended by Directive [2009/31/EC](#) (O.J. No. L 140, 5.6.2009, p.114).

(2) O.J. No. L 309, 27.11.01, p.22, last amended by Regulation [\(EC\) No. 219/2009](#) (O.J. No. L 87, 31.3.2009, p.109).

the target value, unless it cannot be achieved other than through measures that would entail disproportionate costs.

Date of application for limit values and target values in regulations 17 and 18

19.—(1) The limit values and target values referred to in regulations 17 and 18 apply—

- (a) from the date specified in the relevant Schedule for each limit value or target value concerned; or
- (b) when these Regulations come into force, if no such date is specified.

(2) Where, in accordance with Article 22 of Directive [2008/50/EC](#), the Commission has been notified that conformity with the limit values for nitrogen dioxide set out in Schedule 2 has not been achieved in any zone, the date for compliance with that limit value specified in Section B of Annex XI to that Directive is postponed for such period up to five years as the Scottish Ministers may determine if—

- (a) the Scottish Ministers have prepared an air quality plan under regulation 24 for that pollutant in the zone to which the notification relates (together with the information required by Section B of Annex XV to that Directive) and have demonstrated how conformity with the limit values for that pollutant will be achieved in that zone by the postponed date; and
- (b) the Commission has raised no objections under Article 22 of that Directive.

(3) Where the notification referred to in paragraph (2) has been made the Scottish Ministers must ensure that the limit values for nitrogen dioxide are not exceeded by more than the maximum margin of tolerance specified in Annex XI of Directive [2008/50/EC](#) for that pollutant.

Duties in relation to long-term objectives for ozone

20.—(1) The Scottish Ministers must ensure that all necessary measures not entailing disproportionate costs are taken to attain the long-term objectives for ozone set out in Schedule 4.

(2) Measures taken pursuant to paragraph (1) must be consistent with the programme referred to in regulation 18(5) and any air quality plan prepared and implemented in accordance with regulation 24(3).

(3) In zones where the long-term objectives for ozone have been attained, the Scottish Ministers must, insofar as factors including meteorological conditions and the transboundary nature of ozone pollution permit—

- (a) ensure that they continue to be met;
- (b) maintain the best ambient air quality compatible with sustainable development; and
- (c) maintain a high level of protection for the environment and human health.

Duty in relation to information and alert thresholds

21. Where any of the information or alert thresholds in Schedule 5 are exceeded the Scottish Ministers must inform the public by means of radio, television, newspapers or the internet.

Duty in relation to critical levels for the protection of vegetation

22. The Scottish Ministers must ensure that the critical levels set out in Schedule 6 are not exceeded.