
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part IV of the Environment Act 1995 requires local authorities to review the quality of air within their area. The reviews have to consider the air quality for the time being and the likely future air quality. Such reviews have to be accompanied by an assessment of whether any prescribed air quality objectives are being achieved or are likely to be achieved.

Where any of the prescribed air quality objectives are not likely to be achieved within any part of a local authority's area, the authority concerned must designate that part of its area as an air quality management area (see section 83(1) of the Act). An action plan covering the designated area will then have to be prepared setting out how the authority intends to exercise its powers in relation to the designated area in pursuit of the achievement of the prescribed objectives (see section 84(2) of the Act).

These Regulations amend the Air Quality (England) Regulations 2000 which set the air quality objectives for England. A second air quality objective is created for benzene, with an air quality objective level of 5 micrograms per cubic metre or less, when expressed as an annual mean, and an air quality objective date of 31st December 2010. The level of the existing air quality objective for carbon monoxide is altered to 10 milligrams per cubic metre or less, when expressed as a maximum daily running 8 hour mean. Amendments affecting the air quality objectives for benzene and carbon monoxide are made to the Interpretation note in the Schedule to the 2000 Regulations. The meaning of the expression "maximum daily running 8 hour mean" is explained and changes are made to the meaning of the expressions "hourly mean" and "annual mean".