

2004 No. 2888

ENVIRONMENTAL PROTECTION, ENGLAND

**The Air Quality Limit Values (Amendment) (England)
Regulations 2004**

<i>Made</i> - - - -	<i>4th November 2004</i>
<i>Laid before Parliament</i>	<i>9th November 2004</i>
<i>Coming into force</i> - -	<i>3rd December 2004</i>

The Secretary of State, in exercise of the powers conferred on her by section 2(2) of the European Communities Act 1972(a), being a Minister designated(b) for the purpose of that section in relation to the control of air pollution, makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Air Quality Limit Values (Amendment) (England) Regulations 2004 and shall come into force on 3rd December 2004.
2. These Regulations shall apply in relation to England.

Definitions

3. In these Regulations—
“the 2003 Regulations” means The Air Quality Limit Values Regulations 2003(c).

Amendments to the 2003 Regulations concerning public participation

4.—(1) For the definition of “public” in regulation 2 of the 2003 Regulations substitute ““public” means natural or legal persons, including health care bodies and other organisations having an interest in ambient air quality and representing the interests of sensitive populations, consumers and the environment”.

(2) In regulation 11 of the 2003 Regulations, insert after regulation 11(9)—

“(10) The Secretary of State shall, in accordance with paragraphs (11) and (12), ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of the plans or programmes required to be drawn up under paragraph (3).

(11) The Secretary of State shall—

(a) 1972, c.68.
(b) S.I. 1988/785.
(c) S.I. 2003/2121.

- (a) ensure that the public is informed, whether by public notices or other appropriate means such as electronic media, about any proposals for such plans or programmes or for their modification or review;
- (b) ensure that relevant information about the proposals referred to in sub-paragraph (a) is made available to the public, including information about the right to participate in decision-making;
- (c) ensure that the public is entitled to make comments before decisions on the plans and programmes are made;
- (d) in making those decisions, take due account of the results of the public participation; and
- (e) having examined the comments made by the public, make reasonable efforts to inform the public about—
 - (i) the decisions taken and the reasons and considerations on which those decisions are based; and
 - (ii) the public participation process.

(12) The Secretary of State shall publish any information required to carry out her functions under paragraphs 10 and 11 in such manner as she considers appropriate for the purpose of bringing it to the attention of the public and shall—

- (a) make copies of such information accessible to the public free of charge through the website of the Department for Environment, Food and Rural Affairs; and
- (b) specify in a notice on the website the detailed arrangements made to enable participation in the preparation, modification or review of the plans or programmes, including—
 - (i) the address to which comments may be submitted; and
 - (ii) the time-frame for any such comments allowing sufficient time for each of the different stages of public participation required by paragraphs 10 and 11.”

(3) In regulation 16 of the 2003 Regulations, omit regulation 16(15).

Other amendments to the 2003 Regulations

5.—(1) In the definition of “zone” in regulation 2 of the 2003 Regulations for “<http://www.defra.gov.uk/environment>” substitute “<http://www.defra.gov.uk/environment/airquality/article5/pdf/figure1.pdf>”.

(2) In regulation 9(13), add after “equivalent results” “or, in relation to the sampling and measurement of PM₁₀, which the Secretary of State considers can be demonstrated to display a consistent relationship to the reference method”.

(3) In the table in Part II of Schedule 2 of the 2003 Regulations for “2. Target value for the protection of human health” substitute “2. Target value for the protection of vegetation”.

4th November 2004

Whitty
Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 3rd December 2004 and amend the Air Quality Limit Values Regulations (SI 2003/2121) (“the 2003 Regulations”).

Regulation 4 amends the 2003 Regulations for the purpose of implementing Article 2 of Directive 2003/35/EC of the European Parliament and of the Council on public participation in respect of the drawing up of certain plans and programmes relating to the environment^(a). Regulation 4 only implements Article 2 for the purposes of air quality plans and programmes required under Article 8(3) of Council Directive 96/62/EC on ambient air quality assessment and management^(b).

Regulation 5(1) updates the website address referred to in the 2003 Regulations. Regulation 5(2) adds an alternative method for the sampling and measurement of PM10 to bring it in line with the methods provided for in Council Directive 99/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air^(c). Regulation 5(3) makes a typographical correction.

A Regulatory Impact Assessment and a Transposition Note in relation to these Regulations have been prepared and placed in the library of each House of Parliament. Copies of each of these documents can be obtained from the Air and Environmental Quality Division, Department for Environment Food and Rural Affairs, 4/G15 Ashdown House, 123 Victoria Street, London SW1E 6DE.

^(a) OJ No. L156, 25.6.2003, p.17.

^(b) OJ No. L296, 21.11.1996, p.55.

^(c) OJ No. L163, 29.6.1999, p.41, amended by Commission Decision 2001/744/EC, OJ No. L278, 23.10.2001, p. 35.

STATUTORY INSTRUMENTS

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