
STATUTORY INSTRUMENTS

2010 No. 1001

The Air Quality Standards Regulations 2010

PART 1

General

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Air Quality Standards Regulations 2010 and come into force on 11th June 2010.

(2) They apply in England, except regulations 3(a), 23, 24, 25(4) and 32 which extend to the United Kingdom⁽¹⁾.

Definitions

2. In these Regulations—

“ambient air” means outdoor air in the troposphere, excluding workplaces where members of the public do not have regular access;

“AOT 40” (expressed in $(\mu\text{g}/\text{m}^3) \cdot \text{hours}$) means the sum of the difference between hourly concentrations greater than $80 \mu\text{g}/\text{m}^3$ (=40 parts per billion) and $80 \mu\text{g}/\text{m}^3$ over a given period using only the one-hour values measured between 08.00 hours and 20.00 hours Central European Time (CET) each day;

“arsenic”, “cadmium”, “nickel” and “benzo(a)pyrene” mean the total content of those elements and compounds within the PM_{10} present in ambient air;

“Directive 2008/50/EC” means Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe⁽²⁾;

“Directive 2004/107/EC” means Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air⁽³⁾;

“fixed measurements” means measurements taken at fixed locations, either continuously or by sampling from time to time, to determine levels of pollutants in accordance with the relevant data quality objectives;

“indicative measurement” means measurements which meet data quality objectives that are less strict than those required for fixed measurements;

“margin of tolerance” means the percentage of the limit value by which that value may be exceeded in a given year;

(1) In relation to Scotland, the Secretary of State relies on section 57(1) of the [Scotland Act 1998 \(c. 46\)](#); in relation to Northern Ireland, the Secretary of State relies on section 23(1) of the [Northern Ireland Act 1998 \(c. 47\)](#); in relation to Wales, the Secretary of State relies on article 2(3) of the European Communities (Designation) (No 3) Order 2000 ([S.I. 2000/2812](#)).

(2) OJ No 152, 11.6.2008, p. 1

(3) OJ No 23, 26.1.2005, p. 3, last amended by Regulation (EC) No 219/2009 (OJ No L 87, 31.3.2009, p 109)

“oxides of nitrogen” means the sum of the volume mixing ratio (ppbv) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide ($\mu\text{g}/\text{m}^3$);

“ozone precursor substances” means substances which contribute to the formation of ground level ozone;

“PM₁₀” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM₁₀, EN 12341, with a 50% efficiency cut-off at 10 μm aerodynamic diameter;

“PM_{2.5}” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM_{2.5}, EN 14907, with a 50% efficiency cut-off at 2.5 μm aerodynamic diameter;

“particulate matter” means PM_{2.5} and PM₁₀;

“pollutant” means any of the following—

- (a) sulphur dioxide,
- (b) nitrogen dioxide,
- (c) oxides of nitrogen,
- (d) particulate matter,
- (e) lead,
- (f) benzene,
- (g) carbon monoxide,
- (h) arsenic,
- (i) cadmium,
- (j) mercury,
- (k) nickel,
- (l) benzo(a)pyrene or other polycyclic aromatic hydrocarbons,
- (m) ozone;

“polycyclic aromatic hydrocarbons” means those organic compounds composed of at least two fused aromatic rings made entirely from carbon and hydrogen;

“relevant administration” means—

- (a) the Welsh Ministers for Wales;
- (b) the Scottish Ministers for Scotland; and
- (c) the Department of the Environment for Northern Ireland;

Designation of competent authority

3. The Secretary of State is designated as the competent authority—
 - (a) for the United Kingdom for the purposes of article 3(f) of Directive [2008/50/EC](#), and
 - (b) save as set out in paragraph (a), in England for the purposes of Directive [2008/50/EC](#) and for the purposes of Directive [2004/107/EC](#).

Zones and agglomerations

- 4.—(1) The Secretary of State must, for the purposes of these Regulations, divide the territory of England into zones and agglomerations.

(2) A zone will be classified as an agglomeration if it is a conurbation with a population in excess of 250,000 inhabitants.

(3) In these Regulations references to a zone include a zone which has been classified as an agglomeration.

(4) Zones are identified on a map published by the Secretary of State in January 2010.(4)

PART 2

Assessment of ambient air quality

CHAPTER 1

Sulphur dioxide, nitrogen dioxide and oxides of nitrogen,
particulate matter, lead, benzene and carbon monoxide

Assessment thresholds

5.—(1) The Secretary of State must classify each zone according to whether or not the upper or lower assessment thresholds specified in Section A of Annex II to Directive 2008/50/EC are exceeded in relation to sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide.

(2) The Secretary of State must review the classification of zones carried out in accordance with paragraph (1) at least every five years, and must do so more frequently than every five years if there are significant changes in the activities which may affect levels of sulphur dioxide, nitrogen dioxide or oxides of nitrogen, particulate matter, lead, benzene or carbon monoxide in ambient air.

(3) When reviewing the classification of zones in accordance with assessment thresholds, the Secretary of State must comply with Section B of Annex II to Directive 2008/50/EC.

Assessment criteria

6.—(1) The Secretary of State must assess the level of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide in ambient air in all zones.

(2) In all zones where the level of those pollutants exceeds the upper assessment threshold referred to in regulation 5, fixed measurements must be used, but may be supplemented by modelling or indicative measurements or both in order to provide adequate information on the spatial distribution of the ambient air quality.

(3) In all zones where the level of those pollutants is below the lower assessment threshold referred to in regulation 5, modelling or estimation techniques or both may be used instead of measurement.

(4) In all other zones a combination of fixed measurements together with modelling or indicative measurements or both may be used.

(5) In addition to the measurements referred to in paragraphs (1) to (4), the Secretary of State must measure PM_{2.5} at rural background locations away from significant sources of air pollution, in order to provide information on an annual average basis on the total mass concentration and chemical speciation concentrations of that pollutant.

(6) For the purposes of paragraphs (1) to (4), measurements must be carried out in accordance with the criteria set out in sections A and C of Annex I to Directive 2008/50/EC, and for the purposes

(4) The map is deposited at the Defra Information and Resource Centre, Lower Ground Floor, Ergon House, Horseferry Road, London SW1P 2AL.

of paragraph (5), measurements must be carried out in accordance with the criteria set out in Annex IV to the same Directive.

(7) Save as provided for in paragraph (8), measurements for the purposes of this regulation must be taken in accordance with the reference measurement methods specified in Section A and Section C of Annex VI to Directive 2008/50/EC.

(8) Alternative methods to those referred to in paragraph (7) may be used provided the conditions set out in Section B of that Annex are complied with.

(9) Where measurements are supplemented by modelling or indicative measurement then the Secretary of State must take account of the results of those supplementary methods in assessing ambient air quality for the purposes of these Regulations.

(10) In this Regulation, “chemical speciation concentrations” means the concentrations of different chemical components or species of PM_{2.5}.

Location and number of sampling points

7.—(1) The Secretary of State must install sampling points in accordance with Schedule 1 for the assessment of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide.

(2) In zones where fixed measurement is the sole source of information for the assessment of air quality, the number of sampling points must be more than or equal to the minimum number specified in Section A of Annex V to Directive 2008/50/EC for the purpose of assessing compliance with limit values and alert thresholds.

(3) In zones other than agglomerations where fixed measurement is the sole source of information for the assessment of air quality, the number of sampling points must be more than or equal to the minimum number specified in Section C of Annex V to Directive 2008/50/EC for the purpose of assessing compliance with critical levels for the protection of vegetation.

(4) In zones where the information from fixed measurement is supplemented by information from modelling or indicative measurement or both, the number of sampling points in either Section A or C of Annex V, or both, may be reduced by up to 50% provided that the following conditions are met—

- (a) the supplementary methods provide sufficient information for the assessment of air quality in relation to limit values or alert thresholds,
- (b) the supplementary methods provide sufficient information to inform the public as to the state of ambient air quality, and
- (c) the number of sampling points to be installed and the spatial resolution of other techniques are sufficient for the concentration of the relevant pollutant to be established in accordance with the data quality objectives specified in Section A of Annex I to Directive 2008/50/EC and enable assessment results to meet the criteria in Section B of the same annex.

(5) For the measurement of PM_{2.5} in rural background locations, the Secretary of State must install a sampling point for every 100,000 km².

CHAPTER 2

Ozone

Assessment criteria

8.—(1) The Secretary of State must assess the levels of ozone in ambient air in all zones.

(2) The Secretary of State must ensure that fixed measurements are taken in any zone where the concentrations of ozone have exceeded the long-term objectives specified in Schedule 4 during any of the five years preceding those measurements.

(3) Save as provided in paragraph (4), for the purposes of paragraph (2), measurements must be taken in accordance with the reference measurement methods specified in point 8 of Section A of Annex VI to Directive [2008/50/EC](#).

(4) Alternative methods to those referred to in paragraph (3) may be used provided the conditions set out in Section B of that Annex are complied with.

Location and number of sampling points

9.—(1) The Secretary of State must install sampling points in accordance with the criteria set out in Annex VIII to Directive [2008/50/EC](#).

(2) In zones where fixed measurement is the sole source of information for the assessment of air quality, the number of sampling points must be more than or equal to the minimum number specified in Section A of Annex IX to Directive [2008/50/EC](#).

(3) In zones where the concentrations of ozone have been below the long-term objectives for each of the previous five years of measurement, the number of sampling points must be determined in accordance with the criteria set out in Section B of Annex IX to Directive [2008/50/EC](#).

(4) In zones where the information from fixed measurement is supplemented by information from modelling or indicative measurement or both, the number of sampling points referred to in paragraph (2) may be reduced provided that the following conditions are met—

- (a) the supplementary methods provide sufficient information for the assessment of air quality in relation to target values, long-term objectives, information and alert thresholds,
- (b) the number of sampling points to be installed and the spatial resolution of supplementary methods are sufficient for the concentration of ozone to be established in accordance with the data quality objectives set out in Section A of Annex I to Directive [2008/50/EC](#) and to enable assessment results to meet the criteria specified in Section B of the same Annex;
- (c) there is at least one sampling point in each zone, with a minimum of one sampling point per two million inhabitants or one sampling point per 50,000 km², whichever produces the greater number of sampling points; and
- (d) nitrogen dioxide is measured at all remaining sampling points except at rural background stations referred to in Section A of Annex VIII to Directive [2008/50/EC](#)

(5) The Secretary of State must ensure that nitrogen dioxide is measured at no less than 50% of the sampling points required under Section A of Annex IX to Directive [2008/50/EC](#).

(6) The measurement referred to in paragraph (5) must be continuous except at rural background locations.

(7) The Secretary of State must ensure that concentrations of the ozone precursor substances listed in Annex X to Directive [2008/50/EC](#) are measured at at least one sampling point.

(8) The Secretary of State may choose the location and number of sampling points for measurements of ozone precursor substances and must take into account the objectives and methods set out in Annex X to Directive [2008/50/EC](#).

CHAPTER 3

Arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons

Assessment thresholds

10.—(1) The Secretary of State must classify each zone according to whether or not the upper and lower assessment thresholds specified in Section I of Annex II to Directive [2004/107/EC](#) are exceeded in relation to arsenic, cadmium, nickel and benzo(a)pyrene.

(2) The Secretary of State must review the classification of zones in paragraph (1) every five years, and must do so more frequently than every five years if there are significant changes in the activities which may affect levels of the pollutants referred to in paragraph (1) in ambient air.

(3) When classifying zones in accordance with assessment thresholds, the Secretary of State must comply with Section II of Annex II to Directive [2004/107/EC](#).

Assessment criteria

11.—(1) The Secretary of State must assess concentrations of arsenic, cadmium, nickel and benzo(a)pyrene in ambient air in all zones.

(2) In zones where the levels of arsenic, cadmium, nickel and benzo(a)pyrene are above the upper assessment threshold referred to in regulation 10, measurement is mandatory but may be supplemented by modelling techniques to provide an adequate level of information on ambient air quality.

(3) In zones where the levels of those pollutants are between the upper and lower assessment thresholds referred to in regulation 10, measurement is mandatory but may be supplemented by indicative measurements as referred to in Section I of Annex IV to Directive [2004/107/EC](#) or modelling, or both.

(4) In zones where the levels of those pollutants are below the lower assessment thresholds, modelling or objective estimation techniques may be used instead of measurement.

Data quality objectives

12. When assessing levels of arsenic, cadmium, nickel, benzo(a)pyrene, other polycyclic aromatic hydrocarbons or gaseous mercury, the Secretary of State must apply the data quality objectives and other standards contained in Annex IV to Directive [2004/107/EC](#).

Location and number of sampling points

13. The location and number of sampling points for the assessment of arsenic, cadmium, nickel and benzo(a)pyrene must be determined in accordance with Annex III to Directive [2004/107/EC](#).

Monitoring of polycyclic aromatic hydrocarbons

14.—(1) The Secretary of State must monitor concentrations of other relevant polycyclic aromatic hydrocarbons in addition to benzo(a)pyrene as the Secretary of State thinks fit, including at least the following—

- (a) benzo(a)anthracene,
- (b) benzo(b)fluoranthene,
- (c) benzo(j)fluoranthene,
- (d) benzo(k)fluoranthene,
- (e) indeno(1,2,3-cd)pyrene,
- (f) dibenz(a,h)anthracene.

(2) Monitoring sites must be located together with sampling points for benzo(a)pyrene.

(3) Monitoring sites must be selected so that geographical variations and long term trends in the concentrations of polycyclic aromatic hydrocarbons can be identified.

(4) Monitoring sites must be selected in accordance with the criteria in Sections I to III of Annex III to Directive [2004/107/EC](#).

Background monitoring

15.—(1) The Secretary of State must operate background sampling points to provide indicative measurements of—

(a) concentrations of—

- (i) arsenic, cadmium, nickel and benzo(a)pyrene,
- (ii) the polycyclic aromatic hydrocarbons in paragraph (1) of regulation 14,
- (iii) total gaseous mercury.

(b) total depositions of—

- (i) arsenic, cadmium, nickel and benzo(a)pyrene within the PM₁₀ fraction;
- (ii) the polycyclic aromatic hydrocarbons in paragraph (1) of regulation 14,
- (iii) mercury.

(2) For the purposes of paragraph (1) the Secretary of State must ensure that—

- (a) at least one sampling point is installed for every 100,000 km²; and
- (b) each sampling point is located in accordance with Annex III to Directive [2004/107/EC](#).

(3) In this Regulation “total gaseous mercury” means elemental mercury vapour (Hg⁰) and reactive gaseous mercury, that is, water-soluble mercury species with sufficiently high vapour pressure to exist in the gas phase.

Reference methods for sampling and analysis

16. Measurements of arsenic, cadmium, mercury, nickel, benzo(a)pyrene and other polycyclic aromatic hydrocarbons in ambient air and deposition of those pollutants must be made in accordance with the reference measurement methods set out in Annex V to Directive [2004/107/EC](#).

PART 3

Duties of Secretary of State in relation to limit values etc.

Duty in relation to limit values

17.—(1) The Secretary of State 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 Secretary of State must ensure that levels are maintained below those limit values and must endeavour to maintain the best ambient air quality compatible with sustainable development.

Duty in relation to target values

18.—(1) The Secretary of State 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 Secretary of State 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 Secretary of State must draw up a list of all zones where the target value for arsenic, cadmium, nickel or benzo(a)pyrene is exceeded, and in relation to those zones, 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 in paragraph (1) must be directed at the predominant sources of emission which have been identified, and where applicable will 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(5).

Date of application for limit values and target values

19.—(1) Limit values and target values—

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

Duty in relation to long-term objectives for ozone

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

(2) In zones where the long-term objectives for ozone have been attained, the Secretary of State 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;
- (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 Secretary of State 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 Secretary of State must ensure that the critical levels set out in Schedule 6 are not exceeded.

PART 4

National Exposure Reduction for PM_{2.5}

Average exposure indicator

23.—(1) The Secretary of State must calculate the average exposure indicator for PM_{2.5} (“AEI”) for the United Kingdom for 2010, 2015 and 2020.

(2) The AEI must be calculated as follows—

(5) OJ No L 24, 29.1.2008, p4, amended by Directive 2009/31/EC (OJ No L 140, 5.6.2009, p114)

- (a) an average annual measurement must be derived from measurements at all the sampling points in urban background locations which have been installed in accordance with Section B of Annex V to Directive 2008/50/EC;
 - (b) the average annual measurement in paragraph (a) must be averaged over three calendar years.
- (3) The AEI for 2010 must be based on measurements for the years 2009, 2010 and 2011.
 - (4) The AEI for 2015 must be based on measurements for the years 2013, 2014 and 2015.
 - (5) The AEI for 2020 must be based on measurements for the years 2018, 2019 and 2020.
 - (6) The Secretary of State must ensure that the distribution and number of sampling points used for calculating the AEI adequately reflects the exposure of the general population.

National exposure reduction target

24. Based on the AEI for 2010, the Secretary of State must establish the national exposure reduction target for the United Kingdom in accordance with the table in Schedule 7.

Duty of the Secretary of State to limit exposure to PM_{2.5}

25.—(1) The Secretary of State must ensure that all necessary measures not entailing disproportionate costs are taken in relation to England with a view to attaining the national exposure reduction target by 2020.

(2) The Secretary of State must base assessment of compliance with paragraph (1) on a comparison of the AEI for 2020 with the AEI for 2010.

(3) The Secretary of State must ensure that all appropriate measures are taken in relation to England with a view to ensuring that the AEI for 2015 does not exceed 20 µg/m³.

(4) Where it appears necessary and after consultation with the relevant administrations as appropriate, the Secretary of State must take measures in relation to the United Kingdom to—

- (a) attain the national exposure reduction target;
- (b) ensure that the AEI for 2015 does not exceed 20 µg/m³.

PART 5

Plans

Air quality plans

26.—(1) Where the levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and PM₁₀ in ambient air exceed any of the limit values in Schedule 2 or the level of PM_{2.5} exceeds the target value in Schedule 3, the Secretary of State must draw up and implement an air quality plan so as to achieve that limit value or target value.

(2) The air quality plan must include measures intended to ensure compliance with any relevant limit value within the shortest possible time.

(3) Between the date when these Regulations come into force and 31st December 2014, the Secretary of State must draw up and implement an air quality plan if levels of PM_{2.5} in ambient air exceed a level calculated by applying the margin of tolerance set out in Schedule 2 to the limit value.

(4) Air quality plans must include the information listed in Schedule 8.

(5) Wherever possible, air quality plans must be consistent with other plans drawn up in accordance with obligations imposed under Council Directive [2001/80/EC](#) on the limitation of emissions of certain pollutants into the air from large combustion plants⁽⁶⁾, Council Directive [2001/81/EC](#) on national emission ceilings for certain atmospheric pollutants⁽⁷⁾, and Council Directive [2002/49/EC](#) on assessment and management of environmental noise⁽⁸⁾.

(6) Where an air quality plan is required in relation to more than one pollutant, the Secretary of State must, where appropriate, draw up and implement an integrated plan in relation to all pollutants concerned.

(7) Where the level of ozone in a zone exceeds the target value in Schedule 3, the Secretary of State must draw up and implement an air quality plan unless the measures necessary to achieve the target value would entail disproportionate cost.

Short-term action plans

27.—(1) Where, in any zone, there is a risk that levels of sulphur dioxide or nitrogen dioxide will exceed the alert thresholds set out in Schedule 5, the Secretary of State must draw up and implement a short-term action plan.

(2) A short-term action plan must set out the measures intended to reduce the risk of alert thresholds being exceeded, or in the event of the levels being exceeded, to reduce the duration of such an incident.

(3) Where, in any zone, levels of ozone exceed the alert threshold set out in Schedule 5 or there is a risk that they will exceed that threshold, the Secretary of State must draw up and implement a short-term action plan taking into account Decision [2004/279/EC](#)⁽⁹⁾, if of the opinion that it is reasonably likely that the risk of alert level being exceeded, or the severity or duration of such an incident can be reduced taking into account geographical, meteorological and economic conditions.

(4) For the purposes of paragraph (3), the threshold must be exceeded or be predicted to exceed the alert threshold for at least three consecutive hours.

(5) Short-term action plans may also be drawn up where there is a risk that any of the limit values or target values set out in Schedules 2 or 3 will be exceeded.

Public participation in drawing up air quality and short-term action plans

28.—(1) The Secretary of State must consult the public where the Secretary of State proposes to prepare, modify or review an air quality plan or a short-term action plan.

(2) Where paragraph (1) applies, the Secretary of State must—

- (a) inform the public as to the proposal, any relevant background information and the right of the public to participate in the drawing up of the plan;
- (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;
- (c) take account of the results of the consultation in drawing up the plan.

(3) When the plan is published, the Secretary of State must also provide information to the public as to the reasons for the contents of the plan together with information about the public participation process that has been carried out.

⁽⁶⁾ OJ No L 309 27.11.01, p 1, last amended by Directive [2009/31/EC](#) (OJ No L 140, 5.6.2009, p 114).

⁽⁷⁾ OJ No L 309 27.11.01, p 22, last amended by Regulation [\(EC\) No 219/2009](#) (OJ No L 87, 31.3.2009, p 109).

⁽⁸⁾ OJ No L 189 18.7.02, p 12, last amended by Regulation [\(EC\) No 1137/2008](#) (OJ L 311, 21.11.2008, p 1).

⁽⁹⁾ OJ No L 87, 25.3.04, p 50.

PART 6

Public information

Public information

29.—(1) The Secretary of State must make the following available to the public and appropriate interested organisations—

- (a) up-to-date information given on at least a daily basis, and if possible on an hourly basis on concentrations of sulphur dioxide, nitrogen dioxide, PM₁₀ and if possible, PM_{2.5}, ozone and carbon monoxide;
- (b) up-to-date information on concentrations of benzene and lead, presented as an average over the last twelve months, and updated every three months or if possible every month;
- (c) up-to-date information as to any amendment to the attainment dates for limit values for nitrogen dioxide or PM₁₀;
- (d) up-to-date information on concentrations and deposition rates of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons;
- (e) information about cases where target values for arsenic, cadmium, nickel and benzo(a)pyrene are exceeded, together with reasons for such cases, the area concerned, and appropriate information regarding effects on health and the environment;
- (f) information on measures taken to achieve target values for arsenic, cadmium, nickel and benzo(a)pyrene;
- (g) information about actual or predicted instances where pollutants exceed alert or information thresholds;
- (h) air quality plans;
- (i) short-term action plans.

(2) The information in paragraph (1)(g) must be made available in accordance with Schedule 9.

(3) Information must be distributed free of charge in a clear and comprehensible manner via any easily accessible media including the internet or other appropriate means of telecommunication taking into account the requirements of Council Directive [2007/2/EC](#) on establishing an infrastructure for spatial information in the European Community(**10**).

(4) For the purposes of this Part, “interested organisations” includes environmental organisations, consumer organisations, organisations representing sensitive populations, relevant healthcare bodies and industrial federations.

Annual reports

30.—(1) The Secretary of State must publish annual reports for all the pollutants.

(2) Annual reports must contain the following information—

- (a) details of all cases where levels of pollutants have exceeded limit values, target values, long term objectives, information and alert thresholds set out in Schedules 2 to 5 for the relevant averaging periods,
- (b) a summary assessment of the effects of the cases referred to in paragraph (a).

(3) Annual reports may contain further information where appropriate, including assessments on forest protection and information as to ozone precursor substances listed in section B of Annex X to Directive [2008/50/EC](#) as the Secretary of State thinks appropriate.

(10) OJ No L 108, 25.4.07, p 1.

PART 7

General

Power to give directions

31.—(1) For the purposes of implementing any obligations of the United Kingdom under Directive [2008/50/EC](#), Directive [2004/107/EC](#) and Council Decision [97/101/EC](#) establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the member States⁽¹¹⁾, the Secretary of State has the same power to give directions under these Regulations to—

- (a) local authorities in Greater London; and
- (b) the Mayor of London,

as the Secretary of State has under section 85(5)(a) of the Environment Act 1995⁽¹²⁾ in relation to local authorities outside Greater London.

(2) The provisions of subsections (6) and (7) of section 85 of the Environment Act 1995 apply to directions given under this regulation as they apply to directions given under section 85(5)(a) and in the case of paragraph (1)(b) of this regulation, as if the Mayor of London were a local authority.

Transboundary air pollution

32.—(1) For the purpose of this Regulation a transboundary pollution issue arises when any of the following is exceeded within any part of a member State due to significant transport of air pollutants or their precursor substances from any other member State—

- (a) a limit value or target value together with any relevant margin of tolerance;
- (b) an alert threshold;
- (c) a long-term objective.

(2) The relevant administration must notify the Secretary of State where any transboundary pollution issue affects their territory.

(3) Where the Secretary of State—

- (a) considers that a transboundary pollution issue has arisen in England;
- (b) is notified under paragraph (2); or
- (c) is notified by another member state as to a transboundary pollution issue in their territory which arises from the United Kingdom,

the Secretary of State must consult the relevant member State as to any remedial action that might be appropriate.

(4) The Secretary of State must inform any relevant administration affected of any notification from another member State and consult the relevant administration about any action he proposes to take.

(5) Where information or alert thresholds are exceeded in locations close to the border of the United Kingdom—

- (a) any relevant administration affected must inform the Secretary of State,

(11) OJ No L 35,5.2.97, p 14.

(12) [1995 c. 25](#).

- (b) the Secretary of State must provide prompt information in relation to England or as provided by the relevant administration under paragraph (a), as the case may be, to any relevant neighbouring member State.

Revocations

- 33.** The Air Quality Standards Regulations 2007(**13**) are revoked.

25th March 2010

Jim Fitzpatrick
Minister of State
Department for Environment, Food and Rural
Affairs