The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State is designated for the purposes of section 2(2) in relation to the environment(b).

Citation, commencement and amendment

1.—(1) These Regulations may be cited as the Air Quality Standards (Amendment) Regulations 2016 and come into force on 31st December 2016.

(2) The Air Quality Standards Regulations 2010(c) are amended as follows.

Regulation 2

2.—(1) In regulation 2 (definitions) for the definition of “Directive 2008/50/EC”(d) substitute—


(2) In that regulation for the definition of “Directive 2004/107/EC”(e) substitute—


Part 3 of Schedule 1

3. In Part 3 of Schedule 1 (sampling points etc.)—

(a) for sub-paragraphs (a) and (b) of paragraph 1 substitute—

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(a) 1972 c68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c7).
(b) S.I. 2008/301.
(c) S.I. 2010/1001.
“(a) the flow around the inlet sampling probe must be unrestricted (free in an arc of at least 270° or, for sampling points at the building line, 180°) without any obstructions affecting the airflow in the vicinity of the inlet (that is to say some metres away from buildings, balconies, trees and other obstacles and at least 0.5 m from the nearest building in the case of sampling points representing air quality at the building line);

(b) the inlet sampling point must be between 1.5 m (the breathing zone) and 4 m above the ground unless the station is representative of a large area and higher siting is appropriate. Any derogations must be fully documented;”;

(b) after the full-stop at the end of sub-paragraph (e) of paragraph 1 insert “A “major junction” is a junction which interrupts the traffic flow and causes different emissions (due to vehicles stopping and starting) from the rest of the road.”;

(c) after paragraph 2 insert—

“3. Any deviation from the criteria listed in this Part must be documented in accordance with Part 4.”.

New Part 4 of Schedule 1

4. After Part 3 of Schedule 1 insert—

“PART 4

Documentation and review of site selection

1. The Secretary of State must for all zones and agglomerations fully document the site-selection procedures and record information to support the network design and choice of location for all monitoring sites.

2. The documentation must include compass-point photographs of the area surrounding monitoring sites and detailed maps.

3. Where supplementary methods are used within a zone or agglomeration, the documentation must include details of these methods and information on how the criteria listed in Article 7(3) of Directive 2008/50/EC are met.

4. The documentation must be updated as necessary and reviewed at least every 5 years, to ensure that selection criteria, network design and monitoring site locations remain valid and optimal over time.”.

Thérèse Coffey
Parliamentary Under Secretary of State

6th December 2016

Department for Environment, Food and Rural Affairs
EXPLANATORY NOTE
(This note is not part of the Regulations)


An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. A transposition note for the Air Quality Standards Regulations 2010 is available with those Regulations on www.legislation.gov.uk