

2016 No. 1184

ENVIRONMENTAL PROTECTION, ENGLAND

The Air Quality Standards (Amendment) Regulations 2016

Made - - - - *6th December 2016*

Laid before Parliament *8th December 2016*

Coming into force - - *31st December 2016*

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

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—

(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.
(d) OJ No L 152, 11.6.08, p1. The effect of section 20A of the Interpretation Act 1978 (c.30) is that the updated reference to Directive 2008/50/EC is to the Directive as amended by Commission Directive (EU) 2015/1480 (OJ No L 226, 29.8.15, p4).
(e) OJ No L 23, 26.1.05, p3. The effect of section 20A of the Interpretation Act 1978 is that the updated reference to Directive 2004/107/EC is to the Directive as last amended by Commission Directive (EU) 2015/1480.

- “(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.”.

6th December 2016

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Air Quality Standards Regulations 2010 (S.I. 2010/1001). Those Regulations transpose Directive 2008/50/EC on ambient air quality etc. and Directive 2004/107/EC relating to arsenic etc. in ambient air. Both Directives were amended by Commission Directive 2015/1480.

Regulation 2 amends the definition of “Directive 2008/50/EC” so that each reference to the Directive in the Regulations is a reference to the Directive as amended by Commission Directive 2015/1480. A similar change is made to the definition of “Directive 2004/107/EC”.

Regulations 3 and 4 make amendments to Schedule 1 (which concerns sampling points). Regulation 3 makes amendments to Part 3 of Schedule 1. The changes follow amendments made by Commission Directive 2015/1480 to Section C of Annex III to Directive 2008/50/EC.

Regulation 4 inserts a new Part 4 in Schedule 1. The new Part 4 concerns documentation and review of site selection. This change follows the replacement by Commission Directive 2015/1480 of Section D of Annex III to Directive 2008/50/EC.

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

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