
WELSH STATUTORY INSTRUMENTS

2002 No. 3182 (W.298)

ENVIRONMENTAL PROTECTION, WALES

The Air Quality (Amendment) (Wales) Regulations 2002

Made - - - - 17th December 2002

Coming into force - - 31st December 2002

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by section 87(1) and (2) of the Environment Act 1995⁽¹⁾ and now vested in the National Assembly⁽²⁾, having, in accordance with section 87(7) of that Act, consulted the Environment Agency, such bodies or persons appearing to the National Assembly to be representative of the interests of local government and of industry as it considers appropriate, and such other bodies or persons as it considers appropriate, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Air Quality (Amendment) (Wales) Regulations 2002 and come into force on 31st December 2002.

(2) These Regulations apply to Wales.

Air quality objectives for benzene, carbon monoxide and lead

2.—(1) The Schedule to the Air Quality (Wales) Regulations 2000⁽³⁾ is amended as follows.

(2) In the Table in Part I of the Schedule—

(a) create an additional row which relates to benzene, and—

(i) in the column headed “Substance/Air quality objective levels” insert “Benzene: 5 micrograms per cubic metre or less, when expressed as an annual mean”;

(ii) in the column headed “Date by which objective to be achieved” insert “31 December 2010”; and

(b) in the row which relates to carbon monoxide and the column headed “Substance/Air quality objective levels”, substitute “10” for “11.6” and insert “maximum daily” before “running 8 hour mean”.

(1) 1995 c. 25; see section 91(1) for the definitions of “prescribed” and “regulations”.

(2) The powers of the Secretary of State, insofar as exercisable in relation to Wales, have been transferred to the National Assembly for Wales; see Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) S.I. 2000/1940 (W.138).

(3) In Part II (Interpretation) of the Schedule—

(a) for paragraph 2 (which relates to the calculation of a running 8 hour mean) substitute—

“2.—(1) A maximum daily running 8 hour mean is calculated on a daily basis. The maximum daily running 8 hour mean for a particular substance at a particular location for a particular day is the maximum of the running 8 hour means ending during that day.

(2) For the purpose of sub-paragraph (1), a “running 8 hour mean” is a mean which is calculated on an hourly basis, yielding one running 8 hour mean per hour. The running 8 hour mean for the relevant substance at the relevant location for a particular hour is the mean of the hourly means for the substance at the location for that hour and the preceding 7 hours.”

(b) in paragraph 3 (which relates to the calculation of an annual mean in the case of lead etc.)—

(i) delete “and” in sub-paragraph (1)(b);

(ii) after “year” in sub-paragraph (1)(c) insert—

“; and

(d) in the case of benzene, either the mean of the daily levels for that year or the mean of the hourly means for that year”; and

(iii) for sub-paragraph (4) substitute—

“(4) For the purpose of any calculation of the annual mean for benzene on the basis of the mean of the daily levels, the daily level for benzene at a particular location for a particular day is the level at which benzene is recorded as being present in the air at that location during the fortnight in which the day occurs on the basis of a continuous sample of air taken throughout that fortnight (each day in the fortnight therefore being attributed with the same daily level).”

(c) in paragraph 4 (which relates to the calculation of an hourly mean), for the second sentence substitute—

“The hourly mean for a particular substance at a particular location for a particular hour is the mean of the levels recorded for that substance at that location:

(a) in the case of benzene, at a frequency of not less than once during the hour; and

(b) in the case of carbon monoxide, nitrogen dioxide and sulphur dioxide, at a frequency of not less than once every 10 seconds during the hour.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

17th December 2002

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part IV of the Environment Act 1995 (“the 1995 Act”) requires county and county borough councils in Wales to review, within their areas, the quality of air for the time being and the likely future air quality. Such reviews must be accompanied by an assessment of whether any prescribed air quality standards and objectives are being achieved or are likely to be achieved within a prescribed period.

Where any such standards or objectives are not being achieved, or are not likely to be achieved within the prescribed period, in any part of a council’s area, the council concerned must designate that part of its area as an air quality management area (see section 83(1) of the 1995 Act). An action plan must then be prepared in relation to the designated area, setting out how the council intends to exercise its powers to achieve the prescribed air quality standards and objectives (see section 84(2) of the 1995 Act).

The Air Quality (Wales) Regulations 2000 (“the 2000 Regulations”) set the air quality objectives for Wales and prescribe the periods within which they must be achieved.

These Regulations amend the 2000 Regulations. They introduce a second air quality objective for benzene of 5 micrograms per cubic metre or less, when expressed as an annual mean, to be achieved by 31 December 2010 (regulation 2(2)(a)). They also alter the air quality objective for carbon monoxide, which is to be achieved by 31 December 2003, to a maximum daily running 8 hour mean of 10 milligrams per cubic metre or less (regulation 2(2)(b)).

Amendments are also made to Part II (Interpretation) of the Schedule to the 2000 Regulations. These amendments affect the air quality objectives for benzene, carbon monoxide and lead: 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” (regulation 2(3)).