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WELSH STATUTORY INSTRUMENTS

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**2007 No. 717**

**The Air Quality Standards (Wales) Regulations 2007**

**PART 1**

General

**Title, commencement and application**

- 1.—(1) The title of these Regulations is the Air Quality Standards (Wales) Regulations 2007.
- (2) These Regulations come into force on 15 March 2007.
- (3) These Regulations apply in relation to Wales.

**Definitions**

- 2.—(1) In these Regulations—

“action plan” (*“cynllun gweithredu”*) means an action plan required by regulation 11;

“agglomeration” (*“crynhoad”*) has the meaning given in regulation 5(2);

“air quality standards” (*“safonau ansawdd aer”*) means limit values, target values and long-term objectives;

“alert threshold” (*“trothwy rhybuddio”*) means an alert threshold set out in Schedule 3;

“ambient air” (*“aer amgylchynol”*) means outdoor air in the troposphere, excluding work places;

“assessment” (*“asesu”*) means any method used to measure, calculate, predict or estimate the concentration of a pollutant;

“attainment date” (*“dyddiad cyrhaeddiad”*) means a date by which—

- (a) a limit value is required to be attained; or
- (b) a target value should be attained, insofar as this is possible;

“concentration” (*“crynodiad”*) means—

- (a) for pollutants other than Group B pollutants, the concentration of the relevant pollutant in ambient air; or
- (b) for Group B pollutants, the total content of the relevant pollutant in the PM<sub>10</sub> fraction in ambient air,

and, in both cases, a reference to a concentration is to a concentration assessed by the National Assembly in accordance with these Regulations;

“Group A pollutants” (*“llygryddion Grŵp A”*) means benzene, carbon monoxide, lead, nitrogen dioxide and oxides of nitrogen, PM<sub>10</sub> and sulphur dioxide;

“Group B pollutants” (*“llygryddion Grŵp B”*) means arsenic, benzo(a)pyrene, cadmium and nickel and their compounds;

“improvement plan” (*“cynllun gwella”*) means an improvement plan required by regulation 8;

“information threshold” (“*trothwy gwybodaeth*”) means the information threshold set out in Part 2 of Schedule 3;

“limit value” (“*gwerth terfyn*”) means a maximum permitted concentration of a Group A pollutant set out in Part 1 of Schedule 1;

“long-term objective” (“*amcan hirdymor*”) means a maximum concentration of ozone set out in Part 4 of Schedule 1;

“margin of tolerance” (“*ffin goddefaint*”) means an amount specified in Part 2 of Schedule 1 by which a limit value may be exceeded;

“oxides of nitrogen” (“*ocsidau nitrogen*”) means the sum of nitric oxide and nitrogen dioxide added as parts per billion and expressed as nitrogen dioxide in microgrammes per cubic metre;

“ozone precursor substances” (“*rhagsylweddau osôn*”) means substances which contribute to the formation of ground level ozone, as referred to by regulation 18(1);

“PM<sub>2.5</sub>” means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 2.5µm aerodynamic diameter;

“PM<sub>10</sub>” means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 10µm aerodynamic diameter, in relation to which, in the case of assessments of Group B pollutants, the inlet is defined in EN 12341;

“pollutant” (“*llygrydd*”) means—

- (a) any Group A pollutant;
- (b) any Group B pollutant;
- (c) ozone; or
- (d) any pollutant to which Part 3 of these Regulations applies;

“polycyclic aromatic hydrocarbons” (“*hydrocarbonau aromatig polysyclig*”) means—

- (a) those compounds listed at regulation 19(2); and
- (b) any other polycyclic aromatic hydrocarbons the National Assembly chooses to monitor under regulation 19(1)(b);

“rural background station” (“*gorsaf cefndir gwledig*”) is to be interpreted in accordance with Part 3 of Schedule 5;

“target value” (“*gwerth targed*”) means a maximum concentration of a Group B pollutant as set out in Part 3 of Schedule 1 or ozone as set out in Part 4 of that Schedule; and

“zone” (“*parth*”) means one of the parts of the territory into which the National Assembly has divided Wales under regulation 5(1) for the purposes of Part 2 of these Regulations; and references to a zone, unless the context indicates otherwise, include an agglomeration.

(2) Other words and expressions used in these Regulations have the same meaning as in the following Directives—

- (a) Council Directive [96/62/EC](#) on ambient air quality assessment and management<sup>(1)</sup>;
- (b) Council Directive [1999/30/EC](#) relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air<sup>(2)</sup>;
- (c) Directive [2000/69/EC](#) of the European Parliament and of the Council relating to limit values for benzene and carbon monoxide in ambient air<sup>(3)</sup>;

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(1) OJ No L 296, 21.11.96, p.55.

(2) OJ No L 163, 29.06.99, p.41.

(3) OJ No L 313, 13.12.00, p.12.

- (d) Directive [2002/3/EC](#) of the European Parliament and of the Council relating to ozone in ambient air<sup>(4)</sup>; and
- (e) 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<sup>(5)</sup>.

### **Designation of National Assembly for Wales**

3. The National Assembly is designated as the competent authority for the purposes of Article 3 (implementation and responsibilities) of Council Directive [96/62/EC](#).

## **PART 2**

### Group A and Group B pollutants and ozone

#### CHAPTER 1

#### Air quality standards

### **Preliminary and application**

- 4.—(1) This Part applies in respect of the following pollutants—
- (a) Group A pollutants;
  - (b) Group B pollutants; and
  - (c) ozone.
- (2) The National Assembly must ensure that all measures taken under Chapter 2 or 3 of this Part—
- (a) take into account an integrated approach to the protection of air, water and soil; and
  - (b) have no significant negative effects on—
    - (i) any other member State, or
    - (ii) any other part of the United Kingdom.

### **Zones and agglomerations**

- 5.—(1) The National Assembly must, for the purposes of this Part, divide the territory of Wales into zones.
- (2) A zone is to be classified as an agglomeration for the purposes of this Part where—
- (a) it comprises a population in excess of 250,000 inhabitants; or
  - (b) in any other case, it has a population density per km<sup>2</sup> for which the National Assembly considers that such a classification is justified.
- (3) The National Assembly may establish different zones for different pollutants where it considers it appropriate.

### **Air quality standards**

- 6.—(1) Subject to paragraphs (2) to (4), the following air quality standards specified in Schedule 1 are required to be attained within each zone—
- (a) for Group A pollutants, the limit values set out in Part 1 of that Schedule;

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(4) OJ No L 67, 09.03.02, p.14.

(5) OJ No L 23, 26.01.05, p.3.

- (b) for Group B pollutants, the target values set out in Part 3 of that Schedule; and
  - (c) for ozone, the target values and long-term objectives set out in Part 4 of that Schedule.
- (2) The attainment date for a limit or target value is—
- (a) the attainment date specified for the relevant pollutant in Schedule 1; or
  - (b) where no attainment date is specified, the date on which these Regulations come into force.
- (3) The long-term objectives are to be attained in the long term, to the extent these objectives are achievable through the measures required by regulation 7(3)(b).
- (4) In the case of benzene and nitrogen dioxide, the margins of tolerance set out in Part 2 of Schedule 1 apply within the periods specified.

## CHAPTER 2

### Attainment of air quality standards

#### General attainment measures

- 7.—(1) Subject to paragraphs (2) and (3), the National Assembly must take the necessary measures to ensure that, within each zone, concentrations of each pollutant attain the air quality standards required by regulation 6.
- (2) The necessary measures in relation to Group B pollutants are—
- (a) measures not entailing disproportionate costs; and
  - (b) insofar as concentrations of the relevant pollutants arise as a result of emissions from installations to which Council Directive [96/61/EC](#) concerning integrated pollution prevention and control<sup>(6)</sup> applies, the application of best available techniques to prevent pollution from those installations in accordance with article 3(a) of that Directive<sup>(7)</sup>.
- (3) The necessary measures in relation to ozone are measures the National Assembly considers to be—
- (a) in the case of both the target values and long-term objectives, proportionate; and
  - (b) in the case of a long-term objectives, cost-effective.

#### Improvement plans

- 8.—(1) This regulation applies in respect of each zone in which—
- (a) prior to the attainment date, concentrations of benzene or nitrogen dioxide exceed a limit value plus the applicable margin of tolerance; or
  - (b) concentrations of ozone exceed a target value.
- (2) Where paragraph (1)(a) applies, the National Assembly must prepare and implement an improvement plan in respect of the pollutant in question or, if the condition specified is met in relation to both pollutants, in respect of both those pollutants.
- (3) Where paragraph (1)(b) applies, the National Assembly must prepare and implement an improvement plan in respect of ozone unless it considers that the target value would not be attainable through proportionate measures.
- (4) An improvement plan must include the information specified in Schedule 2.

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<sup>(6)</sup> OJ No L 257, 10.10.96, p.26.

<sup>(7)</sup> The Directive is implemented by the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I. 2000/1973 as amended by S.I. 2001/503, 2002/275, 2002/1702, 2003/1699, 2003/3296, 2004/3276, 2005/1448 and 2006/2802 (W.241)).

(5) Where an improvement plan is required to be prepared and implemented under both paragraphs (2) and (3), the National Assembly must, where it considers it appropriate, prepare and implement an integrated improvement plan covering all of the pollutants concerned.

(6) For the purposes of this regulation, an improvement plan may comprise either a plan or a programme which, in either case, must have the objective of attaining the limit or target value within the relevant zone by the attainment date for the pollutant in question.

### **Other improvement measures**

9.—(1) This regulation applies in respect of each zone in which concentrations of—

- (a) one or more Group B pollutants exceed the relevant target value; or
- (b) ozone are equal to or below the target values, but exceed a long-term objective.

(2) Where paragraph (1)(a) applies, the National Assembly must—

- (a) identify the cause of the pollution and the predominant sources of emissions; and
- (b) in relation to the pollutants concerned, ensure that the measures required by regulation 7(2) are directed in particular at the sources of emissions identified.

(3) Where paragraph (1)(b) applies, the National Assembly must prepare and implement measures which it considers to be cost-effective with the aim of attaining the long-term objective.

(4) The National Assembly must ensure that the measures required in paragraph (3) are consistent with any improvement plan prepared for ozone under regulation 8(3).

## **CHAPTER 3**

### **Maintenance of air quality standards and action plans**

#### **Maintenance of air quality standards**

10.—(1) This regulation applies in respect of each zone in which concentrations of—

- (a) one or more Group A pollutants are below the relevant limit values;
- (b) one or more Group B pollutants are below the relevant target values; or
- (c) ozone meet the long-term objectives.

(2) Where sub-paragraph (a) or (b) of paragraph (1) applies, the National Assembly must, in respect of each pollutant meeting the conditions set out in those sub-paragraphs, maintain compliance with the relevant limit or target values and endeavour to preserve the lowest concentration which it considers to be compatible with sustainable development.

(3) Where paragraph (1)(c) applies, the National Assembly must—

- (a) ensure that concentrations are kept at or below the long-term objectives, insofar as the transboundary nature of ozone pollution, meteorological conditions and any other similar factors permit; and
- (b) preserve through proportionate measures the lowest concentrations of ozone which it considers to be compatible with sustainable development and a high level of protection for the environment and human health.

#### **Action plans**

11.—(1) The National Assembly must, in accordance with,—

- (a) paragraphs (2) to (4), prepare action plans; and
- (b) paragraph (5), implement action plans.

(2) The action plans must indicate the measures to be taken within any zone in the short term in order to achieve the objectives set out in paragraph (3) in the event of circumstances in which the National Assembly considers there is a risk that any one of the following will be exceeded—

- (a) a limit value;
- (b) the alert threshold for nitrogen dioxide or sulphur dioxide; or
- (c) subject to paragraph (4), the alert threshold for ozone.

(3) The objectives of each action plan are to—

- (a) reduce the risk that the relevant limit value or alert threshold will be exceeded; or
- (b) where it is not possible to prevent the occurrence, limit its duration or severity.

(4) In relation to ozone, the obligation imposed by paragraph (1)(a) only applies insofar as, taking into account geographical, meteorological and economic conditions, the National Assembly considers there is significant potential for the objectives set out in paragraph (3) to be achieved.

(5) The National Assembly must, when it considers that the risks referred to in paragraph (2) arise within any zone, implement the measures indicated in the relevant action plans within the zone concerned to the extent it considers necessary in the circumstances of the particular case.

(6) Schedule 3 has effect in prescribing—

- (a) alert thresholds for nitrogen dioxide and sulphur dioxide, in Part 1 of that Schedule; and
- (b) the alert threshold and information threshold for ozone, in Part 2 of that Schedule.

## CHAPTER 4

### Assessment

#### **Duty to assess air quality**

**12.** The National Assembly must assess the concentration of each pollutant within each zone in accordance with regulations 13 to 16.

#### **Assessment methods**

**13.—**(1) The National Assembly must assess concentrations of pollutants in accordance with the methods required or, in the case of Group A pollutants and Group B pollutants, permitted by this regulation.

(2) In relation to Group A pollutants and Group B pollutants in cases where—

- (a) the assessment concerns a Group A pollutant within an agglomeration; or
- (b) concentrations of a pollutant have exceeded the upper assessment threshold,

assessment is required to be by means of fixed measurement.

(3) In cases where paragraph (2) does not apply and, in the case of nitrogen dioxide, subject to regulation 15(7), the National Assembly may use the following assessment methods in relation to Group A pollutants and Group B pollutants—

- (a) a combination of—
  - (i) fixed measurement, and
  - (ii) modelling techniques,

provided that concentrations of the relevant pollutant have, over a representative period, been below the upper assessment threshold; or

- (b) the sole use of either modelling or objective estimation techniques, provided that—
  - (i) paragraph (4) does not apply, and

- (ii) concentrations of the relevant pollutant have, over a representative period, been below the lower assessment threshold.
- (4) The National Assembly must not use the methods referred to at paragraph (3)(b) to assess nitrogen dioxide or sulphur dioxide within an agglomeration.
- (5) For the purposes of paragraphs (2) and (3)—
  - (a) the upper and lower assessment thresholds are specified for Group A pollutants in Part 1 of Schedule 4 and for Group B pollutants in Part 2 of that Schedule; and
  - (b) the representative period is to be interpreted in accordance with Part 3 of that Schedule.
- (6) The National Assembly must review the method by which Group A pollutants and Group B pollutants are assessed within each zone—
  - (a) in the event of significant changes in activities affecting concentrations of a pollutant within that zone; and
  - (b) in any event, at least once in every five years.
- (7) The National Assembly must assess concentrations of ozone by fixed continuous measurement if, within the zone concerned, concentrations have exceeded a long-term objective during any of the previous five years of measurement.
- (8) In cases where fewer than five years' data is available, the National Assembly may assess concentrations of ozone by combining the following—
  - (a) measurement campaigns of short duration at times and locations which it considers are likely to be typical of the highest pollution levels; and
  - (b) results from emission inventories and modelling.

### **Fixed measurement**

- 14.**—(1) This regulation applies in cases where, in relation to one or more pollutants, a zone is assessed in accordance with the methods referred to in regulation 13(2), (3)(a) or (7).
- (2) Where a zone is assessed in accordance with regulation 13(2) or (3)(a), measurements of the relevant pollutant must, subject in the case of nitrogen dioxide to the requirements imposed by regulation 15(7) in respect of the assessments required by that regulation, be taken at fixed sites either continuously or by random sampling and the number of measurements must be sufficiently large to enable concentrations of the pollutant to be properly determined.
- (3) Where a zone is assessed in accordance with regulation 13(2), the National Assembly may supplement information from sampling points for fixed measurement with information from modelling techniques where it considers this will provide an adequate level of information on ambient air quality.
- (4) Where a zone is assessed in accordance with regulation 13(7), the National Assembly may supplement information from sampling points with information from modelling or indicative measurements provided that the conditions set out in regulation 15(6) are complied with.

### **Sampling points**

- 15.**—(1) Where the National Assembly assesses concentrations of a pollutant within a zone in accordance with the methods referred to at regulation 13(2), (3)(a) or (7) it must, in respect of each pollutant, ensure that—
- (a) a minimum number of sampling points are established within each zone, in accordance with paragraphs (2) to (6); and
  - (b) each sampling point is located in accordance with the relevant Parts of Schedule 5.

(2) In cases where a zone is assessed in accordance with—

- (a) regulation 13(2), and paragraph (3)(a) of this regulation does not apply; or
- (b) regulation 13(7), and paragraph (4) of this regulation does not apply,

the minimum number of sampling points is specified in the relevant Parts of Schedule 6.

(3) Where a zone is assessed in accordance with—

- (a) regulation 13(2) and, within that zone, the National Assembly supplements fixed measurements with modelling techniques in accordance with regulation 14(3); or
- (b) regulation 13(3)(a),

the minimum number of sampling points required for each pollutant must be a number that the National Assembly determines is sufficient, taken together with the spatial resolution of the other techniques employed, for concentrations of the relevant pollutant to be established.

(4) Where a zone is assessed in accordance with regulation 13(7), the National Assembly may reduce the number of sampling points required under paragraph (2)(b) provided that the conditions set out in paragraphs (5) or (6) are met.

(5) In the case of zones where—

- (a) five years of measurement have been carried out; and
- (b) during each of those years, concentrations of ozone have been below the long-term objectives,

the National Assembly may determine the number of sampling points in accordance with Part 5 of Schedule 6.

(6) In the case of zones in which the National Assembly supplements the information obtained from sampling points for fixed measurement with information from modelling or indicative measurement in accordance with regulation 14(4), it may reduce the number of sampling points provided that—

- (a) the modelling techniques adopted provide an adequate level of information for the assessment of air quality with regard to the—
  - (i) target values,
  - (ii) information threshold, and
  - (iii) alert threshold;
- (b) the number of sampling points to be installed and the spatial resolution of other techniques are sufficient for the concentration of ozone to be established and to enable the compilation of assessment results as specified in Part 3 of Schedule 7;
- (c) the number of sampling points in each zone amounts to—
  - (i) at least one sampling point per two million inhabitants, or
  - (ii) one sampling point per 50,000 km<sup>2</sup>,
 whichever produces the greater number of sampling points;
- (d) each zone contains at least one sampling point; and
- (e) concentrations of nitrogen dioxide are assessed at all remaining sampling points except rural background stations, in accordance with paragraph (7).

(7) The National Assembly must ensure that—

- (a) concentrations of nitrogen dioxide are assessed—
  - (i) at least at 50 per cent of the sampling points established for ozone in accordance with Part 4 of Schedule 6, or



- (ii) where paragraph (6) applies, in accordance with sub-paragraph (e) of that paragraph; and
- (b) the measurement of nitrogen dioxide taken at these sampling points is continuous, except at rural background stations where other measurement methods may be used.

### **Other assessment requirements**

16.—(1) When the National Assembly undertakes assessments as respects—

- (a) Group A pollutants or Group B pollutants, by the methods other than fixed measurement which are permitted by regulation 13(3) or 14(3); or
- (b) ozone, by methods other than fixed continuous measurement which are permitted by regulations 13(7) and 14(4),

it must comply with the requirements of the relevant Part of Schedule 7 when using those other methods.

(2) When conducting any assessment under this Chapter, the National Assembly must have regard to the relevant data quality objectives set out in Schedule 8.

(3) The National Assembly must undertake assessments in accordance with—

- (a) the relevant reference methods required by Schedule 9; or
- (b) any alternative reference methods, where it considers that the method in question gives equivalent results to the relevant method required by Schedule 9.

(4) Measurements of volume of benzene, carbon monoxide, nitrogen dioxide, oxides of nitrogen, ozone and sulphur dioxide are to be standardised at a temperature of 293K and a pressure of 101.3 kPa.

## **PART 3**

### **Other pollutants and background monitoring**

#### **Measurement of PM<sub>2.5</sub>**

17.—(1) The National Assembly must, in accordance with paragraph (2), install and operate measuring stations to supply representative data on concentrations of PM<sub>2.5</sub>.

(2) For the purpose of paragraph (1), the National Assembly must—

- (a) choose the number of measuring stations it considers necessary;
- (b) insofar as possible, co-locate the measuring stations with any sampling points established for PM<sub>10</sub> in accordance with regulation 15(1), or
  - (ii) in any other case, locate the measuring stations in accordance with the principles set out in Parts 1, 4 and 5 of Schedule 5 as they apply to PM<sub>10</sub>;
- (c) use reference methods for sampling and measurement that it considers suitable; and
- (d) have regard to the data quality objectives set out in Part 1 of Schedule 8.

#### **Measurement of ozone precursor substances**

18.—(1) The National Assembly must, in accordance with paragraph (2), install and operate one or, if it considers it necessary, more measuring stations to supply data on concentrations of those ozone precursor substances set out in Schedule 10.

(2) The National Assembly must have regard to Schedule 10 in choosing the number and sites of measuring stations and their operation.

### **Monitoring of polycyclic aromatic hydrocarbons**

**19.**—(1) The National Assembly must, in accordance with paragraphs (3) to (6), monitor concentrations of—

- (a) those polycyclic aromatic hydrocarbons listed in paragraph (2); and
- (b) any other polycyclic aromatic hydrocarbons, within the meaning of paragraph (7) that it may additionally choose to monitor.

(2) The polycyclic aromatic hydrocarbons required to be assessed by paragraph (1) comprise—

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

(3) The monitoring required by paragraph (1) must take place at monitoring sites designated for this purpose by the National Assembly in accordance with paragraphs (4) and (5).

(4) Each monitoring site must—

- (a) insofar as possible, be co-located with a sampling point established for benzo(a)pyrene under regulation 15(1); or
- (b) in any other case, be located in accordance with Parts 2, 4 and 5 of Schedule 5.

(5) The total number of monitoring sites and their overall selection is to be such as the National Assembly considers necessary to ensure that the monitoring carried-out provides sufficient information to identify long-term trends and geographical variation in concentrations.

(6) Regulation 16(2) and (3) applies to the monitoring required by this regulation.

(7) For the purpose of paragraph (1)(b), “polycyclic aromatic hydrocarbons” (“hydrocarbonau aromatig polysyclig”) means organic compounds, other than benzo(a)pyrene, which are composed of at least two fused aromatic rings made entirely from carbon and hydrogen.

### **Background monitoring**

**20.**—(1) The National Assembly must, in accordance with paragraphs (3) and (4), install and operate background sampling points to provide the measurements required by paragraph (2).

(2) The measurements required by this regulation are indicative measurements of—

- (a) concentrations of—
  - (i) Group B pollutants,
  - (ii) polycyclic aromatic hydrocarbons, and
  - (iii) total gaseous mercury as defined in paragraph (6);

and

- (b) total deposition of—
  - (i) Group B pollutants within the PM<sub>10</sub> fraction,

- (ii) polycyclic aromatic hydrocarbons, and
  - (iii) mercury.
- (3) For the purposes of paragraphs (1) and (2), the National Assembly must ensure that—
- (a) at least one sampling point is installed for every 100,000 km<sup>2</sup>; and
  - (b) each sampling point is located in accordance with Parts 2, 4 and 5 of Schedule 5.
- (4) Regulation 16(2) and (3) applies to the measurements required by this regulation.
- (5) The National Assembly may—
- (a) in addition to the indicative measurements required by paragraph (2), take further indicative measurements relating specifically to particulate and gaseous divalent mercury from the sampling points required to be installed by paragraph (1); and
  - (b) coordinate any measurements taken under this regulation with the European Monitoring and Evaluation of Pollutants monitoring strategy and measurement programme.
- (6) For the purpose of paragraph (2)(a)(iii), “total gaseous mercury” (“mercwri nwyol llwyr”) means—
- (a) elemental mercury vapour (Hg<sup>0</sup>); and
  - (b) reactive gaseous mercury.

## PART 4

### Public information and participation

#### General requirements

- 21.—(1) The National Assembly must ensure that—
- (a) up-to-date information is made available to the public in accordance with this Part; and
  - (b) the public is given an opportunity to participate in the formulation of improvement plans in accordance with regulation 28.
- (2) The National Assembly must ensure that the information to which this Part relates is—
- (a) made available in a form that is clear, comprehensible and accessible;
  - (b) disseminated or published by the most appropriate means as it may determine, including (but not necessarily limited to) broadcast media, press, publications, information screens, the internet or other computer network sources; and
  - (c) up-dated—
    - (i) in accordance with a minimum frequency specified in these Regulations, or
    - (ii) in other cases, as soon as practicable.
- (3) For the purposes of this Part, “the 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.

#### Information regarding zones

22. The National Assembly must make available—
- (a) information identifying each zone and specifying which zones have been classified as agglomerations;

- (b) the following lists of zones—
  - (i) zones which have attained all air quality standards,
  - (ii) zones which have not attained one or more of the air quality standards, in respect of which the list must specify the pollutants and air quality standards concerned;
- (c) until 1 January 2010, a list of zones in which concentrations of benzene or nitrogen dioxide either—
  - (i) exceed a limit value plus the relevant margin of tolerance, or
  - (ii) are between a limit value and the relevant margin of tolerance,
 specifying, in both cases, the pollutant and limit values for which this is the case; and
- (d) a list classifying each zone in relation to the method by which concentrations of each pollutant are assessed within that zone in accordance with regulation 13.

### **Information on concentrations**

**23.**—(1) The National Assembly must, in accordance with paragraphs (2) and (3), make available information in respect of—

- (a) concentrations of Group A pollutants;
- (b) concentrations of Group B pollutants;
- (c) concentrations of ozone; and
- (d) insofar as assessed under Part 3 of these Regulations—
  - (i) concentrations of mercury, PM<sub>2.5</sub> and polycyclic aromatic hydrocarbons, and
  - (ii) deposition rates of Group B pollutants, mercury and polycyclic aromatic hydrocarbons.

(2) The information required to be made available by paragraph (1)(a) and, insofar as it relates to PM<sub>2.5</sub>, paragraph (1)(d)(i), must be updated as respects—

- (a) benzene, as an average value over the last 12 months—
  - (i) at least on a three-monthly basis, and
  - (ii) where practicable, on a monthly basis;
- (b) carbon monoxide, as a maximum running average over eight hours—
  - (i) at least on a daily basis, and
  - (ii) where practicable, on an hourly basis;
- (c) lead, on a three-monthly basis; and
- (d) nitrogen dioxide, sulphur dioxide, PM<sub>2.5</sub> and PM<sub>10</sub>—
  - (i) at least on a daily basis, and
  - (ii) in the case of hourly values for nitrogen dioxide and sulphur dioxide, where practicable, on an hourly basis.

(3) The information required to be made available by paragraph (1)(c) must be updated—

- (a) at least on a daily basis; and
- (b) where appropriate and practicable, on an hourly basis.

### **Information on breach of alert or information threshold**

**24.**—(1) The National Assembly must, as soon as possible in each case, provide the information required by paragraphs (2) to (4) where—

- (a) any of the following are exceeded—
    - (i) the alert threshold for nitrogen dioxide or sulphur dioxide, or
    - (ii) the alert threshold or information threshold for ozone;or
  - (b) it is predicted that the alert threshold or information threshold for ozone will be exceeded.
- (2) Where paragraph (1)(a)(i) applies, the National Assembly must at least provide the information as set out at Part 1 of Schedule 11.
- (3) Where paragraph (1)(a)(ii) applies, the National Assembly must at least provide the information as set out at Part 2 of Schedule 11.
- (4) Where paragraph (1)(b) applies, the National Assembly must provide the information required by paragraph (3), insofar as it is practicable to do so.
- (5) Where—
- (a) both sub-paragraphs (i) and (ii) of paragraph (1)(a) apply; or
  - (b) both sub-paragraphs (a) and (b) of paragraph (1) apply,
- the National Assembly must combine the information required to be provided in relation to those sub-paragraphs by paragraphs (2) to (4) in a comprehensive format.
- (6) Without prejudice to the generality of the obligation imposed by this regulation to provide information to the public, in cases where the alert threshold for ozone is exceeded or is predicted to be exceeded, the National Assembly must ensure that timely information is provided to all relevant health-care bodies.

### **Information on breach of air quality standards**

- 25.**—(1) The National Assembly must provide the information required by paragraphs (2) to (5) in respect of each of the pollutants to which those paragraphs relate.
- (2) For Group A pollutants, the National Assembly must—
- (a) indicate the extent to which—
    - (i) any limit value has, or
    - (ii) the alert thresholds for nitrogen dioxide or sulphur dioxide have,been exceeded over the relevant averaging periods set out in Part 1 of Schedule 1 and Part 1 of Schedule 3 respectively; and
  - (b) provide a short assessment of these occurrences and their effects on health.
- (3) For Group B pollutants, the National Assembly must—
- (a) indicate any occasion during which any target value has been exceeded; and
  - (b) in relation to any such occurrences, provide at least the following information—
    - (i) the areas within each zone in which the target value was exceeded,
    - (ii) the cause of the occurrence and the predominant sources of emissions identified in accordance with regulation 9(2)(a),
    - (iii) a short assessment of the effect of the occurrence on overall compliance with the target value in the zone concerned,
    - (iv) the measures being taken counteract the excess concentration in accordance with regulation 9(2)(b), and
    - (v) the prospects for attainment of the target value in the area affected.
- (4) For ozone, the National Assembly must—

- (a) indicate any occasion during which concentrations have exceeded—
    - (i) the long-term objectives for the protection of human health,
    - (ii) the information threshold, or
    - (iii) the alert threshold;and
  - (b) provide a short assessment of each occurrence, including its extent and its effects on health.
- (5) The information required to be made available in paragraphs (2) and (4) must be updated in accordance with the timescales specified for those pollutants by regulation 23(2) and (3).

### **Ozone annual report**

**26.**—(1) The National Assembly must produce an annual report in relation to ozone in accordance with paragraphs (2) and (3).

- (2) The annual report must at least contain the following information—
  - (a) for human health, an indication of all occasions during which—
    - (i) the target value,
    - (ii) the long-term objective, or
    - (iii) the alert threshold,has been exceeded;
  - (b) for vegetation, an indication of all occasions during which—
    - (i) the target value, or
    - (ii) the long-term objective,has been exceeded; and
  - (c) in relation to both sub-paragraphs (a) and (b), a short assessment of the effects of each such occurrence.
- (3) The information referred to in paragraph (2)(b) may include, where appropriate,—
  - (a) further information and assessments on forest protection, in accordance with Part 1 of Schedule 12; and
  - (b) information on ozone precursor substances.

### **Information on action and improvement plans**

**27.**—(1) The National Assembly must make available, and provide information on the implementation of, each action plan and improvement plan.

(2) Where regulation 11(4) applies, the National Assembly must make available the results of the investigations undertaken in the context of its considerations under that regulation, irrespective of whether it has prepared an action plan under regulation 11(1)(a).

### **Public participation in improvement plans**

**28.**—(1) The National Assembly must consult the public where it proposes to prepare, modify or review an improvement plan.

- (2) Where paragraph (1) applies, the National Assembly must—
  - (a) inform the public as to its proposal and any relevant background information; and

- (b) specify the means by which the public can participate in the consultation process, including an address for responses and a reasonable timescale for the consultation.
- (3) Where, following a consultation, the National Assembly takes a decision in relation to its proposal, it must inform the public and provide information as to the reasons and considerations on which its decision is based.

## **PART 5**

### **Final and miscellaneous provisions**

#### **Collation of information etc.**

**29.**—(1) The National Assembly must ensure that the information specified in Part 1 of Schedule 12 is obtained and collated.

(2) The criteria for aggregating data and calculating statistical parameters specified in Part 2 of Schedule 12 applies as respects ozone.

#### **Revocations**

**30.** The Regulations set out in Schedule 13 are revoked in accordance with that Schedule.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(8)

6 March 2007

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