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WELSH STATUTORY INSTRUMENTS

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**2007 No. 717**

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

**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.