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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 188**

**The Air Quality Standards Regulations (Northern Ireland) 2010**

**PART 1**

**General**

**Citation and commencement**

1. These Regulations may be cited as the Air Quality Standards Regulations (Northern Ireland) 2010 and shall come into operation on 11<sup>th</sup> June 2010.

**Commencement Information**

**II** Reg. 1 in operation at 11.6.2010, see [reg. 1](#)

**Definitions and interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

“ambient air” means outdoor air in the troposphere, excluding workplaces as defined by Directive 89/654/EEC(2) where provisions concerning health and safety at work apply and to which members of the public do not have regular access;

“AOT 40” (expressed in  $(\mu\text{g}/\text{m}^3) \cdot \text{hours}$ ) means the sum of the difference between hourly concentrations greater than  $80 \mu\text{g}/\text{m}^3$  (= 40 parts per billion) and  $80 \mu\text{g}/\text{m}^3$  over a given period using only the one-hour values measured between 8.00 and 20.00 Central European Time (CET) each day;

“arsenic, cadmium, nickel and benzo(a)pyrene” mean the total content of those elements and compounds within the  $\text{PM}_{10}$  present in ambient air;

“average exposure indicator” means the indicator calculated by the Secretary of State under Regulation 23 of the Air Quality Standards Regulations 2010(3);

“chemical speciation concentrations” means the concentrations of different chemical components or species of  $\text{PM}_{2.5}$ ;

<sup>[F1]</sup>“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, as amended by Commission Directive (EU) 2015/1480 amending several annexes to Directives 2004/107/EC and 2008/50/EC of the European Parliament and of

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(1) [1954 c.33 \(N.I.\)](#)

(2) [OJ L 393, 30.12.1989, p.35-36](#)

(3) [S.I. 2010/1001](#)

the Council laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality]

“fixed measurements” means measurements taken at fixed locations, either continuously or by sampling from time to time, to determine levels of pollutants in accordance with the relevant data quality objectives;

“indicative measurement” means measurements which meet data quality objectives that are less strict than those required for fixed measurements;

“margin of tolerance” means the percentage of the limit value by which that value may be exceeded in a given year;

“national exposure reduction target” means the target established by the Secretary of State under Regulation 24 of the Air Quality Standards Regulations 2010;

“oxides of nitrogen” means the sum of the volume mixing ratio (ppbv) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide ( $\mu\text{g}/\text{m}^3$ );

“ozone precursor substances” means substances which contribute to the formation of ground level ozone;

“PM<sub>10</sub>” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM<sub>10</sub>, EN 12341, with a 50% efficiency cut-off at 10  $\mu\text{m}$  aerodynamic diameter;

“PM<sub>2.5</sub>” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM<sub>2.5</sub>, EN 14907, with a 50% efficiency cut-off at 2.5  $\mu\text{m}$  aerodynamic diameter;

“particulate matter” means PM<sub>2.5</sub> and PM<sub>10</sub>;

“pollutant” means any of the following—

- (a) sulphur dioxide,
- (b) nitrogen dioxide,
- (c) oxides of nitrogen,
- (d) particulate matter,
- (e) lead,
- (f) benzene,
- (g) carbon monoxide,
- (h) arsenic,
- (i) cadmium,
- (j) mercury,
- (k) nickel,
- (l) benzo(a)pyrene or other polycyclic aromatic hydrocarbons,
- (m) ozone;

“polycyclic aromatic hydrocarbons” means those organic compounds composed of at least two fused aromatic rings made entirely from carbon and hydrogen;

“the Department” means the Department of the Environment;

[<sup>F2</sup>“the Directive” means Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe, as amended by Commission Directive (EU) 2015/1480 amending several annexes to Directives 2004/107/EC and 2008/50/EC of the

European Parliament and of the Council laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality;]

“total gaseous mercury” means elemental mercury vapour (Hg<sup>0</sup>) and reactive gaseous mercury, i.e. water-soluble mercury species with sufficiently high vapour pressure to exist in the gas phase.

- F1** Words in [reg. 2\(2\)](#) substituted (9.2.2017) by [The Air Quality Standards \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/2\)](#), regs. 1, **3(b)**
- F2** Words in [reg. 2\(2\)](#) substituted (9.2.2017) by [The Air Quality Standards \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/2\)](#), regs. 1, **3(a)**

**Commencement Information**

- I2** Reg. 2 in operation at 11.6.2010, see [reg. 1](#)

**Designation of competent authorities**

3. The Department is designated as the competent authority for the purposes of the Directive on ambient air quality and cleaner air for Europe, and for the purposes of Directive [2004/107/EC](#) relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

**Commencement Information**

- I3** Reg. 3 in operation at 11.6.2010, see [reg. 1](#)

**Responsibility for implementation of the ambient air quality and cleaner air for Europe Directive**

4.—(1) For the purposes of Article 3 (Responsibilities) of the Directive (other than for the purposes specified in Article 3(f) of the Directive), the Department shall be the competent authority responsible for—

- (a) assessment of ambient air quality;
- (b) approval of measurement systems (methods, equipment, networks and laboratories);
- (c) ensuring the accuracy of measurements;
- (d) analysis of assessment methods;
- <sup>F3</sup>(e) .....

(2) The Department in discharging its responsibilities in compliance with paragraph (1) and any Department exercising functions in compliance with paragraph (3) shall comply with Section C of Annex I to the Directive.

(3) Where a Northern Ireland department has functions relevant to the assessment and maintenance of ambient air quality, it shall exercise those functions so as to ensure compliance with the requirements of the Directive.

- F3** [Reg. 4\(1\)\(e\)](#) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 2 para. 1(2)** (with [Sch. 3 paras. 2, 3](#)) (as amended by [S.R. 2020/284](#), regs. 1(1), 3(2)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Commencement Information**

- I4** Reg. 4 in operation at 11.6.2010, see [reg. 1](#)

### Zones and agglomerations

5.—(1) The Department shall, for the purposes of these Regulations, divide the territory of Northern Ireland into zones and agglomerations.

(2) A zone will be classified as an agglomeration if it is a conurbation with a population in excess of 250,000 inhabitants.

(3) In these Regulations references to a zone includes a zone which has been classified as an agglomeration.

#### Commencement Information

**I5** Reg. 5 in operation at 11.6.2010, see [reg. 1](#)

## PART 2

### Assessment of ambient air quality

#### CHAPTER 1

#### Sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide

#### Assessment thresholds

6.—(1) The Department shall classify each zone according to whether or not the upper or lower assessment thresholds specified in Section A of Annex II to the Directive are exceeded in relation to sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide in ambient air.

(2) The Department shall review the classification of zones carried out in accordance with paragraph (1) at least every five years, and shall do so more frequently if there are significant changes in the activities which may affect levels of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene or carbon monoxide in ambient air.

(3) When reviewing the classification of zones in accordance with paragraph (2), the Department shall comply with Section B of Annex II to the Directive.

#### Commencement Information

**I6** Reg. 6 in operation at 11.6.2010, see [reg. 1](#)

#### Assessment criteria

7.—(1) The Department shall assess the level of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide in ambient air in all zones.

(2) In all zones where the level of those pollutants exceeds the upper assessment threshold referred to in regulation 6, fixed measurements shall be used, but may be supplemented by modelling or indicative measurements or both, in order to provide adequate information on the spatial distribution of the ambient air quality.

(3) In all zones where the level of those pollutants is below the lower assessment threshold referred to in regulation 6, modelling or estimation techniques or both may be used instead of measurement.

(4) In all other zones a combination of fixed measurements together with modelling or indicative measurements or both may be used.

(5) In addition to the measurements referred to in paragraphs (1) to (4), the Department shall measure PM<sub>2.5</sub> at rural background locations away from significant sources of air pollution, in order to provide information on an annual average basis on the total mass concentration and chemical speciation concentrations of that pollutant.

(6) For the purposes of paragraphs (1) to (4), measurements shall be carried out in accordance with the criteria set out in Sections A and C of Annex I, to the Directive, and for the purposes of paragraph (5), measurements shall be carried out in accordance with the criteria set out in Annex IV to the Directive.

(7) Save as provided for in paragraph (8), for the purposes of paragraph (6), measurements for the purposes of this regulation shall be taken in accordance with the reference measurement methods specified in Section A and Section C of Annex VI to the Directive.

(8) Alternative methods to those referred to in paragraph (7) may be used provided the conditions set out in Section B of that Annex are complied with.

(9) Where measurements are supplemented by modelling or indicative measurement then the Department shall take account of the results of those supplementary methods in assessing ambient air quality for the purposes of these Regulations.

#### Commencement Information

**I7** Reg. 7 in operation at 11.6.2010, see [reg. 1](#)

#### Location and number of sampling points

**8.—(1)** The Department shall install sampling points in accordance with Schedule 1 for the assessment of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide.

(2) In zones where fixed measurement is the sole source of information for the assessment of air quality, the number of sampling points must be more than or equal to the minimum number specified in Section A of Annex V to the Directive for the purpose of assessing compliance with limit values and alert thresholds.

(3) In zones other than agglomerations where fixed measurement is the sole source of information for the assessment of air quality, the minimum number of sampling points shall be more than or equal to the minimum number specified in Section C of Annex V to the Directive for the purpose of assessing compliance with critical levels for the protection of vegetation.

(4) In zones where the information from fixed measurement is supplemented by information from modelling or indicative measurement or both, the number of sampling points in either Section A or C of Annex V or both, may be reduced by up to 50% provided that the following conditions are met—

- (a) the supplementary methods provide sufficient information for the assessment of air quality in relation to limit values or alert thresholds;
- (b) the supplementary methods provide sufficient information to inform the public as to the state of ambient air quality; and
- (c) the number of sampling points to be installed and the spatial resolution of other techniques are sufficient for the concentration of the relevant pollutant to be established in accordance with the data quality objectives specified in Section A of Annex I to the Directive and enable assessment results to meet the criteria in Section B of the same Annex.

(5) For the measurement of PM<sub>2.5</sub> in rural background locations, the Department shall install a sampling point for every 100,000km<sup>2</sup>.

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**Commencement Information**

**18** Reg. 8 in operation at 11.6.2010, see [reg. 1](#)

## CHAPTER 2

### Ozone

#### Assessment criteria

**9.**—(1) The Department shall assess the levels of ozone in ambient air in all zones.

(2) The Department shall ensure that fixed measurements are taken in any zone where the concentrations of ozone have exceeded the long-term objectives specified in Schedule 4 during any of the previous five years of measurement.

(3) Save as provided for in paragraph (4) for the purposes of paragraph (2), measurements shall be taken in accordance with the reference measurement methods specified in point 8 of Section A of Annex VI to the Directive.

(4) Alternative methods to those referred to in paragraph (3) may be used provided the conditions set out in Section B of that Annex are complied with.

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**Commencement Information**

**19** Reg. 9 in operation at 11.6.2010, see [reg. 1](#)

#### Location and number of sampling points

**10.**—(1) The Department shall install sampling points in accordance with the criteria set out in Annex VIII to the Directive.

(2) In zones where fixed measurement is the sole source of information for the assessment of air quality, the number of sampling points shall be more than or equal to the minimum number specified in Section A of Annex IX to the Directive.

(3) In zones where the concentrations of ozone have been below the long-term objectives for each of the previous five years of measurement, the number of sampling points shall be determined in accordance with the criteria set out in Section B of Annex IX to the Directive.

(4) In zones where the information from fixed measurement is supplemented by information from modelling or indicative measurement or both, the number of sampling points referred to in paragraph (2) may be reduced provided that the following conditions are met—

- (a) the supplementary methods provide sufficient information for the assessment of air quality in relation to target values, long-term objectives, information and alert thresholds;
- (b) the number of sampling points to be installed and the spatial resolution of supplementary methods are sufficient for the concentration of ozone to be established in accordance with the data quality objectives set out in Section A of Annex I to the Directive and to enable assessment results to meet the criteria specified in Section B of the same Annex;
- (c) there is at least one sampling point in each zone, with a minimum of one sampling point per two million inhabitants or one sampling point per 50,000 km<sup>2</sup>, whichever produces the greater number of sampling points; and

- (d) nitrogen dioxide is measured at all remaining sampling points except at rural background stations referred to in Section A of Annex VIII to the Directive.
- (5) The Department shall ensure that nitrogen dioxide is measured at no less than 50% of the sampling points required under Section A of Annex IX to the Directive.
- (6) The measurement referred to in paragraph (5) shall be continuous except at rural background locations.
- (7) The Department shall ensure that concentrations of the ozone precursor substances listed in Annex X to the Directive are measured at at least one sampling point.
- (8) The Department may choose the location and number of sampling points for measurements of ozone precursor substances and shall take into account the objectives and methods set out in Annex X to the Directive.

**Commencement Information**

**110** Reg. 10 in operation at 11.6.2010, see [reg. 1](#)

CHAPTER 3

Arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons

**Assessment thresholds**

- 11.**—(1) The Department shall classify each zone according to whether or not the upper and lower assessment thresholds specified in Section 1 of Annex II to Council Directive [2004/107/EC](#) are exceeded in relation to arsenic, cadmium, nickel and benzo(a)pyrene.
- (2) The Department shall review the classification of zones in paragraph (1) every five years, and shall do so more frequently than every five years if there are significant changes in the activities which may affect levels of the pollutants referred to in paragraph (1) in ambient air.
- (3) When classifying zones in accordance with assessment thresholds, the Department shall comply with Section II of Annex II to Council Directive [2004/107/EC](#).

**Commencement Information**

**111** Reg. 11 in operation at 11.6.2010, see [reg. 1](#)

**Assessment criteria**

- 12.**—(1) The Department shall assess concentrations of arsenic, cadmium, nickel and benzo(a)pyrene in ambient air in all zones.
- (2) In zones where the levels of arsenic, cadmium, nickel and benzo(a)pyrene are above the upper assessment threshold referred to in regulation 11, measurement is mandatory but may be supplemented by modelling techniques to provide an adequate level of information on ambient air quality.
- (3) In zones where the levels of those pollutants are between the upper and lower assessment thresholds referred to in regulation 11, measurement is mandatory but may be supplemented by indicative measurements as referred to in Section I of Annex IV to Council Directive [2004/107/EC](#) or modelling, or both.
- (4) In zones where the levels of those pollutants are below the lower assessment thresholds, modelling or objective estimation techniques may be used instead of measurement.

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**Commencement Information**

**I12** Reg. 12 in operation at 11.6.2010, see [reg. 1](#)

**Data quality objectives**

**13.** When assessing levels of arsenic, cadmium, nickel, benzo(a)pyrene and other polycyclic aromatic hydrocarbons or gaseous mercury, the Department shall apply the data quality objectives and other standards contained in Annex IV to Council Directive [2004/107/EC](#).

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**Commencement Information**

**I13** Reg. 13 in operation at 11.6.2010, see [reg. 1](#)

**Location and number of sampling points**

**14.** The location and number of sampling points for the assessment of arsenic, cadmium, nickel and benzo(a)pyrene shall be determined in accordance with Annex III to Council Directive [2004/107/EC](#).

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**Commencement Information**

**I14** Reg. 14 in operation at 11.6.2010, see [reg. 1](#)

**Monitoring of polycyclic aromatic hydrocarbons**

**15.—(1)** The Department shall monitor concentrations of other relevant polycyclic aromatic hydrocarbons in addition to benzo(a)pyrene as it thinks fit, including at least the following—

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

(2) Monitoring sites shall be located together with sampling points for benzo(a)pyrene.

(3) Monitoring sites shall be selected so that geographical variations and long-term trends in the concentrations of polycyclic aromatic hydrocarbons can be identified.

(4) Monitoring sites shall be selected in accordance with the criteria in Sections I to III of Annex III to Council Directive [2004/107/EC](#).

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**Commencement Information**

**I15** Reg. 15 in operation at 11.6.2010, see [reg. 1](#)



## Background monitoring

16.—(1) The Department shall operate background sampling points to provide the indicative measurements of—

- (a) concentrations of—
    - (i) arsenic, cadmium, nickel and benzo(a)pyrene;
    - (ii) the polycyclic aromatic hydrocarbons in paragraph (1) of regulation 15; and
    - (iii) total gaseous mercury.
  - (b) total depositions of—
    - (i) arsenic, cadmium, nickel and benzo(a)pyrene within the PM<sub>10</sub> fraction;
    - (ii) the polycyclic aromatic hydrocarbons in paragraph (1) of regulation 15; and
    - (iii) mercury.
- (2) For the purposes of paragraph (1) the Department shall ensure that—
- (a) at least one sampling point is installed for every 100,000km<sup>2</sup>; and
  - (b) each sampling point is located in accordance with Annex III to Council Directive [2004/107/EC](#).

### Commencement Information

**I16** Reg. 16 in operation at 11.6.2010, see [reg. 1](#)

## Reference methods for sampling and analysis

17. Measurements of arsenic, cadmium, mercury, nickel, benzo(a)pyrene and other polycyclic aromatic hydrocarbons in ambient air and disposition of those pollutants shall be made in accordance with the reference measurement methods set out in Annex V to Council Directive [2004/107/EC](#).

### Commencement Information

**I17** Reg. 17 in operation at 11.6.2010, see [reg. 1](#)

## PART 3

### Duties of Northern Ireland departments in relation to limit values etc

#### Duty in relation to limit values

18.—(1) Northern Ireland departments shall ensure that levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and particulate matter do not exceed the limit values set out in Schedule 2.

(2) In zones where levels of the pollutants mentioned in paragraph (1) are below the limit values set out in Schedule 2, Northern Ireland departments shall ensure that levels are maintained below those limit values and shall endeavour to maintain the best ambient air quality compatible with sustainable development.

[<sup>F4</sup>(3) Where<sup>F5</sup>... the Department considers that a limit value has been exceeded for a reason attributable to natural sources, that limit value will not be considered to be exceeded for the purposes of these Regulations.

(4) For the purposes of paragraph (3), the Department must prepare information, for the relevant zones and agglomerations, demonstrating that the exceedances are attributable to natural sources.]

- F4** Reg. 18(3)(4) inserted (17.1.2019) by [The Air Quality \(Amendment, etc.\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/215\)](#), regs. 1(1), **4(2)**
- F5** Words in [reg. 18\(3\)](#) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 2 para. 1(3)** (with Sch. 3 paras. 2, 3) (as amended by S.R. 2020/284, regs. 1(1), 3(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I18** Reg. 18 in operation at 11.6.2010, see [reg. 1](#)

### Duty in relation to target values

**19.**—(1) Northern Ireland departments shall ensure that all necessary measures not entailing disproportionate costs are taken to ensure that concentrations of PM<sub>2.5</sub>, ozone, arsenic, cadmium, nickel and benzo(a)pyrene do not exceed the target values in Schedule 3.

(2) Northern Ireland departments shall draw up a list of all zones where the target values for arsenic, cadmium, nickel or benzo(a)pyrene are met, and in relation to those zones shall maintain the levels of those pollutants below those target values and shall endeavour to achieve the best ambient air quality compatible with sustainable development.

(3) Northern Ireland departments shall draw up a list of all zones where the target value for arsenic, cadmium, nickel or benzo(a)pyrene is exceeded, and in relation to those zones, shall identify the areas where those values are exceeded and the relevant sources of pollutants.

(4) In relation to the zones to which paragraph (3) applies, the measures in paragraph (1) shall be directed at the predominant sources of emission which have been identified, and where applicable will entail the application of best available techniques in accordance with [<sup>F6</sup>the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.]

- F6** Words in [reg. 19\(4\)](#) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 2 para. 1(4)** (with Sch. 3 paras. 2, 3) (as amended by S.R. 2020/284, regs. 1(1), 3(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I19** Reg. 19 in operation at 11.6.2010, see [reg. 1](#)

### Date of application for limit values and target values

**20.** Limit values and target values—

- (a) apply from the date specified for each limit value or target value concerned; or
- (b) apply from the date these Regulations come into operation, if no date is specified.

#### Commencement Information

- I20** Reg. 20 in operation at 11.6.2010, see [reg. 1](#)

### **Duty in relation to long-term objectives for ozone**

21.—(1) Northern Ireland departments shall ensure that all necessary measures not entailing disproportionate cost are taken to attain the long-term objectives for ozone set out in Schedule 4.

(2) In zones where the long-term objectives for ozone have been attained, Northern Ireland departments shall, insofar as factors including meteorological conditions and the transboundary nature of ozone pollution permit—

- (a) ensure that they continue to be met;
- (b) maintain the best ambient air quality compatible with sustainable development; and
- (c) maintain a high level of protection for the environment and human health.

#### **Commencement Information**

**I21** Reg. 21 in operation at 11.6.2010, see [reg. 1](#)

### **Duty in relation to information and alert thresholds**

22. Where any of the information or alert thresholds in Schedule 5 are exceeded Northern Ireland departments shall inform the public by means of radio, television, newspapers or the internet.

#### **Commencement Information**

**I22** Reg. 22 in operation at 11.6.2010, see [reg. 1](#)

### **Duty in relation to critical levels for the protection of vegetation**

23. Northern Ireland departments shall ensure that the critical levels set out in Schedule 6 are not exceeded.

#### **Commencement Information**

**I23** Reg. 23 in operation at 11.6.2010, see [reg. 1](#)

## **PART 4**

### **National Exposure Reduction for PM<sub>2.5</sub>**

#### **Duty of Northern Ireland departments to limit exposure to PM<sub>2.5</sub>**

24.—(1) Northern Ireland departments shall ensure that all necessary measures not entailing disproportionate costs are taken in relation to Northern Ireland with a view to attaining the national exposure reduction target by 2020.

(2) Northern Ireland departments shall ensure that all appropriate measures are taken in Northern Ireland with a view to ensuring that the average exposure indicator for 2015 does not exceed 20 µg/m<sup>3</sup>.

**Commencement Information**

**I24** Reg. 24 in operation at 11.6.2010, see [reg. 1](#)

## PART 5

### Plans

#### Air quality plans

**25.—(1)** Where the levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and PM<sub>10</sub> in ambient air exceed any of the limit values in Schedule 2 or the level of PM<sub>2.5</sub> exceeds the target value in Schedule 3, the Department, after consultation with other Northern Ireland departments, shall draw up and implement an air quality plan so as to achieve that limit value or target value.

[<sup>F7</sup>(1A) Where, <sup>F8</sup>..., the Department has designated zones within which limit values for PM<sub>10</sub> are exceeded due to the re-suspension of particulates following winter sanding or salting of roads, the Department's duty under paragraph (1) applies to those zones only in so far as the excess is attributable to other sources of PM<sub>10</sub>.

(1B) For the purposes of paragraph (1A), the Department must prepare the necessary evidence to demonstrate that any exceedances are due to re-suspended particulates and that reasonable measures have been taken to lower the concentrations.]

(2) The air quality plan shall include measures intended to ensure compliance with any relevant limit value within the shortest possible time.

(3) Between the date when these Regulations come into operation and 31<sup>st</sup> December 2014, the Department, after consultation with other Northern Ireland departments, shall draw up and implement an air quality plan if levels of PM<sub>2.5</sub> in ambient air exceed a level calculated by applying the margin of tolerance set out in Schedule 2 to the limit value.

(4) Air quality plans shall include the information listed in Schedule 7.

(5) Wherever possible, air quality plans shall be consistent with [<sup>F9</sup>relevant environmental plans].

[<sup>F10</sup>(5A) The air quality plan must assess the need to apply lower emission limit values for individual medium combustion plants than those set out in Directive 2015/2193/EU of the European Parliament and of the Council of 25<sup>th</sup> November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants ("the Medium Combustion Plant Directive") provided that, in the opinion of the Department, applying such emission limit values would effectively contribute to a noticeable improvement to air quality.

(5B) In considering whether to impose lower emission limit values, the Department must take into account the results of the information exchange referred to in Article 6(10) of the Medium Combustion Plant Directive.]

(6) Where an air quality plan is required in relation to more than one pollutant, the Department, after consultation with other Northern Ireland departments, shall, where appropriate, draw up and implement an integrated plan in relation to all pollutants concerned.

(7) Where the level of ozone in a zone exceeds the target value in Schedule 3, the Department, after consultation with other Northern Ireland departments, shall draw up and implement an air quality plan unless the measures necessary to achieve the target value would entail disproportionate cost.

[<sup>F11</sup>(8) In this regulation “emission limit values” and “medium combustion plants” have the meanings given in the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.]

[<sup>F12</sup>(9) In paragraph (5) “relevant environmental plans” means—

- (a) the Transitional National Plan, which has the same meaning given in regulation 2(1) of the Large Combustion Plants (Transitional National Plan) Regulations 2015;
- (b) a national air pollution control programme drawn up in accordance with regulation 9 of the National Emissions Ceilings Regulations 2018;
- (c) an action plan drawn up in accordance with Part 3 of the Environmental Noise Regulations (Northern Ireland) 2006.]

- F7** Reg. 25(1A)(1B) inserted (17.1.2019) by [The Air Quality \(Amendment, etc.\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/215\)](#), regs. 1(1), **4(3)**
- F8** Words in reg. 25(1A) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 2 para. 1(5)(a)** (with Sch. 3 paras. 2, 3) (as amended by S.R. 2020/284, regs. 1(1), 3(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 25(5) substituted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 2 para. 1(5)(b)** (with Sch. 3 paras. 2, 3) (as amended by S.R. 2020/284, regs. 1(1), 3(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Reg. 25(5A)(5B) inserted (20.3.2018) by [The Pollution Prevention and Control \(Industrial Emissions\) \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/33\)](#), regs. 1, **8(2)(a)**
- F11** Reg. 25(8) inserted (20.3.2018) by [The Pollution Prevention and Control \(Industrial Emissions\) \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/33\)](#), regs. 1, **8(2)(b)**
- F12** Reg. 25(9) inserted (31.12.2020) by [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), reg. 1, **Sch. 2 para. 1(5)(c)** (with Sch. 3 paras. 2, 3) (as amended by S.R. 2020/284, regs. 1(1), 3(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I25** Reg. 25 in operation at 11.6.2010, see [reg. 1](#)

### Short-term action plans

**26.**—(1) Where in any zone, there is a risk that levels of sulphur dioxide or nitrogen dioxide will exceed the alert thresholds set out in Schedule 5, the Department, after consultation with other Northern Ireland departments, shall draw up and implement a short-term action plan.

(2) A short-term action plan shall set out the measures intended to reduce the risk of alert thresholds being exceeded, or in the event of the levels being exceeded, to reduce the duration of such an incident.

(3) Where, in any zone, levels of ozone exceed the alert threshold set out in Schedule 5 or there is a risk that they will exceed that threshold, the Department, after consultation with other Northern Ireland departments, shall draw up and implement a short-term action plan taking into account Decision [2004/279/EC\(4\)](#), if of the opinion that it is reasonably likely that the risk of alert level being exceeded, or the severity or duration of such an incident can be reduced taking into account geographical, meteorological and economic conditions.

(4) For the purposes of paragraph (3), the threshold must be exceeded or be predicted to exceed the alert threshold for at least three consecutive hours.

(5) Short-term action plans may also be drawn up where there is a risk that any of the limit values or targets values set out in Schedules 2 or 3 will be exceeded.

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**Commencement Information**

**I26** Reg. 26 in operation at 11.6.2010, see [reg. 1](#)

**Public participation in drawing up air quality and short-term action plans**

**27.**—(1) The Department, after consultation with other Northern Ireland departments, shall consult the public where it proposes to prepare, modify or review an air quality plan or a short-term action plan.

(2) Where paragraph (1) applies, the Department, after consultation with other Northern Ireland departments, shall—

- (a) inform the public as to the proposal, any relevant background information and the right of the public to participate in the drawing up of the plan;
- (b) specify the means by which the public can participate in the consultation, including an address for responses, and a reasonable timescale for the consultation; and
- (c) take account of the results of the consultation in drawing up the plan.

(3) When the plan is published, the Department, after consultation with other Northern Ireland departments, shall also provide information to the public as to the reasons for the contents of the plan together with information about the public participation process that has been carried out.

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**Commencement Information**

**I27** Reg. 27 in operation at 11.6.2010, see [reg. 1](#)

## PART 6

### Public information

**Public information**

**28.**—(1) The Department shall make the following available to the public and interested organisations—

- (a) up-to-date information given on at least a daily basis, and if possible on an hourly basis on concentrations of sulphur dioxide, nitrogen dioxide, PM<sub>10</sub> and if possible, PM<sub>2.5</sub>, ozone and carbon monoxide;
- (b) up-to-date information on concentrations of benzene and lead, presented as an average over the last twelve months, and updated every three months or if possible every month;
- (c) up-to-date information as to any amendment to the attainment dates for limit values for nitrogen dioxide or PM<sub>10</sub>;
- (d) up-to-date information on concentrations and deposition rates of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons;
- (e) information about cases where target values for arsenic, nickel and benzo(a)pyrene are exceeded, together with reasons for such cases, the area concerned, and appropriate information regarding effects on health and the environment;

- (f) information on measures taken to achieve target values for arsenic, cadmium, nickel and benzo(a)pyrene;
- (g) information about actual or predicted instances where pollutants exceed alert or information thresholds;
- (h) air quality plans; and
- (i) short-term action plans.

(2) The information in paragraph (1)(g) shall be made available in accordance with Schedule 8.

(3) Information shall be distributed free of charge in a clear and comprehensible manner [<sup>F13</sup>, including the applicable methodology,] via any easily accessible media including the internet or other appropriate means of telecommunication taking into account the requirements of Council Directive 2007/2/EC on establishing an infrastructure for spatial information in the European Community(5)[<sup>F14</sup>in so far as it has been transposed and it forms part of retained EU law].

(4) For the purposes of this Part, “interested organisations” includes environmental organisations, consumer organisations, organisations representing sensitive populations, relevant healthcare bodies and industrial federations.

**F13** Words in reg. 28(3) inserted (31.12.2020) by virtue of The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, Sch. 2 para. 1(6)(a) (with Sch. 3 paras. 2, 3) (as amended by S.R. 2020/284, regs. 1(1), 3(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F14** Words in reg. 28(3) inserted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, Sch. 2 para. 1(6)(b) (with Sch. 3 paras. 2, 3) (as amended by S.R. 2020/284, regs. 1(1), 3(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I28** Reg. 28 in operation at 11.6.2010, see reg. 1

### Annual reports

**29.**—(1) The Department shall publish annual reports for all the pollutants.

(2) Annual reports shall contain the following information—

- (a) details of all the cases where levels of pollutants have exceeded limit values, target values, long term objectives, information and alert thresholds set out in Schedules 2 to 5 for the relevant averaging periods; and
- (b) a summary assessment of the effects of the cases referred to in paragraph (a).

(3) Annual reports may contain further information where appropriate, including assessments on forest protection and information as to ozone precursor substances listed in Section B of Annex X to the Directive as the Department thinks appropriate.

#### Commencement Information

**I29** Reg. 29 in operation at 11.6.2010, see reg. 1

## PART 7

### General

#### Revocations

**30.** The Air Quality Standards Regulations (Northern Ireland) 2007(6) are revoked.

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#### Commencement Information

**I30** Reg. 30 in operation at 11.6.2010, see [reg. 1](#)

Sealed with the Official Seal of the Department of the Environment on 21<sup>st</sup> May 2010.



*Wesley Shannon*  
A senior officer of the Department of the  
Environment



**Changes to legislation:**

There are currently no known outstanding effects for the The Air Quality Standards Regulations (Northern Ireland) 2010.