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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<sup>(1)</sup> 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<sup>(2)</sup> 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<sup>(3)</sup>;

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

[<sup>FI</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.

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#### **Commencement Information**

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

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Quality Standards Regulations (Northern Ireland) 2010, PART 1.