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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 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>F1</sup>(1A) Where, <sup>F2</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>F3</sup>relevant environmental plans].

[<sup>F4</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>F5</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>F6</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.]

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| <b>F1</b> | 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), <b>4(3)</b>   |
| <b>F2</b> | 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, <b>Sch. 2 para. 1(5)(a)</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) |
| <b>F3</b> | 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, <b>Sch. 2 para. 1(5)(b)</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)        |
| <b>F4</b> | 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, <b>8(2)(a)</b>  |
| <b>F5</b> | 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, <b>8(2)(b)</b>   |
| <b>F6</b> | Reg. 25(9) inserted (31.12.2020) by The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, <b>Sch. 2 para. 1(5)(c)</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

- I1** 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\(1\)](#), 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.

**Commencement Information**

**I2** 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.

**Commencement Information**

**I3** Reg. 27 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 5.