

EXPLANATORY MEMORANDUM TO
THE AIR QUALITY STANDARDS REGULATIONS (NORTHERN IRELAND)
2010

SR 2010 No. 188

Introduction

This Explanatory Memorandum has been prepared by the Department of the Environment to accompany S.R. 2010 No. X which is laid before the Northern Ireland Assembly.

The Statutory Rule is made under the European Communities Act 1972 and is subject to negative resolution procedure before the Assembly.

The rule is due to come into operation on 11th June 2010.

Purpose

The Regulations will transpose Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe, certain provisions of Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air, and Council Decision 97/101/EC on the exchange of information. The Regulations will also replace the existing Air Quality Standards Regulations (Northern Ireland) 2007.

Background

Directive 2008/50/EC entered into force on 11 June 2008 and must be transposed into national legislation no later than 11 June 2010.

The Directive simplifies existing EU legislation by consolidating into a single directive the Framework Directive and the first three daughter directives (Council Directives 1996/62/EC, 1999/30/EC, 2000/69/EC and 2002/03/EC), along with the Council decision on the exchange of information (Council Directive 97/101/EC). The provisions of the fourth daughter directive (2004/107/EC) are expected to be incorporated into the Directive at a later date.

Detail

The Air Quality Standards Regulations (Northern Ireland) 2010 will replace the Air Quality Standards Regulations (Northern Ireland) 2007, and will also incorporate provisions of the fourth daughter directive relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

The Air Quality Standards Regulations (Northern Ireland) 2010 will work in conjunction with a number of UK-wide provisions which are reflected in the English Air Quality Standards Regulations 2010. These provisions establish the UK's average exposure indicator and national exposure reduction target

for Particulate matter (PM_{2.5}); UK-wide measures to attain the national exposure reduction target and ensure that the average exposure indicator for 2015 is not exceeded; and transboundary air pollution. The Regulations also include new controls for fine PM_{2.5}.

Consultation

A public consultation exercise took place between February 2010 and April 2010. A total of 3 responses were received. The overall response to the consultation was positive.

Equality Impact

The Department carried out an equality screening exercise on the draft legislation. No adverse impacts for any of the nine section 75 categories were identified. A full Equality Impact Assessment was therefore not required.

Regulatory Impact Assessment

A Regulatory Impact Assessment was not carried out, however, an Impact Assessment was conducted on a UK-wide basis and addressed the impacts of the natural source deductions and the new PM_{2.5} obligations.

Financial Implications

There are no financial implications associated with these Regulations.

Section 24 of the Northern Ireland Act 1998

The Statutory Rule complies with the provisions set out in Section 24.

EU Implications

Not applicable.

Parity or Replicatory Measures

Defra has already implemented the Directive (S.I. 2010/1001). The other Devolved Administrations will transpose their legislation by 11 June 2010.

Additional Information

Not applicable.