

2010 No. 1001

ENVIRONMENTAL PROTECTION

The Air Quality Standards Regulations 2010

Made - - - - *25th March 2010*

Laid before Parliament *30th March 2010*

Coming into force - - *11th June 2010*

The Secretary of State, having been designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the environment, makes the following Regulations under the powers conferred by that section.

PART 1

General

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Air Quality Standards Regulations 2010 and come into force on 11th June 2010.

(2) They apply in England, except regulations 3(a), 23, 24, 25(4) and 32 which extend to the United Kingdom(c).

Definitions

2. In these Regulations—

“ambient air” means outdoor air in the troposphere, excluding workplaces where 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 08.00 hours and 20.00 hours Central European Time (CET) each day;

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

“Directive 2008/50/EC” means Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe(d);

(a) S.I.2008/301.

(b) 1972 c. 68.

(c) In relation to Scotland, the Secretary of State relies on section 57(1) of the Scotland Act 1998 (c. 46); in relation to Northern Ireland, the Secretary of State relies on section 23(1) of the Northern Ireland Act 1998 (c. 47); in relation to Wales, the Secretary of State relies on article 2(3) of the European Communities (Designation) (No 3) Order 2000 (S.I. 2000/2812).

(d) OJ No 152, 11.6.2008, p. 1

“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^(a);

“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;

“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;

“PM₁₀” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM₁₀, EN 12341, with a 50% efficiency cut-off at 10 μm aerodynamic diameter;

“PM_{2.5}” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM_{2.5}, EN 14907, with a 50% efficiency cut-off at 2.5 μm aerodynamic diameter;

“particulate matter” means PM_{2.5} and PM₁₀;

“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;

“relevant administration” means—

- (a) the Welsh Ministers for Wales;
- (b) the Scottish Ministers for Scotland; and
- (c) the Department of the Environment for Northern Ireland;

(a) OJ No 23, 26.1.2005, p. 3, last amended by Regulation (EC) No 219/2009 (OJ No L 87, 31.3.2009, p 109)

Designation of competent authority

3. The Secretary of State is designated as the competent authority—
 - (a) for the United Kingdom for the purposes of article 3(f) of Directive 2008/50/EC, and
 - (b) save as set out in paragraph (a), in England for the purposes of Directive 2008/50/EC and for the purposes of Directive 2004/107/EC.

Zones and agglomerations

4.—(1) The Secretary of State must, for the purposes of these Regulations, divide the territory of England 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 include a zone which has been classified as an agglomeration.

(4) Zones are identified on a map published by the Secretary of State in January 2010.(a)

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

5.—(1) The Secretary of State must classify each zone according to whether or not the upper or lower assessment thresholds specified in Section A of Annex II to Directive 2008/50/EC are exceeded in relation to sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide.

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

(3) When reviewing the classification of zones in accordance with assessment thresholds, the Secretary of State must comply with Section B of Annex II to Directive 2008/50/EC.

Assessment criteria

6.—(1) The Secretary of State must 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 5, fixed measurements must 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 5, modelling or estimation techniques or both may be used instead of measurement.

(a) The map is deposited at the Defra Information and Resource Centre, Lower Ground Floor, Ergon House, Horseferry Road, London SW1P 2AL.

(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 Secretary of State must measure PM_{2.5} 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 must be carried out in accordance with the criteria set out in sections A and C of Annex I to Directive 2008/50/EC, and for the purposes of paragraph (5), measurements must be carried out in accordance with the criteria set out in Annex IV to the same Directive.

(7) Save as provided for in paragraph (8), measurements for the purposes of this regulation must be taken in accordance with the reference measurement methods specified in Section A and Section C of Annex VI to Directive 2008/50/EC.

(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 Secretary of State must take account of the results of those supplementary methods in assessing ambient air quality for the purposes of these Regulations.

(10) In this Regulation, “chemical speciation concentrations” means the concentrations of different chemical components or species of PM_{2.5}.

Location and number of sampling points

7.—(1) The Secretary of State must 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 Directive 2008/50/EC 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 number of sampling points must be more than or equal to the minimum number specified in Section C of Annex V to Directive 2008/50/EC 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 Directive 2008/50/EC and enable assessment results to meet the criteria in Section B of the same annex.

(5) For the measurement of PM_{2.5} in rural background locations, the Secretary of State must install a sampling point for every 100,000 km².

CHAPTER 2

Ozone

Assessment criteria

8.—(1) The Secretary of State must assess the levels of ozone in ambient air in all zones.

(2) The Secretary of State must 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 five years preceding those measurements.

(3) Save as provided in paragraph (4), for the purposes of paragraph (2), measurements must be taken in accordance with the reference measurement methods specified in point 8 of Section A of Annex VI to Directive 2008/50/EC.

(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.

Location and number of sampling points

9.—(1) The Secretary of State must install sampling points in accordance with the criteria set out in Annex VIII to Directive 2008/50/EC.

(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 IX to Directive 2008/50/EC.

(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 must be determined in accordance with the criteria set out in Section B of Annex IX to Directive 2008/50/EC.

(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 Directive 2008/50/EC 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 km², 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 Directive 2008/50/EC

(5) The Secretary of State must ensure that nitrogen dioxide is measured at no less than 50% of the sampling points required under Section A of Annex IX to Directive 2008/50/EC.

(6) The measurement referred to in paragraph (5) must be continuous except at rural background locations.

(7) The Secretary of State must ensure that concentrations of the ozone precursor substances listed in Annex X to Directive 2008/50/EC are measured at at least one sampling point.

(8) The Secretary of State may choose the location and number of sampling points for measurements of ozone precursor substances and must take into account the objectives and methods set out in Annex X to Directive 2008/50/EC.

CHAPTER 3

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

Assessment thresholds

10.—(1) The Secretary of State must classify each zone according to whether or not the upper and lower assessment thresholds specified in Section I of Annex II to Directive 2004/107/EC are exceeded in relation to arsenic, cadmium, nickel and benzo(a)pyrene.

(2) The Secretary of State must review the classification of zones in paragraph (1) every five years, and must 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 Secretary of State must comply with Section II of Annex II to Directive 2004/107/EC.

Assessment criteria

11.—(1) The Secretary of State must 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 10, 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 10, measurement is mandatory but may be supplemented by indicative measurements as referred to in Section I of Annex IV to 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.

Data quality objectives

12. When assessing levels of arsenic, cadmium, nickel, benzo(a)pyrene, other polycyclic aromatic hydrocarbons or gaseous mercury, the Secretary of State must apply the data quality objectives and other standards contained in Annex IV to Directive 2004/107/EC.

Location and number of sampling points

13. The location and number of sampling points for the assessment of arsenic, cadmium, nickel and benzo(a)pyrene must be determined in accordance with Annex III to Directive 2004/107/EC.

Monitoring of polycyclic aromatic hydrocarbons

14.—(1) The Secretary of State must monitor concentrations of other relevant polycyclic aromatic hydrocarbons in addition to benzo(a)pyrene as the Secretary of State 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 must be located together with sampling points for benzo(a)pyrene.

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

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

Background monitoring

15.—(1) The Secretary of State must operate background sampling points to provide indicative measurements of—

- (a) concentrations of—
 - (i) arsenic, cadmium, nickel and benzo(a)pyrene,
 - (ii) the polycyclic aromatic hydrocarbons in paragraph (1) of regulation 14,
 - (iii) total gaseous mercury.
- (b) total depositions of—
 - (i) arsenic, cadmium, nickel and benzo(a)pyrene within the PM₁₀ fraction;
 - (ii) the polycyclic aromatic hydrocarbons in paragraph (1) of regulation 14,
 - (iii) mercury.

(2) For the purposes of paragraph (1) the Secretary of State must ensure that—

- (a) at least one sampling point is installed for every 100,000 km²; and
- (b) each sampling point is located in accordance with Annex III to Directive 2004/107/EC.

(3) In this Regulation “total gaseous mercury” means elemental mercury vapour (Hg⁰) and reactive gaseous mercury, that is, water-soluble mercury species with sufficiently high vapour pressure to exist in the gas phase.

Reference methods for sampling and analysis

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

PART 3

Duties of Secretary of State in relation to limit values etc.

Duty in relation to limit values

17.—(1) The Secretary of State must 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, the Secretary of State must ensure that levels are maintained below those limit values and must endeavour to maintain the best ambient air quality compatible with sustainable development.

Duty in relation to target values

18.—(1) The Secretary of State must ensure that all necessary measures not entailing disproportionate costs are taken to ensure that concentrations of PM_{2.5}, ozone, arsenic, cadmium, nickel and benzo(a)pyrene do not exceed the target values in Schedule 3.

(2) The Secretary of State must 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, must maintain the levels of those pollutants below those target values and must endeavour to achieve the best ambient air quality compatible with sustainable development.

(3) The Secretary of State must 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, must 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) must 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 Directive 2008/1/EC of the European Parliament and of the Council concerning integrated pollution prevention and control(a).

Date of application for limit values and target values

19.—(1) Limit values and target values—

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

Duty in relation to long-term objectives for ozone

20.—(1) The Secretary of State must 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, the Secretary of State must, 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;
- (c) maintain a high level of protection for the environment and human health.

Duty in relation to information and alert thresholds

21. Where any of the information or alert thresholds in Schedule 5 are exceeded the Secretary of State must inform the public by means of radio, television, newspapers or the internet.

Duty in relation to critical levels for the protection of vegetation

22. The Secretary of State must ensure that the critical levels set out in Schedule 6 are not exceeded.

PART 4

National Exposure Reduction for PM_{2.5}

Average exposure indicator

23.—(1) The Secretary of State must calculate the average exposure indicator for PM_{2.5} (“AEI”) for the United Kingdom for 2010, 2015 and 2020.

(2) The AEI must be calculated as follows—

(a) OJ No L 24, 29.1.2008, p4, amended by Directive 2009/31/EC (OJ No L 140, 5.6.2009, p114)

- (a) an average annual measurement must be derived from measurements at all the sampling points in urban background locations which have been installed in accordance with Section B of Annex V to Directive 2008/50/EC;
 - (b) the average annual measurement in paragraph (a) must be averaged over three calendar years.
- (3) The AEI for 2010 must be based on measurements for the years 2009, 2010 and 2011.
 - (4) The AEI for 2015 must be based on measurements for the years 2013, 2014 and 2015.
 - (5) The AEI for 2020 must be based on measurements for the years 2018, 2019 and 2020.
 - (6) The Secretary of State must ensure that the distribution and number of sampling points used for calculating the AEI adequately reflects the exposure of the general population.

National exposure reduction target

24. Based on the AEI for 2010, the Secretary of State must establish the national exposure reduction target for the United Kingdom in accordance with the table in Schedule 7.

Duty of the Secretary of State to limit exposure to PM_{2.5}

25.—(1) The Secretary of State must ensure that all necessary measures not entailing disproportionate costs are taken in relation to England with a view to attaining the national exposure reduction target by 2020.

(2) The Secretary of State must base assessment of compliance with paragraph (1) on a comparison of the AEI for 2020 with the AEI for 2010.

(3) The Secretary of State must ensure that all appropriate measures are taken in relation to England with a view to ensuring that the AEI for 2015 does not exceed 20 µg/m³.

(4) Where it appears necessary and after consultation with the relevant administrations as appropriate, the Secretary of State must take measures in relation to the United Kingdom to—

- (a) attain the national exposure reduction target;
- (b) ensure that the AEI for 2015 does not exceed 20 µg/m³.

PART 5

Plans

Air quality plans

26.—(1) Where the levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and PM₁₀ in ambient air exceed any of the limit values in Schedule 2 or the level of PM_{2.5} exceeds the target value in Schedule 3, the Secretary of State must draw up and implement an air quality plan so as to achieve that limit value or target value.

(2) The air quality plan must 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 force and 31st December 2014, the Secretary of State must draw up and implement an air quality plan if levels of PM_{2.5} 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 must include the information listed in Schedule 8.

(5) Wherever possible, air quality plans must be consistent with other plans drawn up in accordance with obligations imposed under Council Directive 2001/80/EC on the limitation of

emissions of certain pollutants into the air from large combustion plants(a), Council Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants(b), and Council Directive 2002/49/EC on assessment and management of environmental noise(c).

(6) Where an air quality plan is required in relation to more than one pollutant, the Secretary of State must, 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 Secretary of State must draw up and implement an air quality plan unless the measures necessary to achieve the target value would entail disproportionate cost.

Short-term action plans

27.—(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 Secretary of State must draw up and implement a short-term action plan.

(2) A short-term action plan must 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 Secretary of State must draw up and implement a short-term action plan taking into account Decision 2004/279/EC(d), 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 target values set out in Schedules 2 or 3 will be exceeded.

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

28.—(1) The Secretary of State must consult the public where the Secretary of State proposes to prepare, modify or review an air quality plan or a short-term action plan.

(2) Where paragraph (1) applies, the Secretary of State must—

- (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;
- (c) take account of the results of the consultation in drawing up the plan.

(3) When the plan is published, the Secretary of State must 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.

(a) OJ No L 309 27.11.01, p 1, last amended by Directive 2009/31/EC (OJ No L 140, 5.6.2009, p 114).

(b) OJ No L 309 27.11.01, p 22, last amended by Regulation (EC) No 219/2009 (OJ No L 87, 31.3.2009, p 109).

(c) OJ No L 189 18.7.02, p 12, last amended by Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p 1).

(d) OJ No L 87, 25.3.04, p 50.

PART 6

Public information

Public information

29.—(1) The Secretary of State must make the following available to the public and appropriate 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, PM₁₀ and if possible, PM_{2.5}, 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 PM₁₀;
- (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, cadmium, 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;
- (i) short-term action plans.

(2) The information in paragraph (1)(g) must be made available in accordance with Schedule 9.

(3) Information must be distributed free of charge in a clear and comprehensible manner 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^(a).

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

Annual reports

30.—(1) The Secretary of State must publish annual reports for all the pollutants.

(2) Annual reports must contain the following information—

- (a) details of all 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,
- (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 Directive 2008/50/EC as the Secretary of State thinks appropriate.

(a) OJ No L 108, 25.4.07, p 1.

PART 7

General

Power to give directions

31.—(1) For the purposes of implementing any obligations of the United Kingdom under Directive 2008/50/EC, Directive 2004/107/EC and Council Decision 97/101/EC establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the member States^(a), the Secretary of State has the same power to give directions under these Regulations to—

- (a) local authorities in Greater London; and
- (b) the Mayor of London,

as the Secretary of State has under section 85(5)(a) of the Environment Act 1995^(b) in relation to local authorities outside Greater London.

(2) The provisions of subsections (6) and (7) of section 85 of the Environment Act 1995 apply to directions given under this regulation as they apply to directions given under section 85(5)(a) and in the case of paragraph (1)(b) of this regulation, as if the Mayor of London were a local authority.

Transboundary air pollution

32.—(1) For the purpose of this Regulation a transboundary pollution issue arises when any of the following is exceeded within any part of a member State due to significant transport of air pollutants or their precursor substances from any other member State—

- (a) a limit value or target value together with any relevant margin of tolerance;
- (b) an alert threshold;
- (c) a long-term objective.

(2) The relevant administration must notify the Secretary of State where any transboundary pollution issue affects their territory.

(3) Where the Secretary of State—

- (a) considers that a transboundary pollution issue has arisen in England;
- (b) is notified under paragraph (2); or
- (c) is notified by another member state as to a transboundary pollution issue in their territory which arises from the United Kingdom,

the Secretary of State must consult the relevant member State as to any remedial action that might be appropriate.

(4) The Secretary of State must inform any relevant administration affected of any notification from another member State and consult the relevant administration about any action he proposes to take.

(5) Where information or alert thresholds are exceeded in locations close to the border of the United Kingdom—

- (a) any relevant administration affected must inform the Secretary of State,
- (b) the Secretary of State must provide prompt information in relation to England or as provided by the relevant administration under paragraph (a), as the case may be, to any relevant neighbouring member State.

(a) OJ No L 35,5.2.97, p 14.

(b) 1995 c. 25.

Revocations

33. The Air Quality Standards Regulations 2007(a) are revoked.

Jim Fitzpatrick
Minister of State

25th March 2010

Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 7(1)

Sampling points for measurement of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide in ambient air

PART 1

General

1. Ambient air quality must be assessed at sampling points located in accordance with this Schedule, except at locations set out in paragraph 2.

2. Compliance with limit values directed at the protection of human health does not need to be assessed at the following locations—

- (a) any location situated within areas where members of the public do not have access and there is no fixed habitation;
- (b) on factory premises or at industrial locations to which all relevant provisions concerning health and safety at work apply;
- (c) on the carriageway of roads and on the central reservations of roads except where there is normally pedestrian access to the central reservation.

3. Insofar as they are relevant, the principles set out in this Schedule also apply to indicative measurement and modelling.

PART 2

Macroscale siting of sampling points

Sampling points for the protection of human health

1. Sampling points directed at the protection of human health must be sited to provide data on—

- (a) the areas within zones where the highest concentrations occur to which the population is likely to be directly or indirectly exposed for a period which is significant in relation to the averaging period of any limit value; and
- (b) levels in other areas within the zones which are representative of the exposure of the general population.

2. Sampling points must in general be sited to avoid measuring very small micro-environments in their immediate vicinity. Where feasible, the Secretary of State must locate sampling points so as to be representative of air quality in a street segment of no less than 100m in length at traffic-orientated sites or an area of at least 250m x 250m at industrial sites.

(a) S.I.2007/64.

3. Sampling points in urban background locations must be located so that their pollution level is influenced by the combined contribution from all sources upwind of the station. The pollution level should not be dominated by a single source unless such a situation is typical for a larger urban area. Those sampling points must, as a general rule, be representative for several square kilometres.

4. Where the objective is to assess rural background levels, the sampling point must not be influenced by agglomerations or industrial sites in its vicinity, i.e. closer than five kilometres.

5. Where contributions from industrial sources are to be assessed, at least one sampling point must be installed downwind of the source in the nearest residential area. Where the background concentration is not known, an additional sampling point must be situated within the main wind direction.

6. Sampling points must also, where possible, be representative of similar locations not in their immediate vicinity.

7. Account must be taken of the need to locate sampling points on islands, where that is necessary for the protection of human health.

Protection of ecosystems and vegetation

8. Sampling points targeted at the protection of ecosystems or vegetation must be sited more than 20 km away from agglomerations or more than 5 km away from other built-up areas, industrial installations or motorways or major roads with traffic counts of more than 50,000 vehicles per day. The Secretary of State must locate sampling points so as to be representative of air quality in a surrounding area of at least 1000 km². A sampling point may be sited at a lesser distance or to be representative of air quality in a less extended area, taking account of geographical conditions or opportunities to protect particularly vulnerable areas. Account must be taken of the need to assess air quality on islands.

PART 3

Microscale siting of sampling points

1. Insofar as is practicable, sampling points must be situated in accordance with the following criteria—

- (a) the flow around the inlet sampling probe must be unrestricted (free in an arc of at least 270°) without any obstructions affecting the airflow in the vicinity of the sampler and the inlet sampling probe must normally be some metres away from buildings, balconies, trees and other obstacles and at least 0.5 m from the nearest building in the case of sampling points representing air quality at the building line;
- (b) in general, the inlet sampling point must be between 1.5 m (the breathing zone) and 4 m above the ground. However, higher positions (up to 8 m) may be necessary in some circumstances. Higher siting may also be appropriate if the station is representative of a large area;
- (c) the inlet probe must not be positioned in the immediate vicinity of sources in order to avoid the direct intake of emissions unmixed with ambient air;
- (d) the sampler's exhaust outlet must be positioned so that recirculation of exhaust air to the sampler inlet is avoided;
- (e) in relation to the location of traffic-orientated samplers, sampling points must be at least 25 m from the edge of major junctions and no more than 10 m from the kerbside.

2. The following factors may also be taken into account—

- (a) interfering sources;
- (b) security;

- (c) access;
- (d) availability of electrical power and telephone communications;
- (e) visibility of the site in relation to its surroundings;
- (f) safety of public and operators;
- (g) the desirability of co-locating sampling points for different pollutants;
- (h) planning requirements.

SCHEDULE 2

Regulation 17(1) and (2)

Limit values

Sulphur dioxide

<i>Averaging period</i>	<i>Limit value</i>
One hour	350 µg/m ³ not to be exceeded more than 24 times a calendar year
One day	125 µg/m ³ not to be exceeded more than 3 times a calendar year

Nitrogen dioxide

<i>Averaging period</i>	<i>Limit value</i>
One hour	200 µg/m ³ not to be exceeded more than 18 times a calendar year
Calendar year	40 µg/m ³

Benzene

<i>Averaging period</i>	<i>Limit value</i>
Calendar year	5 µg/m ³

Lead

<i>Averaging period</i>	<i>Limit value</i>
Calendar year	0.5 µg/m ³

PM₁₀

<i>Averaging period</i>	<i>Limit value</i>
One day	50 µg/m ³ , not to be exceeded more than 35 times a calendar year
Calendar year	40 µg/m ³

PM_{2.5}

<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance</i>	<i>Date by which limit value is to be met</i>
Calendar year	25 µg/m ³	20% on 11th June 2008, decreasing on the next 1st January and every 12 months thereafter by equal annual percentages to reach 0% by 1st January 2015	1st January 2015

Carbon monoxide

<i>Averaging period</i>	<i>Limit value</i>
Maximum eight hour daily mean ⁽¹⁾	10 mg/m ³

⁽¹⁾ The maximum daily eight hour mean concentration of carbon monoxide must be selected by examining eight hour running averages, calculated from hourly data and updated each hour. Each eight hour average so calculated will be assigned to the day on which it ends, that is, the first calculation period for any one day will be from 17:00 on the previous day to 01:00 on that day, the last calculation period for any one day will be the period from 16:00 to 24:00 on that day.

SCHEDULE 3

Regulation 18(1)

Target values

Ozone

<i>Objective</i>	<i>Averaging period</i>	<i>Target value</i>
Protection of human health	Maximum daily eight hour mean ⁽¹⁾	120 µg/m ³ not to be exceeded on more than 25 days per calendar year averaged over three years ⁽²⁾
Protection of vegetation	May to July	AOT 40 (calculated from 1 h values) 18,000 µg/m ³ · h averaged over five years ⁽²⁾

⁽¹⁾ The maximum daily eight hour mean concentration shall be selected by examining eight hour running averages, calculated from hourly data and updated each hour. Each eight hour average so calculated shall be assigned to the day on which it ends, that is, the first calculation period for any one day will be the period from 17:00 on the previous day to 01:00 on that day. The last calculation period for any one day will be the period from 16:00 to 24:00 on the day.

⁽²⁾ If the three or five year averages cannot be determined on the basis of a full and consecutive set of annual data, the minimum annual data required for checking compliance with the target values will be valid data for one year in relation to the target value for the protection of human health and valid data for three years in relation to the target value for the protection of vegetation.

PM_{2.5}

<i>Averaging period</i>	<i>Target value</i>
Calendar year	25 µg/m ³

Arsenic, cadmium, nickel and benzo(a)pyrene

<i>Pollutant</i>	<i>Target value for the total content in the PM₁₀ fraction averaged over a calendar year</i>	<i>Date by which target value should be met</i>
Arsenic	6 ng/m ³	31st December 2012
Cadmium	5 ng/m ³	31st December 2012
Nickel	20 ng/m ³	31st December 2012
Benzo(a)pyrene	1 ng/m ³	31st December 2012

SCHEDULE 4

Regulations 8(1) and 20(1)

Long term objectives for ozone

<i>Objective</i>	<i>Averaging period</i>	<i>Long term objective</i>
Protection of human health	Maximum daily eight hour mean within a calendar year	120 µg/m ³
Protection of vegetation	May to July	AOT 40 (calculated from 1h values) 6000 µg/m ³ ·h

SCHEDULE 5

Regulation 21

Information and alert thresholds

Alert thresholds for Sulphur dioxide and Nitrogen dioxide

<i>Pollutant</i>	<i>Alert threshold⁽¹⁾</i>
Sulphur dioxide	500 µg/m ³
Nitrogen dioxide	400 µg/m ³

⁽¹⁾ To be measured over three consecutive hours at locations representative of air quality over at least 100 km² or an entire zone, whichever is smaller.

Information and alert thresholds for ozone

<i>Purpose</i>	<i>Averaging period</i>	<i>threshold</i>
Information	1 hour	180 µg/m ³
Alert	1 hour	240 µg/m ³

SCHEDULE 6

Regulation 22

Critical levels for the protection of vegetation

Oxides of Nitrogen

<i>Averaging period</i>	<i>Critical level</i>
Calendar year	30 µg/m ³ NO _x

Sulphur dioxide

<i>Averaging period</i>	<i>Critical level</i>
Calendar year and winter (1st October to 31st March)	20 µg/m ³

SCHEDULE 7

Regulation 24

National exposure reduction targets for PM_{2.5}

National exposure reduction target

<i>Exposure reduction target relative to the AEI in 2010</i>	<i>Year by which the exposure reduction target should be met</i>
<i>Initial concentration in µg/m³</i> <i>Reduction target in %</i>	2020

Less than or equal to 8.5	0
More than 8.5 but less than 13	10
13 to less than 18	15
18 to less than 22	20
22 or more	All appropriate measures to achieve 18 $\mu\text{g}/\text{m}^3$

Where the AEI in the reference year is 8.5 $\mu\text{g}/\text{m}^3$ or less, the exposure reduction target must be zero. The reduction target must also be zero in cases where the AEI reaches the level of 8.5 $\mu\text{g}/\text{m}^3$ at any point of time during the period from 2010 to 2020 and is maintained at or below that level.

SCHEDULE 8

Regulation 26(3)

Information to be included in air quality plans

1. Location of excess pollution—
 - (a) region;
 - (b) city (map);
 - (c) measuring station (map, geographical co-ordinates)
2. General information—
 - (a) type of zone (city, industrial or rural area);
 - (b) estimate of the polluted area (km^2) and of the population exposed to the pollution;
 - (c) useful climatic data;
 - (d) relevant data on topography; and
 - (e) sufficient information on the type of targets requiring protection in the zone.
3. Responsible authorities (names and addresses of persons responsible for the development and implementation of air quality plans).
4. Nature and assessment of pollution—
 - (a) concentrations observed over previous years (before the implementation of the improvement measures);
 - (b) concentrations measured since the beginning of the project; and
 - (c) techniques used for the assessment.
5. Origin of pollution—
 - (a) list of the main emission sources responsible for pollution (map);
 - (b) total quantity of emissions from these sources (tonnes per year); and
 - (c) information on pollution imported from other regions.
6. Analysis of the situation—
 - (a) details of those factors responsible for exceeding the limit value or target value (transport, including cross-border transport, formation of secondary pollutants in the atmosphere); and
 - (b) details of possible measures for improvement of air quality.
7. Details of those measures or projects for improvements which existed prior to 11th June 2008—
 - (a) local, regional, national and international measures; and
 - (b) observed effects of those measures.

8. Details of those measures or projects adopted with a view to reducing pollution following 11th June 2008—

- (a) listing and description of all the measures set out in the project;
- (b) timetable for implementation;
- (c) estimate of the improvement of air quality planned and of the expected time required to attain these objectives.

9. Details of the measures or projects planned or being researched for the long term.

10. List of the publications, documents and work etc. used to supplement information required by this Schedule.

SCHEDULE 9

Regulation 29(2)

Public information in relation to alert and information thresholds for nitrogen dioxide, sulphur dioxide and ozone

1. In cases where either the information threshold or the alert threshold for nitrogen dioxide, sulphur dioxide or ozone is exceeded the details set out in paragraphs 3 to 6, as a minimum, must be made available to the public.

2. In cases where either the information or alert thresholds are predicted to be exceeded, the information set out in paragraphs 3 to 6 must be provided where practicable.

3. Information on any incident where information or alert thresholds are exceeded—

- (a) the location or area where thresholds are exceeded;
- (b) the type of threshold exceeded (information or alert threshold);
- (c) the time at which the threshold was exceeded and the duration of the incident; and
- (d) in the case of ozone, the highest 1-hour and 8-hour mean concentration.

4. Forecast for the following afternoon, day and days—

- (a) the geographical area in which it is expected that an information or alert threshold will be exceeded;
- (b) the expected change in pollution, that is, improvement, stabilisation or deterioration, and the reasons for those changes.

5. Information on the type of population concerned, possible health effects and recommended conduct in particular—

- (a) information on the population groups at risk;
- (b) description of likely symptoms;
- (c) recommended precautions to be taken by the population concerned; and
- (d) where to find further information.

6. Information provided under this Schedule must also include—

- (a) information on preventive action to reduce pollution or exposure to it;
- (b) an indication of main source sectors; and
- (c) recommendations for action to reduce emissions.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the following Directives—

Directive 2008/50/EC on ambient air quality and cleaner air for Europe (this Directive replaces Council Directive 96/62/EC on ambient air quality assessment and management, Council Directive 1999/30/EC relating to limits for sulphur dioxide, nitrogen dioxide, oxides of nitrogen, particulate matter and lead in ambient air, Council Directive 2000/69/EC relating to limit values for benzene and carbon monoxide in ambient air, Council Directive 2002/3/EC relating to ozone in ambient air.)

Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

These Regulations replace the Air Quality Standards Regulations 2007 (S.I. 2007/64) which are revoked.

These Regulations apply in England, except regulations 3 (a) which deals with designation of a competent authority for the purposes of cooperation with other member States, regulations 23, 24 and 25(3), which deal with reduction of exposure to PM_{2.5} in the UK, and regulation 32 which deals with transboundary pollution.

Part 1 of the Regulations deals with definitions, designates the Secretary of State as the competent authority for the purposes of Directives 2008/50/EC and 2004/107/EC and requires the Secretary of State to divide England into zones.

Part 2 of the Regulations deals with assessment of ambient air quality. Chapter 1 relates to assessment of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead benzene and carbon monoxide. Chapter 2 relates to assessment of ozone, and Chapter 3 relates to assessment of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons.

Part 3 of the Regulations sets out the duties of the Secretary of State in relation to the limit values, target values, long-term objectives, information and alert thresholds and critical levels for the protection of vegetation which are set out in Schedules 2 to 6.

Part 4 of the Regulations deals with requirements in relation to PM_{2.5} in addition to the limit value and target value for this pollutant. The additional requirements in this part relate to the calculation of an average exposure indicator (AEI) for the UK, the calculation of a national exposure reduction target based on the AEI, attainment of the national exposure reduction target in the UK and compliance with a limit on the AEI for 2015.

Part 5 of the Regulations imposes requirements on the Secretary of State to draw up air quality plans in relation to limit values and target values and short-term action plans in relation to alert thresholds. Short-term action plans may also be used in relation to limit values and target values.

Part 6 of the Regulations relates to public information.

Part 7 of the Regulations gives the Secretary of State power to direct local authorities and the Mayor of London. This part also contains provisions relating to transboundary air pollution.

Schedule 1 of the Regulations sets out the requirements for the siting of sampling points for the assessment of sulphur dioxide, nitrogen dioxide, oxides of nitrogen, particulate matter, lead, benzene and carbon dioxide.

Schedules 2 to 6 set out limit values, target values, long term objectives for ozone, information and alert thresholds and critical levels for the protection of vegetation.

Schedule 7 sets out national exposure reduction targets for PM_{2.5}

Schedule 8 sets out the information to be included in air quality plans.

Schedule 9 sets out the public information to be provided in relation to concentrations of pollutants.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Atmosphere and Local Environment Division, Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London, SW1P 3JR and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

Transposition notes have also been prepared in relation to the directives transposed by these Regulations, and are available from the same address.

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STATUTORY INSTRUMENTS

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The Air Quality Standards Regulations 2010

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