
STATUTORY INSTRUMENTS

2018 No. 129

The National Emission Ceilings Regulations 2018

PART 4

National air pollution control programme

National air pollution control programme

9.—(1) The Secretary of State must prepare and implement a national air pollution control programme in order to limit anthropogenic emissions in accordance with the national emission reduction commitments.

(2) The Secretary of State must publish the initial national air pollution control programme by 1st April 2019, including at least the information set out in Part 1 of Annex 3 to the Directive.

(3) When preparing, reviewing or implementing the national air pollution control programme the Secretary of State must—

- (a) assess to what extent national emission sources are likely to have an impact on air quality in the United Kingdom;
- (b) take account of the need to reduce air pollutant emissions for the purpose of meeting air quality objectives;
- (c) prioritise emission reduction measures for black carbon when taking measures to achieve the national reduction commitments for fine particulate matter;
- (d) ensure the programme is coherent with other plans or programmes established under source-based air pollution control legislation;
- (e) include the emission reduction measures that are obligatory in Part 2 of Annex 3 to the Directive.

(4) Subject to paragraph (5), the Secretary of State may review the national air pollution control programme from time to time and revise it as considered appropriate, but must review it at least once every four years from 1st April 2019.

(5) The Secretary of State must review the national air pollution control programme within 18 months of the date on which either of the following is prepared—

- (a) an inventory of emissions, prepared in accordance with regulation 3(1) or 4(1) as the case may be, that shows total anthropogenic emissions of a relevant pollutant occurring within the United Kingdom exceed a national emission reduction commitment;
- (b) a projection of emissions, prepared in accordance with regulation 3(2), that shows total anthropogenic emissions of a relevant pollutant occurring within the United Kingdom are at risk of exceeding a national emission reduction commitment.

(6) Public authorities must have regard to the national air pollution control programme when exercising any functions which significantly affect the level of emissions of a relevant pollutant within the United Kingdom.

(7) In this regulation, “public authority” has the same meaning as in section 3 of the Freedom of Information Act 2000⁽¹⁾.

Participation in the drawing up of the national air pollution control programme

10.—(1) Before preparing or significantly revising the national air pollution control programme, the Secretary of State must consult the public.

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

- (a) inform the public of the proposed programme and the right of the public to participate in the preparation of the programme;
- (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 preparing the programme.

(3) Where the Secretary of State considers that it is necessary to consult a country outside of the United Kingdom in respect of the national air pollution control programme due to the potential for transboundary pollution, the Secretary of State must, before finalising the programme—

- (a) consult any relevant administration in that country;
- (b) consider the extent to which anthropogenic emissions from the United Kingdom are likely to have an impact on air quality in that country.

⁽¹⁾ 2000 c.36.