
EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations implement in Wales Council Directive [96/62/EC](#) on ambient air quality assessment and management, and Council Directive [99/30/EC](#) relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead “the relevant pollutants” in ambient air.

Regulation 3 places the National Assembly under a duty to take the measures necessary to ensure that in each zone in Wales concentrations of relevant pollutants do not exceed limit values. The limit values for each pollutant, and the date by which they are to be met, are set out in Schedule 1.

Regulation 4 requires that the National Assembly ensures that ambient air is assessed for each zone.

Regulation 5 requires the National Assembly to classify each zone in relation to each of the relevant pollutants. Regulation 5 together with Schedule 2 provide for the determination of upper and lower assessment thresholds for each relevant pollutant, and regulation 5 sets out the requirements for measurement or other assessment of air quality depending on pollution levels in relation to these thresholds.

Regulation 6 places a duty on the National Assembly to review the classification of zones every five years or in the event of significant changes affecting levels of any of the relevant pollutants.

Regulation 7 requires the National Assembly to ensure that specified methods are used for assessing air quality for each pollutant in each zone. Schedule 3 sets out how sampling points for the relevant pollutants are to be determined. Schedule 4 sets out criteria for the minimum number of sampling points for fixed measurements to assess compliance with limit values in zones where that is the only source of information, and with limit values for the protection of ecosystems or vegetation in certain other zones. Schedule 5 makes provision for data quality objectives for the required accuracy of assessment methods, and for compilation of the results of air quality assessment. Schedule 6 prescribes reference methods for the analysis, sampling or measurement of the relevant pollutants. Regulation 7(7) places a duty on the National Assembly to ensure that measuring stations supply data on concentrations of PM_{2.5} particulate matter.

Regulation 8 requires the National Assembly to draw up action plans indicating measures to be taken in the short term where there is a risk that limit values for any of the relevant pollutants, or alert thresholds for sulphur dioxide or nitrogen dioxide, will be exceeded. The alert thresholds for sulphur dioxide and nitrogen dioxide are set out in paragraph 1.2 of Part I and paragraph 2.2 of Part II of Schedule 1 respectively.

Regulation 9 requires the National Assembly to draw up lists of zones where the levels of one or more of the relevant pollutants is above the limit value, or between the limit value and any margin of tolerance shown in Schedule 1. For such zones, regulation 9 places a duty on the National Assembly to draw up a plan or programme, which must contain at least the information set out in Schedule 7 (including the location and origin of the pollution, the responsible authorities and the measures taken to deal with the pollution).

Regulation 10 requires the National Assembly to list zones where levels of the relevant pollutants are below limit values, to ensure that levels of these pollutants are maintained below the limit values, and to endeavour to preserve the best ambient air quality, compatible with sustainable development.

Regulation 11 requires the National Assembly to ensure that up-to-date information on ambient concentrations of each of the relevant pollutants is routinely made available to the public. It prescribes the frequency and content of such information. Where alert thresholds for sulphur dioxide

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or nitrogen dioxide are exceeded, further information, set out in paragraphs 1.3 of Part I and 2.3 of Part II of Schedule 1 must be provided. (This includes details of the place and time of the occurrence, forecasts, and precautions to be taken by sensitive populations).

Regulation 12 revokes for Wales and at different dates parts of the Air Quality Standards Regulations 1989 giving effect to limit values for the relevant pollutants in earlier directives. The Air Quality Standards Regulations 1989, in turn implemented Council Directive [80/779/EEC](#) on air quality limit values and guidelines for sulphur dioxide and suspended particulates; Council Directive [82/884/EEC](#) on a limit value for lead in the air; and Council Directive [85/203/EEC](#) on air quality standards for nitrogen dioxide. These Directives are repealed, with transitional provisions lasting up to 2005 and 2010, by Council Directive [99/30/EC](#).

A number of provisions of existing legislation confer powers on public bodies which are relevant to the achievement of limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air. The most notable of these are—

1. Provisions conferring power on local authorities—
 - (a) concerning “local air quality management” under Part IV of the Environment Act [1995 \(c. 25\)](#);
 - (b) for control of smoke emissions under the Clean Air Act [1993 \(c. 11\)](#);
 - (c) for taking account of air quality issues when making land use planning and transport plans ;
 - (d) for the control of traffic growth and management, under the Road Traffic Reduction Act [1997 \(c. 54\)](#), the Road Traffic Regulation Act [1984 \(c. 27\)](#) and the Road Traffic Act [1991 \(c. 40\)](#).
2. Control of industrial emissions—
 - (a) by local authorities by means of “local air pollution control” and by the Environment Agency under “integrated pollution control” under Part I of the Environmental Protection Act [1990 \(c. 43\)](#);
 - (b) by the Environment Agency and local authorities using “integrated pollution prevention and control” under the Pollution Prevention and Control Act [1999 \(c. 24\)](#) and the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I.2000/1973).

3. Control of transport emission

A series of vehicle emission regulations transposing EC Directives impose limits on vehicle emissions including: [SI 1992 No 2137](#) (covering [91/441/EEC](#) and [91/542/EEC](#)); [SI 1993 No 2199](#) (covering directive [93/59/EEC](#)); [SI 1995 No 2210](#) (covering directive [94/12/EC](#)); [S.I.1997 No 1544](#) (covering [96/69/EC](#)) and [S.I. 2000 No 3197](#) (covering directive [98/69/EC](#)). Environmental standards for fuel were set in 1994 ([S.I 1994 No 2295](#)) and 1999 ([S.I 1999 3107](#)).

A full account of all the measures through which achievement of limit values will be sought is set out in the “Air Quality Strategy for England, Scotland, Wales and Northern Ireland” published by the Department of the Environment, Transport & the Regions, Scottish Executive, National Assembly for Wales and Northern Ireland Assembly, January 2000 (Cm. 4548).