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WELSH STATUTORY INSTRUMENTS

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**2010 No. 1433**

**The Air Quality Standards (Wales) Regulations 2010**

**PART 5**

Plans

**Air quality plans**

**20.**—(1) Where the level of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead or PM<sub>10</sub> in ambient air exceeds any of the limit values in Schedule 1 in any zone, or where the level of PM<sub>2.5</sub> in ambient air exceeds the relevant target value in Schedule 2 in any zone, then, subject to paragraph (2), the Welsh Ministers must draw up and implement an air quality plan to achieve the relevant limit value or target value in that zone.

(2) Where the Welsh Ministers have 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,<sup>F1</sup> ... the Welsh Ministers' duty under paragraph (1) applies to those zones only in so far as the exceedances of those limit values are attributable to PM<sub>10</sub> sources other than winter sanding or salting.

(3) Where the level of ozone in ambient air exceeds any of the target values for ozone in Schedule 2 in any zone, the Welsh Ministers must, if appropriate, draw up and implement an air quality plan to achieve the relevant target value unless the measures necessary to achieve that target value would entail disproportionate cost.

(4) An air quality plan under paragraph (1) or (3) must include measures intended to ensure compliance with any relevant limit value within the shortest possible time.

(5) If, at any time before 31 December 2014, the level of PM<sub>2.5</sub> in ambient air in any zone exceeds the level calculated by applying the margin of tolerance for that pollutant in Schedule 1 to the relevant limit value in that Schedule, the Welsh Ministers must draw up and implement an air quality plan to achieve that limit value in that zone.

(6) An air quality plan must include the information listed in Schedule 6.

[<sup>F2</sup>(7) Wherever possible, air quality plans must be consistent with—

- (a) the Transitional National Plan, which has the 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 Emission Ceilings Regulations 2018;
- (c) an action plan drawn up in accordance with Part 4 of the Environmental Noise (Wales) Regulations 2006.]

(8) Where an air quality plan is required in relation to more than one pollutant in any zone, the Welsh Ministers must, where appropriate, draw up and implement an integrated plan for that zone in relation to all pollutants concerned.

[<sup>F3</sup>(9) The air quality plan must include an assessment of 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 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 Welsh Ministers, applying such emission limit values would effectively contribute to a noticeable improvement of air quality.

(10) In considering whether to impose lower emission limit values, the Welsh Ministers must take into account the results of the information exchange referred to in Article 6(10) of the Medium Combustion Plant Directive.

(11) In this regulation—

“emission limit values” has the meaning given in paragraph 5 of Schedule 25A to the Environmental Permitting (England and Wales) Regulations 2016, and

“medium combustion plants” has the meaning given in paragraph 2(1) of Schedule 25A to those Regulations.]

#### Textual Amendments

- F1** Words in [reg. 20\(2\)](#) omitted (31.12.2020) by virtue of [The Air Quality Standards \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/390\)](#), regs. 1(1), [2\(7\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** [Reg. 20\(7\)](#) substituted (31.12.2020) by [The Air Quality Standards \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/390\)](#), regs. 1(1), [2\(7\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** [Reg. 20\(9\)-\(11\)](#) inserted (30.1.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/110\)](#), regs. 1, [19\(2\)](#)

#### Short-term action plans

**21.**—(1) Where, in any zone, there is a risk that the level of sulphur dioxide or nitrogen dioxide will exceed one or more of the alert thresholds set out in Schedule 4, the Welsh Ministers 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 the alert thresholds being exceeded, or, in the event of those thresholds being exceeded, to reduce the duration of such an incident.

(3) Where, in any zone, the level of ozone exceeds the alert threshold set out in Schedule 4 or there is a risk that it will exceed that threshold, the Welsh Ministers must draw up and implement a short-term action plan taking into account Decision [2004/279/EC<sup>M1</sup>](#), if of the opinion that it is reasonably likely that the risk, 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 level must exceed 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 1 and 2 will be exceeded.

#### Marginal Citations

- M1** OJ No. L 87, 25.3.04, p. 50.

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

**22.**—(1) The Welsh Ministers must consult the public where the Welsh Ministers propose to prepare, modify or review an air quality plan or a short-term action plan.

- (2) Where paragraph (1) applies, the Welsh Ministers 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, and
  - (c) take account of the results of the consultation in drawing up the plan.
- (3) When the plan is published, the Welsh Ministers 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Quality Standards (Wales) Regulations 2010, PART 5 .