

**2018 No. 215**

**ENVIRONMENTAL PROTECTION**

**The Air Quality (Amendment, etc.) Regulations (Northern  
Ireland) 2018**

*Made* - - - - - *19th December 2018*

*Coming into operation* - - - - - *17th January 2019*

The Department for Agriculture, Environment and Rural Affairs, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the environment, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

**PART 1**

**Introduction**

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Air Quality (Amendment, etc.) Regulations (Northern Ireland) 2018 and come into operation on 17th January 2019.

(2) The Interpretation Act (Northern Ireland) 1954(c) applies to these Regulations as it applies to an Act of the Assembly.

**PART 2**

**Amendment of primary legislation**

**Amendments to the Environment (Northern Ireland) Order 2002**

**2.**—(1) The Environment (Northern Ireland) Order 2002(d) is amended as follows.

(2) In Article 3 (purpose of Article 4), in paragraph (a), for “Council Directive 96/61/EC concerning integrated pollution prevention and control” substitute “Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)(e)”.

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(a) S.I. 1992/2870 and S.I. 2008/301

(b) 1972 c.68 section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c.7), the Schedule Part 1. Section 2(2) is prospectively repealed by the European Union (Withdrawal) Act 2018 (c.16), section 1 from exit day (see section 20 of that Act).

(c) 1954 c.33 (N.I.).

(d) S.I. 2002/3153 (N.I. 7), as amended by S.R. 2011 No. 127.

(e) O.J. No. L334, 17.12.2010, p.17-119

(3) In Article 8 (interpretation of this Part), in paragraph (2)(e), for “Council Directive 96/61/EC” substitute “Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)”.

(4) In Schedule 1 (particular purposes for which provision may be made under Article 4), in Part 1, for paragraph 20(2)(a) substitute “Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)”.

## PART 3

### Amendment of subordinate legislation

#### **Amendment of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000**

3. In regulation 2(1) (interpretation) of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000(a), after the definition of “the Directive”, insert—

““Directive 2008/98/EC” means Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives(b), as last amended by Council Regulation (EU) 2017/997 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 ‘Ecotoxic’(c);”.

#### **Amendment of the Air Quality Standards Regulations (Northern Ireland) 2010**

4.—(1) The Air Quality Standards Regulations (Northern Ireland) 2010(d) are amended as follows.

(2) After regulation 18(2) (duty in relation to limit values), insert—

“(3) Where, in accordance with Article 20 of the Directive, the Department considers that a limit value has been exceeded for a reason attributable to natural sources, that limit value will not be considered to be exceeded for the purposes of these Regulations.

(4) For the purposes of paragraph (3), the Department must prepare information, for the relevant zones and agglomerations, demonstrating that the exceedances are attributable to natural sources.”.

(3) After regulation 25(1) (air quality plans), insert—

“(1A) Where, in accordance with Article 21 of the Directive, the Department has 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 of roads, the Department’s duty under paragraph (1) applies to those zones only in so far as the excess is attributable to other sources of PM<sub>10</sub>.

(1B) For the purposes of paragraph (1A), the Department must prepare the necessary evidence to demonstrate that any exceedances are due to re-suspended particulates and that reasonable measures have been taken to lower the concentrations.”.

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(a) S.R. 2000 No. 232

(b) O.J. No. L312, 22.11.2008, p.3–30

(c) O.J. No. L150, 14.6.2017, p.1-4

(d) S.R. 2010 No. 188, as amended by S.R. 2017 No. 2 and S.R. 2018 No. 33

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on  
19th December 2018.



*Dave Foster*

A senior officer of the Department of Agriculture, Environment and Rural Affairs

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 makes technical updating amendments to the Environment (Northern Ireland) Order 2002 by substituting new references for the repealed Council Directive 96/61/EC.

Regulation 3 makes amendments to The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000, by inserting an updated reference to Directive 2008/98/EC.

Regulation 4 implements those articles of the European Union Directive on Cleaner Air for Europe (Directive 2008/50/EC, O.J. No. L152, 11.6.2008, p.1), which set out differing treatment and actions relating to exceedances when these are due to natural factors (see Article 20), or to winter-sanding or salting of roads (see Article 21).

Further information on these Regulations is available from the Department of Agriculture, Environment and Rural Affairs, Klondyke Building, 1 Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA.

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