STATUTORY INSTRUMENTS

2000 No. 928

ENVIRONMENTAL PROTECTION, ENGLAND

The Air Quality (England) Regulations 2000

Made - - - -	*30th March 2000*
Coming into force	*6th April 2000*

The Secretary of State, in exercise of the powers conferred on him by section 87(1) and (2) and 91(1)**(a)** of the Environment Act 1995**(b)** ("the 1995 Act") and of all other powers enabling him in that behalf, having, in accordance with section 87(7) of the 1995 Act, consulted the Environment Agency, such bodies or persons appearing to him to be representative of the interests of local government and of industry as he considers appropriate, and such other bodies or persons as he considers appropriate, hereby makes the following Regulations, a draft of which has, in accordance with section 87(8) of the 1995 Act, been laid before, and approved by a resolution of, each House of Parliament:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Air Quality (England) Regulations 2000 and shall come into force on the seventh day after the day on which they are made.

(2) These Regulations extend to England only.

Interpretation

2.—(1) In these Regulations, "the 1995 Act" means the Environment Act 1995.

(2) The provisions of the Schedule to these Regulations which follow the Table in that Schedule shall have effect for the purpose of the interpretation of that Schedule.

Relevant periods

3.—(1) The relevant period for the purposes of section 86(3) of the 1995 Act shall be, in relation to the preparation of an action plan to which that section applies, the period of 9 months beginning with the date on which the district council preparing the action plan first consults the relevant county council in relation to the plan pursuant to paragraph 1(2)(e) of Schedule 11 to the 1995 Act.

(2) The relevant period for the purposes of any other provision of Part IV of the 1995 Act**(c)** shall be, in relation to an air quality objective, the period beginning with the date on which these Regulations come into force and ending on the date set out in the third column of the Table in the Schedule which relates to that objective.

(a) *See* the definition of "prescribed", "regulations" and "relevant period".
(b) 1995 c. 25. The Secretary of State can exercise these powers only in relation to England; *see* article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 53 of the Scotland Act 1998 (c. 46).
(c) *See* sections 82 to 85 and 86(6) of the 1995 Act.

Air quality objectives

4.—(1) It is an air quality objective for each substance listed in the first column of the Table in the Schedule to these Regulations that the level at which that substance is present in the air is restricted to a level set out in the second column of that Table for that substance by no later than the date set out in the third column of that Table for that substance and level.

(2) The achievement or likely achievement of an air quality objective prescribed by paragraph (1) shall be determined by reference to the quality of air at locations—

(a) which are situated outside of buildings or other natural or man-made structures above or below ground; and

(b) where members of the public are regularly present.

Revocation

5. The Air Quality Regulations 1997**(a)** are hereby revoked in so far as they extend to England.

Signed by authority of the Secretary of State for
the Environment, Transport and the Regions

Keith Hill
Parliamentary Under-Secretary of State,
Department of the Environment,
Transport and the Regions

30th March 2000

(a) S.I. 1997/3043.

SCHEDULE Regulations 2(2), 3(2) and 4

AIR QUALITY OBJECTIVES

TABLE

Substance	Air quality objective levels	Air quality objective dates
Benzene	16.25 micrograms per cubic metre or less, when expressed as a running annual mean	31st December 2003
1,3 –Butadiene	2.25 micrograms per cubic metre or less, when expressed as a running annual mean	31st December 2003
Carbon monoxide	11.6 milligrams per cubic metre or less, when expressed as a running 8 hour mean	31st December 2003
Lead	0.5 micrograms per cubic metre or less, when expressed as an annual mean	31st December 2004
	0.25 micrograms per cubic metre or less, when expressed as an annual mean	31st December 2008
Nitrogen dioxide	200 micrograms per cubic metre, when expressed as an hourly mean, not to be exceeded more than 18 times a year	31st December 2005
	40 micrograms per cubic metre or less, when expressed as an annual mean	31st December 2005
PM_{10}	50 micrograms per cubic metre or less, when expressed as a 24 hour mean, not to be exceeded more than 35 times a year	31st December 2004
	40 micrograms per cubic metre or less, when expressed as an annual mean	31st December 2004
Sulphur dioxide	125 micrograms per cubic metre or less, when expressed as a 24 hour mean, not to be exceeded more than 3 times a year	31st December 2004
	350 micrograms per cubic metre or less, when expressed as an hourly mean, not to be exceeded more than 24 times a year	31st December 2004
	266 micrograms per cubic metre or less, when expressed as a 15 minute mean, not to be exceeded more than 35 times a year	31st December 2005

Interpretation

For the purposes of this Schedule:

1. "PM_{10}" means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 10μm aerodynamic diameter.

2.—(1) A running annual mean is a mean which is calculated on an hourly basis, yielding one running annual mean per hour. The running annual mean for a particular substance at a particular location for a particular hour is the mean of the hourly levels for that substance at that location for that hour and the preceding 8759 hours.

(2) For the purpose of the calculation of a running annual mean, the hourly level for a particular substance at a particular location is either:

(a) the level at which that substance is recorded as being present in the air at that location during the hour on the basis of a continuous sample of air taken during that hour for at least 30 minutes; or

(b) the mean of the levels recorded at that location on the basis of 2 or more samples of air taken during the hour for an aggregate period of at least 30 minutes.

3. A running 8 hour mean is a mean which is calculated on an hourly basis, yielding one running 8 hour mean per hour. The running 8 hour mean for a particular substance at a particular location for a particular hour is the mean of the hourly means for that substance at that location for that hour and the preceding 7 hours.

4.—(1) An annual mean is a mean which is calculated on a yearly basis, yielding one annual mean per calendar year. The annual mean for a particular substance at a particular location for a particular calendar year is:

(a) in the case of lead, the mean of the daily levels for that year;

(b) in the case of nitrogen dioxide, the mean of the hourly means for that year;

(c) in the case of PM_{10}, the mean of the 24 hour means for that year.

(2) For the purpose of the calculation of the annual mean for lead, the daily level for lead at a particular location for a particular day is the level at which lead is recorded as being present in the air at that location during the week in which the day occurs on the basis of a continuous sample of air taken throughout that week (each day in that week therefore being attributed with the same daily level).

(3) For the purpose of sub-paragraph (2) "week" means a complete week beginning on a Monday, except that it also includes any period of less than seven days from the beginning of the calendar year until the first Monday in that year or from the beginning of the last Monday in the calendar year to the end of that year.

5. An hourly mean is a mean calculated every hour. The hourly mean for a particular substance at a particular location for a particular hour is the mean of the levels recorded, at a frequency of not less than once every 10 seconds, for that substance at that location during that hour.

6. A 24 hour mean is a mean calculated every 24 hours. The 24 hour mean for a particular substance at a particular location for a particular 24 hour period is the level at which that substance is recorded as being present in the air at that location on the basis of a continuous sample of air taken throughout the period.

7. A 15 minute mean is a mean calculated every 15 minutes. The 15 minute mean for a particular substance at a particular location for a particular 15 minutes is the mean of the levels recorded, at a frequency of not less than once every 10 seconds, for that substance at that location during that 15 minutes.

8. The reference to a number of micrograms or milligrams per cubic metre of a substance is a reference to the number of micrograms or milligrams per cubic metre of that substance when measured with the volume standardised at a temperature of 293K and at a pressure of 101.3 kPa.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part IV of the Environment Act 1995 requires local authorities to review the quality of air within their area. The reviews have to consider the air quality for the time being and the likely future air quality during the "relevant period" (a period to be prescribed by regulations). Such reviews have to be accompanied by an assessment of whether any prescribed air quality standards or objectives are being achieved or are likely to be achieved within the relevant period.

These Regulations prescribe the relevant period referred to above (regulation 3(2)) and set out the air quality objectives to be achieved by the end of that period (regulation 4 and the Schedule). The objectives are the same as those set out in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland (CM4548, January 2000), published by the Secretary of State in accordance with section 80 of the 1995 Act.

Where any of the prescribed objectives are not likely to be achieved within any part of a local authority's area within the relevant period, the authority concerned will have to designate that part of its area as an air quality management area (section 83(1) of the 1995 Act). An action plan covering the designated area will then have to be prepared setting out how the authority intends to exercise its powers in relation to the designated area in pursuit of the achievement of the prescribed objectives (section 84(2) of the 1995 Act). The Regulations prescribe the period within which a county council will have to submit proposals to a district council which is preparing an action plan within the county council's area (regulation 3(1)).

These Regulations replace the provisions of the Air Quality Regulations 1997 in relation to England. The 1997 Regulations are therefore revoked to the extent that they apply to England.

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