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DRAFT STATUTORY INSTRUMENTS

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**2015 No. 0000**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Air Quality (England) Regulations 2015**

*Made* - - - - \*\*\*

*Coming into force* - - \*\*\*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 87(1) and (2) and 91(1)(a) of the Environment Act 1995 (“the Act”)(b).

The Secretary of State has in accordance with section 87(7) of the Act consulted—

- (a) the Environment Agency;
- (b) such bodies or persons appearing to the Secretary of State to be representative of the interests of local government and of industry as the Secretary of State considers appropriate; and
- (c) such other bodies or persons as the Secretary of State considers appropriate.
- (d) hereby makes the following Regulations.

A draft of this instrument has been laid before and approved by a resolution of each House of Parliament in accordance with section 87(8) of the Act.

**Citation, commencement, extent and application**

2. These Regulations may be cited as the Air Quality (England) Regulations 2015 and come into force on the day after the day on which they are made.

**Interpretation**

3.—(1) In these Regulations, “the 1995 Act” means the Environment Act 1995.

**Relevant period**

4. The relevant period for the purposes of section 86(3) of the 1995 Act (submission of proposals by county council to district council relating to an action plan) is 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.

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(a) For the definitions of “prescribed”, “regulations” and “relevant period” see section 91(1) of the Environment Act 1995.  
(b) 1995 c.25.

## Air quality objectives

5.—(1) It is an air quality objective for a substance listed in the first column of the Table in the Schedule Regulations that the level at which that substance is present in the air is restricted to the level set out in the second column of that Table for that substance.

(2) The 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.

## Revocations

6. The following Regulations are revoked—

- (a) the Air Quality (England) Regulations 2000(a), and
- (b) the Air Quality (England) (Amendment) Regulations 2002(b).

Signatory text

Address *Name*  
Date Parliamentary Under Secretary of State  
Department for the Environment, Food and Rural Affairs

# SCHEDULE Regulation 4

## AIR QUALITY OBJECTIVES

<i>Substance</i>	<i>Air quality objective levels</i>
Nitrogen dioxide	200 micrograms per cubic metre or less, when expressed as an hourly mean, not to be exceeded more than 18 times a year 40 micrograms per cubic metre or less, when expressed as an annual mean
PM <sub>10</sub>	50 micrograms per cubic metre or less, when expressed as a 24 hour mean, not to be exceeded more than 35 times a year 40 micrograms per cubic metre or less, when expressed as an annual mean
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 350 micrograms per cubic metre or less, when expressed as an hourly mean, not to be exceeded more than 24 times a year 266 micrograms per cubic metre or less, when expressed as a 15 minute mean, not to be exceeded more than 35 times a year

## Interpretation

For the purposes of this Schedule—

7. “PM<sub>10</sub>” means particulate matter which passes through a size-selective inlet with a 505 efficiency cut-off at 10µm aerodynamic diameter.

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(a) S.I. 2000/928.  
(b) S.I. 2002/3043.

**8.** 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 nitrogen dioxide, the mean of the hourly means for that year;
- (b) in the case of PM<sub>10</sub>, the mean of the 24 hour means for that year.

**9.** 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 for that substance at that location at a frequency of not less than once every 10 seconds during the hour.

**10.** 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.

**11.** 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.

**12.** The reference to a number of micrograms or 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 4 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 any prescribed relevant period.

Regulation 3 prescribes the period within which a county council must submit proposals to a district council which is preparing an action plan within the county council’s area.

These Regulations set out the air quality objectives to be achieved (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 (CM 7169, 2007), published by the Secretary of State in accordance with section 80 of the 1995 Act.

Where any of the prescribed objectives are not achieved within any part of a local authority’s area, 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).

These Regulations replace the provisions of the Air Quality (England) Regulations 2000. The 2000 Regulations and the Air Quality (England) (Amendment) 2002 Regulations are therefore revoked (regulation 5).