1990 No. 145

EUROPEAN COMMUNITIES

CLEAN AIR

The Air Quality Standards Regulations (Northern Ireland) 1990

Made	*10th April 1990*
Coming into operation . .	*31st May 1990*

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the control of air pollution, in exercise of the powers conferred by that section, and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and application

1.—(1) These regulations may be cited as the Air Quality Standards Regulations (Northern Ireland) 1990 and shall come into operation on 31st May 1990.

(2) Regulations 5 and 6 shall not apply to exposure to lead in the air as a result of a person's occupation, and regulations 7 and 8 shall not apply to exposure to nitrogen dioxide in the atmosphere at work or within buildings.

Interpretation

2.—(1) In these regulations—

"the Clean Air Order" means the Clean Air (Northern Ireland) Order 1981(**c**);

"the Department" means the Department of the Environment for Northern Ireland;

"district" has the meaning given to it in section 1(3) of the Local Government Act (Northern Ireland) 1972(**d**).

(2) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(**a**) S.I. 1988/785
(**b**) 1972 c. 68
(**c**) S.I. 1981/158 (N.I. 4)
(**d**) 1972 c. 9 (N.I.)
(**e**) 1954 c. 33 (N.I.)

Limit values for sulphur dioxide and suspended particulates in the atmosphere

3.—(1) The Department shall pursuant to Council Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates(**a**) (''the sulphur dioxide and suspended particulates Directive'') take appropriate measures to ensure that the concentrations of sulphur dioxide and suspended particulates in the atmosphere measured in accordance with regulation 4 do not exceed the limit values given in Annex I to that Directive.

(2) Paragraph (1) shall not apply until 1st April 1993 in respect of the districts of—

(*a*) Belfast insofar as it applies to sulphur dioxide; and

(*b*) Belfast, Derry, and Newry and Mourne insofar as it applies to suspended particulates.

Measurement of sulphur dioxide and suspended particulates

4.—(1) The Department shall ensure that measuring stations for measuring the concentrations of sulphur dioxide and suspended particulates in the atmosphere are established and the concentration of sulphur dioxide and suspended particulates measured in accordance with Annexes III and V to the sulphur dioxide and suspended particulates Directive.

(2) The measuring stations shall be established at sites where pollution is thought to be greatest, and where the measured concentrations are representative of local conditions, and in particular in the districts specified in regulation 3(2) and in zones where the limit values referred to in regulation 3(1) are likely to be approached or exceeded.

Limit value for lead in the air

5. The Department shall pursuant to Council Directive 82/884/EEC on a limit value for lead in the air(**b**) take the necessary measures to ensure that the mean annual value for the concentration of lead in the air, measured in accordance with regulation 6, does not exceed the limit value of 2 micrograms of lead per cubic metre expressed as an annual mean concentration.

Measurement of lead in the air

6.—(1) The Department shall ensure that any sampling stations for measuring the concentration of lead in the air which may be necessary to comply with Council Directive 82/884/EEC are installed and operated, and that in those stations the mean value is calculated in accordance with the Annex to that Directive.

(2) Any such sampling stations shall be installed at sites where individuals may be exposed to lead in the air continually for a long period and where, in the opinion of the Department, the limit value specified in regulation 5 is likely to be exceeded.

(**a**) O.J. No. L229, 30.8.1980, p. 30
(**b**) O.J. No. L378, 31.12.1982, p. 15

Limit value for nitrogen dioxide in the atmosphere

7. The Department shall pursuant to Council Directive 85/203/EEC on air quality standards for nitrogen dioxide(**a**) ("the nitrogen dioxide Directive") take the necessary measures to ensure that the concentration of nitrogen dioxide in the atmosphere measured in accordance with regulation 8 does not exceed the limit value as defined in Annex I to that Directive.

Measurement of nitrogen dioxide in the atmosphere

8.—(1) The Department shall ensure that any measuring stations for measuring the concentration of nitrogen dioxide in the atmosphere which may be necessary to comply with the terms of the nitrogen dioxide Directive are established and that in those stations the concentration of nitrogen dioxide in the atmosphere is measured in accordance with paragraph 4 of Annex III, and Annex IV, to that Directive.

(2) Any such measuring stations shall be established at sites selected in accordance with paragraphs 1 to 3 of Annex III to that Directive, and in particular in zones where the limit value referred to in regulation 7 is or is likely to be exceeded.

Smoke control areas

9.—(1) If after consultation with a district council the Department is satisfied that it is expedient to abate the pollution of the air by smoke in the district or part of the district of a council and that council has not exercised, or has not sufficiently exercised, its powers under Article 17 of the Clean Air Order (smoke control areas) to abate the pollution, it may direct the council to prepare and submit to the Department for its approval, within such period not being less than six months from the date of the direction as may be specified in the direction, proposals for making and bringing into operation one or more orders under that Article within such period or periods as the council shall specify in the proposals.

(2) Any proposals made by a district council in pursuance of a direction under paragraph (1) may be varied by further proposals made by the council within the period specified for the making of the original proposals or such longer period as the Department may allow.

(3) The Department may reject proposals submitted under this regulation or may approve them with or without modifications.

(4) Where a district council to which a direction has been given under paragraph (1) fails to submit proposals within the period specified in the direction, or where proposals so submitted are rejected, the Department may by order direct it to exercise its powers under Article 17 of the Clean Air Order in such manner and within such period as may be specified in the order.

(5) Where proposals have been submitted by a district council and approved by the Department with or without modifications the council shall make such orders under Article 17 of the Clean Air Order as are necessary to carry out those proposals with or, as the case may be, without modifications.

(**a**) O.J. No. L87, 27.3.1985, p. 1, as amended by Council Directive 85/580/EEC (O.J. No. L372, 31.12.1985, p. 36)

(6) Where a council fails to make such orders as are referred to in paragraph (5) the Department may by order direct it to do so in such manner and within such period as may be specified in the order.

(7) In this regulation, "modifications" means additions, omissions, amendments or substitutions.

(8) An order made by the Department under paragraph (4) or (6) may be varied or revoked by a subsequent order made by the Department.

Sealed with the Official Seal of the Department of the Environment on 10th April 1990.

(L.S.) *R. W. Rogers*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement Council Directives 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates, 82/884/EEC on a limit value for lead in the air, and 85/203/EEC (as amended by Council Directive 85/580/EEC) on air quality standards for nitrogen dioxide.

The Regulations require the amounts in the air of suspended particulates and sulphur dioxide (considered both separately and in association), lead, and nitrogen dioxide to be measured as necessary to comply with the Directives, and where applicable reduced below specified limit values. They do not apply to exposure to lead in the air as a result of a person's occupation, nor to nitrogen dioxide in the atmosphere at work or within buildings.

Regulation 9 gives the Department of the Environment power to direct district councils to create smoke control areas under Article 17 of the Clean Air (Northern Ireland) Order 1981, in order to comply with the requirements of Council Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates.

Copies of the relevant Directives and of extracts from the Official Journal of the European Communities may be obtained from Her Majesty's Stationery Office, 80 Chichester Street, Belfast BT1 4JY.

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Road Races (Carrickfergus Kart Race) Order (Northern Ireland) 1990

This Order, being of a temporary character, is not printed at length in this volume.