

## Current air legislation and policy (Scotland & Northern Ireland)

Policy/ legislation	Key provisions	Applies to Scotland?	Applies to Northern Ireland?
<b>Primary legislation</b>			
<a href="#">2007 - Air Quality Strategy for England, Scotland, Wales and Northern Ireland</a>	Establishes air quality objectives for: Benzene; 1,3-butadiene; Carbon monoxide; Lead; Nitrogen dioxide; Particulate matter; Sulphur dioxide, Ground-level ozone; and Polycyclic Aromatic Hydrocarbons With the aim of improving and protecting ambient air quality in the UK. (This is an update of the original published in 1996). Additional objectives for PM <sub>2.5</sub> to protect human health, and for ozone to protect ecosystems, were adopted in 2007.	✓	✓
<a href="#">2002 - Environment (Northern Ireland) Order</a>	Implements the Council Directive 96/61/EC concerning integrated pollution prevention and control. Note that the Order also implements Directive 96/62 on Ambient Air Quality Assessment and Management.		✓
<a href="#">1999 - The Pollution Prevention and Control Act</a>	Enables Regulations to be made implementing the European Council Directive 96/61/EC (now 2008/01/EC) on Integrated Pollution Prevention and Control (the "IPPC Directive"). Confers on the Secretary of State power to make regulations providing for a new pollution control system to meet the requirements of the IPPC Directive and for other measures to prevent and control pollution.	✓	✓
<a href="#">1995 - Environment Act</a>	Established the Scottish Environment Protection Agency (SEPA) and describes the function of SEPA and local authorities with respect to the Air Quality Strategy and designation of AQMAs.	✓	
<a href="#">1993 - Clean Air Act</a>	To protect against high levels of air pollution. The act provides Scottish local authorities with power to manage air pollution, including declare and enforce smoke control areas in which emissions of smoke from chimneys and use of unauthorised fuels is generally prohibited.	✓	
<a href="#">1990 - Environmental Protection Act</a>	Part I relates to integrated pollution control and air pollution control by local authorities. Part II relates to waste management, including controls on emissions to air from waste activities. Part III relates to Statutory nuisances and clean air.	✓	✓
<a href="#">1981 - The Clean Air (Northern Ireland) Order</a>	Provides powers to deal with emissions of smoke from domestic premises which constitute a statutory nuisance.		✓
<a href="#">Public Health (Ireland) Acts 1878-1907</a>	Relate to statutory nuisances and clean air.		✓

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<b>Secondary legislation</b>			
<a href="#">2010 - The Air Quality Standards (Scotland) Regulations 2010</a>	Require the attainment of Air Quality Standards in respect of the concentration of various pollutants in ambient air and set out the measures Scotland Departments are required to take in order to ensure attainment of these standards. They set out the limit values and target values which must be achieved.	✓	
<a href="#">2010 - The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products (Amendment) Regulations 2010</a>	Amends the 2005 Regulations with minor amendments on classification, labelling and packaging of substances.	✓	✓
<a href="#">2010 - The Air Quality Standards Regulations (Northern Ireland) 2010 SR 2010/188</a>	Require the attainment of Air Quality Standards in respect of the concentration of various pollutants in ambient air and set out the measures Northern Ireland Departments are required to take in order to ensure attainment of these standards. They set out the limit values and target values which must be achieved.		✓
<a href="#">2007 - Sulphur Content of Liquid Fuels Regulations (Northern Ireland)</a>	Limits the permissible sulphur content of liquid fuels (e.g. fuels used for domestic heating).		✓
<a href="#">2007 - Sulphur Content of Liquid Fuels (Scotland) Regulations</a>	Limits the permissible sulphur content of liquid fuels.	✓	
<a href="#">2005 - The Volatile Organic Compounds (VOCs) in Paints, Varnishes and Vehicle Refinishing Products Regulations</a>	Sets the maximum content limit values for VOCs for paints and varnishes for use in domestic and refinishing activities.	✓	✓
<a href="#">2003 Air Quality Regulations (Northern Ireland)</a>	Local Authorities are required to carry out a Review and Assessment of their local air quality to see whether they will meet the Government's targets for key pollutants.		✓

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2003 - Road Traffic (Vehicle Emissions) (Fixed penalty) (Scotland) Regulations	Allows Scottish local authorities to apply for the designation to undertake roadside emissions testing and to instruct drivers of parked idling vehicles to switch off their engines.	✓	
2003 - Pollution Prevention and Control Regulations (Northern Ireland)	Requires the operation of certain (prescribed) industrial activities to be regulated under permit control for emissions to the air (smaller installations) or all media and certain other aspects (larger installations).		✓
2000 - Pollution Prevention and Control (Scotland) Regulations	Requires the operation of certain (prescribed) industrial activities to be regulated under permit control for emissions to the air (smaller installations) or all media and certain other aspects (larger installations). Incorporates the requirements of the Large Combustion Plant Directive, Waste Incineration Directive and Solvent Emissions Directive. Several subsequent amendments.	✓	
2000 – Air Quality (Scotland) Regulations	Prescribe the air quality objectives from the Air Quality Strategy to be considered by local authorities.	✓	
<b>Policy/ Policy Guidance</b>			
2006 - Planning Advice Note 51 – Planning, Environmental Protection and Regulation (Revised)	Provides guidance on planning decisions when an environmental factor is key in reaching a planning decision, even where legal or administrative measures outwith the planning system exist for controlling a particular activity. This guidance note enables air quality to be deemed a “material planning consideration”.	✓	
2005- Scottish Planning Policy 17 <sup>1</sup> – Planning for Transport	Provides guidance on the integration of transport and land use. Land use planning should assist in reducing the need to travel; in creating the right conditions for greater use of sustainable transport modes; and in avoiding or mitigating adverse environmental impacts.	✓	
2005 – Northern Ireland Planning Policy Statement 13 – Transportation and Land use	Provides guidance on the integration of transport and land use. It will guide the integration of transportation and land use, particularly through the preparation of development plans and transport plans.		✓

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<a href="#">2004 - The Future of Transport White Paper</a>	Encompasses Scotland for regulation of aviation and shipping, marine, air and rail safety, and some aspects of road traffic regulation.	✓	

<sup>1</sup> The suite of Scottish Planning Policies (SPP) is currently in the process of being consolidated into a single SPP. It will be published by the Scottish Government in late 2009. It will be available at: <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/NewSPP>