

AIR POLLUTION

SCOTLAND



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Air is the mixture of gases that we breathe. Good air quality is essential for our health, quality of life and the environment. Air becomes polluted when it contains substances which can have a harmful effect on the health of people, animals and vegetation. Many of our everyday activities – for example driving, cooking, using the computer – consume energy and can cause pollution.

Air Pollution Levels

National Air Quality Strategy

The National Air Quality Strategy for England, Scotland, Wales and Northern Ireland sets out UK air quality standards and objectives for reducing levels of health-threatening pollutants. These include benzene, 1,3-butadiene, carbon monoxide, lead, nitrogen dioxide, particles, sulphur dioxide, ground level ozone, and PAH. The levels of reduction have been set on the basis of scientific and medical evidence on the health effects of each pollutant, and according to practicability of meeting standards. All of these standards except those for ozone and PAH, are subject to regulations made under the Environment Act 1995, and many are the result of UK incorporation of European law.

Local Air Quality Management

The Environment Act 1995, which covers England, Scotland and Wales, and the Environment (Northern Ireland) Order 2002, requires all local authorities to review and assess air quality in their area. If any standards are being exceeded or are unlikely to be met by the required date, that area should be designated an Air Quality Management Area (AQMA) and the local authority must draw up and implement an action plan aimed at reducing levels of the pollutant. Local authorities are required to make copies of their reviews and assessments of local air quality available to the public, as well as any orders designating an AQMA, and to consult locally on the action plan. In many areas, traffic is likely to be the main contributor to excessive levels of pollution. Elsewhere, industry may have the largest local impact.

Where to Find Out About Air Quality

Your local authority environmental health department should be able to advise you on air quality in your area. The UK National Air Quality Information Archive also monitors air quality nationally, on a daily basis: Visit - www.airquality.co.uk or www.scottishairquality.co.uk

Road Transport

Exhaust Emissions

The Road Vehicles (Construction and Use) Regulations govern the standards to which new motor vehicles must be manufactured, including standards for exhaust emissions. Vehicle exhaust testing has been included in the annual MOT since 1991. Emissions standards for vehicles are improving, but once vehicles are on the road there is very little control of nuisance from smoke. The Vehicle Inspectorate carry out roadside tests on heavy goods vehicles and

can ban further use of a smoking vehicle until it has been adjusted or repaired, but a vehicle can only be stopped by the police if it is producing so much smoke as to be a hazard to other drivers.

You can report smoky buses, coaches and lorries in Scotland to the Vehicle Inspectorate on 01506 445216

Following a complaint the operator is notified and requested to clean up their vehicle. There is no mechanism for reporting privately owned vehicles, but local authorities can use roadside emission testing (see below).

Stationary Idling

Fixed penalty notices of £20 can also be issued by an authorised local authority officer in Scotland to motorists who leave their engines running unnecessarily (e.g. waiting outside school/station), having asked them to switch them off. This rises to £40 if it is not paid within the given timeframe.

Leaded Fuel

All new petrol vehicles now run on unleaded fuel and the sale of leaded petrol was banned in January 2000. Petrol producers and importers wishing to make leaded petrol available for use in classic and historic vehicles must apply for a permit from Defra.

Roadside Emission Testing

The Road Traffic (Vehicle Emissions) (Fixed Penalty) Scotland Regulations 2003 enable local authorities to check vehicles at the roadside to ensure that emission limits are not exceeded. Under these Regulations a £60 fixed penalty notice can be issued. Local authority officers are also able to issue a fixed penalty notice to motorists who leave their engines running unnecessarily (e.g. while waiting to pick someone up from a station) (reg.98 of the Construction and Use Regulations).

Domestic Fires

Many towns and cities are designated as smoke control areas under the Clean Air Act 1993. In a smoke control area it is an offence to emit smoke from a chimney as a result of burning unauthorised fuel (e.g. bituminous coal or wood) or to use an appliance that is not exempt. Householders must use smokeless fuels (gas, electricity, solid smokeless fuel) or an approved appliance that burns ordinary coal without emitting smoke. It is also an offence to deliver bituminous coal in a smoke control area unless it is to be used on an exempt appliance. Breach of a smoke control order can lead to prosecution by the local authority.

Your local authority offices will be able to tell you if your area is smoke controlled and advise on authorised fuels and appliances. Smoke control orders do not apply to domestic bonfires – these are covered by nuisance legislation (see below).

Industrial Air Pollution

Integrated Pollution Prevention and Control (IPPC) was implemented between 2000-2007. Many industries require a Permit covering all their emissions this includes food and drink processing and intensive livestock installations. In Scotland, IPPC Permits are issued and regulated by the Scottish Environment Protection Agency (SEPA). A Practical Guide is available from SEPA:

www.sepa.org.uk/pdf/ppc/guidance/practical_guide_part_a_activities.pdf

Copies of applications for new IPPC Permits and those for installations transferring from previous authorisations will, subject to certain exemptions, be put in the Public Register maintained by SEPA. Details of new applications must be advertised in a local newspaper and all comments are published in the Register, unless otherwise requested.

Complaints about any process or installation should in the first instance be made to the operator. If no satisfactory solution can be reached, SEPA should be contacted.

Smoke

It is an offence for factories and trade premises to emit dark smoke from their chimneys under the Clean Air Act 1993 except when it is unavoidable (e.g. on lighting up). Current technology should allow efficient combustion, free of dark smoke at all times. Dark smoke emissions from open burning (bonfires) on industrial or trade premises (including demolition sites) or agricultural land is also prohibited, except in very limited circumstances. "Dark" smoke is a shade of grey defined by law.

Grit and Dust

The amount of grit and dust emitted from the chimney of non domestic boilers and some furnaces is also controlled by the Clean Air Act 1993. This legislation ensures that newly installed plant has adequate arrestment equipment and that where emissions from plant appear excessive measurements of emissions to the atmosphere can be required.

Nuisances

Under the Environmental Protection Act 1990 a statutory nuisance can be any dust or effluvia arising from any trade or business premises or smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance. For a nuisance action to succeed the offence also has to be a cause of material harm or to be persistent or likely to recur. Nuisances may include smoke from bonfires, unpleasant odours, grit and dust.

In many cases a friendly approach to a neighbour or business can resolve the problem. If this fails, complaints should be made to your local authority. If they are satisfied that a nuisance exists steps will be

taken to abate the nuisance. This may involve serving a legal notice, which, if ignored, can result in proceedings in the Sheriff Court. The Court may impose an order to prevent the nuisance and a fine. Continued non-compliance can lead to further fines. The local authority also has power to abate the nuisance itself and recover costs.

If for any reason your local authority is unwilling to act on your behalf you may apply directly to the Sheriff Court for a nuisance order. In such cases it is essential to compile a proper record of the occurrence of the nuisance and its effects on you. The support of independent witnesses will also help. In any event it is possible that the complainant may be called upon to give evidence in nuisance proceedings.

Bye Laws

Some local authorities have adopted specific bye-laws to control sources of air pollution and nuisance. However these can be hard to enforce as surveillance is often difficult and the culprit hard to track down. Often the nuisance has ceased by the time an official can get to the scene.

Planning and Pollution Control

Most new industrial developments require planning permission; certain types of developments will also need to carry out an environmental impact assessment as part of the planning procedure. The public have a right to comment on planning applications, which are advertised in the local press and copies placed on the local planning register.

When drawing up their development plans (known as Local Development Frameworks) and making decisions on individual applications local authorities must have regard to Government guidance on pollution control. In Scotland the relevant document is Planning Advice Note 51, Planning, Environmental Protection and Regulation.

Further Contacts

Scottish Environment Protection Agency

Tel: 01786 457700

Email: info@sepa.org.uk

www.sepa.org.uk

Scottish Mediation Network

Tel: 0131 556 1221

Email: admin@scottishmediation.org.uk

www.scottishmediation.org.uk

The Environmental Law Foundation

Tel: 020 7404 1030

Email: info@elflaw.org

www.elflaw.org



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protection uk

formerly NSCA

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You may also be interested in our leaflets on:

- Noise Pollution – Scotland
- Neighbour Noise – Scotland
- Small Scale Wind Turbines - Scotland

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