

Breathe Scotland

Breathe Scotland is the cleaner air initiative that aims to raise awareness of air pollution and its impacts on public health and wellbeing in a balanced and factual manner. Led by Environmental Protection Scotland, Breathe Scotland brings together key stakeholders to encourage behaviours that helps cut air pollution and our exposure to it.

The Breathe Scotland website gives further information on the pollutants of concern and highlights the ways in which we can all reduce our emissions as well as the steps local authorities, SEPA and the Scottish Government are taking to improve air quality.

Visit www.breathescotland.org.uk or follow @BreatheScotland on twitter for further information.



Further Information

Air Quality in Scotland

www.scottishairquality.co.uk

Air Quality Management Areas

www.scottishairquality.co.uk/laqm/aqma

Process Industry Regulation (incl. PPC)

www.sepa.org.uk/air/process_industry_regulation.aspx

DEFRA—Smoke Control Areas

<http://smokecontrol.defra.gov.uk/>

Contacts

Driver and Vehicle Standards Agency

Web: www.gov.uk/dvsa

Tel: 0300 123 9000

Email: enquiries@vosa.gov.uk

SEPA

Web: www.sepa.org.uk

Tel: 03000 99 66 99 (Customer services, 24 hours)

Tel: 0800 80 70 60 (Pollution Hotline, 24 hours)

Email: info@sepa.org.uk



Environmental Protection Scotland

About Environmental Protection Scotland

We bring together individuals and organizations across the public, private and voluntary sectors to discuss and promote ideas, knowledge and solutions to achieve our aim of a **cleaner, quieter, healthier and sustainable Scotland**.

Our main policy areas are **air quality, land quality and noise**. We work to deliver those topics as a means to protect and improve public health, tackle climate change and deliver sustainable economic development.

ENVIRONMENTAL PROTECTION SCOTLAND

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Credits and disclaimer

Parts of this document have been drawn from other documents including material from:
Environmental Protection UK (Scotland) (2007) "Air Pollution Scotland"

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ENVIRONMENTAL PROTECTION SCOTLAND

Working for a cleaner, quieter, healthier, sustainable Scotland

Air



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Environmental Protection Scotland

Air pollution

Clean air and good air quality are essential for our health and wellbeing. Air pollution is made up of a variety of substances from a number of sources and can cause both short and long term health effects as well as environmental impacts such as acidification, and eutrophication of land and water, as well as damage to buildings in the urban environment.

The European Union has set a number of legally binding **Limit Values** which Scottish, and UK, Ministers must ensure compliance with. Failure to meet these limit values can result in legal action being taken against the UK.

Further to this the Environment Act 1995 requires all local authorities to review and assess air quality in their area on a regular basis. A number of **air quality objectives** are set by the Scottish Government and local authorities are required to designate Air Quality Management Areas (AQMAs) in areas where these objectives are not being, or are unlikely to be, met. Once an AQMA has been designated the local authority must prepare an action plan which details how they aim to tackle air pollution and this is reviewed and assessed by independent air quality specialists.

The main pollutants of concern are nitrogen dioxide and particulate matter. The UK Air Quality Strategy, which applies to Scotland, includes other pollutants such as ozone and polycyclic aromatic hydrocarbons (PAHs) which are assessed at a UK level. The Scottish Government will be launching a Low Emission Strategy towards the end of 2015 with a focus on transport, the key source of both NO₂ and PM_{10/2.5} in Scottish cities.

Although local authorities aren't legally required to meet the objectives they must do all that is reasonably possible in pursuit of them and produce annual reports where there has been an AQMA declared. The main source of air pollutants in Scotland currently is transport emissions.

Traffic emissions

The Road Vehicles (Construction and Use) Regulations 1986, as amended, set the standards to which new motor vehicles must be made and includes standards for exhaust emissions. Since 1991, vehicle exhaust emissions have been included in the annual MOT test.

The European Union has been working to improve the emissions standards for vehicles; however once it is on the road there is little control of smoke nuisance.

The Driver and Vehicle Standards Agency (DVSA) carry out roadside tests of HGVs and can ban the use of the vehicle until it has been fixed. Police Scotland can only stop a vehicle if smoke emissions are causing a hazard to other drivers.

You can report smoky buses, coaches and lorries to the DVSA (see **Contacts**). Following a complaint the operator is notified and asked to clean up their vehicle. You cannot report a private vehicle.

Stationary idling

Local authorities have the power to issue £20 fixed penalty notices if a driver leaves their engine running unnecessarily; e.g. waiting at the train station or at the school.

Roadside emission testing

Local authorities are allowed to perform vehicle checks at the roadside under the Road Traffic (Vehicle Emissions) (Fixed Penalty) Scotland Regulations 2003. If your vehicle breaches the emission limits then you can be issued with a £60 fixed penalty notice.

Industrial emissions

Through the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC), the Scottish Environment Protection Agency (SEPA) regulates and monitors certain industrial activities in Scotland, that can generate air pollution, through issuing permits (see **Further Information** for details on how to apply for permits).

Copies of permits will, subject to certain exemptions, be put on a public register and can be viewed at certain SEPA offices.

If you have a complaint about any SEPA-regulated activity you should contact SEPA (see **Contacts**) who will investigate.

The PPC Regulations implement the European Union's Industrial Emissions Directive which provides an integrated approach to environmental protection by preventing, or minimising, emissions to the environment wherever practicable.

Smoke, grit and dust

Under the Clean Air Act 1993 (CAA) it is an offence for factories and trade premises to emit dark smoke unless it is unavoidable, e.g. when it is starting up or shutting down operations. Dark smoke from open burning on industrial sites, including demolition sites, is also prohibited under the Waste Management Licensing Exemption regulations. Dark

The CAA also controls the amount of grit and dust emitted from non-domestic boiler chimneys. All newly installed equipment should have suitable mitigation equipment. If emissions are excessive then emission measurement can be required and a notice served by the local authority.

Domestic emissions

Emissions from domestic heating systems also contribute to levels of air pollution through the burning of coal, oil, gas and wood (biomass boilers). A number of local authorities have declared Smoke Control Areas under the Clean Air Act. If you live in one of these areas you must use authorised appliances and fuels if you have a biomass boiler or burn coal. Breaching a smoke control order may lead to prosecution by the local authority.

You should contact your local authority directly to check if you live in a Smoke Control Area and visit the Department for Environment, Food and Rural Affairs (DEFRA) website to check details of authorised appliances and fuels (see **Further Information**).

Nuisance

Under the Environmental Protection Act 1990, a **Statutory Nuisance** can be dust, effluvia from trade or business premises and smoke, fumes or gases emitted from premises as to be prejudicial to health or a nuisance. Bonfire smoke, odours, grit and dust can all be considered statutory nuisances.

If you are suffering from any of the above, you should make a complaint to your local authority who will determine if a statutory nuisance exists.

If a nuisance does exist the local authority is required to take steps to abate the problem, most likely through serving an abatement notice. If this is ignored, it can result in actions being taken at the Sheriff Court where fines and orders may be issued. If the local authority will not act on your behalf you may apply directly to the Sheriff Court for a nuisance order.

In all cases you should keep a diary of when, and for how long, the nuisance exists. It will also be useful to record weather conditions, type of nuisance, where the nuisance took place.