

**29 September 2022**

**NEWS RELEASE**

**Environmental Standards Scotland takes action on Scotland's failure to comply with air quality limit values**

Environmental Standards Scotland (ESS) has issued an improvement report to the Scottish Government following its investigation into compliance with air quality limit values.

The report, published today (29 September 2022), sets out evidence of a continued failure in some areas of Scotland to meet statutory limit values for nitrogen dioxide (NO<sub>2</sub>).

The report also identifies weaknesses in the current operational and governance arrangements to improve local air quality and ensure future compliance with NO<sub>2</sub> limit values.

In response to the report, the Scottish Government must prepare an improvement plan setting out how it intends to implement the recommendations in the report and present this to the Scottish Parliament for approval.

Key findings within the ESS report include:

- Air quality management areas (AQMAs) exist to focus efforts on improving air quality. In some areas, they have been in place for years;
  - A number of local authority Air Quality Action Plans have not been reviewed for significant periods of time or have been published years after the declaration of the AQMA to which they relate;
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- Concern that the local air quality management framework is not robust enough to provide a comprehensive picture of local air quality, particularly in and around our cities;
- Despite long term non-compliance with NO<sub>2</sub> limit values, existing powers to direct local authorities to take action have not been used;
- The system of governance and oversight of air quality in Scotland is overly complex and opaque.

Mark Roberts, Chief Executive of ESS, said:

“Despite efforts to improve air quality, there are still areas of non-compliance with respect to nitrogen dioxide, and these are anticipated to continue in the future. Given the length of time which has passed since compliance should have been achieved, and the serious impacts poor air quality can have on public health, we have decided to issue this improvement report.

If the Scottish Government decides to keep pace with European Union plans to reduce limits for nitrogen dioxide further, we do not consider that the existing system will be capable of meeting these revised limits effectively and in the shortest time possible.”

You can read the full report, findings and recommendations [here](#).

**-ENDS-**

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**About Environmental Standards Scotland (ESS):**

1. Environmental Standards Scotland (ESS) began its formal operations on October 2021, as part of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, following the UK's departure from the European Union. ESS is responsible for ensuring Scotland's public authorities, including government and its agencies, are compliant with environmental law.
2. ESS is independent of Scottish Government, but accountable to the Scottish Parliament. ESS scrutinises public authorities' compliance with environmental law, the effectiveness of these laws and the way they are implemented and applied and has statutory powers to act where required.
3. ESS launched this investigation in 2021 into the regulatory systems in place in Scotland to achieve compliance with statutory limit values for NO<sub>2</sub>. This followed a judgement by the European Court of Justice (ECJ) that stated that across the UK, breaches of air quality limit values for NO<sub>2</sub> had been "systematic and persistent".

**For more information, visit:** [environmentalstandards.scot](https://environmentalstandards.scot)

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