

EXPLANATORY MEMORANDUM TO
THE ENVIRONMENTAL NOISE (IDENTIFICATION OF NOISE SOURCES)
(WALES) REGULATIONS 2007

2007 No. 3519 (W.311)

This explanatory memorandum has been prepared by the Department for Environment, Sustainability and Housing and is laid before the National Assembly for Wales.

(i) Description

The Regulations identify the noise sources in Wales that must be mapped pursuant to the first paragraph of Article 7 of Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (the *Directive*).

The noise sources identified, by reference to published maps, are the first round agglomerations, first round major roads and first round major railways by which meet the relevant thresholds defined by the Directive.

(ii) Matters of special interest to the Subordinate Legislation Committee

None.

(iii) Legislative Background

These Regulations are made under section 2(2) of the European Communities Act 1972. This section allows designated persons to implement EC obligations of the United Kingdom by making subordinate legislation. The Welsh Ministers have been so designated in relation to measures relating to the assessment, management and control of environmental noise.

The Environmental Noise (Wales) Regulations 2006 (No. 2629 (W.225)) (the *2006 Regulations*) transposed the provisions of the Directive.

These Regulations are made pursuant to the duty imposed on the Welsh Ministers by Regulation 3(1) of the 2006 Regulations to identify specified noise sources.

(iv) Purpose and intended effect of the legislation

The aim of the Directive is the assessment and management of environmental noise through the construction of noise maps and corresponding action plans, to be produced on a national basis and scale for all Member States. The maps will illustrate the noise environment for roads, railways, airports and agglomerations that display activity above certain thresholds as set out within the Directive. The proscribed thresholds are:

- Roads - Those stretches with more than 6 million passages per year
- Railways - Those stretches with more than 60,000 passages per year
- Airports – Those airports with more than 50,000 movements per year (a movement being a take- off or landing) or those impacting upon an agglomeration with less than 50,000 movements per year
- Agglomerations – Those urban centres with more than 250,000 inhabitants and a population density equal to or greater than 500 people per km².

The 2006 Regulations require a noise mapping and action planning process to be taken forward on a five-year rolling programme. The first round of mapping and action planning applies to the largest of the agglomerations, the busiest major roads and railways and all major airports (there are none of the latter in Wales). For the first round strategic noise maps must be produced and action plans 'designed to manage noise issues and effects, including noise reduction if necessary' based on the noise maps must then be developed to address the noise climate established during the mapping process. The first round of mapping is to be completed by the 30th June 2007.

.The action plans must contain a complete description of the measures to be taken to reduce noise pollution. A number of minimum requirements have been specified in the Directive but there are no deadlines for when the various initiatives in the action plans have to be implemented.

The corresponding action plans are to be drawn up by 18th July 2008. However action plans cannot be prepared until the context has been determined by the preparation of noise maps. In turn, noise maps cannot be prepared unless the noise sources which are to be mapped have first been identified in accordance with the qualifying thresholds which are set out in detail in the 2006 Regulations and the Directive. It is for this reason that Regulation 3(1) of the 2006 Regulations provides for noise sources to be identified.

As Regulation 3(1) requires identification to be made in the form of regulations, it follows that the present Regulations are required to allow the process of implementing the Directive to continue.

(v) **Implementation**

The Regulations will be made on 13 December 2007 and will come into force on 9 January 2008.

(vi) **Consultation**

A 12 week public consultation on the implementation of the Directive took place in Wales between 22 February 2005 and 16 May 2005. The principal of the identification of noise sources was included in this consultation. 18 formal responses were received from a **wide** range of organisations and individuals. The views of the correspondees were incorporated into the 2006 Regulations.

(vii) **Regulatory Impact Assessment**

Regulatory Impact Assessment is not appropriate as the identifications made by the Regulations result from thresholds defined by the 2006 Regulations and the Directive. A Regulatory Impact Assessment of the effect of the 2006 Regulations was carried out.