

Environment, Planning and Countryside Committee

EPC(2) 10-06 (p1)

Regulatory Appraisal Environmental Protection, Wales The Environmental Noise (Wales) Regulations 2006

Purpose and intended effect of the measure

1. These Regulations implement 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 Environmental Noise Directive (END)). In order to transpose the Directive Member States must designate the competent authorities and bodies responsible for implementing the Directive, including the authorities responsible for:

- making and approving noise maps and action plans for agglomerations, major roads, major railways and major airports; and
- collecting noise maps and action plans for submission when required to the European Commission.

2. The proposed Regulations will give the National Assembly for Wales the responsibility of preparing, reviewing and revising noise maps, except for maps applying to noise from non-designated major airports, (in the UK all airports apart from Heathrow, Gatwick and Stanstead, which are designated airports) where the airport operators will fulfil this role. In addition, the Regulations will give the National Assembly for Wales responsibility for drawing up, reviewing and revising action plans (except for plans applying to places near major airports, where the airport operators will fulfil this role). Currently, no airport in Wales meets the threshold for the preparation of a noise map or production of an action plan as such noise mapping under the END is not required for airports in Wales.

3. As a result of implementing these Regulations, all legal responsibilities for the mapping and action planning under the END for roads, rail and agglomerations would rest with the National Assembly for Wales. In fulfilling these responsibilities the National Assembly for Wales may enter into agreements with other authorities and/or organisations to exercise functions relating to the production of maps and action plans, both in terms of data and the preparation of the maps and plans. The Regulations also cover issues such as the identification of major roads, major railways and agglomerations and set out which noise computational methods should be used and the general procedures by which noise maps and

actions should be prepared.

4. The Directive requires that by no later than 30 June 2007 Member States must complete strategic noise maps for all:

- Large continuous urban areas (known as agglomerations) with more than 250,000 inhabitants;
- major roads with more than six million vehicle passages per year;
- major railways which have more than 60,000 train passages per year; and
- major airports with more than 50,000 movements (a movement being a take-off or landing) per year.

5. The mapping process will consider environmental noise from both the sources of noise and from the perspective of those exposed through a source – pathway – receptor methodology. This process investigates how the output noise is generated by the source, the ways the pathway through which the noise travels changes the propagation of the noise and how the noise finally impacts on the receiver.

6. Action plans to manage noise for the above-named areas must be prepared by 18 July 2008. The production of action plans will engage all the relevant stakeholders in discussing the noise issues identified within the mapping process and will result in a comprehensive and agreed system for noise management in these areas. Public participation and consultation in their preparation is specifically required as one of the key objectives of the Directive is ensuring that information on environmental noise and its effects is made available to the public.

7. This process is then repeated five years later for agglomerations, major roads and major railways, but with lower thresholds. Consequently, a greater area of Wales will be captured by the need to make maps and action plans in 2012 and 2013 respectively.

Risk Assessment

8. The aim of the Environmental Noise (Wales) Regulations 2006 and corresponding strategic noise mapping and action planning processes is to reduce, mitigate or avoid the exposure to environmental noise in order to reduce the number of people exposed to higher noise levels and protect tranquil areas.

9. Environmental noise is an issue which is relevant to the majority of people in Wales and has recognised effects on both human health and the environment. At present there is no mechanism in place in order to assess this problem and thus allow a mitigation and management process be formulated. These Regulations and the corresponding mapping and action planning processes provide a basis for such a mechanism to be introduced in Wales to quantify the impacts of environmental noise and correspondingly provide an evidence base for such impacts to be addressed.

10. If these regulations were not to be made the National Assembly would not complete the transposition process for the END and, as such, be subject to infraction proceedings by the European Commission. In addition there would not be a statutory basis for the corresponding strategic noise mapping exercise.

Options

11. In respect of this legislation the "Do nothing option" is not an option as it would lead ultimately to infraction proceedings against the National Assembly for Wales by the European Commission. Therefore, the "Make the Legislation" option, to implement the changes required to comply with European legislation, is being recommended.

Benefits

12. There are several outlined benefits as a result of implementing:

- the Assembly will execute its responsibilities for transposing and fulfilling the requirements of the Environmental Noise Directive;
- the noise assessment and mapping process undertaken in Wales will mirror that for the rest of the UK providing a comparable and uniform assessment of environmental noise;
- in completing the noise mapping process in line with the requirements set out in the Environmental Noise Directive it is envisaged that a representative picture of the environmental noise climate in Wales will be constructed. The resultant data will provide an invaluable tool for assessing the spatial extent of noise problems and will lead to the formulation of measures to mitigate these impacts, both through the incorporated action planning process and as part of other measures and policies; and
- the amount and type of data gathered and formulated through the noise mapping and assessment process will have widespread application in many other areas. It is envisaged that such data may be of use in other environmental management structures, such as that for air quality and for use in transport and infrastructure management and planning.

Costs

13. The financial implications of implementing the END rest with the competent authority. In the case of road, railway, industry and port sources the National Assembly for Wales has been designated the competent authority and therefore there are no financial implications for business or the voluntary sector. In the case of airports the operators themselves have been designated as the competent authority and as such would be responsible for producing strategic noise maps to cover this source. The END sets out certain requirements for those civil airports to mapped including the number of aircraft movements

at the airport and its proximity to large areas of populations. In addition airports operated by the military are excluded from the noise mapping requirements. Within Wales there are no airports which fall under these requirements and, as such, noise mapping under the END is not required. Therefore it is not envisaged that there will be any financial implications on the civil aviation sector.

14. A technical procedure to determine the costs of the strategic noise mapping exercise in throughout the UK has been undertaken with figures calculated on a disaggregated basis for each country. This process has based its calculations upon specified technical approaches and corresponding data availability in relation to the sources which are required to be mapped. In addition the costs involved in calculating how the number of people exposed to different levels of environmental noise, known as 'population exposure' has been estimated. This assessment forms part of the overall noise mapping process and is a requirement set out under the END. The procedure has calculated The preliminary cost for Wales for producing fit-for-purpose strategic noise maps and exposure assessments, in line with the requirements of the END, to be £400,000. This cost will be confirmed prior to the Regulatory Appraisal being produced in its final form.

15. Funding of £400k has been allocated from Assembly Budgets for the 2006-7 financial year to undertake data gathering and the production fit for purpose maps for submission to the European Commission in June 2007. This budget has been allocated under the Quality of the Environment Spending Programme Allocation within Environment, Planning and Countryside's Main Expenditure Group. The END also requires for action planning to be produced a year later, i.e. by 18 July 2008, with the entire mapping and action plan process being repeated again on a five year rolling basis, therefore requiring maps to be produced again in 2012. The financial implications of fulfilling this continuous programme have been highlighted and it is expected future budgets will be made available to fulfil these requirements. When the action plans are drawn up, they will be fully assessed for their cost implications on government, business and the voluntary sector.

Competition Assessment

16. The Environmental Noise (Wales) Regulations 2006 will not have any impact upon business, charities and/or the voluntary sector with regard to the strategic noise mapping process which is to be completed by 30 June 2007. Following on from this it is envisaged that when the action plans are drawn up, they will be fully assessed for their cost implications on government, business and the voluntary sector.

7. Consultation

17. A full twelve week public consultation on the implementation of END between 22 February 2005 and 16 May 2005. Defra and the other devolved administrations also held similar consultations.

18. The Welsh Assembly Government received 18 formal responses to the public consultation, from a wide range of organisations and individuals. A list of the respondents is attached at Annex A to the RA

and include local authorities, transport industry representatives, transport and environmental consultancies, and support/lobby groups. The responses reflected a wide range of views and opinions. A full list of those stakeholder consulted is attached at Annex B.

19. The END is a complex directive relying heavily on the collection of data and computer technology to support the development of noise maps and action plans. The consultation posed 37 questions covering all aspects of implementation. Inevitably many of the issues are very technical and these were reflected in the comments received during the consultation.

20. There was broad agreement on most of the proposals in the consultation. On a small number of issues, the consultation responses raised questions about the approach proposed. .

21. The consultation asked whether it was possible to suggest a level change in decibels at which a change could be viewed as sufficiently significant to trigger a review of action plans. Most respondents thought this would be difficult and highlighted a number of problems with attempting to do this, in particular, the difficulty in setting a single value as different types of noise have different effects and the need for additional research to develop a robust figure. In response to these concerns the Regulations do not set a noise value and further research is being commissioned to understand the effects of different noise sources.

22. In responding to questions on the generic approach to developing action plans to manage noise, a number of responses expressed concerns about assigning airport operators as the competent authority for producing noise maps for non-designated airports. The concerns related to whether the proposed arrangement led to a conflict of interest and whether the lack of a 'key body' to oversee all airport related action plans would mean a less effective approach. No airports in Wales require mapping or action planning in the first round, so this is not an issue for Wales at this time. However, the overall approach set out in the consultation is being maintained in recognition of the very different circumstances in which air transport operates compared with other modes of transport. In particular, they already have the expertise, data and methodology in place for the creation of noise maps. They also have consultative committees which include local authorities and other amenity representatives and these bodies will be able to address any perceived shortcomings. However, in order to address the concerns outlined in the consultation responses an additional safeguard has been included in the implementing regulations. The Regulations include a power for the National Assembly for Wales to amend or reject maps and action plans if it considers that it does not meet the requirements of the Directive and powers to require the (airport) competent authority to resubmit the maps or action plans remedying the shortcomings.

23. The consultation proposed that the Primary Route Network should provide the definition of the major roads to be mapped. Some responses felt that using this definition would fail to map a proportion of road length whose flow exceeds the threshold for mapping. The Regulations have been amended to take account of these comments.

24. The consultation asked whether people agreed with the proposed approach for drawing up a rail noise action plan. A number of responses suggested that local authorities and transport operators should be more involved in the process. We have decided to maintain the arrangement proposed in the consultation document because this is the first time that noise mapping and action planning has been carried out on a national scale and there is a need to ensure consistency of approach and access to data. However, further consideration will be given to enabling a greater role to local authorities and transport agencies in future rounds of mapping once greater experience has been built up. Transport operators and local authorities will have a major role in providing input into the first round of action plans.

25. In addition to the public consultation described above, Defra, on behalf of all the UK Government and devolved administrations, invited noise mapping specialists to comment draft Regulations from a technical point of view in November 2005. This was not a formal consultation, but a focused opportunity to comment on technical intricacies of the Regulations. Defra received 27 formal responses to the technical consultation from a range of environmental noise specialists and noise mapping experts on the detail of noise assessment calculations and so on. This exercise provided a great deal of input in advising upon the varying technical approaches towards the strategic noise mapping process. Following on from this process and as a result of the wide ranging technical approaches that could be feasibly adopted it was decided to keep the technical content of the regulations to a minimum.

Review

26. The strategic noise mapping process as required under the END will be continuously monitored as the process continues. Welsh Assembly Government Officials are responsible for devising and managing the delivery of the noise maps and following action planning process through a series of projects and monitoring of progress forms an integral part of this project process. A review of the approach and methodologies involved in undertaking the strategic mapping process will take place after the first set of noise maps have been submitted to the European Commission in 2007. It is also envisaged that a review of the designated competent authorities will take place.

Summary

27. The costs of undertaking a strategic noise mapping exercise in Wales as prescribed within the Environmental Noise (Wales) Regulations 2006 will be met by the Assembly, except for non-designated airports where the operators are designated as the competent authority. It is anticipated that the benefits from undertaking this process will be to better understand and therefore manage the environmental noise climate within Wales. The Assembly has also been designated as the competent authority for completing the corresponding action planning process and it is envisaged that once they are drawn up the implications of the requirements will be fully assessed.

28. In designating the National Assembly for Wales as the Competent it is envisaged that the large and extremely technical and data intensive process of producing fit-for-purpose noise maps and assessments in line with the requirements of the END can be fulfilled in the most efficient manner. A task of this

kind and on this scale is unprecedented and in order to manage its completion it is thought the appropriate strategic approach, project management and technical expertise will be available through the Welsh Assembly Government. This approach is one that is mirrored in all other UK countries. A review of these arrangements will take place after the first round of maps and action plans have been submitted to the European Commission in 2007 and 2008 respectively and will closely involve all relevant and affected stakeholders.

Annex A – Respondents to the Consultation

Arriva Trains Wales

Association Of Train Operating Companies (ATOC)

Caerphilly Local Health Board (LHB)

Civil Aviation Authority

Countryside Council for Wales (CCW)

English, Welsh and Scottish Railway (EWS)

Environment Agency Wales (EAW)

Fencing Contractors Association

Law Society

National Public Health Service for Wales

Neath Port Talbot County Borough Council

Network Rail

North East Wales Institute of Higher Education (NEWI)

National Society for Clean Air (NSCA) Wales

Office Of Rail Regulation (ORR)

Railway Forum

TBI Airports: London - Luton & Cardiff International

Vale of Glamorgan Council

Annex B – Stakeholders Consulted

Airports

Aberporth West Wales Airport

Airbus UK

Airport Environment Federation

Aerospace Wales Forum

Aviation Environment Federation

BAA plc

Caernarfon Airport

Cardiff International Airport

Haverfordwest Airport

Hawarden Airport

Mona Airport

National Air Traffic Services

Pembrey Airport

RAF Valley

Society of British Aerospace

Swansea Airport

WelshPool Mid Wales Airport

Associations

Airport Operators Association

All Wales Ethnic Minority Association

Association of National Park Authorities

Association of Noise Consultants

British Air Transport Association

British Medical Association

British Tinnitus Association

Chemical Industries Association

Civil Engineering Contractors Association

Country Landowners Association

Electricity Association

Engineering Employers Association

Environmental Noise Barriers Association

Freight Transport Association

House Builders Association

Imported Tyre Manufacturer's Association

Low Frequency Noise Sufferers Association

Motorcycle Industry Association

Natural Gas Vehicle Association

Quarry Products Association

Railway Industry Association

Refined Bitumen Association

Road Haulage Association

Town & Country Planning Association

UK Environmental Law Association

UK Noise Association

Welsh Association of Technical Advisers

Welsh Environmental Services Association

Welsh Local Government Association

Business and Industry

Advisory Committee on Business & Environment

Arena Network QED Centre

British Waterways

Cardiff Chamber of Commerce

CBI Wales

Chester, Ellesmere Port & North Wales Chamber of Commerce

Construction Industry Council

County Surveyors Society

Federation of Small Businesses

Groundwork Wales

Institute of Civil Engineers

Institute of Directors

Mid Wales Partnership

North Wales Economic Forum

Royal Town Planning Institute

South East Wales Economic Forum

South West Wales Economic Forum

Wales Automotive Forum

Wales Co-operative Centre Ltd

Wales TUC

Welsh Development Agency

Welsh Electronics Forum

Education

Council for Environmental Education

Institute of Biological Sciences

Institute of Geography and Earth Sciences

Institute of Sound & Vibration Research

Northeast Wales Institute

Open University in Wales

Swansea institute of Higher Education

Trinity College Carmarthen

University of Glamorgan

University of Lampeter

University of Wales Aberystwyth

University of Wales Bangor

University of Wales Institute Cardiff

University of Wales Newport

University Hospital of Wales

University of Wales Swansea

Welsh Institute of Rural Studies

Equality Bodies

Barry Community Enterprise Centre

Commission for Racial Equality Wales

Disabled Persons Transport Advisory Committee

Disability Rights Commission

Equal Opportunities Commission for Wales

Hearing Concern

Hearing Research Trust

Hearing Service Centre

Right to Peace and Quiet Campaign

Royal National Institute for Deaf People

Royal National Institute for the Blind (RNID)

Stonewall Cymru

Wales Council for Voluntary Action

Wales Women's National Coalition

Wales Social Partners Unit Ltd

Health

Chief Executives in Local Health Boards

Chief Executives in NHS Trusts

National Public Health Service Wales

Wales Centre for Health

Health and Safety Executive

Local Government

Chief Executives in Local Authorities

Chief Environmental Health officers in Local Authorities

Chief Planning Officers in Local Authorities

National Park Officers in Local Authorities

One Voice Wales

Environment & Noise

Chartered Institute for Environmental Health

Energy and Environment Group

Environment Agency Wales

Environmental Industries Commission

Friends of the Earth Cymru

Green Alliance

Institute for Environmental health

Institute for European Environmental Health

National Society for Clean Air (NSCA)

Institute of Acoustics

Natural Environment Research Council

Noise Aatement Society

Royal Commission on Environmental Pollution

Women's Environmental Network

Farming/Rural

Campaign for the Protection of Rural Wales

Country Land & Business Association

Countryside Council for Wales (CCW)

Council for National Parks

Farmers Union of Wales (FUW)

National Farmers Union Cymru (NFU)

National Trust Wales

Royal Society for the Protection of Birds (RSPB)

Urban Forum

Wildlife Trust

Political

Plaid Cymru

Welsh Conservative Party

Welsh Labour Party

Welsh Liberal Democrats

Rail & Transport

Arriva Trains Wales

Association of Train Co-ordinating Officers

Automobile Association

Confederation of Passenger Transport

Eurostar Ltd

First Great Western Trains

Green Flag

Institute of Logistics & Transport

Institute of Road Transport Engineers

Network Rail

Office of the Rail Regulator

Passenger Transport Executive Group

Private Wagon Federation

RAC

Rail Passengers Council

Railway Development Society

Railway Forum

Society of Motor Manufacturers & Traders

Strategic Rail Authority

Transport 2000

Virgin Trains

Wales Automotive Forum