

Environment Planning and Countryside Committee

EPC(2) 10-06(p1)

Date: 28 June 2006

Venue: National Assembly for Wales, Cardiff Bay

Title: The Environmental Noise Directive: Strategic Mapping and Action Planning for Noise

Purpose

1. The Environmental Noise (Wales) Regulations 2006 (the Regulations) were identified for scrutiny by the Environment, Planning and Countryside Committee. This paper provides background information to support the Committee's scrutiny of the Regulations.

Summary / recommendations

2. In summary, this paper provides the Committee with information about the transposition and implementation of Directive 2002/49/EC 'The Environmental Noise Directive' (END). The Committee is consideration the implementing Regulations for the Directive today.

3. The Committee is invited to:

- consider the Environmental Noise (Wales) Regulations 2006 and the supporting documentation, including an explanatory memorandum and regulatory appraisal, and recommend the Regulations for agreement in Plenary
- note that noise mapping and action planning will be required to implement Directive 2002/49/EC 'The Environmental Noise Directive'

4. The UK as a whole is subject to infraction proceedings by the European Commission for failure to transpose the END on time. The coming into force of the Regulations is the key step in transposing the END in Wales. Any further delay in making the Regulations would put Wales out of step with the rest of the UK and leave the National Assembly vulnerable to infraction action, and possible fines, against it alone.

Background

5. The END sets out requirements for a strategic assessment of the environmental noise climate across Europe. It provides for a phased mapping process by specifying noise sources and thresholds for mapping. Only certain parts of Wales will be mapped during the first round. (Further details are contained in the Explanatory Memorandum.)

6. The Welsh Assembly Government is required to make regulations to transpose the Directive into legislation for Wales. The Committee is considering the transposing Regulations today.

Transposing the END

7. The Environmental Noise Directive (END) was adopted in June 2002, with the deadline for transposition into UK law being 18 July 2004. The European Commission delivered a reasoned opinion on 13 July 2005 to the effect that the UK had failed to transpose the Directive into domestic law. The UK Government have not contested the reasoned opinion.

8. Defra is the lead UK Government department. The deadline for transposition was missed due to the large number of complex technical issues. Transposition of the Directive in all devolved administrations has been delayed pending transposition in England. Defra plan to lay regulations in England by the end of July 2006, Scotland and Northern Ireland plan to lay regulations by the August 2006.

9. Any delays to the legislative process in Wales, which cannot be attributed to the delay in preparing regulation by the UK, will increase the risk of the National Assembly for Wales incurring fines for failure to transpose.

Implementing the END

10. As well as making regulations to transpose the Directive, the Assembly Government is required to undertake noise mapping and, subsequently, action planning, to implement the requirements of the Directive.

11. The mapping process involves integrated data gathering, manipulation and the use of noise assessment models and the results of the first round of mapping must be reported to the European Commission by 30 June 2007.

12. The detailed requirements of the action planning process will only become clear once the first round of mapping is complete and the first round of action plans must be reported to the European Commission by 18 July 2008.

Cross cutting themes

13. Exposure to noise can be harmful to human health and the environment. The implementation of the Regulations, and the END, will contribute to sustainable development by requiring an assessment of,

and then action planning to address, exposure to noise from a range of sources.

Action for Committee

14. The Committee is invited to:

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- note that noise mapping and action planning will be required to implement Directive 2002/49/EC 'The Environmental Noise Directive'

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