
WELSH STATUTORY INSTRUMENTS

2006 No. 2629

The Environmental Noise (Wales) Regulations 2006

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Environmental Noise (Wales) Regulations 2006 and they come into force on 4 October 2006.

(2) These Regulations apply in relation to Wales.

(3) Nothing in paragraph (2) means that strategic noise maps made or revised under these Regulations should be limited to Wales.

(4) These Regulations apply to environmental noise to which humans are exposed in particular in built-up areas, in public parks or other quiet areas in an agglomeration, near schools, hospitals and other noise-sensitive buildings and areas.

(5) These Regulations do not apply to noise that is caused by the exposed person him or herself, noise from domestic activities, noise created by neighbours, noise at work places or noise inside means of transport or due to military activities in military areas.

Interpretation

2.—(1) Unless otherwise defined in these Regulations, words and terms used in these Regulations and in the Directive have the same meaning as in the Directive.

(2) In these Regulations—

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales;

“agglomeration” (“*crynodref*”) means an area identified as an agglomeration pursuant to regulation 3;

“airport operator” (“*gweithredydd maes awyr*”) means the person for the time being having, in relation to a particular airport, the management of that airport;

“calendar year” (“*blwyddyn galendr*”) means a period of a year beginning on 1 January;

“dB(A)” (“*dB(A)*”) is a measure of sound pressure level (“A” weighted) in decibels as specified in British Standard BS EN 61672-2: 2003(1);

“DEFRA” means the Department for Environment Food and Rural Affairs;

“designated” (“*wedi'i ddynodi*”) when used in relation to any airport means designated under section 80 for the purposes of section 78 of the Civil Aviation Act 1982(2);

(1) ISBN 0-580-42224-0.

(2) 1982 c. 16.

“Directive” (“*Cyfarwydddeb*”) means 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⁽³⁾;

“first round agglomeration” (“*crynodref cylch cyntaf*”) means an area identified as a first round agglomeration pursuant to regulation 3;

“first round major railway” (“*prif reilffordd cylch cyntaf*”) means a railway which is identified as a first round major railway pursuant to regulation 3;

“first round major road” (“*prif ffordd cylch cyntaf*”) means a road which is identified as a first round major road pursuant to regulation 3;

“in the form of regulations” (“*ar ffurf rheoliadau*”) means in the form of regulations made under section 2(2) of the European Communities Act 1972;

“Lday” covers the period 07:00 – 19:00 hours in any 24 hour period;

“Levening” covers the period 19:00 – 23:00 hours in any 24 hour period;

“Lnight” covers the period 23:00 – 07:00 hours in any 24 hour period;

“major airport” (“*prif faes awyrr*”) pursuant to regulation 3;

“major railway” (“*prif reilffordd*”) means a railway which is identified as a major railway pursuant to regulation 3;

“major road” (“*prif ffordd*”) means a road which is identified as a major road pursuant to regulation 3;

“motorway” (“*traffordd*”) means a special road which (save as otherwise provided by or under regulations made under section 17 of the Road Traffic Regulation Act 1984⁽⁴⁾) can be used by traffic only of Class I or II as specified in Schedule 4 to the Highways Act 1980⁽⁵⁾;

“non-designated” (“*heb ei ddynodi*”) when used in relation to an airport means not designated under section 80 for the purposes of section 78 of the Civil Aviation Act 1982;

“principal or classified road” (“*prifffordd neu ffordd ddosbarth*”) means a road which is known as—

- (a) a principal road;
- (b) a classified road; or
- (c) both a principal road and a classified road,

by virtue of section 12 of the Highways Act 1980 (whether by falling within subsection (1), or being classified under subsection (3));

“quiet area in an agglomeration” (“*ardal dawel mewn crynodref*”) means an area which is identified as a quiet area in an agglomeration in accordance with regulation 13;

“special road” (“*ffordd arbennig*”) has the same meaning as in section 329(1) of the Highways Act 1980;

“supplementary noise indicator” (“*dangosydd swê n atodol*”) has the meaning given in regulation 4(6); and

“trunk road” (“*cefnffordd*”) means any highway for which the Assembly is the relevant highway authority.

(3) O.J. No. L 189, 18.07.2002, p. 12.

(4) 1984 c. 27; section 17 was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 28 and Schedule 9, and by the Road Traffic Act 1991 (c. 40), Schedule 7, paragraph 3 and Schedule 8.

(5) 1980 c. 66. Schedule 4 has been amended by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 3, paragraph 21(3).

Identification of noise sources

3.—(1) No later than 31 December 2006 the Assembly must, in the form of regulations, identify all—

- (a) first round agglomerations;
- (b) first round major roads;
- (c) first round major railways; and
- (d) major airports.

(2) No later than 31 December 2011 the Assembly must, in the form of regulations, identify all—

- (a) agglomerations;
- (b) major roads;
- (c) major railways; and
- (d) major airports.

(3) Paragraph (4) applies if the Assembly considers that the most recent regulations produced pursuant to this regulation are no longer appropriate.

(4) In any relevant year the Assembly must, in the form of regulations, identify—

- (a) agglomerations;
- (b) major roads;
- (c) major railways; or
- (d) major airports,

as necessary.

(5) In paragraph (4) “relevant year” (“*blwyddyn berthnasol*”) means 2016 and every fifth year thereafter.

(6) When discharging its duty under paragraph (1)(a) to identify first round agglomerations, the Assembly must identify areas—

- (a) having a population in excess of 250,000 persons and a population density equal to or greater than 500 people per km²; and
- (b) which it considers to be urbanised.

(7) When discharging its duty under paragraph (2)(a) or (4)(a) to identify agglomerations the Assembly must identify areas—

- (a) having a population in excess of 100,000 persons and a population density equal to or greater than 500 people per km²; and
- (b) which it considers to be urbanised.

(8) When discharging its duty under paragraph (1)(b) to identify first round major roads the Assembly must identify roads which—

- (a) are—
 - (i) trunk roads,
 - (ii) motorways that are not trunk roads, or
 - (iii) principal or classified roads;
- (b) have more than six million vehicle passages a year; and
- (c) it considers to be regional, national or international.

(9) When discharging its duty under paragraph (2)(b) or (4)(b) to identify major roads the Assembly must identify roads which—

- (a) are—
 - (i) trunk roads,
 - (ii) motorways that are not trunk roads, or
 - (iii) principal or classified roads;
- (b) have more than three million vehicle passages a year; and
- (c) it considers to be regional, national or international.

(10) When discharging its duty under paragraph (1)(c) to identify first round major railways the Assembly must identify railways which have more than 60,000 train passages per year.

(11) When discharging its duty under paragraph (2)(c) or (4)(c) to identify major railways the Assembly must identify railways which have more than 30,000 train passages per year.

(12) When discharging its duty under paragraph (1)(d), (2)(d) or (4)(d) to identify major airports the Assembly must identify civil airports which have more than 50,000 movements per year (a movement being a take-off or a landing), excluding those purely for training purposes on light aircraft.

PART 2

STRATEGIC NOISE MAPS

CHAPTER 1

GENERAL REQUIREMENTS FOR STRATEGIC NOISE MAPS

Strategic noise maps: general requirements

4.—(1) Any strategic noise map made or revised under this Part must satisfy the applicable requirements in Schedule 1.

- (2) A competent authority under regulation 6 or 10 must apply—
 - (a) the noise indicators L_{den} and L_{night} in accordance with Annex I of the Directive; and
 - (b) the supplementary noise indicators in all cases listed as examples in paragraph 3 of Annex I of the Directive,

when making or revising strategic noise maps under this Part.

(3) The values of L_{den} , L_{night} and the supplementary noise indicators must be determined by means of the assessment methods set out in Schedule 2.

(4) Subject to paragraph (5) existing noise indicators and related data may be converted into L_{den} and L_{night} .

- (5) The data referred to in paragraph (4) must not be more than three years old.
- (6) “Supplementary noise indicator” means a noise indicator as defined in Schedule 3.

CHAPTER 2

STRATEGIC NOISE MAPS – NOISE SOURCES OTHER THAN NON-DESIGNATED AIRPORTS

Application

- 5.** This Chapter does not apply to noise from non-designated airports.

Competent Authority

6. The competent authority for this Chapter is the Assembly.

Duty to make, review and revise strategic noise maps

7.—(1) No later than 30 June 2007 the competent authority must make and, in accordance with regulation 23, adopt strategic noise maps showing the situation in the preceding calendar year for all—

- (a) first round agglomerations;
- (b) first round major roads;
- (c) first round major railways; and
- (d) major airports.

(2) No later than 30 June 2012, and thereafter every five years, the competent authority must make and, in accordance with regulation 23, adopt strategic noise maps showing the situation in the preceding calendar year for all—

- (a) agglomerations;
- (b) major roads;
- (c) major railways; and
- (d) major airports.

(3) From time to time, and whenever a major development occurs affecting the existing noise situation, the competent authority must—

- (a) review; and
- (b) if necessary revise,

any strategic noise map made pursuant to paragraphs (1) or (2) and adopted pursuant to regulation 23.

CHAPTER 3

STRATEGIC NOISE MAPS – NON-DESIGNATED AIRPORTS

Application

8. This Chapter applies to noise from non-designated airports.

Interpretation

9.—(1) In this Chapter—

“input data” (“*data mewnbwn*”) means all the data and related information used to produce the numerical data in electronic form required by paragraph 3(2)(b) or 4(2)(b) (as appropriate) of Schedule 1;

“metadata” (“*metadata*”) means such elements of Section 2 of the “SPIRE Data Standard, Version 1.0” (DEFRA, 25 November 2004)(6) as are required to describe the—

- (a) input data; and
- (b) information and data required by paragraph 3(2) or 4(2) (as appropriate) of Schedule 1.

(2) Any requirement in this Chapter to submit input data to a competent authority is a requirement to submit that input data in a format that—

(6) SPIRE Programme, Product Reference: SIP – DP – 011.

- (a) is electronic;
- (b) allows electronic manipulation; and
- (c) does not require manipulation in order to reproduce the numerical data in electronic form required by paragraph 3(2)(b) or 4(2)(b) (as appropriate) of Schedule 1.

Competent Authority

10. The competent authority for this Chapter is the airport operator.

Duty to make, review and revise strategic noise maps: non-designated major airports

- 11.—(1) This regulation applies only to non-designated major airports.
- (2) No later than 31 March 2007, and thereafter every five years, the competent authority must—
- (a) make a strategic noise map showing the situation in the preceding calendar year for the airport; and
 - (b) submit that map with input data and metadata to the Assembly.
- (3) From time to time, and whenever a major development occurs affecting the existing noise situation, the competent authority must—
- (a) review; and
 - (b) if necessary revise,

any strategic noise map made pursuant to paragraph (2) and adopted pursuant to regulation 23.

(4) The competent authority must submit any strategic noise map revised pursuant to paragraph (3)(b), with input data and metadata, to the Assembly within three working days of its revision.

Duty to make, review and revise strategic noise maps: agglomerations

- 12.—(1) No later than 31 March 2007 the competent authority must—
- (a) make a strategic noise map showing the situation in the preceding calendar year for any relevant first round agglomeration; and
 - (b) submit that map with input data and metadata to the Assembly.
- (2) No later than 31 March 2012, and thereafter every five years, the competent authority must—
- (a) make a strategic noise map showing the situation in the preceding calendar year for any relevant agglomeration; and
 - (b) submit that map with input data and metadata to the Assembly.
- (3) From time to time, and whenever a major development occurs affecting the existing noise situation, the competent authority must—
- (a) review; and
 - (b) if necessary revise,

any strategic noise map made pursuant to paragraphs (1) or (2) and adopted pursuant to regulation 23.

(4) The competent authority must submit any strategic noise map revised pursuant to paragraph (3)(b), with input data and metadata, to the Assembly within three working days of its revision.

(5) In this regulation—

“relevant first round agglomeration” (“*crynodref cylch cyntaf perthnasol*”) means a first round agglomeration in which air traffic from the airport results in air traffic noise of—

- (a) an Lden value of 55 dB(A) or greater; or
 - (b) an Lnight value of 50 dB(A) or greater,
anywhere within the first round agglomeration;
- “relevant agglomeration” (“*crynodref perthnasol*”) means an agglomeration in which air traffic from the airport results in air traffic noise of—
- (a) an Lden value of 55 dB(A) or greater; or
 - (b) an Lnight value of 50 dB(A) or greater,
anywhere within the agglomeration.

PART 3

QUIET AREAS

Identification of quiet areas

- 13.**—(1) No later than—
- (a) 30 September 2007; and
 - (b) 30 September 2012,

the Assembly must, in the form of regulations, identify quiet areas in agglomerations.

(2) Paragraph (3) applies if the Assembly considers that the most recent regulations produced pursuant to this regulation are no longer appropriate.

(3) No later than 30 September in any relevant year the Assembly must, if it considers it necessary, in the form of regulations identify quiet areas in agglomerations.

(4) In paragraph (3) “relevant year” (“*blwyddyn berthnasol*”) means 2017 and every fifth year thereafter.

PART 4

ACTION PLANS

CHAPTER 1

GENERAL

Duty to publish criteria or limit values

14. No later than 18 July 2007 the Assembly must publish guidance setting out limit values or other criteria for the identification of priorities for action plans.

Action plans: general requirements

- 15.**—(1) Any action plan drawn up or revised under this Part must—
- (a) meet the objectives of Article 1(c) of the Directive;
 - (b) be designed to manage noise issues and effects, including noise reduction if necessary;
 - (c) aim to protect quiet areas in agglomerations against an increase in noise;

- (d) address priorities which must be identified by having regard to guidance published pursuant to regulation 14;
 - (e) apply in particular to the most important areas as established by strategic noise maps adopted pursuant to regulation 23; and
 - (f) meet the requirements in Schedule 4.
- (2) Paragraph (3) applies to—
- (a) any action plan; and
 - (b) any revision of an action plan,
- drawn up under this Part for an agglomeration.
- (3) An action plan and any revision of an action plan must be based upon and apply in particular to the most important areas as established by—
- (a) all strategic noise maps that—
 - (i) are made or revised pursuant to regulation 7, 11 or 12 and adopted pursuant to regulation 23, and
 - (ii) concern any part of the area addressed by the action plan; and
 - (b) a consolidated noise map.
- (4) In this regulation “consolidated noise map” (“*map sw n cyfunol*”) means a single strategic noise map consolidated from all strategic noise maps that—
- (a) are made or revised pursuant to regulation 7, 11 or 12 and adopted pursuant to regulation 23; and
 - (b) concern any part of the area addressed by the action plan.

CHAPTER 2

ACTION PLANS – NOISE SOURCES OTHER THAN MAJOR AIRPORTS

Competent Authority

16. The competent authority for this Chapter is the Assembly.

Duty to draw up, review and revise action plans

- 17.—(1) No later than 18 July 2008 the competent authority must draw up action plans for—
- (a) places near first round major roads;
 - (b) places near first round major railways; and
 - (c) first round agglomerations.
- (2) No later than 18 July 2013 the competent authority must draw up action plans for—
- (a) places near major roads;
 - (b) places near major railways; and
 - (c) agglomerations.
- (3) Paragraph (4) applies—
- (a) whenever a major development occurs affecting the existing noise situation; and
 - (b) at least every five years after the date on which an action plan is adopted pursuant to regulation 24.
- (4) The competent authority must—

- (a) review; and
 - (b) if necessary revise,
- the action plan.

CHAPTER 3

ACTION PLANS – MAJOR AIRPORTS

Competent Authority

18. The competent authority for this Chapter is the airport operator.

Duty to draw up, review and revise action plans

19.—(1) No later than 30 April 2008 the competent authority must—

- (a) draw up an action plan for places near the major airport; and
- (b) submit that action plan to the Assembly.

(2) Paragraph (3) only applies if the competent authority was not required to draw up an action plan for the major airport pursuant to paragraph (19) because it was not the competent authority on or before 30 April 2008.

(3) No later than 30 April 2013 the competent authority must—

- (a) draw up an action plan for places near the major airport; and
- (b) submit that action plan to the Assembly.

(4) Paragraph (5) applies—

- (a) whenever a major development occurs affecting the existing noise situation; and
- (b) at least every five years after the date on which an action plan is adopted pursuant to regulation 24.

(5) The competent authority must—

- (a) review; and
- (b) if necessary revise,

the action plan.

(6) An action plan revised pursuant to paragraph (5)(b) must be submitted to the Assembly within three working days of its revision.

CHAPTER 4

ACTION PLANS – PUBLIC PARTICIPATION

Public participation

20.—(1) In preparing and revising action plans the competent authorities under regulations 16 and 18 must ensure that—

- (a) the public is consulted about proposals for action plans;
- (b) the public is given early and effective opportunities to participate in the preparation and review of the action plans;
- (c) the results of that public participation are taken into account;
- (d) the public is informed of the decisions taken; and

- (e) reasonable time frames are provided allowing sufficient time for each stage of public participation.

CHAPTER 5

IMPLEMENTATION OF ACTION PLANS

Implementation of action plans

21.—(1) Where an action plan or a revision of an action plan—

- (a) has been adopted pursuant to regulation 24; and
- (b) identifies a public authority as responsible for a particular action,

that public authority must treat the action plan as its policy insofar as it relates to that action.

(2) A public authority may depart from any policy mentioned in paragraph (1) if—

- (a) it provides—
 - (i) the Assembly, and
 - (ii) the competent authority responsible for the preparation of the action plan or the revision (if not the Assembly),

with written reasons for departing from that policy; and

- (b) it publishes those reasons.

(3) In this regulation “public authority” (“*awdurdod cyhoeddus*”) includes any person who exercises functions of a public nature, but does not include—

- (a) either House of Parliament or a person exercising functions in connection with proceedings in Parliament;
- (b) courts or tribunals; or
- (c) the Assembly.

PART 5

COOPERATION WITH EXTERNAL COMPETENT AUTHORITIES

Cooperation with external competent authorities

22.—(1) When necessary in order to meet its obligations under these Regulations, a competent authority must use all reasonable endeavours to secure the cooperation of an external competent authority.

(2) A competent authority—

- (a) when requested to do so by an external competent authority; and
- (b) if necessary to meet that external competent authority’s obligations arising under the Directive,

must cooperate with that external competent authority.

(3) In this Part “external competent authority” (“*awdurdod cymwys allanol*”) means a competent authority in Northern Ireland, Scotland or England designated for the purposes of Article 4 of the Directive.

PART 6

ADOPTION OF STRATEGIC NOISE MAPS AND ACTION PLANS

Adoption of strategic noise maps

23.—(1) If the Assembly considers that a strategic noise map—

- (a) submitted to it pursuant to regulation 11 or 12;
- (b) submitted to it pursuant to paragraph (4); or
- (c) made or revised by it,

meets the requirements of regulation 4, it must adopt the map.

(2) If the Assembly considers that a strategic noise map submitted to it pursuant to regulation 11 or 12 or paragraph (4) does not meet the requirements of regulation 4 it may—

- (a) amend and adopt the map; or
- (b) reject the map.

(3) If a strategic noise map is rejected pursuant to paragraph (2)(b) the Assembly must notify the competent authority that submitted it of—

- (a) the reasons why the map was not adopted; and
- (b) the date by which the map must be revised and resubmitted.

(4) The recipient of a notification under paragraph (3) must submit the revised strategic noise map to the Assembly by the date specified in the notification.

(5) Paragraphs (1) to (4) apply to a revised strategic noise map as they apply to a strategic noise map submitted pursuant to regulation 11 or 12.

(6) If the Assembly amends—

- (a) a strategic noise map; or
- (b) a revised strategic noise map,

it must take such steps as it considers appropriate for ensuring that the map complies with the requirements of regulation 4.

Adoption of action plans

24.—(1) If the Assembly considers that an action plan—

- (a) submitted to it pursuant to regulation 19(1)(b), 19(3)(b) or 19(6);
- (b) submitted to it pursuant to paragraph (5); or
- (c) drawn up or revised by it,

meets the requirements of regulation 15, it may adopt the action plan.

(2) Paragraph (3) applies if—

- (a) the Assembly considers that an action plan submitted to it pursuant to regulation 19(1)(b), 19(3)(b) or 19(6) does not meet the requirements of regulation 15; or
- (b) an action plan is not adopted pursuant to paragraph (1).

(3) Where this paragraph applies the Assembly must—

- (a) amend and adopt the plan; or
- (b) reject the plan.

(4) If an action plan is rejected pursuant to paragraph (3)(b) the Assembly must notify the competent authority that submitted it of—

- (a) the reasons why the plan was not adopted; and
- (b) the date by which the plan must be revised and resubmitted.

(5) The recipient of a notification under paragraph (4) must submit the revised action plan to the Assembly by the date specified in the notification.

(6) Paragraphs (1) to (5) apply to a revised action plan as they apply to an action plan submitted pursuant to regulation 19(1)(b), 19(3)(b) or 19(6).

(7) If the Assembly amends—

- (a) an action plan; or
- (b) a revised action plan,

it must take such steps as it considers appropriate for ensuring that the action plan complies with the requirements of these Regulations.

PART 7

POWERS OF THE ASSEMBLY IN RELATION TO THE FUNCTIONS OF OTHER COMPETENT AUTHORITIES

Application

25. This Part does not apply to any functions under these Regulations for which the Assembly is the competent authority.

Powers

26.—(1) The Assembly may at any time require a competent authority to provide information in relation to its functions under these Regulations.

(2) A request for information pursuant to paragraph (1)—

- (a) must be made in writing;
- (b) may specify the format in which information must be provided; and
- (c) may specify the period of time within which a response must be received.

(3) If an authority receives a request pursuant to paragraph (1) it must respond—

- (a) within the time period specified pursuant to paragraph (2)(c); or
- (b) if no such period is specified, within fourteen days of receipt of the request.

(4) Paragraph (5) applies where—

- (a) the Assembly has consulted the competent authority; and
- (b) it considers that by reason of any act or omission, or any likely act or omission, by the competent authority—

- (i) a requirement of these Regulations; or
 - (ii) a requirement imposed on the United Kingdom by the Directive,
- is unlikely to be met.

(5) The Assembly may exercise such of the functions of the competent authority as it considers appropriate.

Recovery of expenses

27.—(1) Where the Assembly incurs expenses pursuant to—

- (a) regulation 23(2);
- (b) regulation 24(3); or
- (c) regulation 26(5),

it may recover those expenses from the relevant competent authority as a civil debt.

(2) In this regulation “relevant competent authority” (“*awdurdod cymwys perthnasol*”) means—

- (a) in relation to regulation 23(2), the competent authority that submitted the strategic noise map pursuant to regulation 11 or 12;
- (b) in relation to regulation 24(3), the competent authority that submitted the action plan pursuant to regulation 19; and
- (c) in relation to regulation 26(5), the competent authority whose functions the Assembly exercises pursuant to that regulation.

PART 8

INFORMATION TO THE PUBLIC

Competent Authority

28. The competent authority for this Part is the Assembly.

Availability of strategic noise maps and action plans

29.—(1) Any—

- (a) strategic noise map that is made available to the public before it is adopted pursuant to regulation 23; or
- (b) action plan that is made available to the public before it is adopted pursuant to regulation 24,

must include prominently displayed wording identifying it as a draft subject to adoption by the Assembly.

(2) Any—

- (a) strategic noise map adopted pursuant to regulation 23; or
- (b) action plan adopted pursuant to regulation 24,

must be published by the competent authority in accordance with the requirements of paragraph (3).

(3) A strategic noise map or an action plan published pursuant to paragraph (2) must be—

- (a) accompanied by a summary setting out the most important points;
- (b) displayed on the Assembly’s website;
- (c) made available for inspection during normal office hours at the Assembly’s principal office; and
- (d) supplied upon request for a reasonable charge.

PART 9

GUIDANCE

30. A competent authority, in exercising any of its functions under these Regulations, must have regard to any guidance issued by the Assembly under this regulation.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7).

3 October 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly