WELSH STATUTORY INSTRUMENTS

2006 No. 2629 (W.225)

ENVIRONMENTAL PROTECTION, WALES

The Environmental Noise (Wales) Regulations 2006

Made - - - -	*3 October 2006*
Coming into force - -	*4 October 2006*

The National Assembly for Wales, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**), in relation to measures relating to the assessment, management and control of environmental noise, makes the following Regulations:

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—

(**1**) S.I.2004/706.
(**2**) 1972 c. 68.

"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(**3**);

"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(**4**);

"Directive" ("*Cyfarwyddeb*") 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(**5**);

"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 awyr*") rsuant 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(**6**)) can be used by traffic only of Class I or II as specified in Schedule 4 to the Highways Act 1980(**7**);

"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" ("*prif ffordd neu ffordd ddosbarth*") means a road which is known as—

(a) a principal road;

(b) a classified road; or

(**3**) ISBN 0-580-42224-0.
(**4**) 1982 c. 16.
(**5**) O.J. No. L 189, 18.07.2002, p. 12.
(**6**) 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.
(**7**) 1980 c. 66. Schedule 4 has been amended by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 3, paragraph 21(3).

(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 sŵ 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.

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 Lden and Lnight 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 Lden, Lnight 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 Lden and Lnight.

(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.