

2018 No. 190

ENVIRONMENTAL PROTECTION

The Environmental Noise (Amendment) Regulations (Northern Ireland) 2018

Made - - - - *14th November 2018*

Coming into operation - *31st December 2018*

The Department of Agriculture, Environment and Rural Affairs, being a department designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the environment, makes these Regulations in exercise of the powers conferred by that section of, and paragraph 1A of Schedule 2 to, that Act^(c).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Noise (Amendment) Regulations (Northern Ireland) 2018 and come into operation on 31st December 2018.

(2) The Interpretation Act (Northern Ireland) 1954^(d) applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Environmental Noise Regulations (Northern Ireland) 2006

2.—(1) The Environmental Noise Regulations (Northern Ireland) 2006^(e) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation)—

(a) in paragraph (3)—

(i) in the definition of “Directive”, for the words from “of 25 June 2002” to the end substitute “relating to the assessment and management of environmental noise, as last amended by Commission Directive (EU) 2015/996^(f)”; and

(a) S.I. 2008/301

(b) 1972 c. 68. Section 2(2) is amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(c) Paragraph 1A is inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51). The relevant amendments are section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(d) 1954 c. 33 (N.I.)

(e) S.R. 2006 No. 387

(f) O.J. No. L 168, 1.7.2015, p 1

- (ii) for the definition of “the Department” substitute ““the Department” means the Department of Agriculture, Environment and Rural Affairs;”; and
- (b) after paragraph (3) add—
 - “(4) In these Regulations any reference to Annex I, II, VI or paragraph 7 of Annex IV of the Directive is to be construed as a reference to that Annex or paragraph as amended from time to time.”.
- (3) For regulation 4(3) to (5) (strategic noise maps: general requirements) substitute—
 - “(3) The values of L_{den} , L_{night} and the supplementary noise indicators shall be determined by computation (at the assessment position) and by means of the assessment methods set out in Annex II of the Directive.
 - (4) In this Regulation, “assessment position” means the assessment height in paragraph 7 of Annex IV of the Directive.”.
- (4) In regulations 7 (competent authority) and 26 (competent authority) for “the Department for Regional Development” substitute “the Department for Infrastructure”.
- (5) In regulation 53 after the word “Department” insert “or, formerly, the Department of the Environment”.
- (6) Omit Schedule 2 (assessment methods for the noise indicators).
- (7) In Schedule 3 (supplementary noise indicators)—
 - (a) in paragraph 10 (interpretation), omit the definition of “ $L_{A10,18h}$ ”; and
 - (b) in paragraph 11 (road traffic noise), omit “(a) $L_{A10,18h}$ ”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 14th November 2018.



Dave Foster
A senior officer of the Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

Directive 2002/49/EC of the European Parliament and of the Council (“the Directive”) relates to the assessment and management of environmental noise.

Article 6 of the Directive provided that Member States may use assessment methods laid down in their own legislation, adapted in accordance with Annex II of the Directive, for the determination of certain noise indicators until common assessment methods for those indicators are established and adopted by the European Commission through a revision of Annex II of the Directive. The Environmental Noise Regulations (Northern Ireland) 2006 (S.R. 2006 No.387) (“the 2006 Regulations”) implement the Directive.

The European Union Commission Directive 2015/996/EC (“the 2015 Directive”) established common noise assessment methods and replaced Annex II of the Directive with the Annex of the 2015 Directive.

These Regulations, which apply to Northern Ireland and which come into operation on 31st December 2018, implement the 2015 Directive and apply the common noise assessment methods in the Annex of the 2015 Directive, as amended from time to time, in place of the methods previously referred to in regulation 4 of the 2006 Regulations. These Regulations also make consequential amendments to regulations 2, 4 and Schedules 2 and 3 of the 2006 Regulations and update references to Departments’ names following the transfers of functions of Northern Ireland government departments in 2016.

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