

EXPLANATORY MEMORANDUM TO

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

S.R. 190

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations implement the Commission Directive (EU) 2015/996/EC of 19 May 2015 establishing common noise assessment methods according to Directive 2002/49/EC of the European Parliament and of the Council ("the 2015 Directive").
- 2.2. These Regulations apply to Northern Ireland and come into operation on 31st December 2018. They 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 Environmental Noise Regulations (Northern Ireland) 2006 (S.R. 2006 No.387) ("the 2006 Regulations") which relates to the identification of sources for noise mapping.
- 2.3. These Regulations also make consequential amendments to regulations 2, 4 and Schedules 2 and 3 of the 2006 Regulations and update references to Department's names following the transfers of functions in 2016.

3. Background

- 3.1. Directive 2002/49/EC of the European Parliament and of the Council relates to the assessment and management of environmental noise ("the 2002 Directive"). It requires Member States to undertake noise mapping and prepare action plans every five years. Article 6 of the 2002 Directive provided that Member States may use assessment methods laid down in their own legislation, adapted in accordance with Annex II of the 2002 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 2002 Directive. The 2006 Regulations implement the 2002 Directive.
- 3.2. The 2015 Directive established common noise assessment methods and replaced Annex II of the 2002 Directive with the Annex of the 2015 Directive. These Regulations transpose Annex II of the 2015 Directive.

4. Consultation

- 4.1. A full public consultation was not deemed necessary as the amendments are highly technical in nature and are a mandatory requirement of EU law.

5. Equality Impact

- 5.1. In accordance with the guidance produced by the Equality Commission for Northern Ireland and in keeping with section 75 of the Northern Ireland Act 1998, the proposals in this Statutory Rule have been screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.
- 5.2. The record of the screening exercise has been placed on record with the DAERA Equality Unit as required.

6. Regulatory Impact

- 6.1. Due to these Regulations being technical in nature, they do not place any direct or indirect additional burdens on businesses, charities, voluntary bodies or the public sector generally.
- 6.2. In accordance with section 1(1) of the Rural Needs Act 2016, the proposals in these Regulations have been subjected to a Rural Needs Impact Assessment ('RNIA'). This RNIA has been placed on record by DAERA's Regulatory and Natural Resources Policy Division.

7. Financial Implications

- 7.1. There are no financial implications associated with these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule complies with all of the provisions set out in section 24 of the Northern Ireland Act 1998, as amended by the European Union (Withdrawal) Act 2018.

9. EU Implications

- 9.1. This current amendment transposes the 2015 Directive which establishes common noise assessment methods according to the 2002 Directive. This should increase uniformity of the approach to noise mapping across Member States.

10. Parity or Replicatory Measure

- 10.1. Corresponding amendments are being introduced in England through The Environmental Noise (England) (Amendment) Regulations 2018 with equivalent amendments also being introduced in the other Devolved Administrations.

11. Additional Information

- 11.1. Not applicable.