
WELSH STATUTORY INSTRUMENTS

2009 No. 47 (W.15)

ENVIRONMENTAL PROTECTION, WALES

**The Environmental Noise (Wales)
(Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>15 January 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>19 January 2009</i>
<i>Coming into force</i>	- -	<i>9 February 2009</i>

These Regulations and the regulations they amend make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972⁽¹⁾ and it appears to the Welsh Ministers that it is expedient for the references to Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002⁽²⁾ relating to the assessment and management of environmental noise in the regulations which these Regulations amend to be construed as references to that Directive as amended from time to time.

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the assessment, management and control of environmental noise⁽³⁾. The Welsh Ministers make these Regulations in exercise of the powers conferred by that section and by paragraph 1A of Schedule 2 to that Act.

Citation, commencement and application

- 1.—(1) These Regulations—
- (a) may be cited as the Environmental Noise (Wales) (Amendment) Regulations 2009;
 - (b) come into force on 9 February 2009; and
 - (c) apply in Wales.

Amendment of the Environmental Noise (Wales) Regulations 2006

2. The Environmental Noise (Wales) Regulations 2006⁽⁴⁾ are amended as follows.
- 3.—(1) Regulation 2(2) (interpretation), is amended as follows:

(1) 1972 c. 68.
(2) O.J. No L 189, 18.07.2002, p.12.
(3) S.I. 2004/706.
(4) S.I. 2006/2629.

(2) In the appropriate place insert ““consolidated noise map” (“*map swm cyfynol*”) means a noise map compiled pursuant to regulation 15(4);”;

(3) At the end of the definition of “Directive” add “as amended from time to time;”;

(4) In the English version only for ““major airport” (“*prif faes awyr*”) pursuant to regulation 3”, substitute ““major airport” (“*prif faes awyr*”) pursuant to regulation 3;”.

4.—(1) Regulation 3 (identification of noise sources), is amended as follows:

(2) In paragraphs (2) and (4) for “must, in the form of regulations, identify all”, substitute “must publish maps identifying all”;

(3) In paragraph (3) for “the most recent regulations produced” substitute “most recent maps published”.

5. For regulation 13 (identification of quiet areas), substitute—

“(1) Quiet areas in first round agglomerations must be identified in the action plans drawn up under regulation 17(1)(c).

(2) Quiet areas in agglomerations must be identified in the action plans drawn up under regulation 17(2)(c)”.

6.—(1) Regulation 15 (action plans: general requirements) is amended as follows:

(2) For paragraph (1)(d) substitute “identify and address priorities having regard to guidance issued by the Welsh Ministers under regulation 30(1)”.

(3) For paragraph (4), substitute—

“The Welsh Ministers may compile consolidated noise maps in respect of any area from any 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.”

7. For regulation 30 (guidance), substitute—

“(1) The Welsh Ministers may issue guidance to a competent authority with respect to the exercise of its functions under these Regulations.

(2) A competent authority, in exercising any of its functions under these Regulations, must have regard to guidance issued by the Welsh Ministers under paragraph 1.”.

Revocation

8. Regulation 14 of the Environmental Noise (Wales) Regulations 2006 is revoked.

15 January 2009

Jane Davidson
Minister for Environment, Sustainability and
Housing, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Noise (Wales) Regulations 2006 ([S.I. 2006/2629](#)).

Regulation 3(2) inserts a definition of “consolidated noise map” into the list of words and terms used in the Environmental Noise (Wales) Regulations 2006 (“the 2006 Regulations”). Regulation 3(3) amends the definition of “Directive” in regulation 2 of the 2006 Regulations so that references to the Directive in the 2006 Regulations are to be construed as references to the Directive as amended from time to time in accordance with the power contained in paragraph 1A of Schedule 2 to the European Communities Act 1972. Regulation 3(4) makes a minor correction to the definition of “major airport” in regulation 2.

Regulation 4 amends regulation 3 of the 2006 Regulations so that the noise sources listed in regulation 3 of those Regulations are identified from 2011 by publishing maps.

Regulation 5 amends regulation 13 of the 2006 Regulations so that quiet areas in the first round agglomerations and agglomerations are required to be identified in the action plans for those agglomerations.

Regulation 6(1) amends regulation 15(1)(d) of the 2006 Regulations so that the action plans drawn up under Part 4 of the Regulations must identify and address priorities having regard to guidance issued by the Welsh Ministers under regulation 30(1). Regulation 6(2) amends regulation 15(4) of the 2006 Regulations by providing the Welsh Ministers with the power to make consolidated noise maps.

Regulation 7 amends regulation 30 of the 2006 Regulations by providing the Welsh Ministers with a revised power to issue guidance to competent authorities, and by imposing a duty on competent authorities to have regard to that guidance.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Radioactivity and Pollution Prevention Branch, Sustainable Energy Wales, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.