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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1208 (W. 245)**

**ENVIRONMENTAL PROTECTION, WALES**

**The Environmental Noise (Wales)  
(Amendment) Regulations 2018**

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| <i>Made</i>  | - - - - | <i>20 November 2018</i> |
| <i>Laid before the National<br/>Assembly for Wales</i> | - -     | <i>23 November 2018</i> |
| <i>Coming into force</i>                               | - -     | <i>31 December 2018</i> |

The Welsh Ministers make these Regulations under the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>. The Welsh Ministers are designated<sup>(2)</sup> for the purposes of that Act in relation to measures relating to the assessment, management and control of environmental noise.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Environmental Noise (Wales) (Amendment) Regulations 2018.

(2) These Regulations come into force on 31 December 2018.

(3) These Regulations apply in relation to Wales.

**Amendment of the Environmental Noise (Wales) Regulations 2006**

2.—(1) The Environmental Noise (Wales) Regulations 2006<sup>(3)</sup> are amended as follows.

(2) In regulation 2(2) in the definition of “Directive”, for “as amended from time to time” substitute “as last amended by Commission Directive (EU) 2015/996”.

(3) In regulation 4—

(a) in paragraph (3), for the words from “means of” to the end substitute “computation (at the assessment position) and by means of the assessment methods set out in Annex II to the Directive.”;

(b) after paragraph (3) insert—

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).  
(2) S.I. 2004/706. By virtue of paragraphs 28(1) and 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32), S.I. 2004/706 has effect as if made under section 59(1) of that Act.  
(3) S.I. 2006/2629 (W. 225), amended by S.I. 2009/47 (W. 15).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(3A) In paragraph (3), “assessment position” means the assessment height in paragraph 7 of Annex IV to the Directive.”;

- (c) omit paragraphs (4) and (5).
- (4) Omit Schedule 2.
- (5) In Schedule 3—
  - (a) in paragraph 1, omit the definition of “LA10, 18h”;
  - (b) omit paragraph 2(a).

20 November 2018

*Hannah Blythyn*  
Minister for Environment under authority of  
the Cabinet Secretary for Energy, Planning and  
Rural Affairs, one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Environmental Noise (Wales) Regulations 2006 ([S.I. 2006/2629 \(W. 225\)](#)) (“the 2006 Regulations”) in order to implement Commission Directive (EU) 2015/996 of 19 May 2015 establishing common noise assessment methods according to [Directive 2002/49/EC](#) of the European Parliament and of the Council (OJ No L 168, 1.7.2015, p. 1).

These Regulations provide for new common noise assessment methods as set out in Annex II to [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 (OJ No L 189, 18.7.2002, p. 12) (“the Directive”), as amended by Commission Directive (EU) 2015/996.

Regulation 2(2) amends the definition of “Directive” in regulation 2(2) of the 2006 Regulations.

Regulation 2(3)(a) amends paragraph (3) of regulation 4 of the 2006 Regulations to require determination of the values of Lden, Lnight and supplementary noise indicators at the assessment position and in accordance with the methodology in Annex II to the Directive.

Regulation 2(3)(b) inserts a new paragraph (3A) into regulation 4 of the 2006 Regulations, which defines the term “assessment position” for the purposes of paragraph (3).

Paragraphs (4) and (5) of regulation 4 of, and Schedule 2 to, the 2006 Regulations are omitted.

Regulation 2(5) omits the supplementary noise indicator “LA10, 18h” in Schedule 3 of the 2006 Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.