

EXPLANATORY MEMORANDUM TO
THE ENVIRONMENTAL NOISE (ENGLAND) (AMENDMENT) REGULATIONS
2018

2018 No. 1089

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (“Defra”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The instrument transposes into domestic legislation in relation to England the provisions of Commission Directive (EU) 2015/996 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) (“the Directive”). This amends Annex 2 to Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise (OJ No L 189 18.7.2002, p 12) (“the principal Directive”) in establishing a new common noise assessment methodology.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England only.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 This instrument is being made to transpose a European obligation imposed by the Directive. The instrument provides for the application in England of new common noise assessment methods as set out in Annex 2 to the principal Directive, the text of which was replaced by the Annex to the Directive. The transposition is achieved by

way of amendment to the Environmental Noise (England) Regulations 2006 (S.I. 2006/2238) (“the 2006 Regulations”).

7. Policy background

What is being done and why?

- 7.1 The principal Directive requires Member States to undertake five yearly cycles of strategic noise mapping followed by development of Action Plans based on the maps. The maps estimate people’s exposure to noise from road, rail and aviation, as well as noise from industry in large urban areas.
- 7.2 The Directive establishes a new common assessment methodology for noise mapping which takes account of technological and other developments since 2002.
- 7.3 The United Kingdom is required to transpose the Directive into domestic legislation by 31st December 2018, with the new assessment methodology being mandatory for the next round of strategic noise mapping. Member States are allowed very little flexibility in applying the new methodology, as the Directive sets out in detail the methods and equations which must be used without any scope for national variation.
- 7.4 The instrument amends the 2006 Regulations to refer to the new methodology, replacing the assessment methods formerly set out in Schedule 2 to the Regulations. It also makes one adjustment to the national supplementary noise indicators in Schedule 3 to the Regulations to ensure compatibility with the new methodology.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 The Department does not intend to consolidate the relevant legislation at this time.

10. Consultation outcome

- 10.1 No consultation was undertaken as the instrument only affects the technical methods to be used for modelling calculations. Stakeholders have been aware of the new methodology since its publication in 2015 and have been informed of Defra’s intention to transpose the Directive into domestic legislation in relation to England by the end of 2018, as required.

11. Guidance

- 11.1 There is no associated guidance.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because of the low level of impact on business.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is that Defra will monitor and review the impact of the instrument as part of its standard policy-making procedures.

14.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Thérèse Coffey MP has made the following statement. A statutory review clause is not appropriate for this instrument as the new noise assessment methodology will not have a significant regulatory impact on business, since its expected impact will be less than £5 million net annualised cost.

15. Contact

15.1 Lewis Baker at Defra, Telephone: 0208 026 3541 or email: lewis.baker@defra.gsi.gov.uk can be contacted with any queries regarding the instrument.

15.2 Andrew Jackson, Deputy Director for noise at Defra can confirm that this Explanatory Memorandum meets the required standard.

15.3 Thérèse Coffey MP at Defra can confirm that this Explanatory Memorandum meets the required standard.