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Technical Consultee

Environmental Noise Directive 2<sup>nd</sup> Consultation

15<sup>th</sup> November 2005

Dear Sir/Madam

**Technical Consultation on Draft Regulations for the Transposition of the Environmental Noise Directive (2002/49/EC) in England**

**Past and Present Consultations**

In the Spring of this year Defra went out to public consultation to ascertain the public's views on the broad approach to take for transposing the European Union Directive 2002/49/EC of 25<sup>th</sup> June 2002 relating to the assessment and management of environmental noise. That consultation was aimed at addressing policy issues such as the designation of competent authorities and the processes for producing and publishing noise maps and action plans. The public consultation was based upon Defra's consultation document of February 2005. Links to that document (and its covering letter, which sets out the main aims and requirements of the Directive) and the Directive itself are provided at the bottom of this letter.

The purpose of the current letter is specifically to seek technical comments from environmental noise specialists on the attached draft regulations for the transposition of the Directive in England "the draft implementing regulations". Wales, Northern Ireland and Scotland are transposing the Directive separately. You are requested not to comment on policy issues already covered in the public consultation, but instead to focus on the questions below relating to the technical workability of the draft implementing regulations. The Competent Authority for the production of all maps and action plans in the draft implementing regulations is the Secretary of State, save in relation to:

- (i) the mapping of non-designated airports; and
- (ii) airport action plans generally

where the Competent Authority is the relevant airport operator.

**The Structure of the Regulations**

The draft Explanatory Note at the end of the draft implementing regulations summarises what each Part of those regulations is intended to do, including the Schedules which contain much of the technical information. You are recommended to read the Explanatory



Note before concentrating on technical detail of the draft implementing regulations. It should be borne in mind that that the Government will in due course issue guidance to clarify certain aspects of the regulations (on, for example, what constitutes a major development necessitating the revision of a noise map).

The draft Transposition Note, just below the draft Explanatory Note, shows in detail how each aspect of the Directive is transposed into English law by the implementing regulations. When finalised this will be published separately from the implementing regulations.

### **The Current Consultation Questions**

This letter seeks comments on the following aspects of the draft implementing regulations. Do you agree:

1. That the definitions and references used are workable and accurate, particularly in regulation 2 and Schedules 1, 2 and 3?
2. With, in particular, the format required for the provision of metadata necessitated by the definition of “metadata” in regulation 2? The SPIRE Data Standard referred to is attached for your information.
3. That the supplementary noise indicators set out in Schedule 1 are sufficient for interpreting the results of the mapping process in the context of the noise indicators currently commonly used in England?
4. With the assessment methods set out in Schedule 2 for determining the values of  $L_{den}$  and  $L_{night}$ ?
5. With the use of Commission Recommendation 2003/613/EC (a link to which is provided at the bottom of this letter) in Schedule 2?
6. That the attached “Method for Converting the UK Road Traffic Noise Index  $L_{A10,18hr}$  to the EU Noise Indices for Road Noise Mapping” is workable and will achieve its stated aims?
7. That Schedule 3, including its definitions, is sufficient to enable the Government to easily and directly produce the exposure tables and contours that it is obliged to send to the European Commission under Annex VI of the Directive?
8. That those responsible for mapping are clear as to:
  - a. What they have to map;
  - b. How they have to map; and
  - c. The information that they have to supply?
9. That the input data supplied under Part 3 is sufficient to enable the Government to be confident that the maps in question have been prepared in accordance with the Directive?

10. That the draft implementing regulations will result in the timely production of accurate maps that will ensure that the Government complies with the requirements of the Directive?

11. Lastly, are there any other technical aspects of the draft implementing regulations on which you would like to comment?

### **Responding to this Consultation Letter**

We are inviting written responses to this consultation paper **by 12:00 noon Tuesday 6 December 2005**. However, it would be greatly appreciated if you would make your comments **as soon as you are able** to do so in order to avoid the majority of comments being received all at once.

Further, please make your comments **in a separate, editable document by reference to the number of the question above**. When referring to a particular regulation/Schedule paragraph number, please use the numbering of the draft implementing regulations.

### **Please send your comments to:**

[Sarah.Dandy@defra.gsi.gov.uk](mailto:Sarah.Dandy@defra.gsi.gov.uk)

Please address any queries that you have relating to the process of this consultation to Sarah Dandy on 020 7082 8413.

We are very grateful for your assistance.

Yours sincerely

### **Wendy Hartnell**

Head of Environmental Noise Team  
Defra

### **Encs**

Public consultation document, covering letter and partial RIA:  
<http://www.defra.gov.uk/corporate/consult/end-two/index.htm>

Environmental Noise Directive 2002/49/EC:  
[http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l\\_189/l\\_18920020718en00120025.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_189/l_18920020718en00120025.pdf)

Commission Recommendation 2003/613/EC:  
[http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l\\_212/l\\_21220030822en00490064.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l_212/l_21220030822en00490064.pdf)

DRAFT IMPLEMENTING REGULATIONS

BACK END CORRECTION PAPER

SPIRE