



Department
for Environment
Food & Rural Affairs

Consultation on draft Noise Action Plans

Environmental Noise (England) Regulations 2006

October 2018



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Part I Introduction

1. Purpose of this consultation

This consultation applies to England only and seeks views from all relevant stakeholders on the three draft Noise Action Plans that have been prepared by Defra for agglomerations (urban areas)¹, roads and railways.

These Action Plans have been prepared to fulfil the relevant obligations in the Environmental Noise (England) Regulations 2006 (“the Regulations”) which transpose Directive 2002/49/EC on the assessment and management of environmental noise (noise arising from roads, rail, aviation and industry), known as the Environmental Noise Directive.

2. Why the government is consulting

The Environmental Noise Directive requires, on a five yearly cycle, the production of strategic noise maps, the preparation of Action Plans based on the results of the noise mapping, and consultation with the public on the contents of these Action Plans.

The Action Plans are designed to manage environmental noise and its effects, including noise reduction if necessary, and preservation of quiet areas. A suite of Action Plans was previously adopted following earlier rounds of strategic noise mapping. These Action Plans included details of the process for identifying Important Areas (noise ‘hotspots’) and an outline approach for identifying and managing quiet areas in agglomerations.

The third round of noise mapping occurred during 2017 and this consultation seeks views on the Action Plans that have subsequently been prepared. The approach proposed is broadly a continuation of the policies set out in the previous Action Plans, with no substantial changes proposed to the way Important Areas are identified and managed, and no changes proposed to the process for identifying Quiet Areas. For this reason, we have decided on a 6 week consultation exercise.

The government recognises the importance of ensuring that noise is managed effectively, and following publication of the 25 Year Environment Plan earlier this year², plans to engage separately with stakeholders on long-term priorities for noise management in

¹ An agglomeration is an urban area with a population in excess of 100,000 persons and a population density equal to or greater than 500 people per km².

² <https://www.gov.uk/government/publications/25-year-environment-plan>

England and options for addressing them. The opportunities presented by EU exit will be a key part of these considerations going forward. The government will work closely with stakeholders to ensure that our future approach to managing environmental noise in England best addresses the country's needs.

3. Audience

This consultation will be of particular interest to:

- Authorities responsible for the sources generating the noise (such as Highways England, local highways authorities and relevant rail authorities);
- Planning and environmental health departments of local authorities;
- Those living in the agglomerations covered by this process and those affected by noise from the relevant major roads and major railways; and
- Special interest groups and professional bodies.

4. What the consultation covers

The Regulations identify Defra as the competent authority for preparing and adopting Noise Action Plans for agglomerations, major roads and major railways. This consultation relates to those draft Action Plans. It does not cover Noise Action Plans for airports³.

The draft Noise Action Plans set out the process for identifying Important Areas and describes the process that will be followed to determine what further measures, if any, might be taken to assist the management of road and rail noise in those areas, in order to assist with the implementation of the government's policy on noise⁴. The draft Noise Action Plan for agglomerations also provides details about the process to be followed to enable the formal identification of Environmental Noise Directive quiet areas with the aim of preserving environmental noise quality where it is considered good.

A more detailed summary of the contents of the action plans are provided in Part II of this document.

5. What the consultation package contains

The package contains the following documents:

³ The Regulations identify the relevant airport operators as competent authorities for preparing Noise Action Plans for airports.

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69533/pb13750-noise-policy.pdf

- Consultation letter and consultation document;
- Draft Noise Action Plan for Agglomerations;
- Draft Noise Action Plan for Roads; and
- Draft Noise Action Plan for Railways.

6. How you can have your say

This consultation will run for 6 weeks from 4 October 2018 to 23.59 on 15 November 2018. Please respond to the consultation through Citizen Space –

Defra <https://consult.defra.gov.uk/environmental-quality/noise> or by e-mail, answering the questions in section 13, to the following address: Noise@defra.gsi.gov.uk

You are encouraged to provide answers that explain your opinions fully.

The government will aim to publish a summary of responses alongside the final version of the Action Plans in early 2019.

7. After the consultation

The consultation responses will be evaluated and, where appropriate, the draft Action Plans will be amended. Defra intends formally to adopt the Noise Actions Plans in early 2019, following which summaries of the Action Plans will be submitted to the European Commission in line with the reporting timetable set out in the Environmental Noise Directive. The Action Plans will then be published on the Gov.uk website and implemented following the process described.

In line with the terms of the Environmental Noise Directive and the Regulations, the Action Plans will be valid for a five year period from the date of their adoption. The Action Plans shall be reviewed, and revised if necessary, when a major development occurs affecting the existing noise situation, and at least every five years after the date of their approval. To comply with the Regulations Defra will also keep the identification of quiet areas under review and make revisions where considered appropriate.

On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

8. Confidentiality and data protection

A summary of responses to this consultation will be published on the government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that responded **but will not include** personal names, addresses or other contact details.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department of Environment Food and Rural Affairs will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).

This consultation is being conducted in line with the Cabinet Office “Consultation Principles” and be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to:

Consultation Coordinator
Area 1C, 1st Floor
Nobel House
17 Smith Square,
London, SW1P 3JR.

Or email: consultation.coordinator@defra.gsi.gov.uk

Part II

9. Draft Noise Action Plans

Most people in the UK are affected by noise from transport and/or industrial sources. The government recognises that it is necessary to manage this noise, as exposure to it can have direct and indirect health effects and also adversely affect wellbeing and quality of life. The Noise Policy Statement for England sets out the long term vision of government noise policy as follows:

“Promote good health and a good quality of life through the effective management of noise within the context of government policy on sustainable development.”

The Environmental Noise Directive, which has been transposed into English law through the Environmental Noise (England) Regulations 2006, provides the legal framework for the management of transport and industrial noise and therefore assists the implementation of the Noise Policy Statement for England. The Regulations require, on a five year cycle, the production of strategic noise maps, the presentation of information to the public and the preparation of Noise Action Plans based on the results of the maps.

Environmental noise is defined in the Environmental Noise Directive as: “unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and noise from sites of industrial activity”. The Directive applies to environmental noise to which humans are exposed, but it specifically excludes noise created by the exposed person, noise from domestic activities, neighbour noise, noise at workplaces, noise inside means of transport and noise from military activity in military areas.

Following the third round of noise mapping carried out in 2017, the previously adopted Noise Plans have been updated and form the basis of this consultation. We are consulting on three draft Action Plans that cover:

- 65 agglomerations
- Roads
- Railways

The draft Action Plans meet the requirements set out in Annex V of the Directive. The general approach proposed is broadly a continuation of the policies set out in the previous Round 2 Action Plans, with no substantial changes proposed to the way Important Areas are identified and managed, and no changes proposed to the process for identifying Quiet Areas.

The agglomerations Action Plan covers all 65 Environmental Noise Directive agglomerations. This overarching Action Plan will be supported by an Appendix showing individual data for each agglomeration, but as data analysis work is ongoing this will be published alongside the finalised Action Plan.

10. Identification and management of Important Areas

The process for identifying Important Areas with respect to noise from roads and railways has not changed from the previous Action Plans. However the Round 3 mapping process has identified new Important Areas, a dataset of which will be published alongside the final versions of the Action Plans.

Important Areas have been identified in large urban areas or along major transport routes where the 1% of the population that are affected by the highest noise levels from roads or railways are located, according to the results of the strategic noise mapping. Full details are provided in the respective action plans, but in summary this approach has been taken because the population at these locations is likely to be at the greatest risk of experiencing a significant adverse impact to health and quality of life as a result of their exposure to road or rail noise.

The consultation does not propose any substantial changes to the way Important Areas are managed. The relevant transport authorities⁵ will remain responsible for examining Important Areas and forming a view about what measures, if any, might be taken in order to assist with the implementation of the government's policy on noise. The six possible outcomes and actions for each Important Area have been carried over from the previous Action Plans. Defra will monitor progress made through liaison with the relevant authorities.

11. Identification of quiet areas in agglomerations

The agglomerations Action Plan provides further details of a process to enable the identification of END quiet areas, which has not changed from the previous Action Plans.

Local authorities (those with land falling within Environmental Noise Directive agglomerations) are invited to nominate a select number of their approved Local Green Spaces delineated in Local or Neighbourhood Plans, for identification as quiet areas. Nominations will be submitted to Defra using an application form (Annex D of the Agglomerations Action Plan) and assessed by Defra on an annual basis using the criteria in Part F of the agglomerations Action Plan.

⁵ Highways England for the strategic road network; local highway authorities for other roads; and the Department for Transport alongside relevant rail industry partners for railways. Full details are available in the relevant action plans.

Once identified by Defra, eligible local authorities will be expected to implement measures to preserve these quiet areas and aim to protect them from an increase in noise arising from sources covered by the Environmental Noise Directive.

The process has been designed to complement the existing open space management functions of local authorities rather than being a discrete new activity and is entirely voluntary. Consequently, we believe that this approach will not give rise to a specific additional burden for local authorities.

12. Impacts of proposals

The proposals set out in this consultation do not introduce any new policies or burdens; instead the focus is on providing a routine update to the existing Action Plans, as required by the Regulations.

The relevant transport authorities already have a duty to a greater or lesser extent to manage the noise they create and they do take this responsibility into account when setting their budgets. The Noise Action Plans are simply requiring that part of that noise management is prioritised to meet the aims of the government's noise policy. Clearly there will be a small cost to carry out the investigation work, but it is anticipated that the investigation cost will be met from within the budget routinely set aside for such noise management work. Should any specific mitigation measures be identified and there is no budget immediately available to implement it then the relevant transport authorities will need to re-prioritise existing budgets to enable the funds for the action to become available.

The approach proposed will result in a similar total number of Important Areas to Round 2. Those areas that have already been investigated will not be required to be investigated again; instead the same outcome will apply. This will enable noise making authorities, in consultation with Local Authorities to focus on those areas which have not yet been investigated, and any new areas which have been identified.

As before, we do not intend to take any additional pro-active action regarding noise from industry as we are content that the current mechanisms in place provide effective noise management. Consequently, the aspects of the Noise Action Plans relating to Important Areas place no burden on businesses.

The proposed approach to identifying quiet areas, whereby eligible local authorities are able to nominate Local Green Spaces, will not create any new requirements, but will simply put in place a mechanism should local authorities wish to identify quiet areas on an entirely voluntary basis. It is possible that quiet areas, if identified, may have a small impact on businesses as local authorities will aim to protect them from an increase in noise from transport and industrial noise sources. Therefore, certain activities giving rise to these sources of noise may be restricted both within and outside the quiet area. However, we suggest that a quiet area will first need to have been designated in a Local or

Neighbourhood Plan, either as a Local Green Space or as Metropolitan Open Land so will already be protected to some extent. We also expect that, through the plan making and examination process, wider sustainable development considerations will have been taken into account and the quiet area will therefore not conflict with any existing or proposed development.

13. Questions for consultation

Important areas

Important Areas are the areas where the population is exposed to the highest levels of noise from road and railway sources.

Question 1: What are your views on the proposed approach for identifying Important Areas?

Question 2: In your view, how might this approach be improved?

Road and railway plans

The Roads and Railway Plans include summaries of the range of approaches which can currently be taken to manage road and railway noise effectively (see section 6 of the Roads and Railways Plans).

Question 3: In your view, how might these summaries be improved?

Question 4: If you consider that important aspects have been omitted, could you explain what these are and why you feel they are important?

Question 5: Are there any further comments you wish to make on the road, railway or agglomeration Plans?

Long term strategy

As explained in Long Term Strategy sections of the Roads and Railways Plans, the government plans to engage separately with stakeholders on long-term priorities for noise management in England and options for addressing them.

Question 6: Do you have any initial views on opportunities which EU exit may present to better address the country's needs for managing environmental noise?