

SL(5)127 - The Well-being of Future Generations (Wales) Act 2015 (Assessments of Local Well-being) Regulations 2017

Background and Purpose

These **Regulations** provide that in preparing an assessment of well-being under section 37 of the **Well-being of Future Generations (Wales) Act 2015**, a public services board must take into account the most recent review of air quality for their local authority area carried out under section 82 of the **Environment Act 1995** and the most recent strategic noise maps made under Part 2 of the **Environmental Noise (Wales) Regulations 2006** and adopted by the Welsh Ministers.

Procedure

Negative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument, in that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly (Standing Order 21.3(ii)).

- These Regulations require public services boards, when preparing assessments of well-being, to take account of the most recent strategic noise map made under the Environmental Noise (Wales) Regulations 2006 and adopted by the Welsh Ministers.
- The timetable set out in legislation provides that the latest map should have been adopted by the Welsh Ministers by the end of June 2017. However, the link provided in the Explanatory Memorandum to the "latest" map links to a map from 2012.
- The Explanatory Memorandum states that new noise maps are due to be published online by the end of 2017. But, as noted above, the latest maps should have been adopted by the end of June 2017.

Implications arising from exiting the European Union

None.

Government Response

The Environmental Noise Directive, and the Environmental Noise (Wales) Regulations 2006 which transpose the Directive into Welsh law, both require strategic noise maps "showing the situation in the preceding calendar year" to be made and adopted by 30 June 2017. They also require the strategic noise maps to be published. They do not specify a date by which publication must occur. However, the Directive requires the strategic noise maps to be reported to the European Commission within six months of the date specified for their making and adoption, i.e. by the end of December 2017. As stated in the explanatory memorandum, the Welsh Government aims to publish the revised noise maps for Wales on the Lle website by this same date.



The legislation requires strategic maps to show the situation in the preceding calendar year, i.e. 2016. The Welsh Government reviewed the strategic noise maps which had been made in 2012 (showing the situation in 2011) and concluded that the maps for major roads and for industry in agglomerations were no longer representative and would therefore need to be re-made in 2017. Department for Transport traffic flow data for a given year only becomes available for use in noise calculations shortly before or around June the following year. If strategic noise maps were to be published by the end of June 2017, they would have to rely upon traffic flow data for the year 2015, and so would not be truly representative of the preceding calendar year. The Welsh Government considers that delaying the publication of the new noise maps to shortly before the December reporting deadline specified in the Directive is justified as it enables the maps that are published and reported to both be calculated from 2016 traffic flow data and also take into account more recent changes to road layouts and the residential population than would have been possible had the noise mapping process ceased in June. As a consequence, the noise action planning priority areas that will be identified in the 2018 revision of the noise action plan for Wales will be informed by traffic flow data from 2016 rather than 2015, and more up-to-date road layouts and residential population statistics than would otherwise be the case.

Legal Advisers

Constitutional and Legislative Affairs Committee

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