

Policy Guidance for the identification and designation of Quiet Areas designated pursuant to the Environmental Noise Regulations (Northern Ireland) 2006

Should you require a copy of this document in a more accessible form, the following formats are available on request: large print, disk, Braille and audiocassette. The document may be available on request in minority ethnic languages to those who are not proficient in English. The Department will translate executive summaries of key publications into Ulster-Scots or Irish upon request. Information and additional copies of the document can be requested by textphone on 028 9054 0642.

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Environment
www.doeni.gov.uk

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1. Introduction

1.1 Need for Policy Guidance

The Department of the Environment (“the Department”) is consulting on draft Policy Guidance for the identification and management of Quiet Areas. Such areas are designated pursuant to regulation 40 of the Environmental Noise Regulations (Northern Ireland) 2006 (“the Regulations”). The Regulations transpose the European Parliament and Council Directive relating to the assessment and management of environmental noise (the Environmental Noise Directive 2002/49/EC (END)).

The three main objectives of the Directive are to:

- Determine the noise exposure of the population through noise mapping;
- Make information on environmental noise available to the public; and
- Develop Action Plans based on the mapping results, to reduce noise levels where necessary, and to preserve environmental noise quality where it is good.

The Directive required Member States to produce strategic noise maps for the main sources of environmental noise, namely, roads, railways, airports and industry in agglomerations with more than 250,000 persons (Greater Belfast) in 2007. This was the first round of noise mapping. Further strategic maps for smaller roads railways, airports and industry in agglomerations with more than 100,000 persons were made in 2012 (round 2) and will be updated every 5 years thereafter.

Regulation 40 requires the Department to prepare maps identifying Quiet Areas within agglomerations. This Policy Guidance sets out the Department’s criteria and procedure for the identification of Quiet Areas and highlights the mechanisms by which Quiet Areas shall be protected against an increase in noise.

1.2 Equality/Human Rights/Rural Proofing Issues

Equality Impact Assessment

Under Section 75 of the Northern Ireland Act 1998, public authorities have a statutory duty to promote equality of opportunity. Preliminary screening exercises have been undertaken and there is no evidence that the proposed measures will have any impact on any of the groups specified in Section 75. Therefore, the Department does not consider a full Equality Impact Assessment to be necessary. Copies of all screened policies are available from the website at http://www.doeni.gov.uk/index/information/equality_unit.htm

The Equality Commission will receive copies of this consultation document as part of the consultation exercise. Any comments that the Commission might have will be taken into account.

Human Rights Issues

The Human Rights Act 1998 implements the European Convention on Human Rights which makes it unlawful for any public authority to act in a way that is incompatible with these rights. All proposed legislation must be assessed to ensure compliance. Screening exercises have been completed which concluded that the proposed amendments to the Regulations mentioned above are compatible with the Human Rights Act.

Rural Proofing

Rural proofing is a process to ensure that all relevant Government policies are examined carefully and objectively to determine whether or not they have a different impact in rural areas from that elsewhere. The Department considers that the measures contained within the proposed technical guidance are unlikely to have any different impact in rural areas to that within any other sector of the community.

1.3 Regulatory Impact Statement

The Department has not carried out a Regulatory Impact Assessment on the implications for the proposed policy guidance as it does not consider that the guidance will place any financial burden, in addition to that which is imposed by the END itself, on organisations involved in noise mapping and action planning. The policy guidance will have no immediate impact on businesses or the voluntary sector.

The policy guidance simply provides a structure within which the Department can comply with the requirements of the END, which will ensure a consistent approach to the identification and management of Quiet Areas.

1.4 Freedom of Information

Confidentiality of Consultation Responses

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations as they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:-

- the Department should only accept information from third parties in confidence if it is necessary to obtain information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and

- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified by the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office, or see the web-site at:-

<http://www.ico.gov.uk>

1.5 How to respond to this consultation

Responses are invited to this consultation paper by **16 November 2015** and should be sent to the address below. Early responses would be most welcome and a summary of the responses will be published on the Department's website. All comments and representations received during the consultation will be considered in finalising the draft Policy Guidance.

Before you submit your response, please read the notes regarding the confidentiality of consultations, which provides guidance on the legal position of any information given by you in response to this consultation. If you are responding on behalf of a group or organisation, please indicate this on your response. Please reply using one of the following options:

By post:

Amy Holmes
Regulatory and Natural Resources Policy Division
Department of the Environment
Goodwood House
44-58 May Street
Town Parks
Belfast
BT1 4NN

By e-mail: amy.holmes@doeni.gov.uk

By fax: (028) 90254732

Enquiries regarding the content of this consultation document should be made to Amy Holmes in the first instance, your enquiry will then be passed to the relevant section for a response. Requests for further

copies should also be made to Amy Holmes (028) 90254834 at the above address.

Should you require a copy of this document in an alternative format, it can be made available on request in large print, disc, Braille and in audiocassette or telephone for the hearing impaired.

The document may be available on request in minority languages for those who are not proficient in English. The Department will translate executive summaries of key publications into Irish or Ulster-Scots upon request. Information and additional copies of the document can be requested by textphone on (029) 90540642.

Hard copies of the consultation document are available from the address above. The consultation document is available to view at:
http://www.doeni.gov.uk/index/protect_the_environment/local_environmental_issues/noise.htm

A list of consultees that have been contacted directly in relation to this consultation is attached at Annex 2. However, views from anyone interested in these proposals are very welcome.

2. Consultation

2.1 Policy Guidance for the identification and management of Quiet Areas

This Policy Guidance is drafted pursuant to Regulation 40 of the Environmental Noise Regulations (Northern Ireland) 2006 (ENR). It sets out the Department's criteria and procedure for the identification of Quiet Areas and highlights the mechanisms by which such areas shall be protected against an increase in noise.

As part of this consultation, district councils must confirm the appropriateness of each Candidate Quiet Area for designation by the end of the consultation period. District council officials may wish to visit Quiet Areas to ensure that the public have access to the land, that it remains open space and that it does not experience high levels of noise which are not reflected in the noise maps.

3. ANNEXES

ANNEX I Policy Guidance for the identification and management of Quiet Areas

See separate annex

ANNEX II List of Consultees

Executive Ministers and Junior Ministers
Leaders of Parties in the Assembly
Other Northern Ireland Parties not in the Assembly
MPs/MEPs who are not Party Leaders or MLAs
Members of the NI Assembly
Speaker of the Assembly
Assembly Business Office
The Environment Committee of the Northern Ireland Assembly
Northern Ireland Assembly Library
Central Management Unit
North South Ministerial Council
Office of the Attorney General for Northern Ireland
Northern Ireland Office
NSMC – NI Secretariat
Legal Deposits Library
Departmental Library
The Chief Executive of the Inn of Court of Northern Ireland
Belfast Solicitors Association
The Law Society of Northern Ireland
School of Law, Queens University Belfast
School of Law, University of Ulster
Northern Ireland Court Service
HM Council of County Court Judges
Courts and Tribunal Service
Civil Law Reform Division
Law Centre (NI)
Northern Ireland Law Commission
Equality Commission for Northern Ireland
Judge McKibbin, District Judge
Human Rights Commission
Northern Ireland Ombudsman
Confederation of British Industry
The General Consumer Council for Northern Ireland
Federation of Small Businesses
Northern Ireland Chamber of Commerce and Industry
Northern Ireland Chamber of Trade
NI Association of Citizens Advice
Food Standards Agency
NIC/ICTU
Northern Ireland Council for Voluntary Action
Society of Local Authority Chief Executives

Northern Ireland Local Government Association
Northern Ireland Judicial Appointments Commission
Ministry of Defence
Community Relations Council
NI Association of the Care and Resettlement of Offenders
Participation and the Practice of Rights Project
Catholic Bishops of Northern Ireland
Information Commissioner's Office
Disability Action
HM Revenue and Customs
Lord Chief Justice Office
Roads Service
Translink
Belfast International Airport
George Best Belfast City Airport
Belfast City Airport watch
Belfast International Airport Consultative Committee
Derry City Airport
Civil Aviation Authority
Irish Branch of Acoustics
Planning NI, Department of the Environment
Royal Town Planning Institute
Farming and Wildlife Advisory Group
Friends of the Earth
General Consumer Council NI
NI Chamber of Commerce and Industry
NI Environment Agency
NI Environment Link
NI Local Government Association
NI Public Health Agency
NI Tourist Board
Ulster Farmers Union
Ulster Wildlife Trust
WWF
Quarry Products Association Northern Ireland
Manufacturing NI

Section 75 Consultees

Age

Age NI

Commissioner for Children and Young People

Disability

Action on Hearing Loss
Royal National Institute of Blind People
Barnados NI (and all other section 75 groups)

Race

An Munia Tober
Chinese Welfare Association
Indian Community Centre
NI Islamic Centre
Northern Ireland Council for Ethnic Minorities
Polish Association Northern Ireland

Religion

Bahai Council for NI
Belfast Hebrew Congregation
Bishop of Down and Connor
Methodist Church in Ireland
Presbyterian Church in Ireland

Sexual Orientation

Belfast Butterfly Club

Marital Status

Bryson Charitable Group (and all section 75 groups)

Gender

NI Women's Aid Federation

People with Dependants

Carers Northern Ireland

All section 75 Groups/General

Community Development and Health Network (NI)
Committee on the Administration of Justice
Equality Commission for Northern Ireland
Law Centre NI
NIPSANI Association for Mental Health
Irish Congress of Trade Unions - NI Committee (ICTUNI)

Health trusts

All District Councils

Chartered Institute of Environmental Health NI

Public Health Agency NI

Roads Safety Council of NI
Rail Passengers Council
Housing Executive
HSENI