

Rapid Communication

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The Environment (Air Quality and Soundscapes) (Wales) Act 2024

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Abstract: The Welsh Government's policy on noise and soundscape is underpinned by two key pieces of legislation: the Well-being of Future Generations (Wales) Act 2015, and the Environment (Air Quality and Soundscapes) (Wales) Act 2024. The former established our national well-being/sustainable development goals and five ways of working that public bodies should follow in order to achieve them. The latter requires Welsh Ministers to set out their soundscape policies in a national strategy and requires public authorities to have regard to the policies in that strategy when carrying out their functions. The intent of this article is to raise international awareness amongst soundscape researchers as to how one devolved nation has incorporated the concept of soundscape in its policies and legislation and hopefully encourage the further development and dissemination of soundscape assessment and design tools that enable practitioners to better implement those policies.

Keywords: soundscape, legislation, Wales

1 Background

The word “soundscape” has appeared in Welsh Government policy since 2011 when we asked local authority officers nominating urban green spaces as candidate “quiet areas” for the purposes of the Environmental Noise Directive (2002/49/EC) to “describe in words the typical aural experience of a member of the public visiting the space” and answer questions such as:

- What are the dominant man-made sounds (in particular from transport or industrial activities)?

- What positive sounds (e.g. birdsong, rustling leaves, flowing water, and the welcome sound of fellow human beings) are characteristic of the place?
- Do unwanted sounds mask or detract from natural sounds or other positive sounds within the area in question?
- Have noise complaints been received from visitors?

In the decade that followed, the meaning of the word “soundscape” has been formalised through international and British standards (BS ISO 12913-1:2014) [1]. Soundscape is the acoustic (i.e. sound) environment as perceived or experienced and/or understood by a person or people, in context.

The Well-being of Future Generations (Wales) Act 2015 (“the 2015 Act”) established that making a decision “in accordance with the sustainable development principle” requires the involvement of people who reflect the diversity of the population. The imperative to involve a diversity of people in decision-making sits well with the idea of affording greater weight to people’s perceptions and experiences of their surroundings and moves us away from imposing “one-size-fits-all” design solutions on communities.

Work has progressed on the practical application of soundscape principles in a planning context [2,3].

The Welsh Government endorsed the standard definition of soundscape in 2018, both in Planning Policy Wales (PPW) [5], our national planning policy document, and in our Noise and Soundscape Action Plan 2018–2023 (NSAP) [4], our central noise policy document. In PPW, we established “appropriate soundscapes,” defined in the NSAP to mean the right acoustic environment in the right time and place, as one of Wales’s National Sustainable Placemaking Outcomes (Figure 1).

In the Ministerial Foreword of the NSAP, the then Minister for Environment Hannah Blythyn MS wrote:

There should not be a one-size-fits-all urban soundscape, which we experience wherever we go, any more than every street and building should look alike.

Over the coming years, I expect public bodies in Wales to start thinking less in terms of pure noise mitigation and more in terms of creating healthier soundscapes for our communities. In

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Figure 1: National Sustainable Placemaking Outcomes from PPW [5] (public sector information licensed under the Open Government Licence v3.0).

addition, wherever air and noise pollution are both present and their sources are the same or related, they should be considered together rather than as separate problems. Air and noise pollution are both airborne pollutants, which can have a combined effect on the public's health and, in many situations, they can be tackled to greatest effect through shared solutions.

If public bodies in Wales embrace the sustainable development principle and ways of working set out in our Well-being of Future

Generations Act, we can break down existing policy siloes and achieve multiple outcomes for the benefit of society.

The 5 years since we published the NSAP have seen an increased awareness of neurodiversity in society generally and of aural diversity in the field of noise and soundscape management. This has strengthened the imperative to involve a diversity of the population in decision-making,

as required by the 2015 Act, and for delivering a variety of soundscapes, as called for in the NSAP.

The legal basis for the NSAP was the Environmental Noise (Wales) Regulations 2006 (“the 2006 Regulations”), which transposed the requirements of the Environmental Noise Directive into Welsh law. The policies contained in the NSAP covered the whole of Wales and extended to many different forms of noise, such as neighbour noise. But the 2006 Regulations only related to outdoor noise from major transportation sources, and from transportation and industry within our largest urban areas, or “agglomerations.” There was no statutory requirement for public authorities to treat the actions set down in the NSAP as a policy where they went beyond the very specific noise sources within the scope of the 2006 Regulations.

Having gone beyond the statutory requirements of existing environmental noise legislation, both by developing cross-cutting soundscape policies and by linking noise with air quality policy, it became increasingly apparent that legislation in this area ought to be updated to reflect those enhanced policies. For a while, there was no obvious legislative vehicle to deliver such changes. Then in 2021, commitments in parties’ election manifestos and the subsequent Programme for Government to pass a Clean Air (Wales) Act before the next election of the Senedd (Welsh Parliament) provided us with an opportunity to put the policies contained in the NSAP on a more complete statutory footing. The scope of this proposed Bill was, therefore, widened to cover the air environment more fully, by including airborne noise and soundscape as well as air-polluting substances, and it was introduced in the Senedd on 20 March 2023, as the Environment (Air Quality and Soundscapes) (Wales) Bill.

The Bill underwent several stages of scrutiny by various Senedd Committees, including an open public consultation on the proposed legislation and sessions where oral evidence was received from subject experts. The Senedd then voted to approve the Bill in its final amended form on 28 November 2023.

2 Discussion

The Environment (Air Quality and Soundscapes) (Wales) Act 2024 (“the 2024 Act”) received Royal Assent and became law in Wales on 14 February. The 2024 Act is the first law in the UK to refer to soundscapes, in contrast to earlier Acts and Regulations focusing solely on noise, i.e. unwanted or harmful sound.

The 2024 Act does not set out what the word “soundscape” means, because there is already a definition set down

in international and British standards and the Welsh Government uses that definition in its policy documents. It is clearly understood, however, that from this point forward the law requires the government to have policies on the sounds that people do want to hear as well as on those they don’t.

Part 2 of the 2024 Act concerns soundscapes. It comes into force 2 months after Royal Assent, i.e. on 14 April 2024. It says that the Welsh Ministers must prepare and publish a strategy containing their policies with respect to the assessment, management, and design of soundscapes in Wales. That strategy must also include policies for assessing and effectively managing noise pollution.

Part 2 of the 2024 Act says that the Welsh Ministers must keep their policies with respect to soundscapes under review. They may modify the national strategy on soundscapes from time to time. They must review the strategy and, if appropriate, modify it at least once every 5 years. In preparing or reviewing the strategy, they must have regard to (i) scientific knowledge relevant to soundscapes, and (ii) the most recent strategic noise maps adopted under the Environmental Noise (Wales) Regulations 2006, and they must consult a range of Welsh public bodies.

Senedd elections are currently normally held every 5 years, with the next one due in 2026. The 5-year cycle for reviewing our national strategy on soundscapes therefore keeps pace with the Welsh election cycle. If the election cycle changes, the strategy’s review cycle may be amended by Ministers through regulations. Part 1 of the 2024 Act makes similar provisions for the 5-year review cycle of Wales’s national air quality strategy.

Part 2 of the 2024 Act also requires local authorities and potentially other Welsh public authorities to have regard to the policies in the national strategy on soundscapes when exercising any function of a public nature that could affect soundscapes in Wales. Part 1 of the 2024 Act contains a corresponding requirement in relation to Wales’s national air quality strategy.

Importantly, Part 2 of the 2024 Act provides that if the Welsh Ministers publish a strategy containing their policies with respect to the assessment, management, and design of soundscapes in Wales and for assessing and effectively managing noise pollution, before Part 2 comes into force, then that strategy is to be treated as the national strategy on soundscapes under the Act.

The Welsh Ministers published just such a strategy on 4 December 2023, in the form of the Noise and Soundscape Plan for Wales 2023–2028 [6], which replaces the NSAP. This new Plan becomes the national strategy on soundscapes for the purposes of the 2024 Act once Part 2 comes into force on 14 April.

This first national strategy on soundscapes sets out a summary of the evidence, the Welsh Government's current policies, and its priorities for the next 5 years. It states that:

- We need to create appropriate soundscapes, meaning the right sound environment at the right time and place.
- The Welsh Government expects public bodies subject to the Well-being of Future Generations (Wales) Act 2015 – and encourages everybody else – to follow five ways of

working when carrying out any activities that may affect soundscapes in Wales. These are as follows:

- o looking to the long term so that we do not compromise the ability of future generations to meet their own needs;
- o taking an integrated approach;
- o involving a diversity of the population in the decisions affecting them;

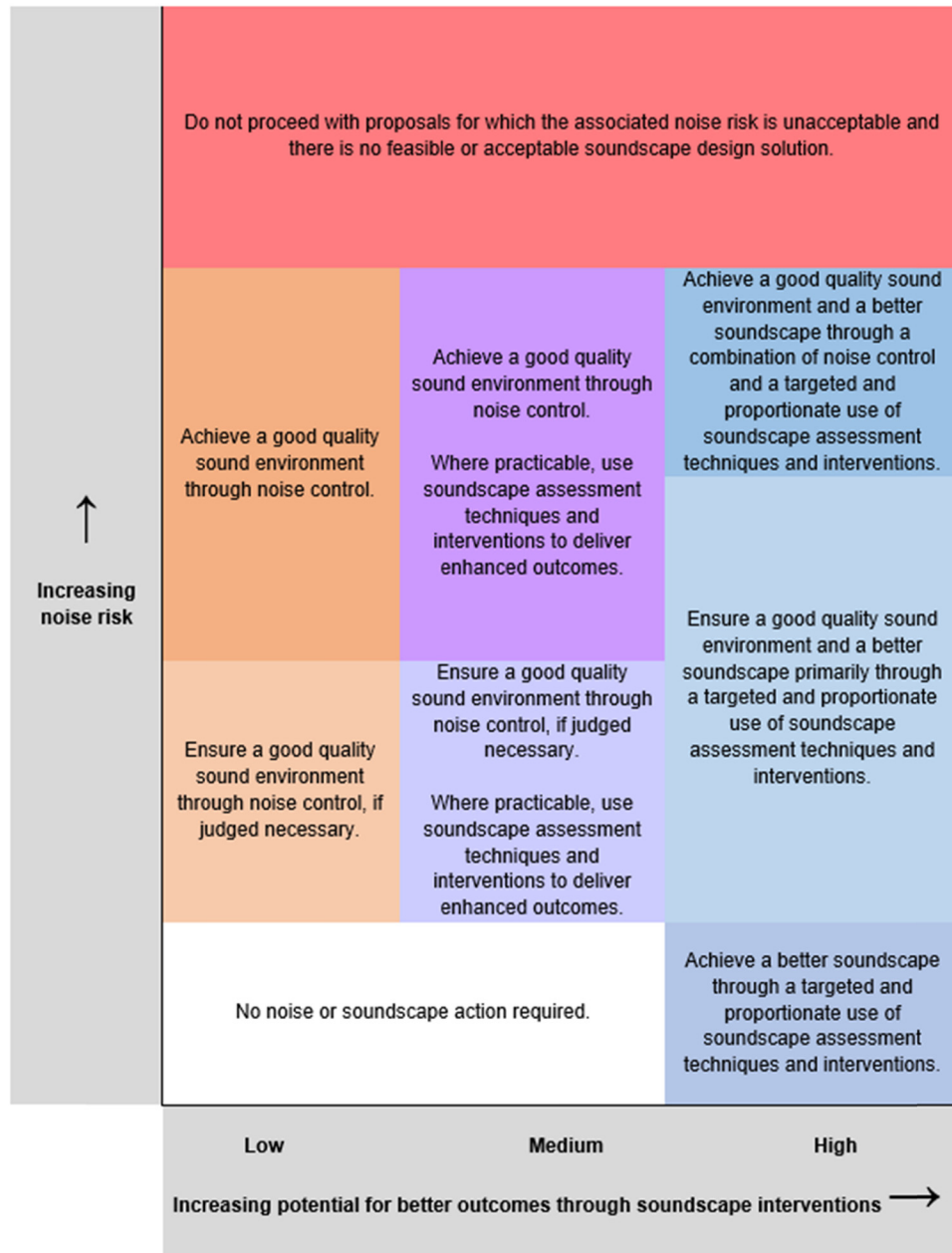


Figure 2: Generalised decision-making framework for determining the appropriate level of noise control and/or soundscape assessment and intervention when exercising functions that may affect soundscapes in Wales, from the Noise and Soundscape Plan for Wales 2023–2028 (public sector information licensed under the Open Government Licence v3.0).

- o working with others in a collaborative way to find shared sustainable solutions; and
- o acting to prevent problems from occurring or getting worse.
- The Welsh Government recommends that the methods outlined in the soundscape standards, such as soundwalks and questionnaires, be used in a targeted manner, to deliver whatever information on people's perception of their sound environment is considered of practical benefit to decision-makers on a case-by-case basis.
- The practical application of the approaches set out in the soundscape standards should be proportionate to the potential for soundscape interventions to deliver appropriate soundscapes and better overall outcomes contributing to our national well-being goals. (To support this, a generalised decision-making framework for determining the appropriate level of noise control and/or soundscape assessment and intervention is proposed, as shown in Figure 2).
- It is up to each Welsh local authority how best to communicate its local noise and soundscape policies.
- The Welsh Government will consider the case for producing an integrated national strategy covering air quality, noise, and soundscapes.
- The Welsh Government will continue to engage with professional bodies that offer training in the field of acoustics and work with those who are willing, over the course of the next 5 years, to seek to fill the gap that currently exists in training for the practical application of soundscape techniques in day-to-day public decision-making.

3 Concluding remarks

Three pillars underpin soundscape policy in Wales:

- The 2015 Act, which established our national well-being/sustainable development goals and the five ways of working that public bodies should be following in order to achieve them;
- The 2024 Act, which requires the Welsh Government to set out its soundscape policies in a national strategy, and requires public authorities to have regard to the policies in that strategy when carrying out their functions; and
- The national strategy on soundscapes, our Noise and Soundscape Plan, which recommends that soundscape methods be used in a targeted and proportionate manner to deliver information that is of practical benefit to public authorities in Wales, who should be following the five ways of working, one of which is to involve a diversity of the population in decisions that affect them.

Looking forward, we have said we want to encourage greater use of participatory soundscape techniques such as social surveys and soundwalks to inform decision-making, in order to involve people who reflect the diversity of the population affected by those decisions. Such approaches are set out in the soundscape standards. However, we recognise that there is a substantial gap in the formal training and certification currently available to acoustic consultants and regulators, which focuses predominantly on more traditional noise assessment techniques. This limits the ability of consultants and regulators to implement soundscape approaches consistently at this point in time [7].

Our Noise and Soundscape Plan recommends that the methods outlined in the soundscape standards be used in a targeted manner, to deliver whatever information on people's perception of their sound environment is considered of practical benefit to decision-makers on a case-by-case basis, and that the practical application of the approaches should be proportionate to the potential for soundscape interventions to deliver appropriate soundscapes and better overall outcomes.

What is practicable will be determined by how quickly practitioners gain skills and competence in soundscape assessment and design. Researchers in this field have an important role to play developing and disseminating soundscape assessment and design tools that will enable practitioners to confidently implement local and national soundscape policies when exercising their decision-making functions.

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References

- [1] British Standards Institution. BS ISO 12913-1:2014. Acoustics – Soundscape. Part 1: Definition and Conceptual Framework; September 2014. <https://knowledge.bsigroup.com/products/acoustics-soundscape-definition-and-conceptual-framework?version=standard>.
- [2] Kang J, Aletta F, Gjestland T, Brown L, Botteldooren D, Schulte-Fortkamp B, et al. Ten questions on the soundscapes of the built environment. *Build Environ*. 2016;108:284–94. <https://www.sciencedirect.com/science/article/abs/pii/S0360132316303067>.

- [3] Xiao J, Lavia L, Kang J. Towards an agile participatory urban soundscape planning framework. *J Environ Plan Manag*. 2017;61(4):677–98. <https://www.tandfonline.com/doi/full/10.1080/09640568.2017.1331843>.
- [4] Welsh Government. Noise and Soundscape Action Plan 2018–2023; December 2018. <https://www.gov.wales/noise-and-soundscape-action-plan-2018-2023-0>.
- [5] Welsh Government. Planning Policy Wales Edition 11; February 2021. <https://www.gov.wales/planning-policy-wales>.
- [6] Welsh Government. Noise and Soundscape Plan for Wales 2023–2028: Our National Strategy on Soundscapes; December 2023. <https://www.gov.wales/noise-and-soundscape-plan-for-wales-2023-2028>.
- [7] Welsh Government. Consultation – Summary: Noise and Soundscape Plan for Wales 2023–2028; December 2023. <https://www.gov.wales/noise-and-soundscape-plan-wales-2023-2028>.