STATUTORY INSTRUMENTS

2006 No. 2238

ENVIRONMENTAL PROTECTION, ENGLAND

The Environmental Noise (England) Regulations 2006

Made - - - -	*8th August 2006*
Laid before Parliament	*7th September 2006*
Coming into force - -	*1st October 2006*

The Secretary of State is a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the assessment, management and control of environmental noise. The Secretary of State makes these Regulations in exercise of the powers conferred by that section.

PART 1

GENERAL

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environmental Noise (England) Regulations 2006 and shall come into force on 1st October 2006.

(2) These Regulations apply in England.

(3) Nothing in paragraph (2) means that strategic noise maps made or revised under these Regulations must be limited to England.

(4) These Regulations apply to environmental noise to which humans are exposed in particular in built-up areas, in public parks or other quiet areas in an agglomeration, near schools, hospitals and other noise-sensitive buildings and areas.

(5) These Regulations do not apply to noise that is caused by the exposed person himself, noise from domestic activities, noise created by neighbours, noise at work places or noise inside means of transport or due to military activities in military areas.

(**1**) S.I. 2004/706.
(**2**) 1972 c.68.

Interpretation

2.—(1) Unless otherwise defined in these Regulations, words and terms used in these Regulations and in the Directive have the same meaning as in the Directive.

(2) In these Regulations—

"agglomeration" means an area identified as an agglomeration pursuant to regulation 3;

"airport operator" means the person for the time being having, in relation to a particular airport, the management of that airport;

"calendar year" means a period of a year beginning on 1st January;

"consolidated noise map" means a noise map compiled pursuant to regulation 14(2);

"dB(A)" is a measure of sound pressure level ("A" weighted) in decibels as specified in British Standard BS EN 61672-2: 2003(**3**);

"DEFRA" means the Department for Environment Food and Rural Affairs;

"designated" when used in relation to any airport means designated under section 80 for the purposes of section 78 of the Civil Aviation Act 1982(**4**);

"Directive" means Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise(**5**);

"first round agglomeration" means an area identified as a first round agglomeration pursuant to regulation 3;

"first round major railway" means a railway which is identified as a first round major railway pursuant to regulation 3;

"first round major road" means a road which is identified as a first round major road pursuant to regulation 3;

"in the form of regulations" means in the form of regulations made under section 2(2) of the European Communities Act 1972;

"L_{day}" covers the period 07:00 – 19:00 hours in any 24 hour period;

"$L_{evening}$" covers the period 19:00 – 23:00 hours in any 24 hour period;

"L_{night}" covers the period 23:00 – 07:00 hours in any 24 hour period;

"major airport" means an airport identified as a major airport pursuant to regulation 3;

"major railway" means a railway which is identified as a major railway pursuant to regulation 3;

"major road" means a road which is identified as a major road pursuant to regulation 3;

"motorway" means a special road which (save as otherwise provided by or under regulations made under section 17 of the Road Traffic Regulation Act 1984(**6**)) can be used by traffic only of Class I or II as specified in Schedule 4 to the Highways Act 1980(**7**);

"non-designated" when used in relation to an airport means not designated under section 80 for the purposes of section 78 of the Civil Aviation Act 1982;

"principal or classified road" means a road which is known as—

(a) a principal road;

(**3**) ISBN 0-580-42224-0.
(**4**) 1982 c.16.
(**5**) O.J. No. L 189, 18.07.2002, p. 12.
(**6**) 1984 c.27; section 17 was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 28 and Schedule 9, and by the Road Traffic Act 1991 (c.40), Schedule 7, paragraph 3 and Schedule 8.
(**7**) Schedule 4 has been amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), Schedule 3, paragraph 21(3).

(b) a classified road; or

(c) both a principal road and a classified road,

by virtue of section 12 of the Highways Act 1980 (whether by falling within subsection (1), or being classified under subsection (3));

"quiet area in an agglomeration" means an area which is identified as a quiet area in an agglomeration in accordance with regulation 13;

"special road" has the same meaning as in section 329(1) of the Highways Act 1980;

"supplementary noise indicator" has the meaning given in regulation 4(6); and

"trunk road" means any highway for which the Secretary of State is the relevant highway authority.

Identification of noise sources

3.—(1) No later than 31st December 2006 the Secretary of State must, in the form of regulations, identify all—

(a) first round agglomerations;

(b) first round major roads;

(c) first round major railways; and

(d) major airports.

(2) No later than 31st December 2011 the Secretary of State must, in the form of regulations, identify all—

(a) agglomerations;

(b) major roads;

(c) major railways; and

(d) major airports.

(3) In any relevant year the Secretary of State must, in the form of regulations, identify—

(a) agglomerations;

(b) major roads;

(c) major railways; or

(d) major airports,

as necessary if he considers that the most recent regulations produced pursuant to paragraph (2) are no longer appropriate.

(4) In paragraph (3) "relevant year" means 2016 and every fifth year thereafter.

(5) When discharging his duty under paragraph (1)(a) to identify first round agglomerations the Secretary of State must identify areas—

(a) having a population in excess of 250,000 persons and a population density equal to or greater than 500 people per km^2; and

(b) which he considers to be urbanised.

(6) When discharging his duty under paragraph (2)(a) or (3)(a) to identify agglomerations the Secretary of State must identify areas—

(a) having a population in excess of 100,000 persons and a population density equal to or greater than 500 people per km^2; and

(b) which he considers to be urbanised.

(7) When discharging his duty under paragraph (1)(b) to identify first round major roads the Secretary of State must identify roads which—

(a) are—

(i) trunk roads,

(ii) motorways that are not trunk roads, or

(iii) principal or classified roads;

(b) have more than six million vehicle passages a year; and

(c) he considers to be regional, national or international.

(8) When discharging his duty under paragraph (2)(b) or (3)(b) to identify major roads the Secretary of State must identify roads which—

(a) are—

(i) trunk roads,

(ii) motorways that are not trunk roads, or

(iii) principal or classified roads;

(b) have more than three million vehicle passages a year; and

(c) he considers to be regional, national or international.

(9) When discharging his duty under paragraph (1)(c) to identify first round major railways the Secretary of State must identify railways which have more than 60,000 train passages per year.

(10) When discharging his duty under paragraph (2)(c) or (3)(c) to identify major railways the Secretary of State must identify railways which have more than 30,000 train passages per year.

(11) When discharging his duty under paragraph (1)(d), (2)(d) or (3)(d) to identify major airports the Secretary of State must identify civil airports which have more than 50,000 movements per year (a movement being a take-off or a landing), excluding those purely for training purposes on light aircraft.

PART 2

STRATEGIC NOISE MAPS

CHAPTER 1

GENERAL REQUIREMENTS FOR STRATEGIC NOISE MAPS

Strategic noise maps: general requirements

4.—(1) Any strategic noise map made or revised under this Part must satisfy the applicable requirements in Schedule 1.

(2) A competent authority under regulation 6 or 10 must apply—

(a) the noise indicators L_{den} and L_{night} as referred to in Annex I of the Directive; and

(b) the supplementary noise indicators in all cases listed as examples in paragraph 3 of Annex I of the Directive,

when making or revising strategic noise maps under this Part.

(3) The values of L_{den}, L_{night} and the supplementary noise indicators must be determined by means of the assessment methods set out in Schedule 2.

(4) Subject to paragraph (5) existing noise indicators and related data may be converted into L_{den} and L_{night}.

(5) The data referred to in paragraph (4) must not be more than three years old.

(6) "Supplementary noise indicator" means a noise indicator as defined in Schedule 3.

CHAPTER 2

STRATEGIC NOISE MAPS – NOISE SOURCES OTHER THAN NON-DESIGNATED AIRPORTS

Application

5. This Chapter does not apply to noise from non-designated airports.

Competent Authority

6. The competent authority for this Chapter is the Secretary of State.

Duty to make, review and revise strategic noise maps

7.—(1) No later than 30th June 2007 the competent authority must make and, in accordance with regulation 23, adopt strategic noise maps showing the situation in the preceding calendar year for all—

(a) first round agglomerations;

(b) first round major roads;

(c) first round major railways; and

(d) major airports.

(2) No later than 30th June 2012, and thereafter every five years, the competent authority must make and, in accordance with regulation 23, adopt strategic noise maps showing the situation in the preceding calendar year for all—

(a) agglomerations;

(b) major roads;

(c) major railways; and

(d) major airports.

(3) From time to time, and whenever a major development occurs affecting the existing noise situation, the competent authority must—

(a) review; and

(b) if necessary revise,

any strategic noise map made pursuant to paragraphs (1) or (2) and adopted pursuant to regulation 23.

CHAPTER 3

STRATEGIC NOISE MAPS – NON-DESIGNATED AIRPORTS

Application

8. This Chapter applies to noise from non-designated airports.

Interpretation

9.—(1) In this Chapter—

"input data" means all the data and related information used to produce the numerical data in electronic form required by paragraph 3(2)(b) or 4(2)(b) (as appropriate) of Schedule 1;

"metadata" means such elements of Section 2 of the "SPIRE Data Standard, Version 1.0" (DEFRA, 25th November 2004)(**8**) as are required to describe the—

(a) input data; and

(b) information and data required by paragraph 3(2) or 4(2) (as appropriate) of Schedule 1.

(2) Any requirement in this Chapter to submit input data to a competent authority is a requirement to submit that input data in a format that—

(a) is electronic;

(b) allows electronic manipulation; and

(c) does not require manipulation in order to reproduce the numerical data in electronic form required by paragraph 3(2)(b) or 4(2)(b) (as appropriate) of Schedule 1.

Competent Authority

10. The competent authority for this Chapter is the airport operator.

Duty to make, review and revise strategic noise maps: non-designated major airports

11.—(1) This regulation applies to non-designated major airports.

(2) No later than 31st March 2007, and thereafter every five years, the competent authority must—

(a) make a strategic noise map showing the situation in the preceding calendar year for the airport; and

(b) submit that map with input data and metadata to the Secretary of State.

(3) From time to time, and whenever a major development occurs affecting the existing noise situation, the competent authority must—

(a) review; and

(b) if necessary revise,

any strategic noise map made pursuant to paragraph (2) and adopted pursuant to regulation 23.

(4) The competent authority must submit any strategic noise map revised pursuant to paragraph (3)(b), with input data and metadata, to the Secretary of State within three working days of its revision.

Duty to make, review and revise strategic noise maps: non-designated other airports

12.—(1) This regulation applies to non-designated other airports.

(2) No later than 31st March 2007 the competent authority must—

(a) make a strategic noise map showing the situation in the preceding calendar year for any relevant first round agglomeration; and

(b) submit that map with input data and metadata to the Secretary of State.

(3) No later than 31st March 2012, and thereafter every five years, the competent authority must—

(**8**) SPIRE Programme, Product Reference: SIP – DP – 011.

(a) make a strategic noise map showing the situation in the preceding calendar year for any relevant agglomeration; and

(b) submit that map with input data and metadata to the Secretary of State.

(4) From time to time, and whenever a major development occurs affecting the existing noise situation, the competent authority must—

(a) review; and

(b) if necessary revise,

any strategic noise map made pursuant to paragraphs (2) or (3) and adopted pursuant to regulation 23.

(5) The competent authority must submit any strategic noise map revised pursuant to paragraph (4)(b), with input data and metadata, to the Secretary of State within three working days of its revision.

(6) In this regulation—

"relevant first round agglomeration" means a first round agglomeration in which air traffic from the airport results in air traffic noise of—

(a) an L_{den} value of 55 dB(A) or greater; or

(b) an L_{night} value of 50 dB(A) or greater,

anywhere within the first round agglomeration;

"relevant agglomeration" means an agglomeration in which air traffic from the airport results in air traffic noise of—

(a) an L_{den} value of 55 dB(A) or greater; or

(b) an L_{night} value of 50 dB(A) or greater,

anywhere within the agglomeration.

PART 3

QUIET AREAS

Identification of quiet areas

13.—(1) No later than—

(a) 30th September 2007 for first round agglomerations; and

(b) 30th September 2012 for agglomerations,

the Secretary of State must, in the form of regulations, identify quiet areas in those agglomerations.

(2) Paragraph (3) applies if the Secretary of State considers that the most recent regulations produced pursuant to this regulation are no longer appropriate.

(3) No later than 30th September in any relevant year the Secretary of State must, if he considers it necessary, in the form of regulations identify quiet areas in agglomerations.

(4) In paragraph (3) "relevant year" means 2017 and every fifth year thereafter.

PART 4

ACTION PLANS

CHAPTER 1

GENERAL

Duty to publish criteria or limit values and a consolidated noise map

14.—(1) No later than 18th July 2007 the Secretary of State must publish guidance setting out limit values or other criteria for the identification of priorities for action plans.

(2) No later than 1st October 2007 the Secretary of State must compile and publish a consolidated noise map from all strategic noise maps that are made or revised pursuant to regulation 7, 11 or 12 and adopted pursuant to regulation 23.

Action plans: general requirements

15.—(1) Any action plan drawn up or revised under this Part must—

(a) meet the objectives of Article 1(c) of the Directive;

(b) be designed to manage noise issues and effects, including noise reduction if necessary;

(c) aim to protect quiet areas in first round agglomerations and agglomerations against an increase in noise;

(d) address priorities which must be identified by having regard to guidance published pursuant to regulation 14(1);

(e) apply in particular to the most important areas as established by strategic noise maps adopted pursuant to regulation 23; and

(f) meet the requirements in Schedule 4.

(2) Paragraph (3) applies to—

(a) any action plan; and

(b) any revision of an action plan,

drawn up under this Part for a first round agglomeration or an agglomeration.

(3) An action plan and any revision of an action plan must be based upon and apply in particular to the most important areas as established by—

(a) all strategic noise maps that—

(i) are made or revised pursuant to regulation 7, 11 or 12 and adopted pursuant to regulation 23, and

(ii) concern any part of the area addressed by the action plan; and

(b) a consolidated noise map to the extent that it concerns any part of the area addressed by the action plan.

CHAPTER 2

ACTION PLANS – NOISE SOURCES OTHER THAN AIRPORTS

Competent Authority

16. The competent authority for this Chapter is the Secretary of State.

Duty to draw up, review and revise action plans

17.—(1) No later than 18th July 2008 the competent authority must draw up action plans for—

(a) places near first round major roads;

(b) places near first round major railways; and

(c) first round agglomerations.

(2) No later than 18th July 2013 the competent authority must draw up action plans for—

(a) places near major roads;

(b) places near major railways; and

(c) agglomerations.

(3) Paragraph (4) applies—

(a) whenever a major development occurs affecting the existing noise situation; and

(b) at least every five years after the date on which an action plan is adopted pursuant to regulation 24.

(4) The competent authority must—

(a) review; and

(b) if necessary revise,

the action plan.

CHAPTER 3

ACTION PLANS – AIRPORTS

Competent authority

18. This Chapter applies to—

(a) major airports; and

(b) non-designated other airports if aircraft noise results in an L_{den} value of 55 dB(A) or greater or an L_{night} value of 50 dB(A) or greater anywhere in first round agglomerations or agglomerations,

and the competent authority is the airport operator.

Duty to draw up, review and revise action plans

19.—(1) No later than 30th April 2008 the competent authority must—

(a) draw up an action plan for places near the airport; and

(b) submit that action plan to the Secretary of State.

(2) Paragraph (3) only applies if the competent authority was not required to draw up an action plan for the airport pursuant to paragraph (1) because it was not the competent authority on or before 30th April 2008.

(3) No later than 30th April 2013 the competent authority must—

(a) draw up an action plan for places near the airport; and

(b) submit that action plan to the Secretary of State.

(4) Paragraph (5) applies—

(a) whenever a major development occurs affecting the existing noise situation; and

(b) at least every five years after the date on which an action plan is adopted pursuant to regulation 24.

(5) The competent authority must—

(a) review; and

(b) if necessary revise,

the action plan.

(6) An action plan revised pursuant to paragraph (5)(b) must be submitted to the Secretary of State within three working days of its revision.

CHAPTER 4

ACTION PLANS - PUBLIC PARTICIPATION

Public participation

20.—(1) In preparing and revising action plans the competent authorities under regulations 16 and18 must ensure that—

(a) the public is consulted about proposals for action plans;

(b) the public is given early and effective opportunities to participate in the preparation and review of the action plans;

(c) the results of that public participation are taken into account;

(d) the public is informed of the decisions taken; and

(e) reasonable time frames are provided allowing sufficient time for each stage of public participation.

CHAPTER 5

IMPLEMENTATION OF ACTION PLANS

Implementation of action plans

21.—(1) Where an action plan or a revision of an action plan—

(a) has been adopted pursuant to regulation 24; and

(b) identifies a public authority as responsible for a particular action,

that public authority must treat the action plan as its policy insofar as it relates to that action.

(2) A public authority may depart from any policy mentioned in paragraph (1) if—

(a) it provides—

(i) the Secretary of State, and

(ii) the competent authority responsible for the preparation of the action plan or the revision (if not the Secretary of State),

with written reasons for departing from that policy; and

(b) it publishes those reasons.

(3) In this regulation "public authority" includes any person who exercises functions of a public nature, but does not include—

(a) either House of Parliament or a person exercising functions in connection with proceedings in Parliament;

(b) courts or tribunals; or

(c) the Secretary of State.

PART 5

COOPERATION WITH EXTERNAL COMPETENT AUTHORITIES

Cooperation with external competent authorities

22.—(1) When necessary in order to meet its obligations under these Regulations, a competent authority must use all reasonable endeavours to secure the cooperation of an external competent authority.

(2) A competent authority—

(a) when requested to do so by an external competent authority; and

(b) if necessary to meet that external competent authority's obligations arising under the Directive,

must cooperate with that external competent authority.

(3) In this Part "external competent authority" means a competent authority in Northern Ireland, Scotland or Wales designated for the purposes of Article 4 of the Directive.

PART 6

ADOPTION OF STRATEGIC NOISE MAPS AND ACTION PLANS

Adoption of strategic noise maps

23.—(1) If the Secretary of State considers that a strategic noise map—

(a) submitted to him pursuant to regulation 11 or 12;

(b) submitted to him pursuant to paragraph (4); or

(c) made or revised by him,

meets the requirements of regulation 4, he must adopt the map.

(2) If the Secretary of State considers that a strategic noise map submitted to him pursuant to regulation 11 or 12 or paragraph (4) does not meet the requirements of regulation 4 he may—

(a) amend and adopt the map; or

(b) reject the map.

(3) If a strategic noise map is rejected pursuant to paragraph (2)(b) the Secretary of State must notify the competent authority that submitted it of—

(a) the reasons why the map was not adopted; and

(b) the date by which the map must be revised and resubmitted.

(4) The recipient of a notification under paragraph (3) must submit the revised strategic noise map to the Secretary of State by the date specified in the notification.

(5) Paragraphs (1) to (4) apply to a revised strategic noise map as they apply to a strategic noise map submitted pursuant to regulation 11 or 12.

(6) If the Secretary of State amends—

(a) a strategic noise map; or

(b) a revised strategic noise map,

he must take such steps as he considers appropriate for ensuring that the map complies with the requirements of regulation 4.

Adoption of action plans

24.—(1) If the Secretary of State considers that an action plan—

(a) submitted to him pursuant to regulation 19(1)(b), 19(3)(b) or 19(6);

(b) submitted to him pursuant to paragraph (5); or

(c) drawn up or revised by him,

meets the requirements of regulation 15, he may adopt the action plan.

(2) Paragraph (3) applies if—

(a) the Secretary of State considers that an action plan submitted to him pursuant to regulation 19(1)(b), 19(3)(b) or 19(6) does not meet the requirements of regulation 15; or

(b) an action plan is not adopted pursuant to paragraph (1).

(3) Where this paragraph applies the Secretary of State must—

(a) amend and adopt the plan; or

(b) reject the plan.

(4) If an action plan is rejected pursuant to paragraph (3)(b) the Secretary of State must notify the competent authority that submitted it of—

(a) the reasons why the plan was not adopted; and

(b) the date by which the plan must be revised and resubmitted.

(5) The recipient of a notification under paragraph (4) must submit the revised action plan to the Secretary of State by the date specified in the notification.

(6) Paragraphs (1) to (5) apply to a revised action plan as they apply to an action plan submitted pursuant to regulation 19(1)(b), 19(3)(b) or 19(6).

(7) If the Secretary of State amends—

(a) an action plan; or

(b) a revised action plan,

he must take such steps as he considers appropriate for ensuring that the action plan complies with the requirements of these Regulations.

PART 7

POWERS OF THE SECRETARY OF STATE IN RELATION TO THE FUNCTIONS OF OTHER COMPETENT AUTHORITIES

Application

25. This Part does not apply to any functions under these Regulations for which the Secretary of State is the competent authority.

Powers

26.—(1) The Secretary of State may at any time require a competent authority to provide information in relation to its functions under these Regulations.

(2) A request for information pursuant to paragraph (1)—

(a) must be made in writing;

(b) may specify the format in which information must be provided; and

(c) may specify the period of time within which a response must be received.

(3) If an authority receives a request pursuant to paragraph (1) it must respond—

(a) within the time period specified pursuant to paragraph (2)(c); or

(b) if no such period is specified, within fourteen days of receipt of the request.

(4) Paragraph (5) applies where—

(a) the Secretary of State has consulted the competent authority; and

(b) he considers that by reason of any act or omission, or any likely act or omission, by the competent authority—

(i) a requirement of these Regulations; or

(ii) a requirement imposed on the United Kingdom by the Directive,

is unlikely to be met.

(5) The Secretary of State may exercise such of the functions of the competent authority as he considers appropriate.

Recovery of expenses

27. Where the Secretary of State incurs expenses pursuant to—

(a) regulation 23(2);

(b) regulation 24(3); or

(c) regulation 26(5),

he may recover those expenses from the relevant competent authority as a civil debt.

Relevant competent authority

28. In regulation 27 "relevant competent authority" means—

(a) in relation to regulation 23(2), the competent authority that submitted the strategic noise map pursuant to regulation 11 or 12;

(b) in relation to regulation 24(3), the competent authority that submitted the action plan pursuant to regulation 19; and

(c) in relation to regulation 26(5), the competent authority whose functions the Secretary of State exercises pursuant to that regulation.

PART 8

INFORMATION TO THE PUBLIC AND GUIDANCE

Availability of strategic noise maps, consolidated noise map and action plans

29.—(1) Any—

(a) strategic noise map that is made available to the public before it is adopted pursuant to regulation 23; or

(b) action plan that is made available to the public before it is adopted pursuant to regulation 24,

must include prominently displayed wording identifying it as a draft subject to adoption by the Secretary of State.

(2) Any—

(a) strategic noise map adopted pursuant to regulation 23;

(b) consolidated noise map compiled pursuant to regulation 14(2);or

(c) action plan adopted pursuant to regulation 24,

must be published by the Secretary of State and accompanied by a summary setting out the most important points.

Guidance

30. A competent authority, in exercising any of its functions under these Regulations, must have regard to any guidance issued by the Secretary of State under this regulation.

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment Food and Rural Affairs

8th August 2006

SCHEDULE 1 regulations 4 and 9

MINIMUM REQUIREMENTS FOR STRATEGIC NOISE MAPPING

Interpretation

1. In this Schedule—

"editable" means in a format that allows (without the need for manipulation) the electronic production of—

(a) numerical data in tables, and

(b) graphical plots,

to display the information described in paragraphs 1.5, 1.6, 1.7, 2.5, 2.6 and 2.7 of Annex VI of the Directive;

"grid" means a grid of vector points which are—

(c) at 10 metre by 10 metre intervals,

(d) spatially referenced to the British National Grid reference system used by the Ordnance Survey as a pair of integers to show Eastings then Northings in metres from the origin, and

(e) aligned with the 10 metre vertices of the British National Grid reference system used by the Ordnance Survey so that references finish with the number zero.

General requirements for strategic noise maps

2.—(1) Strategic noise maps and their revisions must—

(a) satisfy the minimum requirements laid down in Annex IV of the Directive; and

(b) be clear and comprehensible.

(2) In applying paragraph (1)(a) any reference in Annex IV of the Directive to—

(a) Article 8 of the Directive shall be taken to be a reference to regulations 15, 17 and 19 of these Regulations;

(b) Article 9 of the Directive shall be taken to be a reference to regulation 29 of these Regulations.

Requirements for strategic noise maps for agglomerations

3.—(1) This paragraph applies only to—

(a) a strategic noise map made under regulation 7(1)(a), 7(2)(a), 12(1) or 12(3); or

(b) a revision of such a strategic noise map.

(2) Strategic noise maps must—

(a) include the information (in electronic format) described in paragraphs 1.1 to 1.4 inclusive of Annex VI of the Directive; and

(b) include editable numerical data in electronic form containing the values of L_{den}, L_{night} and the supplementary noise indicators on a grid.

Requirements for strategic noise maps for major roads, major railways and major airports

4.—(1) This paragraph applies only to—

(a) any strategic noise map made under—

(i) regulation 7(1)(b) to (d),

(ii) regulation 7(2)(b) to (d),

(iii) regulation 11(2); or

(b) any revision of such a map.

(2) Strategic noise maps must—

(a) include the information (in electronic format) described in paragraphs 2.1 to 2.4 inclusive of Annex VI of the Directive; and

(b) include editable numerical data in electronic form containing the values of L_{den}, L_{night} and the supplementary noise indicators on a grid.

SCHEDULE 2

regulation 4

ASSESSMENT METHODS FOR THE NOISE INDICATORS

Introduction

1.—(1) The values of L_{den}, L_{night} and the supplementary noise indicators must be determined by computation (at the assessment position).

(2) In this Schedule—

"assessment position" means the assessment height in paragraph 7 of Annex IV of the Directive;

"Recommendation" means Commission Recommendation 2003/613/EC of 6 August 2003 concerning the guidelines on the revised interim computation methods for industrial noise, aircraft noise, road traffic noise and railway noise, and related emissions data(**9**).

Assessment method for road traffic noise indicators

2. For road traffic noise indicators the assessment method "Calculation of road traffic noise" (Department of Transport, 7th June 1988, HMSO)(**10**) must be used, adapted using the report "Method for converting the UK road traffic noise index $LA_{10,18h}$ to the EU noise indices for road noise mapping" (DEFRA, 24th January 2006)(**11**).

Assessment method for railway noise indicators

3. For railway noise indicators the assessment methods—

(a) "Calculation of railway noise" (Department of Transport, 13th July 1995, HMSO)(**12**); and

(b) (in relation to railways to which it is expressed to apply) "Calculation of railway noise 1995 Supplement No. 1 Procedure for the calculation of noise from Eurostar trains class 373" (Department for Transport, 20th October 1996, Stationery Office)(**13**),

(**9**) O.J. No. L 212, 22.8.2003, p. 49.
(**10**) ISBN 0115508473.
(**11**) Prepared by TRL Limited and Casella Stanger, Document Reference st/05/91/AGG04442.
(**12**) ISBN 0115517545.
(**13**) ISBN 0115518738.

must be used, adapted as shown in Figure 6.5 of the report "Rail and wheel roughness – implications for noise mapping based on the Calculation of Railway Noise procedure" (DEFRA, March 2004)(**14**).

Assessment methods for aircraft noise indicators

4. For aircraft noise indicators the assessment method "Report on Standard Method of Computing Noise Contours around Civil Airports" (Second Edition, European Civil Aviation Conference, 2–3 July 1997)(**15**) must be used in accordance with paragraph 2.4 of the Annex in the Recommendation.

Assessment methods for industrial noise indicators and port noise indicators

5.—(1) For industrial noise indicators and port noise indicators the propagation assessment method described in "ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation" (International Standards Organisation, 1996)(**16**) must be used in accordance with paragraph 2.5 of the Annex in the Recommendation.

(2) Suitable noise emission data (input data) for "ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation" can be obtained either from measurements carried out in accordance with one of the following methods:

(a) "Acoustics. Determination of sound power levels of multisource industrial plants for evaluation of sound pressure levels in the environment. Engineering method" (BS ISO 8297:1994, British Standards Institute)(**17**);

(b) "Acoustics. Determination of sound power levels of noise sources using sound pressure. Engineering method in an essentially free field over a reflecting plane" (BS EN ISO 3744:1995, British Standards Institute)(**18**);

(c) "Acoustics. Determination of sound power levels of noise sources using sound pressure. Survey method using an enveloping measurement surface over a reflecting plane" (BS EN ISO 3746:1996, British Standards Institute)(**19**),

or by using Toolkit 10 of the "Good Practice Guide for Strategic Noise Mapping and the Production of Associated Data on Noise Exposure Version 2, Position Paper Final Draft" (European Commission Working Group Assessment of Exposure to Noise, 13 January 2006)(**20**).

SCHEDULE 3

regulation 4

SUPPLEMENTARY NOISE INDICATORS

Interpretation

1. In this Schedule—

"$L_{A10,18h}$" is the arithmetic mean noise level in dB(A) exceeded for 10% of each hour over the period 06:00 - 24:00 hours;

(**14**) Prepared by AEA Technology plc, Document Reference: AEATR-PC&E-2003-002.
(**15**) Adopted by the Twenty-First Plenary Session of ECAC, Document Reference: ECAC.CEAC Doc. 29.
(**16**) International Organisation for Standardization (http://www.iso.ch)
(**17**) British Standards Institute (http://www.standardsdirect.org/standards/standards3/StandardsCatalogue24_view_23347.html)
(**18**) British Standards Institute (http:// www.standardsdirect.org/standards/standards2/StandardsCatalogue24_view_19606.html)
(**19**) British Standards Institute (http:// www.standardsdirect.org/standards/standards2/StandardsCatalogue24_view_19608.html)
(**20**) European Commission Working Group Assessment of Exposure to Noise (http://www.defra.gov.uk/environment/noise/mapping/exposure/pdf/exposuredata-guide.pdf)

"$L_{Aeq,16h}$" is the equivalent continuous sound level in dB(A) that, over the period 07:00 – 23:00 hours, contains the same sound energy as the actual fluctuating sound that occurred in that period;

"$L_{Aeq,18h}$" is the equivalent continuous sound level in dB(A) that, over the period 06:00 – 24:00 hours, contains the same sound energy as the actual fluctuating sound that occurred in that period;

"$L_{Aeq,6h}$" is the equivalent continuous sound level in dB(A) that, over the period 24:00 – 06:00 hours, contains the same sound energy as the actual fluctuating sound that occurred in that period.

Road Traffic Noise

2. The supplementary noise indicators in relation to road traffic noise are—

(a) $L_{A10,18h}$;

(b) $L_{Aeq,16h}$;

(c) L_{day}; and

(d) $L_{evening}$.

Railway Noise

3. The supplementary noise indicators in relation to railway noise are—

(a) $L_{Aeq,16h}$;

(b) $L_{Aeq,18h}$;

(c) $L_{Aeq,6h}$;

(d) L_{day}; and

(e) $L_{evening}$.

Aircraft Noise

4. The supplementary noise indicators in relation to aircraft noise are—

(a) $L_{Aeq,16h}$;

(b) L_{day}; and

(c) $L_{evening}$.

Industrial Noise and Port Noise

5. The supplementary noise indicators in relation to industrial noise and port noise are—

(a) $L_{Aeq,16h}$;

(b) L_{day}; and

(c) $L_{evening}$.

SCHEDULE 4 regulation 15

MINIMUM REQUIREMENTS FOR ACTION PLANS

General

1.—(1) An action plan must—

(a) meet the minimum requirements of Annex V of the Directive; and

(b) contain a summary covering all the important aspects referred to in Annex V of the Directive, not exceeding ten pages in length.

(2) In applying paragraph (1) any reference in Annex V of the Directive to—

(a) Article 5 of the Directive shall be taken to be a reference to regulation 4 of these Regulations;

(b) Article 8(7) of the Directive shall be taken to be a reference to regulation 20 of these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (O.J. No. L 189, 18.07.2002, p. 12) (the 'Directive').

Strategic noise maps

The making of strategic noise maps will occur in two rounds, the first in 2007 and the second in 2012. In the second round a larger number of the same type of noise sources will have to be mapped than in the first round. Subsequently strategic noise maps will have to be made every five years.

Regulation 3 requires the Secretary of State to identify the noise sources for which strategic noise maps must be made. Regulation 7 requires the Secretary of State to make strategic noise maps for agglomerations, major roads, major railways and major airports designated under section 80 for the purposes of section 78 of the Civil Aviation Act 1982 (1982 c.16). From time to time, and whenever a major development occurs, the Secretary of State must review (and if necessary, revise) strategic noise maps.

Regulations 11 and 12 require airport operators to make strategic noise maps for airports that are not designated under the Civil Aviation Act 1982. Strategic noise maps will need to be made for: (i) all non-designated major airports; and (ii) noise in agglomerations arising from any other airports (if aircraft noise results in a value of 55 L_{den} or 50 L_{night} anywhere in those agglomerations). Strategic noise maps will need to be reviewed (and revised if necessary) from time to time, and whenever a major development occurs. Once made, the airport operators must submit strategic noise maps (or their revisions) to the Secretary of State for adoption.

All strategic noise maps must meet the requirements set out in regulation 4.

Regulation 4 and Schedule 3 specify which noise indicators and supplementary noise indicators must be used in making the strategic noise maps. Schedule 2 sets out the assessment methods to be used in calculating the values of noise indicators. Different methods are specified for each noise source.

Regulation 13 requires the Secretary of State to identify quiet areas in first round agglomerations and in agglomerations.

Action plans

Action plans must be drawn up in 2008 and in 2013. This is consequential on the dates by which strategic noise maps must be prepared..

Regulation 14 requires the Secretary of State to publish guidance on how the priorities in action plans should be identified. It also requires the Secretary of State to compile and publish a consolidated noise map.

Regulation 15 sets out the requirements for action plans.

Regulation 17 requires the Secretary of State to draw up action plans for places near to major roads and major railways, and for first round agglomerations and agglomerations. The Secretary of State must review (and revise, if necessary) the action plans every five years or sooner if a major development occurs.

Regulation 19 requires airport operators to draw up action plans in relation to major airports and other airports (if aircraft noise results in a value of 55 L_{den} or 50 L_{night} anywhere in those agglomerations). The airport operator must review (and revise, if necessary) the action plans every five years or sooner if a major development occurs. Once drawn up or revised, the airport operators must submit an action plan to the Secretary of State for adoption.

Regulation 20 specifies the public participation required during the preparation and revision of action plans.

Regulation 21 requires public authorities to treat action plans as policy insofar as the action plan identifies them as being responsible for a particular action. Public authorities may depart from such policies in specified circumstances.

Other provisions

Regulation 22 requires competent authorities in England to cooperate with their counterparts in Northern Ireland, Scotland and Wales when necessary to do so in order to meet obligations under these Regulations or the Directive.

Regulations 23 and 24 set out the mechanism by which the Secretary of State adopts strategic noise maps and action plans respectively.

Regulation 26 provides the Secretary of State with the power to require competent authorities to provide information in relation to their obligations under the Regulations or to step in and carry out the functions of competent authorities under specified circumstances.

Regulation 27 gives the Secretary of State power to reclaim certain expenses from competent authorities.

Regulation 29 sets out requirements for the publication of strategic noise maps, a consolidated noise map and action plans prepared by airport operators and approved by the Secretary of State.

Regulation 30 requires competent authorities to have regard to any guidance published by the Secretary of State.

A Regulatory Impact Assessment has been prepared and placed in the libraries of both Houses of Parliament. It is available on http://www.defra.gov.uk/environment/noise/ambient.htm. A transposition note has been prepared and is available on http://www.defra.gov.uk/environment/noise/ambient.htm.