

2009 No.

ENVIRONMENTAL PROTECTION, ENGLAND

**The Environmental Noise (England) (Amendment) Regulations
2009**

<i>Made</i>	- - - -	2009
<i>Laid before Parliament</i>		2009
<i>Coming into force</i>	- -	xx 2009

These Regulations and the regulations they amend make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972⁽¹⁾ and it appears to the Secretary of State that it is expedient for the references to Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002⁽²⁾ relating to the assessment and management of environmental noise in the regulations which these Regulations amend to be construed as references to that Directive as amended from time to time.

The Secretary of State is a Minister designated⁽³⁾ for the purposes of section 2(2) of that Act in relation to measures relating to the assessment, management and control of environmental noise. The Secretary of State makes these Regulations under the powers conferred by that section of, and by paragraph 1A of Schedule 2 to, that Act.

Citation, commencement and application

- 1.—(1) These Regulations—
- (a) may be cited as the Environmental Noise (England) (Amendment) Regulations 2009;
 - (b) come into force on xx 2009; and
 - (c) apply in England.

Amendment of the Environmental Noise (England) Regulations 2006

2. The Environmental Noise (England) Regulations 2006⁽⁴⁾ are amended as follows.

Amendment of regulation 2 (interpretation)

- 3.—(1) Paragraph (2) of regulation 2 (interpretation) is amended as follows.
- (2) In the definition of “consolidated noise map”, for “regulation 14(2)”, substitute “regulation 14”.
 - (3) At the end of the definition of “Directive”, add “as amended from time to time;”.

(1) 1972 c. 68.
(2) OJ No. L 189, 18.7.2002, p 12.
(3) S.I. 2004/706.
(4) S.I. 2006/2238 as amended by S.I. 2008/375.

Amendment of regulation 3 (identification of noise sources)

4.—(1) Regulation 3 (identification of noise sources) is amended as follows.

(2) In paragraph (2), for “must, in the form of regulations, identify all”, substitute “must publish maps identifying all”.

(3) In paragraph (3)—

- (a) for “must, in the form of regulations, identify”, substitute “must publish maps identifying”; and
- (b) for “most recent regulations produced”, substitute “most recent maps published”.

Amendment of regulation 13 (identification of quiet areas)

5. For regulation 13 (identification of quiet areas), substitute—

“Identification of quiet areas

13.—(1) For the purposes of ensuring that the action plans drawn up under regulation 17 (including any revisions under regulation 17(4)) meet the general requirement in regulation 15(1)(c), the Secretary of State must identify —

- (a) quiet areas in first round agglomerations; and
- (b) quiet areas in agglomerations.

(2) The Secretary of State must publish the identified quiet areas in such form as the Secretary of State considers appropriate.”.

Amendment of regulation 14 (duty to publish criteria or limit values and a consolidated noise map)

6. For regulation 14 (duty to publish criteria or limit values and a consolidated noise map), substitute—

“Consolidated noise maps

14. The Secretary of State may compile consolidated noise maps in respect of any area from any strategic noise map—

- (a) made or revised pursuant to regulation 7, 11 or 12; and
- (b) adopted pursuant to regulation 23.”.

Amendment of regulation 15 (action plans: general requirements)

7. For paragraph (1)(d) of regulation 15 (action plans: general requirements), substitute—

“(d) identify and address priorities having regard to any relevant guidance issued by the Secretary of State under regulation 30;”.

Amendment of regulation 17 (duty to draw up, review and revise action plans)

8. At the end of paragraph (4) of regulation 17 (duty to draw up, review and revise action plans), add—

“, including any quiet areas identified in the plan.

(5) In this regulation, “quiet areas” means quiet areas in first round agglomerations and agglomerations identified in accordance with regulation 13.”.

Amendment of regulation 29 (availability of strategic noise maps, consolidated noise map and actions plans)

9. In paragraph (2)(b) of regulation 29 (availability of strategic noise maps, consolidated noise map and actions plans), for “14(2)” substitute “14”.

Amendment of regulation 30 (guidance)

10. For regulation 30 (guidance), substitute—

“Guidance

30.—(1) The Secretary of State may issue guidance to a competent authority with respect to the exercise of its functions under these Regulations.

(2) A competent authority, in exercising any of its functions under these Regulations, must have regard to guidance issued by the Secretary of State under paragraph (1).”

Date *Name*
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Noise (England) Regulations 2006 (S.I. 2006/2238 as amended by S.I. 2008/375).

Regulation 3(3) amends the definition of “Directive” in regulation 2 so that references to the Directive in S.I. 2238 of 2006 are to be construed as references to the Directive as amended from time to time in accordance with the power contained in paragraph 1A of Schedule 2 to the European Communities Act 1972.

Regulation 3(2) makes a minor consequential amendment to the definition of “consolidated noise map” in regulation 2.

Regulation 4 amends paragraphs (2) and (3) of regulation 3 so that the noise sources listed in regulation 3 are identified from 2011 onwards by publishing maps.

Regulation 5 amends regulation 13 so that quiet areas in first round agglomerations and agglomerations must be identified by the Secretary of State for the purposes of ensuring that action plans meet the requirement in regulation 15(1)(c).

Regulation 6 amends regulation 14 by revoking the duty to publish guidance in regulation 14(1) and replacing the duty in regulation 14(2) with a power to compile consolidated noise maps.

Regulation 7 amends regulation 15(1)(d) by requiring action plans to identify and address priorities having regard to guidance issued by the Secretary of State.

Regulation 8 extends the duty to revise and review action plans in regulation 17 to include any quiet areas identified in the plans.

Regulation 9 makes a consequential amendment to regulation 29(2)(b).

Regulation 10 amends regulation 30 by providing the Secretary of State with a revised power to issue guidance to competent authorities.

A full impact assessment has not been produced for this instrument as no impact on the public, private or voluntary sector is foreseen.