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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 465**

**The Environmental Noise (Scotland) Regulations 2006**

**PART 3**

**ACTION PLANS**

**CHAPTER 1**

**GENERAL**

**Duty to issue guidance on action plans and consolidated noise maps**

**12.—(1)** No later than 18th July 2007 the Scottish Ministers shall issue guidance on the preparation and content of action plans.

(2) The Scottish Ministers shall compile a consolidated noise map comprising all strategic noise maps that are adopted from time to time pursuant to regulation 21.

**Action plans: general requirements**

**13.—(1)** Any action plan drawn up or revised under this Part shall—

- (a) meet the objectives of—
  - (i) preventing and reducing environmental noise where necessary and in particular where exposure levels can induce harmful effects on human health; and
  - (ii) preserving environmental noise quality where it is good;
- (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, as appropriate, against an increase in noise;
- (d) identify and address priorities for meeting the objectives set out in sub-paragraph (a);
- (e) apply in particular to the most important areas as established by strategic noise maps adopted pursuant to regulation 21; 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) Any action plan and any revision of an action plan shall be based upon and apply in particular to the most important areas as established by—

- (a) all strategic noise maps that—
  - (i) are adopted pursuant to regulation 21; and
  - (ii) concern any part of the area addressed by the action plan; and

- (b) a consolidated noise map compiled pursuant to regulation 12(2) 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**

- 14. The competent authority for this Chapter is the Scottish Ministers.

#### **Duty to draw up, review and revise action plans**

- 15.—(1) No later than 18th July 2008 the competent authority shall 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 shall draw up action plans for—
    - (a) places near major roads;
    - (b) places near major railways; and
    - (c) agglomerations.
  - (3) Every 5 years, and whenever a major development occurs affecting the existing noise situation, the competent authority shall—
    - (a) review; and
    - (b) if necessary, revise,
- action plans drawn up pursuant to paragraphs (1) or (2) and adopted pursuant to regulation 22.

## CHAPTER 3

### ACTION PLANS – AIRPORTS

#### **Application and Competent Authority**

- 16. This Chapter applies to noise from—
    - (a) major airports; and
    - (b) other airports where air traffic from the airport results in air traffic noise of 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**

- 17.—(1) No later than 30th April 2008 the competent authority shall—
  - (a) draw up an action plan for places near the airport; and
  - (b) submit that action plan to the Scottish Ministers.
- (2) If the competent authority was not required to draw up an action plan pursuant to paragraph (1), no later than 30th April 2013 the competent authority shall—
  - (a) draw up an action plan for places near the airport; and
  - (b) submit that action plan to the Scottish Ministers.

(3) Every 5 years, and whenever a major development occurs affecting the existing noise situation, the competent authority shall—

- (a) review; and
- (b) if necessary, revise,

action plans drawn up pursuant to paragraphs (1) or (2) and adopted pursuant to regulation 22.

(4) An action plan revised pursuant to paragraph (3) shall be submitted to the Scottish Ministers within 3 working days of its revision.

## CHAPTER 4

### ACTION PLANS – PUBLIC PARTICIPATION

#### **Public participation**

**18.** In preparing and revising action plans the competent authorities under regulations 14 and 16 shall 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**

**19.**—(1) Subject to paragraphs (2) and (3), where an action plan—

- (a) has been adopted pursuant to regulation 22; and
- (b) identifies a particular public authority as responsible for a particular action,

that public authority shall use all reasonable endeavours to take that action.

(2) Paragraph (1) shall not have effect where a public authority, other than the Scottish Ministers—

- (a) provides the Scottish Ministers and the competent authority (if not the Scottish Ministers) responsible for preparation of the action plan with written reasons for being unable to take the action for which it has been designated as responsible; and
- (b) it publishes those reasons.

(3) Paragraph (1) shall not have effect where the Scottish Ministers—

- (a) are the public authority identified in an action plan as responsible for a particular action; and
- (b) publish reasons for being unable to take the action for which they have been identified as responsible.

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

- (a) the Scottish Parliament or a person exercising functions in connection with proceedings in the Scottish Parliament; or

- (b) any person discharging or purporting to discharge any responsibilities of a judicial nature vested in that person, or a person discharging responsibilities in connection with the execution of judicial process.