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STATUTORY INSTRUMENTS

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**2006 No. 2238**

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

**PART 4**

**ACTION PLANS**

**CHAPTER 1**

**GENERAL**

**[<sup>F1</sup>Consolidated noise maps**

**14.**—(1) The Secretary of State may compile a consolidated noise map in respect of any area covered by more than one strategic noise map.

(2) In this regulation, “strategic noise map” means a strategic noise map—

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

**F1** [Reg. 14 substituted \(25.7.2009\) by \[The Environmental Noise \\(England\\) \\(Amendment\\) Regulations 2009 \\(S.I. 2009/1610\\)\]\(#\), regs. 1\(b\), \*\*6\(1\)\*\*](#)

**[<sup>F2</sup>Duty to publish criteria or limit values**

**14A.**—(1) The Secretary of State must set out limit values or other criteria for the identification of priorities for action plans (“relevant criteria”) in such published form as the Secretary of State considers appropriate.

(2) The Secretary of State must keep the relevant criteria under review and, where the Secretary of State considers it appropriate, make revisions.]

**F2** [Reg. 14A added \(25.7.2009\) by \[The Environmental Noise \\(England\\) \\(Amendment\\) Regulations 2009 \\(S.I. 2009/1610\\)\]\(#\), regs. 1\(b\), \*\*6\(2\)\*\*](#)

**Action plans: general requirements**

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

[<sup>F3</sup>(a) aim to prevent and reduce environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health;

(aa) aim to preserve 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 against an increase in noise;

- [<sup>F4</sup>(d) address priorities which must be identified by having regard to the relevant criteria;]
- (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.

- F3** Reg. 15(1)(a)(aa) substituted for reg. 15(1)(a) (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 15(1)(d) substituted (25.7.2009) by [The Environmental Noise \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1610\)](#), regs. 1(b), 7

## 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 [F5June] 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 [F5June]2008.

(3) No later than 30th [F5June] 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.

<p><b>F5</b> Word in reg. 19 substituted (6.4.2008) by <a href="#">The Environmental Noise (England) (Amendment) Regulations 2008 (S.I. 2008/375)</a>, regs. 1(b), 3</p>
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## CHAPTER 4

### ACTION PLANS - PUBLIC PARTICIPATION

#### **Public participation**

**20.**—(1) In preparing and revising action plans the competent authorities under regulations 16 and 18 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Noise (England) Regulations 2006, PART 4.