
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](#)) (“the 2006 Regulations”). The 2006 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 (OJ No L 189, 18.07.2002, p 12) (“the Directive”).

Regulation 3(3) amends the definition of “Directive” in regulation 2 of the 2006 Regulations so that references to the Directive in the 2006 Regulations 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 of the 2006 Regulations.

Regulation 4 amends paragraphs (2) and (3) of regulation 3 of the 2006 Regulations so that the noise sources listed in regulation 3 are identified from 2011 onwards by publishing maps.

Regulation 5 substitutes regulation 13 of the 2006 Regulations, which provided that quiet areas in first round agglomerations and agglomerations (“quiet areas”) had to be identified in regulations. Under the substituted regulation, quiet areas must be identified by the Secretary of State in such published form as the Secretary of State considers appropriate. The identification of quiet areas must be kept under review and if necessary, revised.

Regulation 6 amends regulation 14 of the 2006 Regulations. It replaces the duty in regulation 14(2) of the 2006 Regulations with a power to compile consolidated noise maps. It also inserts a new regulation 14A setting out a revised duty on the Secretary of State as regards setting out limit values or other criteria (“relevant criteria”) for the identification of priorities for action plans.

Regulation 7 amends regulation 15(1)(d) of the 2006 Regulations by requiring action plans to address priorities which must be identified by having regard to the relevant criteria.

Regulation 8 makes a consequential amendment to regulation 29(2)(b) of the 2006 Regulations.

Regulation 9 amends regulation 30 of the 2006 Regulations by providing the Secretary of State with a revised power to issue guidance to competent authorities.

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

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Noise (England) (Amendment) Regulations 2009.