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STATUTORY INSTRUMENTS

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**2009 No. 1610**

**ENVIRONMENTAL PROTECTION, ENGLAND**

The Environmental Noise (England)  
(Amendment) Regulations 2009

<i>Made</i>	- - - -	<i>1st July 2009</i>
<i>Laid before Parliament</i>		<i>3rd July 2009</i>
<i>Coming into force</i>	- -	<i>25th July 2009</i>

The Secretary of State makes these Regulations under the powers conferred by section 2(2) of, and by paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(1)</sup> (“the Act”). The Secretary of State is a Minister designated<sup>(2)</sup> for the purposes of the Act in relation to measures relating to the assessment, management and control of environmental noise.

These Regulations and the Regulations they amend, the Environmental Noise (England) Regulations 2006<sup>(3)</sup>, make provision for a purpose mentioned in section 2(2) of the Act. The Environmental Noise (England) Regulations 2006 make references to 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<sup>(4)</sup>. It appears to the Secretary of State that it is expedient for those references to be construed as references to that Directive as amended from time to time

**Citation, commencement and application**

1. These Regulations—
  - (a) may be cited as the Environmental Noise (England) (Amendment) Regulations 2009; and
  - (b) come into force on 25th July 2009.

**Amendment of the Environmental Noise (England) Regulations 2006**

2. The Environmental Noise (England) Regulations 2006 are amended in accordance with regulations 3 to 9.

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(1) [1972 c. 68](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#).  
(2) [S.I. 2004/706](#).  
(3) [S.I. 2006/2238](#) as amended by [S.I. 2008/375](#).  
(4) OJ No L 189, 18.7.2002, p 12 amended by Regulation EC (No) 1137/2008 of the European Parliament and of the Council (OJ No L 311, 20.11.2008, p 1).

**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(1)”.

(3) At the end of the definition of “Directive”, add “as amended from time to time;”.

**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”.

**Substitution of regulation 13 (identification of quiet areas)**

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

**“Identification of quiet areas**

13.—(1) The Secretary of State must identify —

(a) quiet areas in first round agglomerations; and

(b) quiet areas in agglomerations,

in such published form as the Secretary of State considers appropriate.

(2) The Secretary of State must—

(a) keep the identification of quiet areas in first round agglomerations and agglomerations under review; and

(b) make revisions, where the Secretary of State considers it appropriate.”.

**Substitution of regulation 14 (duty to publish criteria or limit values and a consolidated noise map) and addition of regulation 14A**

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

**“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.”.

(2) After regulation 14 (as substituted by paragraph (1)), add—

**“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.”.

**Amendment of regulation 15 (action plans: general requirements)**

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

“(d) address priorities which must be identified by having regard to the relevant criteria;”.

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

8. In paragraph (2)(b) of regulation 29 (availability of strategic noise maps, consolidated noise map and actions plans), for “regulation 14(2)” substitute “regulation 14(1)”.

**Substitution of regulation 30 (guidance)**

9. 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—

(a) under paragraph (1) of this regulation;

(b) under regulation 30 of these Regulations as it had effect at any time before 25th July 2009,

which is in force at the time the competent authority exercises the functions to which the guidance relates.”.

1st July 2009

*Hilary Benn*  
Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## 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.