
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 465

The Environmental Noise (Scotland) Regulations 2006

PART 1

GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environmental Noise (Scotland) Regulations 2006 and shall come into force on 5th October 2006.

(2) These Regulations extend to Scotland only.

(3) Nothing in paragraph (2) means that strategic noise maps made or revised under these Regulations must be limited to Scotland.

Application

2.—(1) These Regulations apply to environmental noise to which humans are exposed in particular in built up areas, in public parks or other quiet areas in an agglomeration, near schools, hospitals and other noise sensitive buildings and areas.

(2) These Regulations do not apply to noise that is caused by the person exposed to the noise, noise from domestic activities, noise created by neighbours, noise at work places or noise inside means of transport or due to military activities in military areas.

Interpretation

3.—(1) Unless otherwise defined in these Regulations, words and terms used in these Regulations and in the Directive shall have the meaning given in the Directive.

(2) In these Regulations—

“agglomeration” means an urbanised area having a population in excess of 100,000 people and a population density equal to or greater than 500 people per km² and which is shown on a map or plan prepared and published by the Scottish Ministers in accordance with regulation 4;

“airport” means a civil airport;

“airport operator” means the person for the time being having, in relation to a particular airport, the management of that airport;

“calendar year” means a period of a year beginning on the 1st January;

“dB(A)” is a measure of sound pressure level (“A” weighted) in decibels as specified in British Standard BS EN 61672 2:2003(1);

“Directive” means Directive [2002/49/EC](#) of the European Parliament and of the Council of 25th June 2002 relating to the assessment and management of environmental noise(2);

(1) ISBN 0-580-42224-0.

(2) O.J. No. L 189, 18.07.02, p.12.

“first round agglomeration” means an urbanised area having a population in excess of 250,000 people and a population density equal to or greater than 500 people per km² and which is shown on a map or plan prepared and published by the Scottish Ministers in accordance with regulation 4;

“first round major railway” means a railway having more than 60,000 train passages per year and which is shown on a map or plan prepared and published by the Scottish Ministers in accordance with regulation 4;

“first round major road” means a road having more than 6 million vehicle passages per year which is—

- (a) designated by the letter “A” followed by a number; or
- (b) a special road within the meaning of section 7 of the Roads (Scotland) Act 1984(3), and which is shown on a map or plan prepared and published by the Scottish Ministers in accordance with regulation 4;

“L_{day}” has the meaning given in Article 3 and Annex I to the Directive and covers the period 0700 – 1900 hours in any 24 hour period;

“L_{evening}” has the meaning given in Article 3 and Annex I to the Directive and covers the period 1900 – 2300 hours in any 24 hour period;

“L_{night}” has the meaning given in Article 3 and Annex I to the Directive and covers the period 2300 – 0700 hours in any 24 hour period;

“L_{den}” has the meaning given in Article 3 and Annex I to the Directive;

“major airport” means a civil airport having more than 50,000 movements per year (a movement being a take off or a landing) excluding those purely for training purposes on light aircraft, and which is shown on a map or plan prepared and published by the Scottish Ministers in accordance with regulation 4;

“major road” means a road having more than 3 million vehicle passages per year which is—

- (a) designated by the letter “A” followed by a number; or
- (b) a special road within the meaning of section 7 of the Roads (Scotland) Act 1984, and which is shown on a map or plan prepared and published by the Scottish Ministers in accordance with regulation 4;

“major railway” means a railway having more than 30,000 train passages per year and which is shown on a map or plan prepared and published by the Scottish Ministers in accordance with regulation 4;

“quiet area in an agglomeration” and “quiet area in a first round agglomeration” mean an area shown on a map or plan prepared and published by the Scottish Ministers in accordance with regulation 4.

Maps identifying noise sources and quiet areas

4.—(1) The Scottish Ministers shall prepare maps or plans showing—

- (a) first round agglomerations;
- (b) first round major roads;
- (c) first round major railways;
- (d) major airports;
- (e) agglomerations;

(3) 1984 c. 54. There are amendments to section 7 not relevant to these Regulations.

- (f) major roads;
 - (g) major railways; and
 - (h) quiet areas in first round agglomerations and in agglomerations.
- (2) Every 5 years the Scottish Ministers—
- (a) shall review maps or plans prepared pursuant to paragraph (1); and
 - (b) where they consider that such maps or plans are no longer appropriate, shall modify them as necessary.
- (3) Certified copies of maps or plans prepared pursuant to paragraph (1) or modified pursuant to paragraph (2)—
- (a) shall be made available for inspection at such times and in such places as the Scottish Ministers may determine, and information on when and where such copies may be inspected shall be published by the Scottish Ministers in such a manner as they may determine;
 - (b) may be published on a website and in such other manner as the Scottish Ministers consider appropriate; and
 - (c) shall be provided by the Scottish Ministers, on request and for a reasonable charge.

PART 2

STRATEGIC NOISE MAPS

CHAPTER 1

GENERAL REQUIREMENTS FOR STRATEGIC NOISE MAPS

Strategic noise maps: general requirements

5.—(1) Any strategic noise map made or revised under this Part shall satisfy the applicable requirements in Schedule 1.

(2) A competent authority under regulation 6 or 8 shall apply—

- (a) the noise indicators L_{den} and L_{night} in accordance with Annex I to the Directive; and
- (b) the supplementary noise indicators in all cases listed as examples in paragraph 3 of Annex I to the Directive,

when making or revising strategic noise maps under this Part.

(3) The values of $L_{den, night}$ and the supplementary noise indicators shall be determined by means of the assessment methods set out in Schedule 2.

(4) Subject to paragraph (5) existing noise indicators and related data may be converted into L_{den} and L_{night} .

(5) The data referred to in paragraph (4) shall not be more than 3 years old.

(6) “Supplementary noise indicator” means a noise indicator as defined in Schedule 3.

CHAPTER 2

STRATEGIC NOISE MAPS – NOISE SOURCES OTHER THAN AIRPORTS

Application and Competent Authority

6. This Chapter does not apply to noise from airports and the competent authority for this Chapter is the Scottish Ministers.

Duty to make, review and revise strategic noise maps

7.—(1) No later than 30th June 2007 the competent authority shall make and, in accordance with regulation 21, adopt strategic noise maps showing the situation in the preceding calendar year for all—

- (a) first round agglomerations;
- (b) first round major roads; and
- (c) first round major railways.

(2) No later than 30th June 2012, and thereafter every 5 years, the competent authority shall make and, in accordance with regulation 21, adopt strategic noise maps showing the situation in the preceding calendar year for all—

- (a) agglomerations;
- (b) major roads; and
- (c) major railways.

(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

any strategic noise map made pursuant to paragraphs (1) or (2) and adopted pursuant to regulation 21.

CHAPTER 3

STRATEGIC NOISE MAPS – AIRPORTS

Application and Competent Authority

8. This Chapter applies to noise from airports and the competent authority for this Chapter is the airport operator.

Interpretation

9.—(1) In this Chapter—

“input data” means all the data and related information used to produce the numerical data in electronic form required by paragraph 3(2)(b) or 4(2)(b) (as appropriate) of Schedule 1;

“metadata” means such elements of Section 2 of the “SPIRE Data Standard, Version 1.0” (DEFRA, 25th November 2004)⁽⁴⁾ as are required to describe the—

- (a) input data; and
- (b) information and data required by paragraph 3(2) or 4(2) (as appropriate) of Schedule 1.

(4) SPIRE Programme, Product Reference: SIP-DP-011.

(2) Any requirement in this Chapter to submit input data to the Scottish Ministers is a requirement to submit that input data in a format that—

- (a) is electronic;
- (b) allows electronic manipulation; and
- (c) does not require manipulation in order to reproduce the numerical data in electronic form required by paragraph 3(2)(b) or 4(2)(b) (as appropriate) of Schedule 1.

Duty to make, review and revise strategic noise maps: major airports

10.—(1) This regulation applies to major airports.

(2) No later than 31st March 2007, and thereafter every 5 years, the competent authority shall—

- (a) make a strategic noise map showing the situation in the preceding calendar year for the airport; and
- (b) submit that map with input data and metadata 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

any strategic noise map made pursuant to paragraph (2) and adopted pursuant to regulation 21.

(4) The competent authority shall submit any strategic noise map revised pursuant to paragraph (3)(b), with input data and metadata, to the Scottish Ministers within 3 working days of its revision.

Duty to make, review and revise strategic noise maps: other airports

11.—(1) This regulation applies to airports other than major airports.

(2) Where air traffic from the airport results in air traffic noise anywhere within a first round agglomeration, no later than 31st March 2007 the competent authority shall, in relation to that noise—

- (a) make a strategic noise map showing the situation in the preceding calendar year for the first round agglomeration; and
- (b) submit that map with input data and metadata to the Scottish Ministers.

(3) Where air traffic from the airport results in air traffic noise anywhere within an agglomeration, no later than 31st March 2012 and thereafter every 5 years, the competent authority shall, in relation to that noise—

- (a) make a strategic noise map showing the situation in the preceding calendar year for the agglomeration; and
- (b) submit that map with input data and metadata to the Scottish Ministers.

(4) 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

any strategic noise map made pursuant to paragraphs (2) or (3) and adopted pursuant to regulation 21.

(5) The competent authority shall submit any strategic noise map revised pursuant to paragraph (4)(b), with input data and metadata, to the Scottish Ministers within 3 working days of its revision.

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.

PART 4

COOPERATION WITH EXTERNAL COMPETENT AUTHORITIES

Co operation with external competent authorities

20.—(1) A competent authority under these Regulations (which shall include the Scottish Ministers for the purposes of their functions under Part 5 of these Regulations) shall co operate with an external competent authority—

- (a) when necessary in order to meet its obligations under these Regulations; or
- (b) when requested to do so by an external competent authority in relation to obligations arising under the Directive.

(2) In this Part “external competent authority” means a competent authority designated in relation to England, Northern Ireland, or Wales for the purposes of Article 4 of the Directive.

PART 5

ADOPTION OF STRATEGIC NOISE MAPS AND ACTION PLANS

Adoption of strategic noise maps

21.—(1) If the Scottish Ministers consider that a strategic noise map—

- (a) submitted to them pursuant to regulation 10 or 11;
- (b) submitted to them pursuant to paragraph (4); or
- (c) made or revised by them,

meets the requirements of regulation 5, they shall adopt the map.

(2) If the Scottish Ministers consider that a strategic noise map submitted to them pursuant to regulation 10 or 11 or paragraph (4) does not meet the requirements of regulation 5 they shall—

- (a) amend and adopt the map; or
- (b) reject the map.

(3) If a strategic noise map is rejected pursuant to paragraph (2)(b) the Scottish Ministers shall notify the competent authority that submitted it of—

- (a) the reasons why the map was not adopted; and
- (b) the date by which the map shall be revised and resubmitted.

(4) The recipient of a notification under paragraph (3) shall submit the revised strategic noise map to the Scottish Ministers by the date specified in the notification.

(5) If the Scottish Ministers amend a strategic noise map—

- (a) submitted to them pursuant to regulation 10 or 11; or
- (b) submitted to them pursuant to paragraph (4),

they shall take such steps as they consider appropriate for ensuring that the map complies with the requirements of regulation 5.

Adoption of action plans

22.—(1) If the Scottish Ministers consider that an action plan—

- (a) submitted to them pursuant to regulation 17(1)(b), 17(2)(b) or 17(4);

- (b) submitted to them pursuant to paragraph (5); or
 - (c) drawn up or revised by them,
- meets the requirements of regulation 13, they may adopt the action plan.
- (2) Paragraph (3) applies if–
 - (a) the Scottish Ministers consider that an action plan submitted to them pursuant to regulation 17(1)(b), 17(2)(b) or 17(4) does not meet the requirements of regulation 13; or
 - (b) an action plan is not adopted pursuant to paragraph (1).
 - (3) Where this paragraph applies the Scottish Ministers shall–
 - (a) amend and adopt the plan; or
 - (b) reject the plan.
 - (4) If an action plan is rejected pursuant to paragraph (3)(b) the Scottish Ministers shall notify the competent authority that submitted it of–
 - (a) the reasons why the plan was not adopted; and
 - (b) the date by which the plan shall be revised and resubmitted.
 - (5) The recipient of a notification under paragraph (4) shall submit the revised action plan to the Scottish Ministers by the date specified in the notification.
 - (6) If the Scottish Ministers amend an action plan–
 - (a) submitted to them pursuant to regulation 17(1)(b), 17(2)(b) or 17(4); or
 - (b) submitted to them pursuant to paragraph (5),
 they shall take such steps as they consider appropriate for ensuring that the action plan complies with the requirements of these Regulations.

PART 6

POWERS OF THE SCOTTISH MINISTERS IN RELATION TO THE FUNCTIONS OF OTHER COMPETENT AUTHORITIES

Application

23. This Part applies to any functions under these Regulations exercised by a competent authority other than the Scottish Ministers.

Powers of the Scottish Ministers

24.—(1) The Scottish Ministers may at any time require a competent authority to provide information in relation to its functions under these Regulations.

- (2) A request for information pursuant to paragraph (1)–
 - (a) shall be made in writing;
 - (b) may specify the format in which information shall be provided; and
 - (c) may specify the period of time within which a response shall be received.
- (3) If a competent authority receives a request pursuant to paragraph (1) it shall respond–
 - (a) within the time period specified pursuant to paragraph (2)(c); or
 - (b) if no such period is specified, within 14 days of receipt of the request.
- (4) Where–

- (a) the Scottish Ministers have consulted the competent authority; and
- (b) they consider that by reason of any act or omission, or any likely act or omission, by the competent authority—
 - (i) a requirement of these Regulations; or
 - (ii) a requirement imposed on the United Kingdom by the Directive,is unlikely to be met, the Scottish Ministers may exercise such of the functions of the competent authority as they consider appropriate.

Recovery of expenses

25.—(1) Where the Scottish Ministers incur expenses pursuant to—

- (a) regulation 21(2);
- (b) regulation 22(3);
- (c) regulation 24(1); or
- (d) regulation 24(4),

they may recover those expenses from the relevant competent authority.

(2) In this regulation “relevant competent authority” means—

- (a) in relation to regulation 21(2), the competent authority that submitted the strategic noise map pursuant to regulation 10 or 11;
- (b) in relation to regulation 22(3), the competent authority that submitted the action plan pursuant to regulation 17;
- (c) in relation to regulation 24(1), the competent authority required to provide information to the Scottish Ministers pursuant to that regulation; and
- (d) in relation to regulation 24(4), the competent authority whose functions the Scottish Ministers exercise pursuant to that regulation.

PART 7

INFORMATION TO THE PUBLIC AND GUIDANCE

Availability of strategic noise maps, consolidated noise maps and action plans

26.—(1) Any—

- (a) strategic noise map that is made available to the public before it is adopted pursuant to regulation 21; or
- (b) action plan that is made available to the public before it is adopted pursuant to regulation 22,

shall include prominently displayed wording identifying it as a draft subject to adoption by the Scottish Ministers.

(2) Any—

- (a) strategic noise map adopted pursuant to regulation 21;
- (b) consolidated noise map compiled pursuant to regulation 12(2); or
- (c) action plan adopted pursuant to regulation 22,

shall be published by the Scottish Ministers in accordance with the requirements of paragraph (3).

(3) Any strategic noise map, consolidated noise map or action plan published pursuant to paragraph (2) shall be accompanied by a summary setting out the most important points.

(4) Certified copies of such strategic noise maps, consolidated noise maps and action plans—

(a) shall be made available for inspection at such times and in such places as the Scottish Ministers may determine, and information on when and where such copies may be inspected shall be published by the Scottish Ministers in such a manner as they may determine;

(b) may be published on a website and in such other manner as the Scottish Ministers consider appropriate; and

(c) shall be provided by the Scottish Ministers, on request and for a reasonable charge.

Guidance

27.—(1) The Scottish Ministers may from time to time issue such guidance as they consider appropriate in relation to the operation of these Regulations.

(2) Any person having functions under these Regulations shall have regard to such guidance.

St Andrew's House,
Edinburgh
12th September 2006

RHONA BRANKIN
Authorised to sign by the Scottish Ministers