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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

**Duty to publish criteria or limit values and a consolidated noise map**

**14.**—(1) No later than 18th July 2007 the Secretary of State must publish guidance setting out limit values or other criteria for the identification of priorities for action plans.

(2) No later than 1st October 2007 the Secretary of State must compile and publish a consolidated noise map from all strategic noise maps that are made or revised pursuant to regulation 7, 11 or 12 and adopted pursuant to regulation 23.

**Action plans: general requirements**

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

- (a) meet the objectives of Article 1(c) of the Directive;
- (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;
- (d) address priorities which must be identified by having regard to guidance published pursuant to regulation 14(1);
- (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.

## 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 April 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 April 2008.

(3) No later than 30th April 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.

## 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.