

2006 No. 387

ENVIRONMENTAL PROTECTION

The Environmental Noise Regulations (Northern Ireland) 2006

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The Department of the Environment is a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the assessment, management and control of environmental noise. The Department makes these Regulations in exercise of the powers conferred by that section.

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Environmental Noise Regulations (Northern Ireland) 2006 and shall come into operation on 20 October 2006.

(2) 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.

(3) These Regulations do not apply to noise that is caused by the exposed person himself, 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

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) Unless otherwise defined in these Regulations, words and terms used in these Regulations and in the Directive have the same meaning as in the Directive.

(3) In these Regulations—

- “agglomeration” means an area identified as an agglomeration pursuant to regulation 3;
- “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 1 January;
- “classified road” means a road which is classified pursuant to Article 13 of the Roads (Northern Ireland) Order 1993(d);
- “dB(A)” is a measure of sound pressure level (“A” weighted) in decibels as specified in British Standard BS EN 61672-2: 2003(e);
- “DEFRA” means the Department for Environment, Food and Rural Affairs;
- “Directive” means 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(f);

(a) S.I. 2003/2901
 (b) 1972 c. 68
 (c) 1954 c. 33 (N.I.)
 (d) S.I. 1993/3160 (N.I. 15)
 (e) ISBN 0-580-42224-0
 (f) O.J. No. L 189, 18.07.2002, p. 12

“first round agglomeration” means an area identified as a first round agglomeration pursuant to regulation 3;

“first round major railway” means a railway which is identified as a first round major railway pursuant to regulation 3;

“first round major road” means a road which is identified as a first round major road pursuant to regulation 3;

“industrial noise sources” means—

(a) Part A activities, as defined in Schedule 1 of the Pollution Prevention and Control Regulations (Northern Ireland) 2003^(a), within an agglomeration or first round agglomeration; and

(b) Ports within an agglomeration or first round agglomeration;

“in the form of Regulations” means in the form of Regulations made under section 2(2) of the European Communities Act 1972;

“L_{day}” has the meaning given in Article 3 and Annex I of the Directive and covers the period 07:00 – 19:00 hours in any 24-hour period;

“L_{evening}” has the meaning given in Article 3 and Annex I of the Directive and covers the period 19:00 – 23:00 hours in any 24-hour period;

“L_{night}” has the meaning given in Article 3 and Annex I of the Directive and covers the period 23:00 – 07:00 hours in any 24-hour period;

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

“major airport” means an airport which is identified as a major airport pursuant to regulation 3;

“major railway” means a railway which is identified as a major railway pursuant to regulation 3;

“major road” means a road which is identified as a major road pursuant to regulation 3;

“motorway” means a road that has been designated under Article 15 of the Roads (Northern Ireland) Order 1993;

“quiet area in an agglomeration” means an area which is identified as a quiet area in an agglomeration in accordance with regulation 40;

“relevant agglomerations” means agglomerations identified under regulation 3(2)(a) or 3(3)(a);

“relevant first round agglomerations” means agglomerations identified under regulation 3(1)(a);

“supplementary noise indicator” means a noise indicator as defined in Schedule 3;

“the Department” means the Department of the Environment; and

“trunk road” has the meaning given in Article 2(2) of the Roads (Northern Ireland) Order 1993.

Identification of noise sources

3.—(1) No later than 31st December 2006 the Department shall prepare maps identifying all—

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

(2) No later than 31st December 2011 the Department shall prepare maps identifying all—

(a) S.R. 2003 No. 46

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

(3) In any relevant year the Department shall prepare maps identifying all—

- (a) agglomerations;
- (b) major roads;
- (c) major railways; or
- (d) major airports;

as necessary if it considers that the most recent maps produced pursuant to paragraph 2 are no longer appropriate.

(4) In paragraph (3) “relevant year” means 2016 and every fifth year thereafter.

(5) When discharging its duty under paragraph (1)(a) to identify first round agglomerations the Department shall identify areas—

- (a) having a population in excess of 250,000 persons and a population density equal to or greater than 500 people per km²; and
- (b) which it considers to be urbanised.

(6) When discharging its duty under paragraph (2)(a) or (3)(a) to identify agglomerations the Department shall identify areas—

- (a) having a population in excess of 100,000 persons and a population density equal to or greater than 500 people per km²; and
- (b) which it considers to be urbanised.

(7) When discharging its duty under paragraph (1)(b) to identify first round major roads the Department shall identify roads which—

- (a) are—
 - (i) trunk roads;
 - (ii) motorways; or
 - (iii) classified roads; and
- (b) have more than six million vehicle passages a year.

(8) When discharging its duty under paragraph (2)(b) or (3)(b) to identify major roads the Department shall identify roads which—

- (a) are—
 - (i) trunk roads;
 - (ii) motorways; or
 - (iii) classified roads; and
- (b) have more than three million vehicle passages a year.

(9) When discharging its duty under paragraph (1)(c) to identify first round major railways the Department shall identify railways which have more than 60,000 train passages per year.

(10) When discharging its duty under paragraph (2)(c) or (3)(c) to identify major railways the Department shall identify railways which have more than 30,000 train passages per year.

(11) When discharging its duty under paragraph (1)(d), (2)(d) or (3)(d) to identify major airports the Department shall identify civil airports which have 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.

(12) Certified copies of maps prepared pursuant to paragraphs (1), (2) and (3)—

- (a) shall be available for inspection at such times and in such places as the Department may determine, and information on when and where such copies may be inspected shall be published by the Department in such a manner as they may determine;
- (b) may be displayed on a website and in such other manner as the Department considers appropriate; and
- (c) shall be provided by the Department, on request, for a reasonable charge.

PART 2

STRATEGIC NOISE MAPS

CHAPTER 1

GENERAL REQUIREMENTS FOR STRATEGIC NOISE MAPS

Strategic noise maps: general requirements

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

(2) A competent authority under regulations 7, 10, 13, 16 or 21 shall apply—

- (a) the noise indicators L_{den} and L_{night} as referred to in Annex I of the Directive; and
- (b) the supplementary noise indicators in all cases listed as examples in paragraph 3 of Annex 1 of the Directive;

when making or revising strategic noise maps under this Part.

(3) The values of L_{den} , L_{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 shall be converted into L_{den} and L_{night} .

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

Interpretation

5.—(1) In this Part—

“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; and

“metadata” means such elements of Section 2 of the “SPIRE Data Standard, Version 1.0” (DEFRA, 25 November 2004)(a) 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;

(2) Any requirement in this Chapter to submit input data to a competent authority 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.

(a) SPIRE Programme, Product Reference: SIP – DP – 011

CHAPTER 2
STRATEGIC NOISE MAPS - MAJOR ROADS

Application

6. This Chapter applies to noise from major roads.

Competent authority

7. The competent authority for this Chapter is the Department for Regional Development.

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

- 8.—(1) No later than 31 October 2006 the competent authority shall—
- (a) identify all major roads for the preceding calendar year; and
 - (b) submit this data to the Department.
- (2) No later than 31 October 2011, and thereafter every five years, the competent authority shall—
- (a) identify all major roads for the preceding calendar year; and
 - (b) submit this data to the Department.
- (3) No later than 31 March 2007 the competent authority shall—
- (a) make a strategic noise map showing the situation in the preceding calendar year for all first round major roads; and
 - (b) submit that map with input data and metadata to the Department.
- (4) No later than 31 March 2012, and thereafter every five years, the competent authority shall—
- (a) make a strategic noise map showing the situation in the preceding calendar year for all major roads; and
 - (b) submit that map with input data and metadata to the Department.
- (5) 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 (3) or (4) and adopted pursuant to regulation 46.
- (6) The competent authority shall submit any strategic noise map revised pursuant to paragraph (5)(b), with input data and metadata, to the Department within three working days of its revision.

CHAPTER 3
STRATEGIC NOISE MAPS – MAJOR RAILWAYS

Application

9. This Chapter applies to noise from major railways.

Competent authority

10. The competent authority for this Chapter is the Northern Ireland Transport Holding Company.

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

- 11.—(1) No later than 31 October 2006 the competent authority shall—
- (a) identify all major railways for the preceding calendar year; and
 - (b) submit this data to the Department.
- (2) No later than 31 October 2011, and thereafter every five years, the competent authority shall—
- (a) identify all major railways for the preceding calendar year; and
 - (b) submit this data to the Department.
- (3) No later than 31 March 2007 the competent authority shall—
- (a) make a strategic noise map showing the situation in the preceding calendar year for all first round major railways; and
 - (b) submit that map with input data and metadata to the Department.
- (4) No later than 31 March 2012, and thereafter every five years, the competent authority shall—
- (a) make a strategic noise map showing the situation in the preceding calendar year for all major railways; and
 - (b) submit that map with input data and metadata to the Department.
- (5) 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 (3) or (4) and approved pursuant to regulation 46.
- (6) The competent authority shall submit any strategic noise map revised pursuant to paragraph (5)(b), with input data and metadata, to the Department within three working days of its revision.

CHAPTER 4

STRATEGIC NOISE MAPS – MAJOR AIRPORTS

Application

12. This Chapter applies to noise from major airports.

Competent authority

13. The competent authority for this Chapter is the airport operator.

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

- 14.—(1) No later than 31 October 2006, and thereafter every five years, the competent authority shall—
- (a) identify whether an airport qualifies as a major airport for the preceding calendar year; and
 - (b) submit this data to the Department.
- (2) No later than 31 March 2007, and thereafter every five years, the competent authority shall—
- (a) make a strategic noise map showing the situation in the preceding calendar year for all major airports; and
 - (b) submit that map with input data and metadata to the Department.

(3) 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 approved pursuant to regulation 46.

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

CHAPTER 5

STRATEGIC NOISE MAPS – INDUSTRY

Application

15. This Chapter applies to noise sources from industry.

Competent authority

16. The competent authority for this Chapter is the Department.

Duty to make, review and revise strategic noise maps: industry

17.—(1) No later than 31 December 2006 the competent authority shall identify all industrial noise sources within first round agglomerations in the preceding calendar year.

(2) No later than 31 December 2011, and thereafter every five years, the competent authority shall identify all industrial noise sources within agglomerations.

(3) No later than 30 June 2007 the competent authority shall make a strategic noise map showing the situation in the preceding calendar year for industrial noise sources within first round agglomerations.

(4) No later than 30 June 2012, and thereafter every five years, the competent authority shall make a strategic noise map showing the situation in the preceding calendar year for industrial noise sources within agglomerations.

(5) 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 (3) or (4).

CHAPTER 6

STRATEGIC NOISE MAPS – AGGLOMERATIONS

Application

18. This Chapter applies to noise from sources within agglomerations.

Duty to make, review and revise strategic noise maps: agglomerations

19.—(1) No later than 31 March 2007 the competent authority under regulation 7 shall—

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

(2) No later than 31 March 2012, and thereafter every five years, the competent authority under regulation 7 shall—

- (a) make a strategic noise map showing the situation in the preceding calendar year for all relevant agglomerations; and
- (b) submit that map with input data and metadata to the Department.

(3) No later than 31 March 2007 the competent authority under regulation 10 shall—

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

(4) No later than 31 March 2012, and thereafter every five years, the competent authority under regulation 10 shall—

- (a) make a strategic noise map showing the situation in the preceding calendar year for all relevant agglomerations; and
- (b) submit that map with input data and metadata to the Department.

(5) No later than 31 October 2006, and thereafter every five years, an airport operator shall—

- (a) identify any airport to be mapped within any relevant first round agglomeration or any relevant agglomeration;
- (b) act as the competent authority for that airport; and
- (c) submit this data to the Department.

(6) No later than 31 March 2007 the competent authority under paragraph (5) shall—

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

(7) No later than 31 March 2012, and thereafter every five years, the competent authority under regulation 13 shall—

- (a) make a strategic noise map showing the situation in the preceding calendar year for all relevant agglomerations; and
- (b) submit that map with input data and metadata to the Department.

(8) Whenever a major development occurs affecting the existing noise situation, the competent authority under regulation 7, 10, 13, 16 or paragraph (5) shall—

- (a) review; and
- (b) if necessary, revise;

any strategic noise map made pursuant to paragraph (1), (2), (3), (4), (6) or (7) and adopted or approved pursuant to regulation 46.

(9) Any strategic noise map revised pursuant to paragraph (8)(b) shall be submitted with input data and metadata to the Department within three working days of its revision.

CHAPTER 7

CONSOLIDATION OF STRATEGIC NOISE MAPS

Application

20. This Chapter applies to noise from sources within agglomerations.

Competent authority

21. The competent authority for this Chapter is the Department.

Duty to make, review and revise a consolidated strategic noise map: agglomerations

22. No later than the 30 June 2007, and thereafter every five years, the competent authority shall make a consolidated strategic noise map for all noise sources within the agglomeration, using the strategic noise maps submitted under regulations 17 and 19.

PART 3

ACTION PLANS

CHAPTER 1

GENERAL

Duty to publish criteria or limit values

23. No later than 31 October 2007 the Department shall publish guidance setting out limit values or other criteria for the identification of priorities for action plans.

Action plans: general requirements

24.—(1) Any action plan drawn up or revised under this Part shall—

- (a) meet the objectives and requirements in Schedule 4;
- (b) be designed to manage noise issues and effects, including noise reduction if necessary;
- (c) aim to protect quiet areas in agglomerations against an increase in noise;
- (d) address priorities which shall be identified by having regard to guidance published pursuant to regulation 23; and
- (e) apply in particular to the most important areas as established by strategic noise maps approved or adopted pursuant to regulation 46.

(2) Paragraph (3) applies to—

- (a) any action plan; and
- (b) any revision of an action plan;

drawn up under this Part for an agglomeration.

(3) An 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 made or revised pursuant to regulation 8, 11, 14, 17 or 19 and approved or adopted pursuant to regulation 46; and
 - (ii) concern any part of the area addressed by the action plan; and
- (b) a consolidated noise map compiled pursuant to regulation 22 to the extent that it concerns any part of the area addressed by the action plan.

CHAPTER 2

ACTION PLANS – ROADS

Application

25. This Chapter applies to noise from roads

Competent authority

26. The competent authority for this Chapter is the Department for Regional Development.

Duty to draw up, review and revise action plans: major roads

- 27.—(1) No later than 30 April 2008 the competent authority shall—
- (a) draw up an action plan for places near first round major roads; and
 - (b) submit that action plan to the Department.
- (2) No later than 30 April 2013 the competent authority shall—
- (a) draw up an action plan for places near major roads; and
 - (b) submit that action plan to the Department.
- (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 or approved pursuant to regulation 47.
- (4) The competent authority shall—
- (a) review; and
 - (b) if necessary, revise;

the action plan.

(5) An action plan revised pursuant to paragraph (4)(b) shall be submitted to the Department within three working days of its revision.

Duty to draw up, review and revise action plans: agglomerations

- 28.—(1) No later than 30 April 2008 the competent authority shall—
- (a) draw up an action plan for places near roads within any relevant first round agglomeration; and
 - (b) submit that action plan to the Department.
- (2) No later than 30 April 2013 the competent authority shall
- (a) draw up an action plan for places near roads within any relevant agglomeration; and
 - (b) submit that action plan to the Department.
- (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 or approved pursuant to regulation 47.
- (4) The competent authority shall—
- (a) review; and
 - (b) if necessary, revise;

the action plan.

(5) An action plan revised pursuant to paragraph (4)(b) shall be submitted to the Department within three working days of its revision.

CHAPTER 3

ACTION PLANS – RAILWAYS

Application

29. This Chapter applies to noise from railways

Competent authority

30. The competent authority for this Chapter is the Northern Ireland Transport Holding Company.

Duty to draw up, review and revise action plans: major railways

31.—(1) No later than 30 April 2008 the competent authority shall—

- (a) draw up an action plan for places near first round major railways; and
- (b) submit that action plan to the Department.

(2) No later than 30 April 2013 the competent authority shall—

- (a) draw up an action plan for places near major railways; and
- (b) submit that action plan to the Department.

(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 or approved pursuant to regulation 47.

(4) The competent authority shall—

- (a) review; and
- (b) if necessary, revise;

the action plan.

(5) An action plan revised pursuant to paragraph (4)(b) shall be submitted to the Department within three working days of its revision.

Duty to draw up, review and revise action plans: agglomerations

32.—(1) No later than 30 April 2008 the competent authority shall—

- (a) draw up an action plan for places near railways within any relevant first round agglomeration; and
- (b) submit that action plan to the Department.

(2) No later than 30 April 2013 the competent authority shall—

- (a) draw up an action plan for places near railways within any relevant agglomeration; and
- (b) submit that action plan to the Department.

(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 or approved pursuant to regulation 47.

(4) The competent authority shall—

- (a) review; and
- (b) if necessary, revise;

the action plan.

(5) An action plan revised pursuant to paragraph (4)(b) shall be submitted to the Department within three working days of its revision.

CHAPTER 4
ACTION PLANS – AIRPORTS

Application

33. This Chapter applies to noise from airports

Competent authority

34. The competent authority for this Chapter is the airport operator.

Duty to draw up, review and revise action plans: major airports

35.—(1) No later than 30 April 2008 the competent authority shall—

- (a) draw up an action plan for places near a major airport; and
- (b) submit that action plan to the Department.

(2) Paragraph (3) 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 or approved pursuant to regulation 47.

(3) The competent authority shall—

- (a) review; and
- (b) if necessary, revise;

the action plan.

(4) An action plan revised pursuant to paragraph (3)(b) shall be submitted to the Department within three working days of its revision.

Duty to draw up, review and revise action plans: agglomerations

36.—(1) No later than 30 April 2008 the competent authority shall—

- (a) draw up an action plan for places near any airport within any relevant first round agglomeration; and
- (b) submit that action plan to the Department

(2) No later than 30 April 2013 the competent authority shall

- (a) draw up an action plan for places near any airport within any relevant agglomeration; and
- (b) submit that action plan to the Department.

(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 or approved pursuant to regulation 47.

(4) The competent authority shall—

- (a) review; and
- (b) if necessary, revise;

the action plan.

(5) An action plan revised pursuant to paragraph (4)(b) shall be submitted to the Department within three working days of its revision.

CHAPTER 5
ACTION PLANS – INDUSTRY

Application

37. This Chapter refers to noise sources from industry.

Competent authority

38. The competent authority for this Chapter is the Department.

Duty to draw up, review and revise action plans: industry

39.—(1) No later than 18 July 2008 the competent authority shall draw up an action plan for industrial noise sources within any relevant first round agglomeration.

(2) No later than 18 July 2013 the competent authority shall draw up an action plan for industrial noise sources within any relevant agglomeration.

(3) Paragraph (4) applies—

- (a) whenever a major development occurs affecting the existing noise situation; and
- (b) at least every five years after 18 July 2013.

(4) The competent authority shall—

- (a) review; and
- (b) if necessary, revise;

the action plan.

CHAPTER 6
QUIET AREAS

Identification of quiet areas

40.—(1) No later than 30 September 2007 the Department shall prepare maps identifying quiet areas in agglomerations.

(2) Paragraph (3) applies if the Department considers that the most recent maps produced pursuant to this regulation are no longer appropriate.

(3) No later than 30 September in any relevant year the Department shall, if it considers it necessary, prepare maps identifying quiet areas in agglomerations.

(4) In paragraph (3) “relevant year” means 2012 and every fifth year thereafter.

(5) Certified copies of maps prepared pursuant to paragraphs (1) and (3)—

- (a) shall be available for inspection at such times and in such places as the Department may determine, and information on when and where such copies may be inspected shall be published by the Department in such a manner as they may determine;
- (b) may be displayed on a website and in such other manner as the Department considers appropriate; and
- (c) shall be provided by the Department, on request, for a reasonable charge.

CHAPTER 7
CONSOLIDATED ACTION PLANS

Competent authority

41. The competent authority for this Chapter is the Department.

Duty to draw up, review and revise a consolidated action plan: agglomerations

42. No later than the 18 July 2008, and thereafter every five years, the competent authority shall draw up a consolidated action plan for all noise within the agglomerations, using the action plans submitted under regulations 28, 32, 36 and 39.

CHAPTER 8
ACTION PLANS – PUBLIC PARTICIPATION

Public participation

43.—(1) In preparing and revising action plans the competent authorities under regulations 26, 30, 34 and 38 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 9
IMPLEMENTATION OF ACTION PLANS

Implementation of action plans

44.—(1) Where an action plan or a revision of an action plan—
(a) has been adopted or approved pursuant to regulation 47; and
(b) identifies a public authority as responsible for a particular action;
that public authority shall 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 Department; and
 - (ii) the competent authority responsible for the preparation of the action plan or the revision (if not the Department);

with written reasons showing reasonable grounds 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.

PART 4

COOPERATION WITH EXTERNAL COMPETENT AUTHORITIES

Cooperation with external competent authorities

45.—(1) When necessary in order to meet its obligations under these Regulations, a competent authority shall use all reasonable endeavours to secure the cooperation of an external competent authority.

(2) A competent authority—

- (a) when requested to do so by an external competent authority; and
- (b) if necessary to meet that external competent authority's obligations arising under the Directive;

shall cooperate with that external competent authority.

(3) In this Part “external competent authority” means a competent authority in the Republic of Ireland, England, Scotland or Wales designated for the purposes of Article 4 of the Directive.

PART 5

ADOPTION OR APPROVAL OF STRATEGIC NOISE MAPS AND ACTION PLANS

Adoption or approval of strategic noise maps

46.—(1) If the Department considers that a strategic noise map—

- (a) submitted to it pursuant to regulation 11, or 14;
- (b) submitted to it pursuant to paragraph (6);

meets the requirements of regulation 4, it shall approve the map.

(2) If the Department considers that a strategic noise map submitted to it pursuant to regulation 11, or 14 or paragraph (6) does not meet the requirements of regulation 4 it may—

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

(3) If the Department considers that a strategic noise map—

- (a) submitted to it pursuant to regulation 8, or 19;
- (b) submitted to it pursuant to paragraph (6); or
- (c) made or revised by it;

meets the requirements of regulation 4, the Department shall adopt the map.

(4) If the Department considers that a strategic noise map submitted to it pursuant to regulation 8, or 19 or paragraph (6) does not meet the requirements of regulation 4 it may—

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

(5) If a strategic noise map is rejected pursuant to paragraph (2)(b) or (4)(b) the Department shall notify the competent authority that submitted it of—

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

(6) The recipient of a notification under paragraph (5) shall submit the revised strategic noise map to the Department by the date specified in the notification.

(7) Paragraphs (1) to (6) apply to a revised strategic noise map as they apply to a strategic noise map submitted pursuant to regulation 8, 11, 14, or 19.

(8) If the Department amends—

- (a) a strategic noise map; or
- (b) a revised strategic noise map;

it shall take such steps as it considers appropriate to ensure that the map complies with the requirements of regulation 4 and shall notify the competent authority of any amendments made.

Adoption or approval of action plans

47.—(1) If the Department considers that an action plan—

- (a) submitted to it pursuant to regulation 31(1)(b), 31(2)(b), 31(5), 32(1)(b), 32(2)(b), 32(5), 35(1)(b), 35(4), 36(1)(b), 36(2)(b), or 36(5);
- (b) submitted to it pursuant to paragraph (6);

meets the requirements of regulation 24, it shall approve the action plan.

(2) If the Department considers that an action plan—

- (a) submitted to it pursuant to regulation 27(1)(b), 27(2)(b), 27(5), 28(1)(b), 28(2)(b) or 28(5);
- (b) submitted to it pursuant to paragraph (6);

meets the requirements of regulation 24, it shall adopt the action plan.

(3) Paragraph (4) applies if—

- (a) the Department considers that an action plan submitted to it pursuant to regulations 27(1)(b), 27(2)(b), 27(5), 28(1)(b), 28(2)(b), 28(5), 31(1)(b), 31(2)(b), 31(5), 32(1)(b), 32(2)(b), 32(5), 35(1)(b), 35(4), 36(1)(b), 36(2)(b) or 36(5), does not meet the requirements of regulation 24; or
- (b) an action plan is not adopted or approved pursuant to paragraphs (1) or (2).

(4) Where this paragraph applies the Department shall—

- (a) amend, and approve or adopt the action plan; or
- (b) reject the action plan.

(5) If an action plan is rejected pursuant to paragraph (4)(b) the Department shall notify the authority that submitted it of—

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

(6) The recipient of a notification under paragraph (5) shall submit the revised action plan to the Department by the date specified in the notification.

(7) Paragraphs (1) to (6) apply to a revised action plan as they apply to an action plan submitted pursuant to regulation 27(1)(b), 27(2)(b), 27(5), 28(1)(b), 28(2)(b), 28(5), 31(1)(b), 31(2)(b), 31(5), 32(1)(b), 32(2)(b), 32(5), 35(1)(b), 35(4), 36(1)(b), 36(2)(b) or 36(5).

(8) If the Department amends—

- (a) an action plan; or
- (b) a revised action plan;

it shall take such steps as it considers appropriate to ensure that the action plan complies with the requirements of Regulation 24 and notify the competent authority of any amendments made.

PART 6

POWERS OF THE DEPARTMENT IN RELATION TO THE FUNCTIONS OF OTHER COMPETENT AUTHORITIES

Application

48. This Part does not apply to any functions under these Regulations for which the Department is the competent authority.

Powers

49.—(1) The Department 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) shall specify the format in which information shall be provided; and
- (c) shall specify the period of time within which a response shall be received.

(3) If an 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 fourteen days of receipt of the request.

(4) Paragraph (5) applies where—

- (a) the Department has consulted the competent authority; and
- (b) it considers 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.

(5) The Department may exercise such of the functions of the competent authority, as it considers appropriate.

Recovery of expenses

50.—(1) Where the Department incurs expenses pursuant to—

- (a) regulation 46(2);
- (b) regulation 46(4);
- (c) regulation 47(4); or
- (d) regulation 49(5);

it may recover those expenses from the relevant competent authority as a civil debt.

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

- (a) in relation to regulation 46(2) and 46(4), the competent authority that submitted the strategic noise map pursuant to regulation 8, 11, 14 or 19;
- (b) in relation to regulations 47(4), the competent authority that submitted the action plan pursuant to regulation 27(1)(b), 27(2)(b), 27(5), 28(1)(b), 28(2)(b), 28(5), 31(1)(b), 31(2)(b), 31(5), 32(1)(b), 32(2)(b), 32(5), 35(1)(b), 35(4), 36(1)(b), 36(2)(b), 36(5); or
- (c) in relation to regulation 49(5), the competent authority whose functions the Department exercises pursuant to that regulation.

PART 7

INFORMATION TO THE PUBLIC

Competent authority

51. The competent authority for this Part is the Department.

Availability of strategic noise maps and action plans

52.—(1) Any—

- (a) strategic noise map that is made available to the public before it is adopted or approved pursuant to regulation 46; or
- (b) action plan that is made available to the public before it is adopted or approved pursuant to regulation 47;

shall include prominently displayed wording identifying it as a draft subject to adoption or approval by the Department.

(2) Any—

- (a) strategic noise map approved or adopted pursuant to regulation 46; or
- (b) action plan approved or adopted pursuant to regulation 47;

shall be published by the competent authority in accordance with the requirements of paragraph (3).

(3) A strategic noise map or an action plan published pursuant to paragraph (2)—

- (a) shall be accompanied by a summary setting out the most important points;
- (b) shall be available for inspection at such times and in such places as the Department may determine, and information on when and where such copies may be inspected shall be published by the Department in such a manner as they may determine;
- (c) may be displayed on a website and in such other manner as the Department considers appropriate; and
- (d) shall be provided by the Department, on request, for a reasonable charge.

PART 8

GUIDANCE

Guidance

53. A competent authority, in exercising any of its functions under these Regulations, shall have regard to any guidance issued by the Department under this regulation.

Sealed with the Official Seal of the Department of the Environment on 21st September 2006



Ian T. Maye
A Senior Officer of the Department of the Environment

MINIMUM REQUIREMENTS FOR STRATEGIC NOISE MAPPING**Interpretation****1.** In this Schedule—

“editable” means in a format that allows (without the need for manipulation) the electronic production of—

- (a) numerical data in tables; and
- (b) graphical plots;

to display the information described in paragraphs 1.5, 1.6, 1.7, 2.5, 2.6 and 2.7 of Annex VI of the Directive;

“grid” means a grid of vector points which are—

- (c) at 10 metre by 10 metre intervals;
- (d) spatially referenced to the Irish National Grid reference system used by the Ordnance Survey Northern Ireland as a pair of integers to show Eastings then Northings in metres from the origin; and
- (e) aligned with the 10 metre vertices of the Irish National Grid reference system used by the Ordnance Survey of Northern Ireland so that references finish with the number zero.

General requirements for strategic noise maps**2.—**(1) Strategic noise maps and their revisions shall—

- (a) satisfy the minimum requirements laid down in Annex IV of the Directive; and
- (b) be clear and comprehensible.

(2) In applying paragraph (1)(a) any reference in Annex IV of the Directive to—

- (a) Article 8 of the Directive shall be taken to be a reference to regulations 24, 27, 28, 31, 32, 35, 36 and 39 of these Regulations;
- (b) Article 9 of the Directive shall be taken to be a reference to regulation 52 of these Regulations.

Requirements for strategic noise maps for agglomerations**3.—**(1) This paragraph applies only to—

- (a) a strategic noise map made under regulations 17 or 19; or
- (b) a revision of such a strategic noise map.

(2) Strategic noise maps shall—

- (a) include the information (in electronic format) described in paragraphs 1.1 to 1.4 inclusive of Annex VI of the Directive; and
- (b) include editable numerical data in electronic form containing the values of L_{den} , L_{night} and the supplementary noise indicators on a grid.

Requirements for strategic noise maps for major roads, major railways and major airports**4.—**(1) This paragraph applies only to—

- (a) any strategic noise map made under regulation 8, 11 or 14;

- (b) any revision of such a map.
- (2) Strategic noise maps shall—
- (a) include the information (in electronic format) described in paragraphs 2.1 to 2.4 inclusive of Annex VI of the Directive; and
 - (b) include editable numerical data in electronic form containing the values of L_{den} , L_{night} and the supplementary noise indicators on a grid.

ASSESSMENT METHODS FOR THE NOISE INDICATORS

Introduction

5.—(1) The values of L_{den} , L_{night} and the supplementary noise indicators shall be determined by computation (at the assessment position).

(2) In this Schedule—

“assessment position” means the assessment height in paragraph 7 of Annex IV of the Directive;

“Recommendation” means Commission Recommendation 2003/613/EC of 6 August 2003 concerning the guidelines on the revised interim computation methods for industrial noise, aircraft noise, road traffic noise and railway noise, and related emissions data(a).

Assessment method for road traffic noise indicators

6. For road traffic noise indicators the assessment method “Calculation of road traffic noise” (Department of Transport, 7 June 1988, HMSO)(b) shall be used, adapted using the report “Method for converting the UK traffic noise index $L_{A10,18h}$ to EU noise indices for road noise mapping” (DEFRA, 24 January 2006)(c).

Assessment method for railway noise indicators

7. For railway noise indicators the assessment methods—

(a) “Calculation of railway noise” (Department of Transport, 13th July 1995, HMSO)(d); and

(b) (in relation to railways to which it is expressed to apply) “Calculation of railway noise 1995 Supplement No. 1 Procedure for the calculation of noise from Eurostar trains class 373” (Department for Transport, 20 October 1996, Stationery Office)(e);

shall be used, adapted as shown in Figure 6.5 of the report “Rail and wheel roughness – implications for noise mapping based on the Calculation of Railway Noise procedures” (DEFRA March 2004)(f).

Assessment methods for aircraft noise indicators

8. For aircraft noise indicators the assessment method “Report on Standard Method of Computing Noise Contours around Civil Airports” (Second Edition, European Civil Aviation Conference, 2–3 July 1997)(g) shall be used in accordance with paragraph 2.4 of the Annex in the Recommendation.

Assessment methods for industrial noise indicators and port noise indicators

9.—(1) For industrial noise indicators and port noise indicators the propagation assessment method described in “ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation

(a) O.J. No. L 212, 22.8.2003, p. 49.

(b) ISBN 0115508473.

(c) Prepared by TRL Limited and Casella Stanger, Document Reference st/05/91/AGG04442.

(d) ISBN 0115517545

(e) ISBN 0115518738.

(f) Prepared by AEA Technology plc, Document Reference: AEATR-PC&E-2003-002.

(g) Adopted by the Twenty-First Plenary Session of ECAC, Document Reference: ECAC.CEAC Doc. 29.

outdoors – Part 2: General method of Calculation” (International Standards Organisation, 1996)(a) shall be used in accordance with paragraph 2.5 of the Annex in the Recommendation.

(2) Suitable noise emission data (input data) for “ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation” can be obtained either from measurements carried out in accordance with one of the following methods:

- (a) “Acoustics. Determination of sound power levels of multisource industrial plants for evaluation of sound pressure levels in the environment. Engineering method” (BS ISO 8297:1994, British Standards Institute)(b);
- (b) “Acoustics. Determination of sound power levels of noise sources using sound pressure. Engineering method in an essentially free field over a reflecting plane” (BS EN ISO 3744:1995, British Standards Institute)(c);
- (c) “Acoustics. Determination of sound power levels of noise sources using sound pressure. Survey method using an enveloping measurement surface over a reflecting plane” (BS EN ISO 3746:1996, British Standards Institute)(d);

or by using Toolkit 10 of the “Good Practice Guide for Strategic Noise Mapping and the Production of Associated Data on Noise Exposure Version 2, Position Paper Final Draft” (European Commission Working Group Assessment of Exposure to Noise, 13 January 2006)(e).

(a) International Organization for Standardization (<http://www.iso.ch>)
(b) British Standards Institute (http://www.standardsdirect.org/standards/standards3/StandardsCatalogue24_view_23347.html)
(c) British Standards Institute (http://www.standardsdirect.org/standards/standards2/StandardsCatalogue24_view_19606.html)
(d) British Standards Institute (http://www.standardsdirect.org/standards/standards2/StandardsCatalogue24_view_19608.html)
(e) European Commission Working Group Assessment of Exposure to Noise (<http://www.defra.gov.uk/environment/noise/mapping/exposure/pdf/exposedata-guide.pdf>)

SCHEDULE 3

regulation 2

SUPPLEMENTARY NOISE INDICATORS

Interpretation

10. In this Schedule—

“ $L_{A10,18h}$ ” is the arithmetic mean noise level in dB(A) exceeded for 10% of each hour over the period 06:00 – 24:00 hours;

“ $L_{Aeq,16h}$ ” is the equivalent continuous sound level in dB(A) that, over the period 07:00 – 23:00 hours, contains the same sound energy as the actual fluctuating sound that occurred in that period;

“ $L_{Aeq,18h}$ ” is the equivalent continuous sound level in dB(A) that, over the period 06:00 – 24:00 hours, contains the same sound energy as the actual fluctuating sound that occurred in that period;

“ $L_{Aeq,6h}$ ” is the equivalent continuous sound level in dB(A) that, over the period 24:00 – 06:00 hours, contains the same sound energy as the actual fluctuating sound that occurred in that period.

Road traffic noise

11. The supplementary noise indicators in relation to road traffic noise are—

- (a) $L_{A10,18h}$;
- (b) $L_{Aeq,16h}$;
- (c) L_{day} ; and
- (d) $L_{evening}$.

Railway noise

12. The supplementary noise indicators in relation to railway noise are—

- (a) $L_{Aeq,16h}$;
- (b) $L_{Aeq,18h}$;
- (c) $L_{Aeq,6h}$;
- (d) L_{day} ; and
- (e) $L_{evening}$.

Aircraft noise

13. The supplementary noise indicators in relation to aircraft noise are—

- (a) $L_{Aeq,16h}$;
- (b) L_{day} ; and
- (c) $L_{evening}$.

Industrial noise and port noise

14. The supplementary noise indicators in relation to industrial noise and port noise are—

- (a) $L_{Aeq,16h}$;

- (b) L_{day} ; and
- (c) L_{evening} .

MINIMUM REQUIREMENTS FOR ACTION PLANS

General

15.—(1) An action plan shall—

- (a) meet the minimum requirements of Annex V of the Directive; and
- (b) contain a summary covering all the important aspects referred to in Annex V of the Directive, not exceeding ten pages in length; and
- (c) be clear and comprehensible.

(2) In applying paragraph (1) any reference in Annex V of the Directive to—

- (a) Article 5 of the Directive shall be taken to be a reference to regulation 4 of these Regulations;
- (b) Article 8(7) of the Directive shall be taken to be a reference to regulation 43 of these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These 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 (O.J. No. L 189, 18.07.2002, p. 12) (the 'Directive'). They extend to Northern Ireland only.

Strategic noise maps

The making of strategic noise maps will occur in two rounds, the first in 2007 and the second in 2012. In the second round a larger number of the same type of noise sources will have to be mapped than in the first round. Subsequently strategic noise maps will have to be made every five years.

Regulation 3 requires the Department to identify the noise sources for which strategic noise maps shall be made.

Chapter 2 of Part 2 names the Department for Regional Development as the competent authority responsible for the preparation of strategic noise maps for major roads.

Chapter 3 of Part 2 names the Northern Ireland Transport Holding Company as the competent authority responsible for the preparation of strategic noise maps for major railways.

Chapter 4 of Part 2 names the airport operators as the competent authorities responsible for the preparation of strategic noise maps for major airports.

Chapter 5 of Part 2 names the Department of the Environment as the competent authority responsible for the preparation of noise maps for industrial noise sources within agglomerations.

Chapter 6 of Part 2 requires the competent authorities from regulations 7, 10, 13, 16 and 19(5) to make strategic noise maps showing the situation in the preceding calendar year for any agglomerations, and names the airport operators as the competent authorities responsible for the preparation of strategic noise maps for airports within agglomerations.

Chapter 7 of Part 2 requires the Department to make a consolidated strategic noise map for all sources within agglomerations.

From time to time, and whenever a major development occurs, the competent authorities shall review (and if necessary, revise) strategic noise maps. Once made or revised, the competent authorities, for sources other than industry, will have to submit all strategic noise maps to the Department for adoption or approval.

All strategic noise maps shall meet the minimum requirements set out in regulation 4.

Regulation 4 and Schedule 3 specify which noise indicators and supplementary noise indicators shall be used in making the strategic noise maps. Schedule 2 sets out the assessment methods to be used in calculating the values of noise indicators. Different methods are specified for each noise source.

Regulation 40 requires the Department to identify quiet areas in agglomerations.

Action plans

Action plans shall be drawn up in two rounds (the first in 2008 and the second in 2013) following the two rounds of strategic noise maps upon which the action plans will be based.

Regulation 23 requires the Department to publish guidance on how the priorities in action plans should be identified.

Regulation 24 sets out the general requirements for action plans.

Regulations 27 and 28 require the Department for Regional Development to draw up action plans for places near to major roads and roads within agglomerations. The Department for Regional Development shall review (and revise, if necessary) the action plans every five years, or sooner if a major development occurs.

Regulations 31 and 32 require the Northern Ireland Transport Holding Company to draw up action plans for places near to major railways and places near to railways within agglomerations. The Northern Ireland Transport Holding Company shall review (and revise, if necessary) the action plans every five years, or sooner if a major development occurs.

Regulations 35 and 36 require airport operators to draw up action plans for places near to major airports and airports within agglomerations. The airport operators shall review (and revise, if necessary) the action plans every five years, or sooner if a major development occurs.

Regulation 39 requires the Department of the Environment to draw up action plans for industrial activity sites, including ports within agglomerations. The Department for the Environment shall review (and revise, if necessary) the action plans every five years, or sooner if a major development occurs.

Regulation 42 requires the Department of the Environment to draw up a consolidated action plan for all sources within agglomerations, using the action plans submitted under regulations 28, 32, and 36.

Regulation 43 specifies the public participation required during the preparation and revision of action plans.

Regulation 44 requires public authorities to treat action plans as policy insofar as the action plan identifies them as being responsible for a particular action. Public authorities may depart from such policies in specified circumstances.

Other provisions

Regulation 45 requires competent authorities in Northern Ireland to cooperate with their counterparts in the Republic of Ireland, England, Scotland or Wales when necessary to do so in order to meet obligations under these Regulations or the Directive.

Regulations 46 and 47 set out the mechanism by which the Department adopts and approves strategic noise maps and action plans respectively.

Regulation 49 provides the Department with the power to require competent authorities to provide information in relation to their obligations under the Regulations or to step in and carry out the functions of competent authorities under specified circumstances.

Regulation 50 gives the Department power to reclaim certain expenses from competent authorities.

Regulation 52 sets out requirements for the publication of strategic noise maps and action plans.

Regulation 53 requires competent authorities to have regard to any guidance published by the Department.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the library of the Northern Ireland Assembly and copies can be obtained from Environmental Policy Division, 20-24 Donegall Street, Belfast BT1 2GP.

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