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STATUTORY INSTRUMENTS

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**2006 No. 2238**

**The Environmental Noise (England) Regulations 2006**

**PART 1**

**GENERAL**

**Citation, commencement, extent and application**

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

(2) These Regulations apply in England.

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

(4) 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.

(5) 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) 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.

(2) 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 1st January;

“consolidated noise map” means a noise map compiled pursuant to regulation 14(2);

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

“DEFRA” means the Department for Environment Food and Rural Affairs;

“designated” when used in relation to any airport means designated under section 80 for the purposes of section 78 of the Civil Aviation Act 1982(2);

“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(3);

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

(2) 1982 c.16.

(3) 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;

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

“L<sub>day</sub>” covers the period 07:00 – 19:00 hours in any 24 hour period;

“L<sub>evening</sub>” covers the period 19:00 – 23:00 hours in any 24 hour period;

“L<sub>night</sub>” covers the period 23:00 – 07:00 hours in any 24 hour period;

“major airport” means an airport 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 special road which (save as otherwise provided by or under regulations made under section 17 of the Road Traffic Regulation Act 1984(4)) can be used by traffic only of Class I or II as specified in Schedule 4 to the Highways Act 1980(5);

“non-designated” when used in relation to an airport means not designated under section 80 for the purposes of section 78 of the Civil Aviation Act 1982;

“principal or classified road” means a road which is known as—

- (a) a principal road;
- (b) a classified road; or
- (c) both a principal road and a classified road,

by virtue of section 12 of the Highways Act 1980 (whether by falling within subsection (1), or being classified under subsection (3));

“quiet area in an agglomeration” means an area which is identified as a quiet area in an agglomeration in accordance with regulation 13;

“special road” has the same meaning as in section 329(1) of the Highways Act 1980;

“supplementary noise indicator” has the meaning given in regulation 4(6); and

“trunk road” means any highway for which the Secretary of State is the relevant highway authority.

### Identification of noise sources

3.—(1) No later than 31st December 2006 the Secretary of State must, in the form of regulations, identify all—

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

(4) 1984 c.27; section 17 was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 28 and Schedule 9, and by the Road Traffic Act 1991 (c.40), Schedule 7, paragraph 3 and Schedule 8.

(5) Schedule 4 has been amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), Schedule 3, paragraph 21(3).

(2) No later than 31st December 2011 the Secretary of State must, in the form of regulations, identify all—

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

(3) In any relevant year the Secretary of State must, in the form of regulations, identify—

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

as necessary if he considers that the most recent regulations 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 his duty under paragraph (1)(a) to identify first round agglomerations the Secretary of State must identify areas—

- (a) having a population in excess of 250,000 persons and a population density equal to or greater than 500 people per km<sup>2</sup>; and
- (b) which he considers to be urbanised.

(6) When discharging his duty under paragraph (2)(a) or (3)(a) to identify agglomerations the Secretary of State must identify areas—

- (a) having a population in excess of 100,000 persons and a population density equal to or greater than 500 people per km<sup>2</sup>; and
- (b) which he considers to be urbanised.

(7) When discharging his duty under paragraph (1)(b) to identify first round major roads the Secretary of State must identify roads which—

- (a) are—
  - (i) trunk roads,
  - (ii) motorways that are not trunk roads, or
  - (iii) principal or classified roads;
- (b) have more than six million vehicle passages a year; and
- (c) he considers to be regional, national or international.

(8) When discharging his duty under paragraph (2)(b) or (3)(b) to identify major roads the Secretary of State must identify roads which—

- (a) are—
  - (i) trunk roads,
  - (ii) motorways that are not trunk roads, or
  - (iii) principal or classified roads;
- (b) have more than three million vehicle passages a year; and
- (c) he considers to be regional, national or international.

(9) When discharging his duty under paragraph (1)(c) to identify first round major railways the Secretary of State must identify railways which have more than 60,000 train passages per year.

(10) When discharging his duty under paragraph (2)(c) or (3)(c) to identify major railways the Secretary of State must identify railways which have more than 30,000 train passages per year.

(11) When discharging his duty under paragraph (1)(d), (2)(d) or (3)(d) to identify major airports the Secretary of State must 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.