

**EXPLANATORY MEMORANDUM TO**  
**THE ENVIRONMENTAL NOISE (IDENTIFICATION OF NOISE SOURCES)**  
**(ENGLAND) (AMENDMENT) REGULATIONS 2007**

**2007 No. 2458**

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These Regulations amend Schedule 4 of the Environmental Noise (Identification of Noise Sources) (England) Regulations 2007 (S.I.2007/415) by removing three airports (Gloucestershire (EGBJ), London Biggin Hill (EGKB) and Shoreham (EGKA) from the list of major airports set out in that Schedule.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 These Regulations are made under section 2(2) of the European Communities Act 1972.

**5. Extent and application**

5.1 These Regulations apply in England.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy Background**

7.1 The aim of Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of noise (“END”) is to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. It sets out a number of requirements on Member States in order to meet these aims.

7.2 The requirements of the Directive are transposed in England through the Environmental Noise (England) Regulations 2006 (S.I. 2006/2238) (“EN regulations”).

7.3 Under the EN regulations, operators of major airports must prepare strategic noise maps (regulation 7(1)(d) and 11(2)) and noise action plans (regulation 19(1)). The maps and action plans must be produced every 5 years.

7.4 The criteria for qualifying as a major airport are set out in regulation 3(11) of the EN regulations. Under regulation 3(1) and (2), the Secretary of State is required to make further regulations identifying in all major airports based on these criteria.

7.5 The Environmental Noise (Identification of Noise Sources) (England) Regulations 2007 (SI 2007/415) identify the major airports by listing them in Schedule 4 to those regulations.

7.6 The identification of major airports was based on 2005 data routinely gathered by the Civil Aviation Authority. This data showed that Gloucestershire, London Biggin Hill and Shoreham airports qualified as major airports. However, following a detailed assessment of the data it became clear that the routine classification of the CAA data did not comply with the detailed criteria used in the definition of a major airport as set out in regulation 3(11) of the EN Regulations. More detailed information obtained for these airports revealed that these airports do not currently meet the regulation 3(11) criteria for a major airport. It is therefore considered necessary to remove these airports from the list in Schedule 4 of the Environmental Noise (Identification of Noise Sources) (England) Regulations 2007.

## **8. Impact**

8.1 A regulatory impact assessment has been not carried out in relation to these Regulations. However a full regulatory impact assessment on the effects of the Environment Noise (England) Regulations 2006 is available at :

[http://www.opsi.gov.uk/si/em2006/uksiem\\_20062238\\_en.pdf](http://www.opsi.gov.uk/si/em2006/uksiem_20062238_en.pdf)

## **9. Contact**

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