EXPLANATORY MEMORANDUM TO

THE ENVIRONMENTAL NOISE (IDENTIFICATION OF NOISE SOURCES) (ENGLAND) REGULATIONS 2007

2007 No. 415

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 identify first round agglomerations, first round major roads and first round major railways by reference to published maps. The Regulations also identify major airports by listing them.

2.2 As a result the Regulations identify the noise sources that must be mapped pursuant to the first paragraph of Article 7 of 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 (the ***Directive***).

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

3.1 Not applicable.

4. Legislative Background

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

4.2 The Environmental Noise (England) Regulations 2006[1] (the ***2006 Regulations***) transpose the provisions of the Directive. These Regulations are made pursuant to the duty imposed on the Secretary of State by regulation 3(1) of the 2006 Regulations.

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.

[1] S.I. 2006/2238.

7. Policy background

7.1 The aim of the Environmental Noise Directive (END) 2002/49/EC and the related legislation implemented through the Environmental Noise (England) Regulations 2006 is to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise.

7.2 The Regulations require noise mapping and action planning process to be taken forward on a five-year rolling programme. The first round of mapping and action planning applies to the largest of the agglomerations, the busiest major roads and railways and all major airports. For the first round maps must be produced by 30the June 2007 and by 18 July 2008 action plans ' deigned to manage noise issues and effects, including noise reduction if necessary' based on the noise maps must be developed to address the noise climate established during the mapping process. The action plans must contain a complete description of the measures to be taken to reduce noise pollution. A number of minimum requirements have been specified in the END But there are no deadlines for when the various initiatives in the action plans have to be implemented.

7.3 These Regulations identify first round noise sources as required under Article 3(1) of the Environmental Noise (England) Regulations 2006.

8. Impact

8.1 A regulatory impact assessment has not been carried out in relation to these Regulations. However, a full regulatory impact assessment on the effects that the Environmental Noise (England) Regulations 2006 is available from http://www.opsi.gov.uk/si/em2006/uksiem_20062238_en.pdf

9. Contact

9.1 Wendy Hartnell at the Department for Environment, Food and Rural Affairs Tel: 020 7082 8410 or e-mail: wendy.hartnell@defra.gsi.gov.uk can answer any queries regarding the instrument.