STATUTORY RULES OF NORTHERN IRELAND

2006 No. 387

ENVIRONMENTAL PROTECTION

The Environmental Noise Regulations (Northern Ireland) 2006

Made - - - -	*21st September 2006*
Coming into operation	*20th October 2006*

The Department of the Environment is a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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(**3**) 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.

(**1**) S.I. 2003/2901
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

(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(**4**);

"dB(A)" is a measure of sound pressure level ("A" weighted) in decibels as specified in British Standard BS EN 61672-2: 2003(**5**);

"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(**6**);

"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(**7**), 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;

(**4**) S.I. 1993/3160 (N.I. 15)
(**5**) ISBN 0-580-42224-0
(**6**) O.J. No. L 189, 18.07.2002, p. 12
(**7**) S.R. 2003 No. 46

"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) 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 km^2; 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 km^2; 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)(**8**) 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.

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—

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