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STATUTORY INSTRUMENTS

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**2018 No. 1089**

**ENVIRONMENTAL PROTECTION, ENGLAND**

The Environmental Noise (England)  
(Amendment) Regulations 2018

<i>Made</i>	- - - -	<i>15th October 2018</i>
<i>Laid before Parliament</i>		<i>17th October 2018</i>
<i>Coming into force</i>	- -	<i>31st December 2018</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 (“the Act”)(1).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the Act in relation to measures relating to the assessment, management and control of environmental noise(2).

These Regulations make provision for a purpose mentioned in section 2(2) of the Act and it appears to the Secretary of State that it is expedient for references to Annex 2 to

[Directive 2002/49/EC](#)

of the European Parliament and of the Council relating to the assessment and management of environmental noise(3) to be construed as references to that Annex as amended from time to time.

**Citation and commencement**

1. These Regulations may be cited as the Environmental Noise (England) (Amendment) Regulations 2018 and come into force on 31st December 2018.

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- (1) [1972 c. 68](#)  
. Section 2(2) was amended by the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#), section 27(1)(a) and the European Union (Amendment) Act [2008 \(c. 7\)](#), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act [2018 \(c. 16\)](#), section 1 from exit day (see section 20 of that Act). Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by the European Union (Amendment) Act 2008, the Schedule, Part 1 and [S.I. 2007/1388](#). It is prospectively repealed by the European Union (Withdrawal) Act 2018, section 1 from exit day (see section 20 of that Act). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by [S.I. 2002/794](#).
- (2) [S.I. 2004/706](#), to which there are amendments not relevant to these Regulations.
- (3) OJ No L 189 18.7.2002, p 12, as last amended by Commission Directive (EU) 2015/996 (OJ No L 168, 1.7.2015, p 1).

## **Amendment of the Environmental Noise (England) Regulations 2006**

- 2.—(1) The Environmental Noise (England) Regulations 2006(4) are amended as follows.
- (2) In regulation 2—
- (a) in paragraph (2), in the definition of “the Directive”, for the words from “of 25 June 2002” to the end substitute “relating to the assessment and management of environmental noise, as last amended by Commission Directive (EU) 2015/996”;
  - (b) in paragraph (3), after “Annex I” insert “, 2”.
- (3) In regulation 4—
- (a) in paragraph (3), for “means of” to the end substitute “computation (at the assessment position) and by means of the assessment methods set out in Annex 2 to the Directive”;
  - (b) after paragraph (3) insert—
    - “(3A) In paragraph (3), “assessment position” means the assessment height in paragraph 7 of Annex 4 to the Directive.”;
  - (c) omit paragraphs (4) and (5).
- (4) Omit Schedule 2.
- (5) In Schedule 3—
- (a) in paragraph 1, omit the definition of “LA10,18h”;
  - (b) omit paragraph 2(a).

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

15th October 2018

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(4) [S.I. 2006/2238](#)  
; as amended by  
[S.I. 2008/375](#)  
,  
[2010/340](#)  
; there are other amending instruments but none is relevant.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Environmental Noise (England) Regulations 2006 ([S.I. 2006/2238](#)) to implement Commission Directive (EU) 2015/996 establishing common noise assessment methods according to [Directive 2002/49/EC](#) of the European Parliament and of the Council (OJ No L 168, 1.7.2015, p 1).

These Regulations provide for new common noise assessment methods as set out in Annex 2 to [Directive 2002/49/EC](#) of the European Parliament and of the Council relating to the assessment and management of environmental noise (OJ No L 189 18.7.2002, p 12), the text of which was replaced by Commission Directive (EU) 2015/996.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.