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STATUTORY INSTRUMENTS

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**1978 No. 1049**

**Pollution Control and Local Government  
(Northern Ireland) Order 1978**

**PART III**

**NOISE**

Construction sites

**Control of noise on construction sites**

**40.**—(1) This Article applies to works of the following description, that is to say—

- (a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;
- (b) breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works;
- (c) demolition or dredging work; and
- (d) (whether or not also comprised in sub-paragraph ( a ), ( b ) or ( c ) above) any work of engineering construction;

but shall not apply to any such works carried out by a government department.

(2) Where it appears to a district council that works to which this Article applies are being, or are going to be, carried out on any premises, the council may serve a notice imposing requirements as to the way in which the works are to be carried out and may if it thinks fit publish notice of the requirements in such way as appears to the council to be appropriate.

(3) The notice may in particular—

- (a) specify the plant or machinery which is, or is not, to be used;
- (b) specify the hours during which the works may be carried out;
- (c) specify the level of noise which may be emitted from the premises in question or at any specified point on those premises or which may be so emitted during specified hours; and
- (d) provide for any change of circumstances.

(4) In acting under this Article the district council shall have regard—

- (a) to the relevant provisions of any code of practice issued under this Part;
- (b) to the need for ensuring that the best practicable means are employed to minimise noise;
- (c) before specifying any particular methods or plant or machinery, to the desirability in the interests of any recipients of the notice in question of specifying other methods or plant or machinery which would be substantially as effective in minimising noise and more acceptable to them;
- (d) to the need to protect any persons in the locality in which the premises in question are situated from the effects of noise.

(5) A notice under this Article shall be served on the person who appears to the district council to be carrying out, or going to carry out, the works, and on such other persons appearing to the council to be responsible for, or to have control over, the carrying out of the works as the council thinks fit.

(6) A notice under this Article may specify the time within which the notice is to be complied with, and may require the execution of such works, and the taking of such other steps, as may be necessary for the purpose of the notice, or as may be specified in the notice.

(7) A person served with a notice under this Article may appeal against the notice to a court of summary jurisdiction within twenty-one days from the service of the notice.

(8) If a person on whom a notice is served under this Article without reasonable excuse contravenes any requirement of the notice he shall be guilty of an offence against this Part.

**Changes to legislation:**

There are currently no known outstanding effects for the Pollution Control and Local Government (Northern Ireland) Order 1978, Section 40.