
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 409

LAND

The Noise Insulation Regulations (Northern Ireland) 1995

Made 26th October 1995

Coming into operation 7th December 1995.

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

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SCHEDULE — Specifications for insulation work.

The Department of the Environment, in exercise of the powers conferred by Article 22 of the Land Acquisition and Compensation (Northern Ireland) Order 1973(a) and now vested in it(b) and of every other power enabling it in that behalf, hereby makes the following regulations:

(a) S.I. 1973/1896 (N.I. 21). Art. 22(7) was amended by S.I. 1981/154 (N.I. 1) Sch. 7 par. 17
(b) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1) and S.I. 1976/424 (N.I. 6) Art. 3(1)

Citation and commencement

1. These regulations may be cited as the Noise Insulation Regulations (Northern Ireland) 1995 and shall come into operation on 7th December 1995.

Interpretation

2.—(1) In these regulations—

“the Order” means the Land Acquisition and Compensation (Northern Ireland) Order 1973;

“additional carriageway” means a carriageway constructed or proposed to be constructed for a road beside, above, or below an existing carriageway;

“altered road” means a road of which the location, width or level of the carriageway has been or is to be altered (otherwise than by resurfacing) if the road was or will be first open to public traffic after completion of the alterations to the carriageway after 6th December 1992;

“building” includes part of a building;

“claimant” means a person who accepts an offer made under regulation 9;

“commencement date” means the date of the coming into operation of these regulations;

“Construction Products Directive” means European Council Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products(a);

“dB(A)” is a measure of sound pressure level (“A”-weighting) in decibels indicated by measuring equipment which complies with the British Standard Specification for a precision sound level meter published in June 1981 in accordance with BS 5969: 1981 (1989) as amended AMD 4413, October 1983 and AMD 5787, March 1989;

“the Department” means the Department of the Environment;

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993, but until that Agreement comes into force in relation to Liechtenstein does not include that State;

“eligible building” has the meaning assigned to it in regulation 3;

“eligible room” means a living room or a bedroom having a qualifying door or qualifying window in an eligible building;

“European Technical Approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Construction Products Directive by a body authorised by a Member State to issue European Technical

(a) O.J. No. L40, 11.2.89, p. 12

Approvals for those purposes and notified by that Member State to the European Commission;

“facade” means a side of a building;

“insulation work” means work carried out to insulate a building against noise and to provide for associated ventilation and solar control;

“L10” is the sound level in dB(A) which is exceeded for one tenth of a period of one hour;

“L10 (18-hour)” is the arithmetic average of the values of L10 for each of the eighteen one-hour periods between 0600 to 2400 hours on a day determined in accordance with the advice and instruction contained in a technical memorandum “Calculation of Road Traffic Noise” published by Her Majesty’s Stationery Office (1988) for the Department of Transport and the Welsh Office and the “Northern Ireland Modifications” of that publication published by Her Majesty’s Stationery Office (1995) for the Department;

“prevailing noise level” means the level of noise expressed as a level of L10 (18-hour) one metre in front of the most exposed of any windows and doors in a facade of a building caused by traffic using any road immediately before works for the construction of a road or additional carriageway, or for the alteration of a road, as the case may be, were begun;

“qualifying door” and “qualifying window” have the meanings assigned to them respectively in the Schedule;

“relevant date” means the date on which a road or additional carriageway was first open to public traffic or, in the case of an altered road, the date on which it was first open to public traffic after completion of the alteration;

“relevant noise level” means the level of noise, expressed as a level of L10 (18-hour), one metre in front of the most exposed of any windows and doors in a facade of a building, caused or expected to be caused by traffic using or expected to use any road;

“relevant specifications” means the items in paragraph 2 of the Schedule, such of the items in paragraph 3 of the Schedule and such of the specifications set out in paragraphs 4 to 10 of the Schedule as are applicable in the circumstances of the case;

“specified level” means a noise level of L10 (18-hour) of 68dB(A).

(2) In these regulations a reference to a publication shall be construed as relating to—

(a) the edition of the publication of the date mentioned in the reference together with any amendments; and

(b) so much only thereof as is relevant in the context in which the publication is mentioned.

(3) Where in relation to a specific purpose, a European Council Directive prescribes a requirement in relation to a particular characteristic of a material, component or other manufactured product, or part thereof, then where that

characteristic complies with that requirement, it shall be deemed to satisfy any requirement of these regulations insofar as it relates to that purpose.

And, accordingly, for the removal of doubt, it is hereby declared that products designed and manufactured in accordance with the requirements of a European Council Directive relating to a specific purpose do not have to comply with any standard or code of practice (British, international or other) prescribed or otherwise referred to in these regulations relating to any purpose covered by that Directive.

(4) In these regulations any reference to a British Standard shall be construed as a reference to an appropriate British Standard issued by the British Standards Institution and also to—

- (a) a relevant harmonised standard or a relevant standard or code of practice of a national standards body, or equivalent body, of any EEA State;
- (b) any relevant international standard recognised for use in any EEA State;
- (c) any appropriate traditional procedures of manufacture of an EEA State where these are the subject of a written technical description sufficiently detailed to permit assessment of the goods or materials for the use specified; or
- (d) a European Technical Approval issued in accordance with the Construction Products Directive (or, until procedures are available for the issue of such approvals, a specification sufficiently detailed to permit assessment);

where the proposed standard, code of practice, specification, technical description or European Technical Approval provides, in use, equivalent levels of safety, suitability and fitness for purpose as that provided by the British Standard.

(5) For the purposes of these regulations, any construction product (within the meaning of the Construction Products Directive) which bears a CE marking shall be treated as if it satisfied the requirements of any appropriate British Board of Agrément Certificate, British Standard or British Standard Code of Practice relating to such a product, where the CE marking relates to the same characteristic and specific purpose as the Certificate, Standard or Code of Practice.

(6) Where for the purposes of these regulations testing is carried out, it shall be carried out by an appropriate organisation offering suitable and satisfactory evidence of technical and professional competence and independence and such condition shall be satisfied where the testing organisation is accredited in an EEA State in accordance with the relevant parts of the EN 45000 series of standards for the tests carried out.

(7) In these regulations the abbreviations and symbols listed in the following table are used—

<i>Abbreviation or Symbol</i>	<i>Definition</i>
amps	amperes
BS	British Standard
CE	Communauté Européenne
EN	European Standard
kw	kilowatt
log	logarithm
mm	millimetre
°	degrees

Buildings to which the regulations apply

3.—(1) Subject to paragraph (2), the classes of buildings in respect of which a duty or power is to arise under these regulations are—

(a) dwellings; and

(b) other buildings used for residential purposes;

which will be not more than 300 metres from the nearest point on the carriageway of the road after the construction of that road or of an additional carriageway therefor or the alteration thereof, as the case may be, and the expression “eligible building” in these regulations means a building falling within either of these classes.

(2) The following shall not be eligible buildings—

(a) any building in respect of which notice of application for, or notice of intention to make, a vesting order has been published and which is to be demolished, unless a decision has been taken by the relevant authority not to make the vesting order in respect of that building;

(b) any building which is the subject of—

(i) a demolition order under Article 35;

(ii) a closing order under Article 38; or

(iii) a notice for complete demolition, having effect under Article 63 of the Housing (Northern Ireland) Order 1981(a);

(c) any building within an area declared to be a clearance area under Article 32 of the Housing (Northern Ireland) Order 1981;

(d) any building which was first occupied after the relevant date;

(e) any building in respect of which—

(i) a grant has been paid in respect of the carrying out of insulation work or insulation work has been carried out under any enactment; or

(ii) a grant is payable in respect of the carrying out of insulation work or insulation work is to be carried out under any enactment other than these regulations;

(a) S.I. 1981/156 (N.I. 3) as amended by S.I. 1992/1725 (N.I. 15) Article 90 and Schedule 5

- (f) any building for which a planning application was lodged with the Department or which was constructed after the date of publication of the Department's proposals to construct a road, altered road or additional carriageway as indicated—
- (i) in a draft order referred to in a notice published in accordance with paragraph 1 of Schedule 8 to the Roads (Northern Ireland) Order 1993(a) or an order made under Articles 4(1), 14(1) or 15(1) of that Order; or
 - (ii) in a development plan or draft development plan published in accordance with Part III of the Planning (Northern Ireland) Order 1991(b);
- (g) any building in respect of which planning permission in relation to it requires the provision of insulation against traffic noise.

Determination of noise levels

4. For the purpose of ascertaining whether a duty under regulation 5 or a power under regulation 6, as the case may be, has arisen with respect to an eligible building, the noise levels shall be determined in accordance with the technical memorandum entitled "Calculation of Road Traffic Noise" published by Her Majesty's Stationery Office (1988) for the Department of Transport and the Welsh Office and the "Northern Ireland Modifications" of that publication published by Her Majesty's Stationery Office (1995) for the Department.

Duty of the Department to insulate buildings or to make grants in consequence of the use of a road

5.—(1) Where the use of a road to which this regulation applies causes, or is expected to cause, noise at a level not less than the specified level, the Department shall carry out, or make a grant in respect of the cost of carrying out, insulation work in or to an eligible building.

(2) For the purpose of this and the next following regulation the use of a road causes, or is expected to cause, noise at a level not less than the specified level if—

- (a) the relevant noise level is greater by at least 1dB(A) than the prevailing noise level and is not less than the specified level; and
- (b) noise caused or expected to be caused by traffic using or expected to use the said road makes an effective contribution to the relevant noise level of at least 1dB(A).

(3) This regulation applies to—

- (a) a road; and
- (b) a road for which an additional carriageway has been or is to be constructed;

if the road or additional carriageway was first open to public traffic on or after 7th December 1995.

(a) S.I. 1993/3160 (N.I. 15)

(b) S.I. 1991/1220 (N.I. 11)

Power of the Department to insulate buildings or to make grants in consequence of the use of a road

6.—(1) Where the use of a road to which this paragraph applies causes, or is expected to cause, noise at a level not less than the specified level the Department may carry out, or make a grant in respect of the cost of carrying out, insulation work in or to an eligible building.

(2) Paragraph (1) applies to—

(a) where a road or additional carriageway was first open to public traffic after 6th December 1992 and before 7th December 1995—

(i) the road; and

(ii) the road for which an additional carriageway has been constructed;

(b) an altered road; and

(c) a road to which regulation 5 applies before any duty under regulation 9 has arisen in respect thereof.

(3) Where the Department is required by regulation 5(1) or empowered by paragraph (1) to carry out, or make a grant in respect of the cost of carrying out, insulation work in or to an eligible building, it may also carry out or make a grant in respect of the cost of carrying out insulation work in or to an eligible building in respect of which no duty under regulation 5(1) or power under paragraph (1) has arisen, if the facades of both buildings are contiguous or form part of a series of contiguous facades.

(4) Subject to paragraphs (5) to (7), these regulations shall, so far as applicable, apply to the carrying out of insulation work or the making of grants under this regulation subject to any necessary adaptations or modifications, as if the Department were acting in execution of a duty arising under regulation 5.

(5) Regulation 8(1) and (2) shall not apply so as to require the preparation and publication of any map or list.

(6) In applying regulation 8(3) there shall be added “except that, where the relevant date is before the commencement date, the final re-assessment shall be made in the sixteenth year after the relevant date”.

(7) In its application to this regulation, regulation 9 shall apply as if—

(a) for paragraph (1) of that regulation there was substituted the following paragraph—

“(1) Within 15 months from the relevant date, or if the relevant date was before the commencement date, within 15 months from the commencement date, the Department may make an offer in writing in accordance with the provisions of paragraphs (2) to (5)”;

(b) in paragraph (2) for the word “shall” there was substituted “may” and for the phrase in paragraphs (2) and (4) “identified on the map or list” there was substituted “in respect of which a power under regulation 6 has arisen”.

Power of the Department to insulate buildings or to make grants in consequence of roadworks

7.—(1) Where works for the construction of a road or additional carriageway or the alteration of a road cause, or are expected to cause, noise at a level which, in the opinion of the Department, seriously affects or will seriously affect for a substantial period of time the enjoyment of an eligible building the Department may carry out or make a grant in respect of the cost of carrying out insulation work in or to the building.

(2) Subject to paragraphs (3) to (5), these regulations shall, so far as applicable, apply to the carrying out of insulation work or the making of grants under this regulation subject to any necessary adaptations and modifications.

(3) Regulation 8 shall not apply so as to require the preparation and publication of any map or list.

(4) An offer under regulation 9 shall not be accepted after the expiration of the period of 2 months from the date of making thereof or of such extended period as the Department may allow.

(5) Regulation 9(6) shall not apply so as to limit the period within which any person may accept such an offer.

Identification of eligible buildings in respect of which a duty under regulation 5 has arisen

8.—(1) In relation to a road to which regulation 5 applies, the Department shall—

(a) assess the relevant noise level in relation to an eligible building and, not later than 12 months after the relevant date, prepare and publish a map or list or both identifying every eligible building in respect of which a duty under that regulation has arisen; and

(b) re-assess the relevant noise level and, not later than 12 months after the date of re-assessment, prepare and publish a map or list or both identifying every additional building in respect of which a duty under that regulation has arisen which was not included in any previous map or list.

(2) Any such map or list shall be deposited at the office of the Department nearest to the buildings identified therein and shall be made available for public inspection during the hours when the office is open.

(3) Re-assessments shall be made in the fifth, tenth and fifteenth years following the year of the first assessment.

Offer and acceptance of insulation work or grant

9.—(1) Within 3 months from publishing a map or list pursuant to regulation 8 the Department shall make an offer in writing in accordance with the provisions of paragraphs (2) to (5).

(2) Subject to paragraph (4), the offer shall be made in respect of every eligible building identified on the map or list to either—

- (a) the person who is the lawful occupier of, or if the building is unoccupied, who is entitled to occupy, the building; or
 - (b) the immediate landlord or licensor of that person, if any.
- (3) The offer shall—
- (a) identify the building to which it relates;
 - (b) offer to carry out or make a grant in respect of the cost of carrying out insulation work in or to every eligible room in the building;
 - (c) describe the work required to be carried out for this purpose;
 - (d) where the offer is made to the person mentioned in paragraph (2)(a), require that person, if he is not the owner of the building, to notify in writing his immediate landlord or licensor of the terms of the offer;
 - (e) where the offer is made to the person mentioned in paragraph (2)(b), require that person to notify the person who is the lawful occupier of, or if the building is unoccupied, who is entitled to occupy, the building of the terms of the offer;
 - (f) set out the conditions in regulation 11, subject to which the offer is made; and
 - (g) set out the restrictions on acceptance of the offer in paragraphs (6), (9) and (10).
- (4) The offer may be made to the Housing Executive in respect of eligible buildings owned by it and identified on the map or list.
- (5) An offer made to the Housing Executive—
- (a) shall identify the building to which it relates;
 - (b) shall provide for the Housing Executive to identify every eligible room and to carry out the insulation work in accordance with the relevant specifications;
 - (c) shall offer to make a grant in respect of the cost of carrying out the insulation work; and
 - (d) may extend the time limit specified in paragraph (6).
- (6) Subject to paragraphs (9) to (11), an offer may be accepted by the person to whom it was made or his successor and, if it has not been so accepted, it may, after the expiration of 3 months from the date of being made, be accepted by any other person to whom it has or could have been notified pursuant to this regulation and in that event the offer shall be deemed to be withdrawn from the person to whom it was first made.
- (7) An acceptance of an offer shall be in writing and may be an acceptance, as the case may be—
- (a) of the offer to carry out insulation work in or to one or more or all of the rooms in respect of which the offer was made;
 - (b) of the offer of a grant in respect of the cost of carrying out such work in or to one or more or all of the rooms in respect of which the offer was made;
- but if an offer to carry out insulation work in respect of any room has been accepted an offer of grant in respect thereof shall be deemed to be withdrawn.

(8) An acceptance of an offer shall contain the following—

- (a) the name and address of the claimant;
- (b) particulars identifying the eligible building;
- (c) a statement of the capacity (whether as lawful occupier, person entitled to occupy, landlord or licensor) in which the claimant accepts the offer;
- (d) if he is required to notify any person pursuant to paragraph (3)(d) or (e) of the terms of the offer, a statement by the claimant that he has so notified that person, and whether or not that person consents to the carrying out of insulation work;
- (e) particulars of the rooms (if any) in respect of which he accepts the offered work; and
- (f) particulars of the rooms (if any) in respect of which he accepts the offered grant.

(9) An offer shall be deemed to be withdrawn unless it has been accepted within a period of—

- (a) 6 months from the date of making thereof; or
- (b) 12 months from the relevant date;

whichever period expires the later.

(10) The Department may extend the period specified in paragraph 9, whether before or after the expiration thereof.

(11) Where insulation work has been carried out in or to an eligible building and completed in accordance with the relevant specifications before an offer is made, an offer under paragraph (1) shall be deemed to be an offer of a grant only, and may be accepted only by the person who incurred the cost of the work.

Nature and extent of work to be undertaken

10.—(1) Insulation work shall be in accordance with the relevant specifications.

(2) Notwithstanding anything in these regulations, the Department shall (where a flueless combustion appliance is installed in an eligible room) only carry out installation work in or to that room where—

- (a) that flueless combustion appliance is a gas cooker; or
- (b) the room will, after completion of the work, contain an uninsulated window which is capable of being opened.

(3) Nothing in these regulations shall require the Department to carry out work or to make a grant in respect of the carrying out of work required—

- (a) to remedy a defect in a building; or
- (b) to maintain or repair any equipment or apparatus installed in or on any building pursuant to these regulations.

Conditions for carrying out of insulation work and of making grants

11. The carrying out of insulation work and the making of grants shall be dependent upon compliance with the following conditions—

- (a) the claimant shall have complied with paragraphs (6) to (11) of regulation 9;
- (b) a claimant who accepts an offer to carry out insulation work shall—
 - (i) if he is the occupier of or entitled to occupy the building, afford to the Department or its agent such access to the building as it may reasonably require for the purpose of carrying out and of inspecting the work to ascertain whether it complies with the relevant specifications; or
 - (ii) if he is not the occupier of nor entitled to occupy the building, procure the occupier or person entitled to occupy the building to afford the Department or its agent such access;
- (c) where an offer to carry out insulation work has been accepted and the Department or its agent has been refused access to the building, the offer shall be deemed to be withdrawn and the claimant, if he agrees, shall be deemed to have accepted an offer of grant and to be prepared to carry out the work in accordance with the relevant specifications and complete it before the expiration of 12 months from the date of acceptance;
- (d) a claimant who accepts an offer to make a grant in respect of the cost of insulation work shall carry out the work in accordance with the relevant specifications and complete it before the expiration of 12 months from the date of acceptance and—
 - (i) if he is the occupier of or entitled to occupy the building, afford to the Department or its agent such access to the building as it may reasonably require for the purpose of inspecting the work to ascertain whether it complies with the relevant specifications; or
 - (ii) if he is not the occupier of nor entitled to occupy the building, procure the occupier or person entitled to occupy the building to afford the Department or its agent such access.

Amount of grant

12. The amount of grant shall be equal to the actual cost incurred by the claimant in carrying out in accordance with the relevant specifications the insulation work in respect of which the claimant has accepted an offer of grant, or the reasonable cost of carrying out that work in accordance with those specifications, whichever shall be less.

Consent to carrying out of insulation work

13. Where an eligible building, in respect of which a duty under regulation 5 or power under regulation 6 or 7 has arisen, is subject to a tenancy and a claim to be entitled to the benefit of an offer is made by a landlord or tenant of the building, insulation work may be carried out notwithstanding that the consent of the other party to the tenancy is required and is withheld.

Reconsideration of buildings

14.—(1) In relation to a road to which regulation 5 applies the Department shall—

- (a) as soon as offers have been made in accordance with regulation 9; or
- (b) where it has been ascertained, following determination of noise levels, that no duty under regulation 5 arises in respect of eligible buildings and no such offers are being made in respect thereof;

publish once in a local newspaper circulating in the area of the road a notice setting out particulars of the right to make an application under paragraph (2) including particulars of the time within which such an application must be made.

(2) If any person claims to be entitled to receive an offer of insulation work or a grant in respect of insulation work in or to an eligible building he may apply in writing to the Department setting out the facts on which he relies and may request the Department to make him an offer in accordance with regulation 9.

(3) An application under paragraph (2) may be made by—

- (a) the person who is the lawful occupier of, or if the building is unoccupied, who is entitled to occupy, the building; or
- (b) the immediate landlord or licensor of that person.

(4) An application under paragraph (2) must be made within 6 months from the date of publication of notice under paragraph (1).

(5) Upon receipt of an application under paragraph (2) the Department shall review such determinations as have been made in relation to the building in accordance with regulation 4, or shall make such determinations, and, if the Department finds that a duty under regulation 5 has arisen with respect to the building, it shall comply with the request but otherwise it may refuse the request.

(6) If the Department refuses the request it shall furnish to the applicant a written statement of the reasons for its refusal.

Housing Executive, district council or public body as agents of the Department

15.—(1) The Housing Executive, any district council or public body may act as agents for the Department in dealing with claims and in discharging or exercising the duties or powers of the Department under these regulations.

(2) The Department shall make payments to the Housing Executive, district council or public body in respect of anything done by them as such agents.

Sealed with the Official Seal of the Department of the Environment this
26th day of October 1995.

(L.S.)

E. J. Galway

Assistant Secretary

Specifications for Insulation Work*Interpretation*

1.—(1) In this Schedule—

“qualifying door” means an external door opening directly into an eligible room;

“qualifying window” means a window, roof light or dormer window in an eligible room;

“permanent vent type A” and “permanent vent type B” have the meanings assigned to them in paragraphs 8 and 9 respectively.

(2) Qualifying doors and windows shall—

(a) except in relation to work carried out pursuant to regulation 6(3) or 7, be in that part of a facade in respect of which the relevant noise level satisfies the requirements of regulation 5(2);

(b) in relation to work carried out pursuant to regulation 6(3), be in a position which, in the opinion of the Department, is physically comparable with that of a qualifying door or qualifying window in another eligible building;

(c) in relation to work carried out pursuant to regulation 7, be subject to noise which, in the opinion of the Department, is caused in the manner and at a level described in regulation 7(1).

Items required to be included in insulation work

2.—(1) Subject to sub-paragraph (2), insulation work shall include the following items—

(a) the replacement by or conversion to double windows in accordance with the specification in paragraph 4 of all qualifying windows in each eligible room;

(b) the provision and installation in each eligible room of one ventilator unit (inlet fan) of a type conforming to the standards of ventilation and acoustic performance specified in paragraphs 6 and 7 including connecting the ventilator unit by wiring of not less than 5 amps capacity to the nearest convenient point in the existing electric supply circuit, or to the electric mains switchboard (and if the ventilator unit includes an electric heater, the wiring shall be of not less than 10 amps capacity);

(c) the provision of an air supply duct (with external cowl or grille), in accordance with the specification in paragraph 6, in an external wall of each eligible room for supplying fresh air to the ventilator unit from outside, and the blocking up of any existing airbrick in the external wall of the room (but flues to combustion appliances shall not be blocked);

(d) the provision in each eligible room—

(i) where there is no combustion appliance in the room or where any of the following combustion appliances are in the room—

(a) a flued combustion appliance of total output rating less than 11 kw;

(b) a room sealed appliance;

(c) an open fire which is not capable of being used as a closed stove;

(d) a gas cooker;

of a permanent vent type A communicating directly to the external air and preferably at high level in an external wall of the room of size and acoustic performance specified in paragraph 8; or

- (ii) where a flued combustion appliance of output rating equal to or greater than 11 kw is present in the room, of a permanent vent type B communicating directly to the external air and preferably at high level in an external wall of the room, of size and acoustic performance specified in paragraph 9;
- (e) the provision where practicable of a second door behind each qualifying door, the shortest horizontal distance between the two doors to be not less than 150 millimetres and at least one of the doors to be weather stripped and the ceiling and walls between the outer and inner door to be lined with sound absorbent materials or where it is not practicable to provide a second door either—
 - (i) the provision of a new single door with improved noise insulation properties and, where appropriate, the weather stripping of the new door; or
 - (ii) the fitting of a second panel of glass behind any existing glazed panel in an existing door and the weather stripping of the door; and
- (f) the provision of a venetian blind between the glazing of each qualifying window which faces the 270° arc between north-east and north-west in accordance with the specifications given in paragraph 5.

2. Where—

- (a) an eligible room contains a gas cooker and all the windows in that room are double windows, those windows shall be adequately and readily openable for aired ventilation in the event of the fan not being in operation at or near its maximum rated output;
- (b) a room to be insulated contains no combustion appliance or only a room sealed appliance the airpath through the ventilator system and vent type A may be made capable of being easily closed by a suitable means readily accessible within the room if, in all other respects, including standard of construction and installation, the ventilator system and vent type A when opened to the maximum extent conform to the standards of ventilation and acoustic performance specified in paragraphs 7 and 8, and, whether the airpath is opened or closed, meet the requirements for electrical and fire safety referred to therein;
- (c) in the opinion of the Department it is not reasonable to require provision of any of the items specified in sub-paragraph 1(b), (c) or (d) the ventilation works shall consist of the most practicable alternative works, so long as adequate provision is made for ventilation and for sufficient combustion air for the safe operation of any combustion appliances in the room; and
- (d) a claimant, having reasonable alternative means of solar control, desires to refuse an offer of venetian blinds, he may do so without prejudicing his right to insulation work or to a grant.

Items which may be included in insulation work

3. Insulation work may include the following items—

- (a) the provision of the items specified in paragraph 2(1)(a), (e) and (f) for windows and doors, not being qualifying windows and doors, in an eligible room; and

- (b) making good the existing fabric and decorations (not including curtains) affected by the installation of new windows, new doors, venetian blinds, permanent vents and ventilator units, including the adaptation of any existing pelmet and curtain track.

Specification for windows

4.—(1) The existing window shall either be retained and converted to a double window by the installation of a new inner window, or replaced by a new double window if this is essential, and, subject to sub-paragraph (3), the following conditions shall be complied with—

- (a) subject to the requirements of sub-paragraph (c), any gaps in the outer window shall be effectively sealed, if this is possible, by compressible resilient strip or other means;
- (b) subject to sub-paragraph (2), the inner window may be framed in wood, metal or plastics, and shall be securely fitted into the existing window reveal or planted on the wall face round the reveal, with the junction between wall and window frame fully sealed by means of mastic packing, cover strips or other equally effective means, and shall be glazed with glass having a thickness of not less than 3 millimetres;
- (c) both the outer and inner windows shall be adequately openable for direct ventilation when required and for cleaning purposes, but with the opening lights of the inner window well sealed round their edges by either compressible resilient strip or other equally effective means;
- (d) subject to sub-paragraph (2), if the window is a bay window or bow window the inner window shall either follow the shape of the outer window, or shall be taken straight across the bay or bow, and any projecting surround or window board required to close off the window cavity shall have a weight of not less than 10 kilogrammes per square metre;
- (e) at least two reveals of the window opening between the outer and inner window shall be lined with sound absorbent material; and
- (f) the shortest horizontal distance, or, in the case of a bay window or bow window where the inner window is taken straight across the bay or bow, the mean horizontal distance, between the glass of the outer window and the glass of the inner window shall not be less than the distance specified in column 2 of the following Table 1 in relation to the thickness of glass of the inner window specified in column 1 of that table.

TABLE 1

<i>Column 1</i>	<i>Column 2</i>
Less than 4 mm and not less than 3 mm thick	200 mm
Less than 6 mm and not less than 4 mm thick	150 mm
6 mm thick or more	100 mm

(2) Subject to sub-paragraph (3), in sub-paragraph (1)(b) and (d) the most practicable alternative method in the circumstances of the case shall be adopted.

(3) Where it is not practicable to comply with any of the specifications in this paragraph the most practicable effective alternative specification may be used, provided that the windows shall be readily openable for direct ventilation.

Specification for venetian blinds

5.—(1) Subject to sub-paragraph (2), a venetian blind, where fitted, shall be placed between the panes of double windows, and the following characteristics and conditions shall be complied with—

- (a) the slat surface shall be white or near white;
- (b) the ratio of width to spacing of slats shall be between 1.15:1 and 1.25:1;
- (c) the slats shall be adjustable in height and angle of tilt while remaining horizontal, the control subject to sub-paragraph (2) being either—
 - (i) by a single continuous cord operating both the raise/lower and tilt mechanisms from one end of the blind box; or
 - (ii) by controls for raise/lower and tilt mechanisms at either end of the blind box;
- (d) controls of the kind specified in sub-paragraph (c) shall be readily accessible within the room with the windows fully closed;
- (e) the opening to take control cords shall be sealed or kept to the minimum necessary for smooth operation; and
- (f) the box of the venetian blind shall be fitted to the top window reveal or framehead, between the panes of the double windows, the length of the blind slats shall be between 10 and 30 millimetres less than the length of the recess at the narrowest point, and the venetian blind shall be capable of extending to the lowest level of the glazing of the outer window.

(2) Subject to sub-paragraph (3), in sub-paragraph (1)(c) the most practicable alternative method in the circumstances of the case shall be adopted.

(3) Where it is not practicable to comply with any of the specifications in this paragraph the most practicable effective alternative specification may be used.

Specification for ventilator system

6.—(1) The ventilator system shall consist of a sound attenuating ventilator unit and an air supply duct protected by a cowl (or grille) and the construction, installation and air supply shall be in accordance with this paragraph.

(2) The ventilator unit shall consist of a controlled variable-speed inlet fan with sound attenuating duct and cover, and shall be fitted with an easily removable and washable air filter on the inlet side of the fan. The ventilator unit shall be capable of supplying fresh air to a room directly from outside by means of a supply duct and cowl (or grille). The ventilator unit (with air filter in position) complete with sound attenuating duct and cover shall be capable of giving variable ventilation rates ranging from—

- (a) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- (b) a lower rate of between 10 litres per second against zero back pressure and 17 litres per second against zero back pressure, and
- (c) if there is not a continuous control of the ventilation rate, the following intermediate settings shall be provided—
 - (i) a ventilation rate of greater than 31 litres per second against a back pressure of 10 newtons per square metre and less than 33 litres per second against a back pressure of 10 newtons per square metre; and

- (ii) a ventilation rate of greater than 21 litres per second against a back pressure of 10 newtons per square metre and less than 26 litres per second against a back pressure of 10 newtons per square metre.

(3) The air supply duct and cowl (or grille) shall be designed to allow the passage of air between the ventilator unit and the external air at all times. The air supply duct and cowl (or grille) shall be so constructed that when installed in a cavity wall exposed to the weather—

- (a) the weather resistance of the cavity is retained; and
(b) the external cowl (or grille) provides protection against the passage of snow, rain and vermin.

(4) The effective area of the air path through the ventilator system with fan switched off shall be not less than 3,250 square millimetres. The effective area of the air path through the ventilator system, with fan switched off and air filter in position, shall be measured as follows—

Measurements shall be made of the static pressure difference across the ventilator system for various air flow rates through the ventilator system and the effective area in square millimetres shall be calculated from $1270 \sqrt{\frac{Q}{\Delta p}}$ (where Q is the measured air flow rate through the ventilator system in litres per second and Δp the measured static pressure difference across the ventilator system in newtons per square metre). Effective areas shall be calculated for air flow through the ventilator system in both directions and the lowest calculated value shall be taken for the effective area.

(5) The ventilator unit shall be securely fixed to the wall in such a position that the air filter can be easily removed and the junction between the ventilator unit and the inside wall of the room shall be fully sealed by means of compressible strip or other equally effective means.

(6) The air supply duct and cowl (or grille) shall be securely fixed to the wall and the junction between the supply duct and the inside wall shall be fully sealed by suitable means.

Acoustic performance of ventilator units

7.—(1) The ventilator unit shall be so constructed that—

- (a) when it is in operation in any room, the sound level in the room, due to the operation of the ventilator unit, measured at any point not nearer than 1 metre from the ventilator unit or any of the room surfaces and normalised by the

subtraction of $10 \log_{10} \frac{(10)}{(A)}$ (where A is the measured sound absorption in the room in square metre units at each $\frac{1}{3}$ octave frequency), does not exceed—

- (i) 35 decibels on the “A”-weighting scale, where the unit is operating at a ventilation rate of 31 litres per second against a back pressure of 10 newtons per square metre; and

- (ii) 40 decibels on the “A”-weighting scale, where the unit is operating at the maximum ventilation rate; and

- (b) the sound pressure level difference, measured in accordance with British Standard specification for the measurement of sound transmission in buildings published under BS 2750: Part 1 and Parts 3 to 8: 1980 (1993), BS EN 20140-2: 1993 and BS EN 20140-9, between two rooms separated by a solid wall of area of not less than 10 square metres and of average mass (calculated over any portion of the wall measuring 1 metre square) of not less

than 415 kilogrammes per square metre incorporating the ventilator unit, normalised by the addition of $10 \log_{10} \frac{(10)}{(A)}$ (where A is the measured sound absorption in the receiving room in square metre units at each $\frac{1}{3}$ octave frequency), is not less than the figure shown in Table 2 in paragraph 8 except for total adverse deviations (at all $\frac{1}{3}$ octave frequencies) not exceeding 32 decibels and an adverse deviation at any one $\frac{1}{3}$ octave frequency not exceeding 8 decibels.

(2) The "A"-weighting scale is defined in the booklet entitled "Noise — Introduction to Industrial Noise Measurement" by CEL Instruments first published in 1988 and updated in July 1990.

Effective area and acoustic performance for permanent vent type A

8.—(1) Permanent vent type A shall consist of a sound attenuating purpose-made opening or duct which is designed to allow the passage of air between the room and the external air at all times. The permanent vent shall have an external cowl (or grille) for protection against the passage of snow, rain and vermin. The permanent vent shall be so constructed that when installed in a cavity wall exposed to the weather, the weather resistance of the cavity is retained and the acoustic performance of the vent is protected.

(2) The effective area of the air path through the permanent vent type A shall be measured as follows—

Measurements shall be made of the static pressure difference across the permanent vent for various air flow rates through the permanent vent and the effective area in square millimetres shall be calculated from $1270 \sqrt{\frac{Q}{\Delta p}}$ (where

Q is the measured air flow rate through the permanent vent in litres per second and Δp the measured static pressure difference across the permanent vent in newtons per square metre).

Effective areas of the permanent vent shall be calculated for air flow through the permanent vent in both directions and the lowest calculated value shall be taken for the effective area. The effective area of permanent vent type A shall not be less than 3,250 square millimetres and shall not be greater than 6,500 square millimetres.

(3) When installed, the permanent vent shall be securely fixed to the wall and the junction between the permanent vent and the inside wall of the room shall be fully sealed by means of compressible strip, mastic packing, cover strips or other equally effective means, and in addition, where the permanent vent has an air supply duct traversing a cavity wall the junction between the supply duct and the internal leaf shall be fully sealed by suitable means to prevent the passage of air to or from the cavity.

(4) The permanent vent type A shall be so constructed that the sound pressure level difference, measured in accordance with British Standard specification for the measurement of sound transmission in buildings published under BS 2750: Part 1 and Parts 3 to 8: 1980 (1993), BS EN 20140-2: 1993 and BS EN 20140-9, between two rooms separated by a solid wall of area about 10 square metres and of average mass (calculated over any portion of the wall measuring 1 square metre) of not less than 415 kilogrammes per square metre incorporating the permanent vent type A,

normalised by the addition of $10 \log_{10} \frac{(10)}{(A)}$ (where A is the measured sound

absorption in the receiving room in square metre units at each $\frac{1}{2}$ octave frequency), is not less than the figure shown in column 2 of the following Table 2 except for total adverse deviations (at all $\frac{1}{2}$ octave frequencies) not exceeding 32 decibels and an adverse deviation at any one $\frac{1}{2}$ octave frequency not exceeding 8 decibels.

TABLE 2

<i>Column 1</i> $\frac{1}{2}$ octave frequency band centre	<i>Column 2</i> normalised sound pressure level difference
hertz	decibels
100	30
125	33
160	36
200	39
250	42
315	45
400	48
500	49
630	50
800	51
1000	52
1250	53
1600	53
2000	53
2500	53
3150	53

Effective area and acoustic performance for permanent vent type B

9.—(1) Permanent vent type B shall consist of one or more sound attenuating purpose-made openings or ducts which are designed to allow the passage of air between the room and the external air at all times. The permanent vent shall have an external cowl (or grille) for protection against the passage of snow, rain and vermin. The permanent vent shall be so constructed that when installed in a cavity wall exposed to the weather, the weather resistance of the cavity is retained and the acoustic performance of the vent is protected.

(2) The total effective area of permanent vent type B shall be not less than the effective area in square millimetres calculated from $550H-3250$ (where H is the total output rating in kilowatts of flued combustion appliances present in the room), but in any case not less than 3,250 square millimetres.

(3) Permanent vent type B shall conform to the following specification—

(a) where more than one open sound attenuating permanent vent is to be installed, an appropriate number of permanent vents type A shall be installed to give a total effective area which shall be not less than the effective area calculated according to the equation in sub-paragraph (2). The acoustic performance of permanent vents type A shall conform to the specification in paragraph 8(4) and the construction and installation of these permanent vents shall conform to paragraph 8(1) and (3); or

- (b) where one sound attenuating permanent vent is to be installed, a permanent vent type B shall be installed which conforms to the following specification—
- (i) the effective area shall be not less than the effective area calculated according to the equation in sub-paragraph (2) and the difference between the measured effective area and the effective area calculated according to the equation in sub-paragraph (2) shall be less than 6,500 square millimetres;
 - (ii) the permanent vent type B shall be measured in the manner described in paragraph 8(2) and the lowest measured effective area shall be taken for the effective area;
 - (iii) the permanent vent type B shall be so constructed that the sound pressure level difference, measured in accordance with British Standard specification for the measurement of sound transmission in buildings, published under BS 2750: Part 1 and Parts 3 to 8: 1980 (1993), BS EN 20140-2: 1993 and BS EN 20140-9, between two rooms separated by a solid wall of area about 10 square metres and of average mass (calculated over any portion of the wall measuring 1 metre square) of not less than 415 kilogrammes per square metre incorporating the permanent vent type B, normalised by the addition of $10 \log_{10} \frac{(10)}{(A)}$ (where A is the measured sound absorption in the receiving room in square metre units at each $\frac{1}{3}$ octave frequency) and with the addition of $10 \log_{10} \frac{(S)}{(3250)}$ (where S is the measured effective area of the permanent vent type B in square millimetres), is not less than the figure shown in column 2 of Table 2 above except for total adverse deviations (at all $\frac{1}{3}$ octave frequencies) not exceeding 32 decibels and an adverse deviation at any one $\frac{1}{3}$ octave frequency not exceeding 8 decibels; and
 - (iv) when installed the permanent vent shall be securely fixed to the wall and the junction between the permanent vent and the inside wall of the room shall be fully sealed by means of compressible strip, mastic packing, cover strips or other equally effective means, and in addition, where the permanent vent has an air supply duct traversing a cavity wall the junction between the supply duct and the internal leaf shall be fully sealed by suitable means to prevent the passage of air to or from the cavity.

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations provide for the insulation of buildings against noise caused or expected to be caused by traffic using new roads and certain altered roads. Regulation 3 defines the classes of buildings eligible to be considered for insulation as being dwellings and other buildings used for residential purposes, with certain exceptions. The dwellings and buildings must be not more than 300 metres from the nearest point on the carriageway of the road.

The regulations impose a duty on the Department of the Environment to carry out certain noise insulation work or to make a grant in respect of the cost in certain cases (regulation 5), and confer a power to do so in other cases (regulation 6).

Regulation 7 confers power on the Department of the Environment to insulate buildings or make a grant where noise is caused by the construction or alteration of roads. Except as provided in regulations 6(5) and 7(3) eligible buildings which qualify following determination of noise levels must be identified on a map or list which shall be deposited at the office of the Department nearest to them and made available for public inspection during office hours (regulation 8).

The regulations also prescribe the procedure governing the making and acceptance of offers to carry out insulation work or to make a grant and the conditions to be complied with (regulations 9 and 11). Provision is made for a review of entitlement to noise insulation or grants (regulation 14), and for specifications for insulation work (regulation 10 and Schedule).

The regulations provide for noise levels to be determined by reference to a technical memorandum and modifications (regulation 4). Copies of the memorandum and modifications can be obtained from Her Majesty's Stationery Office.

Copies of British Standards may be obtained from any of the sales outlets operated by the British Standard Institution or by post from the British Standards Institute at Linford Wood, Milton Keynes, MK14 6LE.

Copies of the booklet entitled "Noise — Introduction to Industrial Noise Measurement" may be obtained by post from CEL Instruments Ltd, 35-37 Bury Mead Road, Hitchin, Herts, England.

Copies of Council Directive (89/106/EEC) are available from the Commission of the European Communities, Windsor House, 9-15 Bedford Street, Belfast, BT2 7EG.

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