



Greater Nottingham Light Rapid Transit Act 1994

1994 CHAPTER xv

PART VI

MISCELLANEOUS AND GENERAL

noise insulation

57 Insulation against noise

- (1) The undertakers shall make a scheme providing for the making of grants towards the cost of insulating buildings, or such classes of buildings as the undertakers may think fit, or any parts of any such buildings, against noise caused, or expected to be caused, by the use of the LRT system.
- (2) (a) A scheme under subsection (1) above shall in particular require the undertakers to make grants towards the cost of insulating any habitable room comprised in a residential building if noise caused by the use of the LRT system and audible within that room habitually exceeds either of the levels specified in column (2) of the following table between the hours specified in relation to that level in column (1) of the table; but nothing in this paragraph shall preclude the undertakers from including in a scheme under subsection (1) above provisions authorising them to make grants at their discretion towards any other cost falling within that subsection.

TABLE

Hours (1)	Noise level (dB(A) – LAeq) (2)
Between 0700 hours and 2300 hours on any day	68

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Hours (1)	Noise level (dB(A) – LAeq) (2)
Between 2300 hours on any day and 0700 hours on the following day	63

- (b) In this subsection “habitable room” means a room which could reasonably be lived in or slept in and includes a living room, a dining room, a kitchen and a bedroom, but excludes a bathroom, a water-closet, a staircase, corridor or landing, a cloakroom, a utility room and an outhouse.
- (c) The following provisions of this section are without prejudice to this subsection and in particular, but without prejudice to the generality of the foregoing, an application for a grant for which provision is made by this subsection shall not be invalid by reason of the fact that it is not made on the date specified in accordance with subsection (4) (d) below if it is made during a period beginning with the opening to the public of the part of the LRT system to which the application relates and ending five years thereafter.
- (3) The undertakers may make grants in accordance with a scheme made under subsection (1) above.
- (4) A scheme under subsection (1) above—
- (a) shall specify the areas in respect of which grants are payable;
 - (b) shall make provision as to the persons to whom, the expenditure in respect of which, and the rate at which the grants are to be paid;
 - (c) may make the payment of any grant dependent upon compliance with such conditions as may be specified in the scheme;
 - (d) shall specify a date, not less than two years after first publication of the notice referred to in subsection (6) below, for the submission of a valid application for a grant; and
 - (e) shall require the undertakers, in any case where application for a grant is refused, to give to the applicant at his request a written statement of their reasons for the refusal.
- (5) A scheme under subsection (1) above may make different provisions with respect to different areas or different circumstances and may be varied or revoked by a subsequent scheme under subsection (1) above without affecting grants already made.
- (6) (a) As soon as may be after the making of a scheme under this section the undertakers shall publish, once at least in each of two successive weeks in one or more newspapers circulating in the areas to which the scheme relates, a notice stating the general effect of the scheme and specifying a place or places in each such area where a copy of the scheme may be inspected by any person free of charge at all reasonable hours.
- (b) A photostatic or other reproduction certified by the secretary of the undertakers or some other person authorised by the undertakers for that purpose to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing a notice mentioned in this subsection shall be evidence of the publication of the notice and of the date of publication.

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58 Orders for insulating new buildings

- (1) Where the undertakers have made a scheme under section 57 (Insulation against noise) of this Act in respect of any area or areas, they may apply to the Secretary of State for an order requiring provision for insulation against noise to be made in any building of a class to which the scheme applies which is erected after a date specified in the order, or in any extension of, or alteration to, any building of such class made after that date.
- (2) The order shall define by reference to a map the areas to which it applies, which may comprise the whole or part of any areas to which the scheme relates.
- (3) Application for an order under this section shall be accompanied by a draft of the order and a map defining the areas to which it relates.
- (4) Before making application for an order under this section the undertakers shall publish, once at least in each of two successive weeks in one or more newspapers circulating in the areas to which the draft order applies, a notice—
 - (a) stating the general effect of the intended order;
 - (b) specifying a place in the said areas where a copy of the draft order and of the relevant map may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice;
 - (c) stating that within that period any person may, by notice to the Secretary of State, object to the application.
- (5) Any person claiming to be affected by the application may object to it by sending notice of his objection stating the grounds of objection to the Secretary of State within the period specified in the notice and a copy of the notice of objection to the undertakers.
- (6) The Secretary of State may make the order in the terms of the draft or in those terms as modified in such manner as he thinks fit:

Provided that, if any objection is duly made by any person appearing to the Secretary of State to be affected by the application and is not withdrawn, the Secretary of State shall not make the order unless he has caused a public local inquiry to be held into the proposed order and has considered the report of the person who held the inquiry.
- (7) If the Secretary of State makes an order under this section the undertakers shall publish notice of the making, and of the effect of the order, in one or more newspapers circulating in the areas to which the order relates.
- (8) An order under this section shall be a local land charge.
- (9) Where—
 - (a) plans are in accordance with building regulations deposited with a local authority; or
 - (b) an initial notice is given to a local authority under section 47 of the Building Act 1984;

for the erection, extension or alteration of a building in an area to which an order under this section relates, the local authority shall, notwithstanding anything in section 16 or 47 of the said Act, reject the plans or, as the case may be, the notice unless it is shown to them—

- (i) that satisfactory provision will be made for insulating the building (or, as the case may be, the extension or alteration of the building) against noise; or

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- (ii) that in the case of an extension or alteration no such insulation is necessary.
- (10) Section 16 (6) to (8) and section 36 (2) to (6) and section 48 (2) of the Building Act 1984 (notice of rejection or passing of plans, enforcement of requirements and effect of initial notice) shall have effect as if this section were a section of that Act and specified in section 48 (3) of that Act.
- (11) The Secretary of State may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this section, and section 250 (2) to (5) of the Local Government Act 1972 shall apply to any such inquiry.

59 Repeal of sections 57 and 58

- (1) If it appears to the Secretary of State that, as a result of the passing of any enactment after the date of this Act, it is appropriate that sections 57 (Insulation against noise) and 58 (Orders for insulating new buildings) of this Act should be repealed, he may make an order repealing those sections.
- (2) An order under this section may contain such transitional, consequential and saving provisions as may be appropriate.
- (3) Subsection (11) of section 58 (Orders for insulating new buildings) of this Act shall apply to the functions of the Secretary of State under this section as it applies to his functions under that section.
- (4) An order under this section shall be made by statutory instrument and shall not be made except on application by the undertakers.