

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 13: Other measures relating to animals, food and the environment

Part 5: Noise abatement zones

761. **Part 5** of Schedule 13 repeals provisions within the Control of Pollution Act 1974 on the establishment of noise abatement zones and makes consequential amendments to other legislation.
762. A local authority currently has the power to make a noise abatement order establishing a noise abatement zone in all or part of its area. This enables the local authority to set maximum noise levels for premises covered by the noise abatement order. The local authority is required to measure the level of noise emanating from these premises and record this in a publicly accessible register. Noise from these premises may not exceed the level of noise recorded in the register without the local authority's consent. The local authority may also serve noise reduction notices in certain circumstances. The local authority may also determine set maximum noise levels for new buildings or premises which will become subject to the noise abatement order in the future because of works being undertaken.
763. These powers are not being widely used by local authorities in England and Wales. Investigations carried out by Defra indicate that only 49 local authorities have noise abatement zones in their areas, and that there are only 81 noise abatement zones of which only 2 are actively managed. Some local authorities have indicated that they are reluctant to use these powers because they find them difficult to use. Local authorities have other more effective powers for managing noise including the planning, licensing and statutory nuisance regimes. The existence of noise abatement zones which are not being actively managed may give rise to uncertainty for premises in those areas particularly in relation to property transactions. The repeals made by Part 5 will automatically revoke the remaining noise abatement orders.
764. The Control of Pollution Act 1974 forms part of the law of England and Wales and Scotland. Part 5 of Schedule 13, however, forms part of the law of England and Wales only. Steps are already being taken in Scotland to repeal the provisions about noise abatement zones in relation to Scotland by means of the Regulatory Reform (Scotland) Act, which was passed by the Scottish Parliament on 16 January 2014.
765. **Part 5** of Schedule 13 comes into force on a day to be appointed by the Secretary of State in a commencement order.