

**EAST SUSSEX COUNTY COUNCIL
LEAD MEMBER - TRANSPORT AND ENVIRONMENT
POLICY SUMMARY**

PS 3/8

Noise Insulation Regulations 1975 - Discretionary Aspects

Purpose of Policy

East Sussex County Council (ESCC) recognises the vital role played by the local highway network.

The purpose of this policy is to establish the criteria for implementing the discretionary powers to offer insulation work against increased traffic noise from altered highways and noise from highway construction work.

In carrying out this policy, ESCC will meet its statutory obligations and will also support the Council's Priorities, Local Transport Plan and Highway Service Outcomes.

Policy Statement

The discretionary powers to carry out insulation work conferred by The Noise Insulation Regulations 1975 (as amended in 1988) regulations 4 and 5 will be implemented in the case of highway schemes which fall within one or more of the following categories:

[a] Altered roads where the intensity and type of traffic has increased or changed so much as to affect the character of the road.

[b] Altered roads that lie between or join lengths of new road [the definition of a new road being a highway requiring planning permission before an improvement can be carried out].

[c] Such other altered roads, constructed since 16 October 1969, which seriously affect an eligible building, and after seeking the opinion of the Business Services Department, Property Estates that the matter could not be more appropriately dealt with under some other provision of the Land Compensation Act 1973.

[d] Schemes where the noise from construction work is expected to seriously affect an eligible building for a substantial period of time, and after establishing that it is not practicable to control the level of noise by means of the provisions of the Control of Pollution Act 1974, or by providing insulation against traffic noise in advance of the construction period.

Supporting Information

The Land Compensation Act imposes a duty or power on authorities to undertake or make a grant in respect of the cost of undertaking noise insulation work in or to eligible buildings. This is subject to meeting certain criteria given in The Noise Insulation Regulations. For "new" roads there is a duty to provide insulation work, but for "altered" roads, it is at the discretion (i.e. a power) of the highway authority. This duty or power only arises, however, in cases where the noise level requirements laid down in The Noise Insulation Regulations are satisfied.

The effect of the above criteria is that dwellings affected by routes which are being comprehensively improved can be treated uniformly, whether or not they lie on a length of highway that is deemed to be "new" or "altered".

Noise Insulation Regulations, 1975 (as amended)

The Noise Insulation (Amendment) Regulations 1988

Land Compensation Act 1973

Annex E of British Standard 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise.

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