STATUTORY RULES OF NORTHERN IRELAND

1995 No. 409

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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

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(**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—

Abbreviation or Symbol	*Definition*
amps	amperes
BS	British Standard
CE	Comunauté 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