



Greater Nottingham Light Rapid Transit Act 1994

1994 CHAPTER xv

PART VI

MISCELLANEOUS AND GENERAL

noise insulation

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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(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objection is duly made by any person appearing to the Secretary of State to be affected by the application and is not withdrawn, the Secretary of State shall not make the order unless he has caused a public local inquiry to be held into the proposed order and has considered the report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
- (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.