

**Roads Service Policy & Procedure Guide : RSPPG\_S022**

**Title: ARTICLE 22 OF THE LAND ACQUISITION AND COMPENSATION (NI) ORDER 1973.  
NOISE (The Noise Insulation Regulations)**

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**Classification**

**Procedure Category :** Statutory  
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**Notes**

This document is a direct replacement for Section 1010A of the Roads Manual as a consequence this document has not passed through the full document control system.

**Certification**

This document complies with Roads Service policy and practice, and is to be implemented with effect from the date of issue.

(Signed) V Crawford

Director : Engineering

Certification Date: 7<sup>th</sup> June 2000

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## 1 Introduction

### 1.1 Purpose

This Roads Service Policy & Procedure Guide (RSPPG):-

- a) Is aimed at all Roads Service Staff involved in Land Acquisition.
- b) This RSPPG replaces section 1010A of the Roads Service Roads Manual.

### 1.2 Definitions

- 1.2.1 None

### 1.3 Background

- 1.3.1 None

### 1.4 Implementation

- 1.4.1 This RSPPG is to be implemented with effect from the date of issue.

### 1.5 Costs and Benefits

- 1.5.1 As this RSPPG is to replace an existing Roads Manual Section the Costs and benefits are not relevant at this time.

## 2 Roads Service Policy & Procedures

### 2.1 Introduction

2.1.1 It is important that road schemes should be planned with full regard to environmental factors. One such factor is noise. Improved routing, design and layout of new roads can do much to minimise the adverse effects of traffic noise on surrounding properties. The problem often cannot be eliminated completely, however, and it may be necessary to provide noise insulation for individual properties. The power to provide insulation is given in the Noise Insulation Regulations (Northern Ireland) 1995 (made under Article 22 of the Land Acquisition and Compensation (Northern Ireland) Order 1973), which came into operation on 7 December 1995.

2.1.2 Insulation may be an alternative or an addition to other mitigating works, eg, noise barriers and/or additional landscaping such as protective earth embankments, suitably grassed or planted. Since insulation should be treated as one more aspect of the design and construction of a scheme, Divisions will need to work up data on noise as the scheme progresses through the planning, consultation and other stages, particularly at any public inquiry. Traffic counts before and after construction of the scheme will be required in order to determine the Prevailing Noise Level (PNL) and the Relevant Noise Level (RNL).

2.1.3 This Section does not repeat the content of the regulations but is intended to be read in conjunction with them. Individual requirements of the regulations are referred to only in the context of particular comments on them.

### 2.2 ELIGIBLE BUILDINGS

2.2.1 For the purpose of the regulations eligible buildings are dwellings and other buildings used for residential purposes which are not more than 300 metres from the nearest point on the carriageway of the road after construction.

2.2.2 Questions about 'other buildings used for residential purposes' (regulation 3 (1)(b)) are legally determined as questions of fact. For example, in normal circumstances hotels are used by people for short term, temporary stays. They do not establish their residence in the building, and as such the building is not used for residential purposes.

2.2.3 In a few cases, notably the smaller type of 'residential hotel', it can be shown as a fact that people live in the building as their permanent residence. The Department's view is that in such circumstances the regulations would apply. It is not sufficient, however, for a hotel to have one or two residents living in it to qualify as a building used for residential purposes: it would be eligible only if the major use of the building is as a permanent residence. As regards the dwelling house which has some rooms let off to paying guests at various periods during the year, the regulations would apply as for a normal dwelling. Hostels with long stay residents and boarding accommodation in educational establishments would also be covered by the regulations.

#### 2.2.4 TREATMENT OF 'CONTIGUOUS' FACADES

2.2.4.1 Regulation 6(3) enables insulation to be offered to premises at the facades of which the specified noise level is not reached but which are "contiguous" to premises with qualifying facades. A common-sense approach should be adopted. The term "contiguous" may be interpreted as either "touching" or "near to". Normally, the concession should be used, for example, to permit the facades of complete terraces or blocks of flats to be insulated where there are one or two non-qualifying dwellings at the end of an otherwise qualifying terrace or block. Occasionally its use may be extended, for example to enable the insulation of a dwelling separated by a short distance from a number of qualifying dwellings, eg the end pair in a road of semi-detached houses. It does not, however, commit the Department in every case to insulate every dwelling in a partly qualifying block.

#### 2.2.5 CARAVANS

2.2.5.1 Caravans, even if permanently sited, are not eligible for insulation. The regulations apply only to buildings, and caravans are not buildings within the ordinary meaning of the term. In any event, they could not be satisfactorily insulated in the way provided for in the regulations.

#### 2.2.6 Identification of Eligible Buildings which Qualify

2.2.6.1 The method of identification of eligible buildings which qualify will be in accordance with the technical memorandum entitled "Calculation of Road Traffic Noise" published by HMSO in 1988 for the Department of Transport and the Welsh Office and the "Northern Ireland Modifications" of that publication published by HMSO in 1995.

### 2.3 LISTED BUILDINGS

2.3.1 Listed building consent is required when an owner or occupier proposes works, either to the exterior or to the interior, which would affect the character of a listed building. Noise insulation works could have this effect and Planning Service should accordingly be consulted.

2.3.2 Selection of the most appropriate glass thickness and gap and use of the less obtrusive exterior grilles instead of cowls should help to make the standard insulation package acceptable to Planning Service. If, however, the planners find it objectionable and are disposed to press their views the most practicable and economic alternative solution acceptable to them should be adopted, provided of course that it is possible within the regulations.

2.3.3 If the work is to be done by the owner or occupier, with a grant, it will be for him to apply for listed building consent. If, to meet the requirements of Planning Service, he requests a grant above normal cost limits, the case should be dealt with sympathetically.

## 2.4 ELIGIBLE ROOMS

2.4.1 Rooms eligible for insulation are living rooms (which may include studies and dining rooms but not halls, landings, bathrooms or kitchens) and bedrooms with a qualifying door or window.

### 2.4.2 Sun Lounges and Conservatories

Wherever practicable, sun lounges and other framed and glazed extensions to living rooms, etc, should be insulated if they are on an eligible part of a facade and if they are considered to come within the definition of "eligible room" in regulation 2(1). It may be assumed that the extension forms part of the facade of the building and the noise attenuation provided by the extension would normally be such that it would be unnecessary to consider any additional insulation for windows on the inner facade of the building. Plant houses and framed and glazed storage areas do not, however, normally form extensions to living rooms and should not, therefore, be insulated.

### 2.4.3 KITCHENS

Kitchens are not eligible rooms under the regulations. The decision to exclude them reflects a policy decision with regard to priorities within available resources and also the practical difficulties of providing insulation. There are, however, bed-sitters where cooking/kitchen facilities are located in living areas, and where it would not be desirable to deny insulation. Also, there are situations where a single room is purpose designed or used as both kitchen and living room. In these latter cases decisions about what is and what is not a kitchen need to be made on the basis of fact. It will not be sufficient for there merely to be some other use of a kitchen for it to be treated as a living room and thereby eligible for insulation. It will be necessary for that other use to amount to a significant part of the total use of the room. In this context the presence in a kitchen of a table or bar does not of itself make the room an eligible room particularly if other dining facilities are available. In practical terms a 'kitchen', as a general rule, should be assumed to be ineligible under the regulations unless the floor area is greater than 9.3 m<sup>2</sup> (or 7.4 m<sup>2</sup> for a dwelling with a designed occupancy of 3 people or less) and

- i. there is no separately identifiable dining room; or
- ii. the living room is less than 18.6 m<sup>2</sup> (or 14.8 m<sup>2</sup> for a dwelling with a designed occupancy of 3 people or less).

In reaching a conclusive decision in a difficult case, or a case where a query or appeal has been made, it will be necessary to make some assessment of the relative degree of use of the room by reference to the particular circumstances of the household.

Roads Service Headquarters should be consulted about such cases. Where kitchens/dinettes are to be insulated wholly or in part, particular care is required as regards ventilation - see paragraphs 17.8 and 17.9.

#### 2.4.4 Insulation of Non-Qualifying Windows

Some eligible rooms (eg, through rooms) will have windows and doors on facades which are not subjected to noise at the specified level and which therefore are not qualifying windows or doors. There is, however, provision for insulating these in paragraph (3)(a) of the schedule to the regulations. This permits a flexible approach: the room can be fully insulated where the value of insulating qualifying windows and doors would otherwise largely be lost.

### 2.5 PUBLICATION OF MAPS AND/OR LISTS

2.5.1 In accordance with regulation 8(1), the Department is required for regulation 5 cases to produce and publish a map or list or both identifying eligible buildings (or parts of buildings) which qualify for insulation not later than 12 months after the opening of the new road (form of notice at Annex A).

2.5.2 While there is no requirement to publish maps/lists when the Department exercises its discretion under regulation 6 or regulation 7 powers the policy is generally to do so.

2.5.3 In order to avoid misunderstandings and disputes, qualifying facades as well as qualifying buildings are to be identified on the map or list and, where the intention is to offer insulation for only part of a facade (eg, of a block of flats), the identification on the map or list is to be suitably qualified. Where the provision of a noise barrier reduces noise at some floor levels below the specified noise level, the offer of insulation must normally be confined to other floors.

### 2.6 DEPOSIT OF MAPS

2.6.1 Regulation 8(2) requires that the map or list be deposited at the office of the Department nearest to the buildings identified and made available for inspection during office hours. However, there is no reason why, particularly where the office is a substantial distance from the scheme, a copy should not also be deposited in other public buildings such as a local library or council offices.



## 2.7 OFFER OF INSULATION

2.7.1 Specimen forms of offer and acceptance are at Annexes B-D. However, since prior entry to the property will normally be necessary for the purpose of determining what work is required to be carried out, a preliminary letter of notification should be sent (see Annex E).

2.7.2 Regulation 9(9) limits the time within which an offer may be accepted to 6 months from the date of the offer or 12 months from the date of opening of the new or improved road whichever period expires the later. There is, however, a proviso enabling the Department to extend the limit. This discretion should be exercised with reasonable generosity, particularly if circumstances have made it difficult for the claimant to respond earlier or if the insulation of other houses in the vicinity is still in progress.

## 2.8 IF GRANT CHOSEN

2.8.1 Regulation 12 stipulates that the grant is to equal the actual cost incurred by the claimant or the reasonable cost, whichever is the less. Advice on grant is contained in Annex F.

## 2.9 AMOUNT OF GRANT ON UPGRADED INSULATION WORK

2.9.1 Where an individual has installed insulation which does not meet the specifications of the regulations no grant may be paid unless the insulation work is brought up to the required standards either by the Department or by the individual. When this has been done grant may be paid to that individual on:-

- i. any initially installed work which was to the required specifications (including the cost of labour if a contractor was employed);
- ii. any materials reused in upgrading the works; and
- iii. upgrading the works, if it is the individual who arranges for this to be done;

so long as overall the cost limits in Annex F (or, in special cases, the 'reasonable cost' limit appropriate to a particular dwelling) are not exceeded. Where the upgrading is carried out by a contractor on behalf of the Department the payment to him should be deducted from the overall cost limit so as to arrive at the remaining balance payable to the claimant.

## 2.10 CONSENT TO CARRYING OUT OF INSULATION WORK

2.10.1 Regulation 13 provides that insulation work may be carried out notwithstanding that consent of a landlord or tenant is required but is withheld. This does not mean that the Department or its agent or contractor may force entry into premises to carry out insulation work. It merely enables the work to be carried out notwithstanding the withholding of a consent required under the terms of the tenancy. Provision is made in the form of acceptance of the offer for the occupier to indicate that he has notified his immediate landlord (or vice versa) and to state whether or not the latter has agreed to the carrying out of the work.

## 2.11 APPEALS PROCEDURE

2.11.1 As soon as offers for regulation 5 cases have been made a notice in the form of Annex G should be published in the local press. Where no eligible building qualifies a notice in the form of Annex H should be published as appeals are still possible.

2.11.2 Where an individual appeals under regulation 14 because he has not received an offer of insulation, a further calculation of noise levels should be made. Appeals should be considered as soon as they are received. Consideration must not be delayed until the end of the appeal period. This reappraisal should be on the original basis if appropriate, or on up-to-date traffic flows if they have changed. It should be carried out by persons other than those who made the original calculations which led to the properties being identified as not qualifying for insulation. Regulation 14(6) requires applicants whose appeals are refused to be furnished with a written statement of the reasons for refusal. It is not necessary to set out specific levels of noise in these statements, which should be confined to simple and helpful replies of fact, eg "the noise level calculated in accordance with the regulations is lower than the specified level of 68dB(A) L10" or "the building is ineligible since it was first occupied after the date of opening of the road" - see specimen letter at Annex J. If, as a result of the reappraisal it is ascertained that a building does in fact qualify the specimen letter at Annex I should be issued.

2.11.3 There is no provision for statutory appeals in discretionary cases.

## 2.12 EXERCISE OF DISCRETIONARY POWER

2.12.1 Altered Roads (Regulation 6(2)(b))

The same criteria which applies to new roads/additional carriageways (Regulation 5) is used for altered roads, except that there is no requirement to publish the notice at Annex H where there are no qualifying buildings.

### 2.12.2 Construction Noise (Regulation 7)

The designer when preparing the contract should take into consideration the likely construction noise level and in consultation with the District Council Environmental Health Officer implement such measures as are available to eliminate or minimise construction noise.

In a limited number of cases where despite the employment of all available mitigating measures the construction noise level remains high insulation should be considered as an alternative to paying the extra costs of temporary re-accommodation or indeed acquisition of the property concerned under Article 112(2)(a) of the Roads (Northern Ireland) Order 1993. Insulation should be installed only if the construction noise levels are likely to be high over long periods of each day for sustained periods during a total duration of nuisance extending over a number of months. Lower levels might be appropriate if night or lengthy weekend working is involved or where it can be verified that an occupant is suffering from a medical condition producing a lower threshold of tolerance to noise and where the alternative measures of temporary re-accommodation or property acquisition are unreasonable in the circumstances. It is for Divisional Roads Managers to consider in every case whether construction noise alone justifies insulation work on any eligible buildings along the route of a road scheme. For general guidance, however, it can be assumed that temporary re-accommodation will often be appropriate for periods of up to 2/3 months and where the cost involved is likely to be less than that of insulation, whilst purchase of the property by agreement may be more fitting in situations of the most severe nuisance (noise as well as mud, dust, etc) extending for several months (usually more than 6).

Whatever solution is adopted, it is important to consider householders' representations fully and promptly and to make it clear to them that everything reasonably possible to alleviate conditions will be done within the restrictions to which the Department is subject. A visit to the householder at an early stage and quick, considerate and informative replies to letters will do much to relieve the anxiety of people faced with the disturbance of road works nearby.

## 2.13 SCHEMES INVOLVING NEW SERVICE ROADS

2.13.1 The construction of a service road is, for the purposes of the regulations, the construction of an additional carriageway. It attracts a duty to insulate and, as with any additional carriageway, regard is had to the noise that will be produced by the whole of the length of road in question, including the main carriageway(s).

## 2.14 IMPROVEMENTS TO AN EXISTING PUBLIC ROAD CARRIED OUT/PAID FOR BY A DEVELOPER

2.14.1 Where a developer carries out/pays for any improvements to an existing public road which are necessitated by his development, it is the Department who is liable in such circumstances to provide insulation under the regulations.

## 2.15 REPAIR OF DEFECTS

2.15.1 By reason of regulation 10(3) the Department is not required to remedy a defect in a building or to maintain or repair any equipment or apparatus installed pursuant to the regulations. If a property requires treatment of damp, replacement of rotten sills, rewiring, etc, prior to installation, this will be the occupier's or landlord's responsibility.

## 2.16 NIHE PROPERTY

2.16.1 A special arrangement has been reached with the Northern Ireland Housing Executive. The Housing Executive has agreed to undertake the identification of eligible rooms and the determination and execution of necessary insulation works in respect of its own properties. Letters of offer in respect of these properties should therefore be sent to the Housing Executive who should be asked to notify the individual occupiers. Before carrying out the work the Housing Executive will provide an estimate of the costs involved. Within that estimate grant should be paid in respect of the actual costs incurred (including reasonable on costs). If at any times it seems that the estimated costs are likely to be exceeded the Housing Executive should be asked to notify the Department and explain the reasons for the expected increase.

## 2.17 ALL OTHER PROPERTY

For properties other than Housing Executive, Construction Service will undertake the identification of eligible rooms and the determination and execution of necessary insulation works on behalf of Roads Service.

2.17.1 The procedure to be followed is set out below:-

- a) Upon receipt of the noise assessment for each scheme with eligible dwellings identified Divisional Lands Branch will arrange with Construction Service and the occupier to have a property survey carried out to determine which windows, doors etc, qualify for insulation (letter to occupier see Annex E).
- b) Construction Service will carry out the survey and advise Divisional Lands Branch of the outcome following which Lands Branch will make an offer of insulation to the occupier (see Annex B) or in the case of construction noise (see Annex C).
- c) The occupier may choose to have the insulation work carried out by the Department or accept an offer of grant to have the work undertaken himself.
- i. If the occupier opts for the payment of grant Annex F applies and Construction Service should be contacted for estimates.

When the work has been completed Divisional Lands Branch will instruct Construction Service to inspect the work to ensure compliance with the regulations and upon receipt of a satisfactory report from them will arrange for payment of the grant.

ii. If the occupier wishes the Department to undertake the work Divisional Lands Branch will issue the necessary instructions to Construction Service who will undertake the insulation work.

a) Construction Service will submit itemised accounts in respect of their services to the Divisional Lands Branch for payment.

## 2.18 KEEPING OF RECORDS

2.18.1 Comprehensive records of each assessment must be kept and must include the following:-

a) a statement of what action was taken at the initial and subsequent assessments;

b) the traffic figures used in each assessment;

c) noise readings (if taken);

d) a map showing the scheme and indicating the 300 metres envelope and dwellings in existence at the date of the opening of the new or improved road to traffic; and

e) the nearest qualifying property.

2.18.2 Divisional Lands Branches will hold the records in respect of each scheme to which the regulations apply. P&T staff will notify the Lands Branch of the date of opening in respect of each scheme and the Lands Branch will be responsible for triggering the 5,10 and 15 year assessments.

### 3 Appendices

#### 3.1 Appendix A

#### DEPARTMENT FOR REGIONAL DEVELOPMENT

#### THE NOISE INSULATION REGULATIONS (NORTHERN IRELAND) 1995

#### [DETAILS OF NEW ROAD]

[Details of new road] was opened to public traffic on

Following an assessment of noise levels arising from the use of this road, the Department for Regional Development has ascertained that a number of dwellings have qualified for insulation under the Noise Insulation Regulations (Northern Ireland) 1995.

A map and list showing these dwellings may be inspected by any person free of charge at all reasonable hours during the period from \_\_\_\_\_ to \_\_\_\_\_ [3 month period] at the Department's Roads Service offices

[address]

Dated

DIVISIONAL ROADS MANAGER

3.2 Appendix B

TRAFFIC NOISE

**The Occupier**

Your Ref:

Our Ref:

Date:

Dear Sir/Madam

**THE NOISE INSULATION REGULATIONS (NORTHERN IRELAND) 1995**

1. Following an assessment of noise levels arising from traffic using [description of new/altered road] it has been ascertained that certain rooms in the dwelling which you occupy at [address] are eligible for noise insulation under the Noise Insulation Regulations (Northern Ireland) 1995. Accordingly the Department hereby offers to carry out or to make a grant in respect of the cost of carrying out insulation work in or to the rooms in question which are:-

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2. The works required to be carried out are summarised below:-

- a. the conversion of the following single windows to double windows:-

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- b. the provision of ventilator units (inlet fans) and permanent vents, with their

supply ducts and cowls or grilles on external walls as follows:-

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c. the provision of venetian blinds between the double windows as follows (you may refuse these if you have reasonable alternative means of protection against excessive heat from the sun, eg, certain other types of blinds):-

d. the provision of a second door behind the existing outside door in the following rooms:-

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Full details of the work are shown on the enclosed schedule.

3. You have a choice between having the Department arrange for the carrying out of the work or having it done yourself against payment of a grant. You should note that the grant will be the actual cost incurred or the reasonable cost of the work, whichever is the less. If you require information about the grant available, please contact this office. You can do some of the rooms yourself and have others done by the Department. You can refuse the offer in respect of some rooms and accept it in respect of others. Equally, of course, you can refuse the offer entirely. Any room which is to be insulated must, however, be insulated to comply fully with the regulations' requirements: you cannot, for example, accept double windows but reject the ventilator unit.
4. If noise insulation work has already been carried out to the dwelling in accordance with the relevant specifications only the offer of grant is available and it may be accepted only by the person who actually incurred the cost of the work. If only part of the work has been carried out to the relevant specifications, it will have to be brought up to standard to qualify for any grant towards that part of the costs already incurred.
5. If you are not the owner of the dwelling you are requested to notify your immediate landlord or licensor of the terms of this offer.
6. This offer is made subject to the following conditions:-



- i. if you wish to accept it you must complete the attached acceptance form, which contains the specific information required by the Department under the regulations, and forward it to this office;
  - ii. it must be accepted wholly or in part before [insert dated 12 months after the relevant date or 6 months after the date of the offer, whichever is the later]. During the first 3 months after the date of the letter you (or, if you move, your successor) have the right to accept it. After that your immediate landlord or licensor (if any) also has the right to accept and should he do so, it will no longer be open to you (or your successor) to accept.
  - iii. if you accept the offer of insulation work you must afford the Department or its agent such access to the dwelling as is reasonably required to carry out and inspect the work to ascertain whether it complies with the relevant specifications. If you are not the occupier or nor entitled to occupy the dwelling you must procure for the Department or its agent such access;
  - iv. if, on the other hand, you accept the offer of grant, the work must be carried out in accordance with the relevant specifications within 12 months of the date of acceptance. As at (iii) above you must afford or procure for the Department or its agent access for the purpose of inspecting the work to ascertain whether it complies with the relevant specifications.
7. It would be helpful if any fittings, fixtures, articles and furnishings likely to impede the installation work were removed prior to the commencement of the work.
  8. An explanatory booklet is enclosed for your information which you should read carefully before making your decision. If you require any further information please do not hesitate to contact this office.

Yours faithfully

3.3 Appendix C

**CONSTRUCTION NOISE**

**The Occupier**

Your Ref:

Our Ref:

Date:

Dear Sir/Madam

**THE NOISE INSULATION REGULATIONS (NORTHERN IRELAND) 1995**

1. Following an assessment of noise levels arising from works for the construction [description of new/altered road] it has been ascertained that certain rooms in the dwelling which you occupy at [address] are eligible for noise insulation under the Noise Insulation Regulations (Northern Ireland) 1995. Accordingly the Department hereby offers to carry out or to make a grant in respect of the cost of carrying out insulation work in or to the rooms in question which are:-

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2. The works required to be carried out are summarised below:-

a. the conversion of the following single windows to double windows:-

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- b. the provision of ventilator units (inlet fans) and permanent vents, with their supply ducts and cowls or grilles on external walls as follows:-

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- c. the provision of venetian blinds between the double windows as follows (you may refuse these if you have reasonable alternative means of protection against excessive heat from the sun, eg, certain other types of blinds):-

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- d. the provision of a second door behind the existing outside door in the following rooms:-

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Full details of the work are shown on the enclosed schedule.

- 3. You have a choice between having the Department arrange for the carrying out of the work or having it done yourself against payment of a grant. You should note that the grant will be the actual cost incurred or the reasonable cost of the work, whichever is the less. If you require information about the grant available, please contact this office. You can do some of the rooms yourself and have others done by the Department. You can refuse the offer in respect of some rooms and accept it in respect of others. Equally, of course, you can refuse the offer entirely. Any room which is to be insulated must, however, be insulated to comply fully with the regulations' requirements: you cannot, for example, accept double windows but reject the ventilator unit.
- 4. If noise insulation work has already been carried out to the dwelling in accordance with the relevant specifications only the offer of grant is available and it may be accepted only by the person who actually incurred the cost of the work. If only part of the work has been carried out to the relevant specifications, it will have to be brought up to standard to qualify for any grant towards that part of the costs already incurred.

5. If you are not the owner of the dwelling you are requested to notify your immediate landlord or licensor of the terms of this offer.
6. This offer is made subject to the following conditions:-
  - i. if you wish to accept it you must complete the attached acceptance form, which contains the specific information required by the Department under the regulations, and forward it to this office.
  - ii. it must be accepted wholly or in part by you or your immediate landlord or licensor within 2 months from the date of this offer;
  - iii. if you accept the offer of insulation work you must afford the Department or its agent such access to the dwelling as is reasonably required to carry out and inspect the work to ascertain whether it complies with the relevant specifications. If you are not the occupier of nor entitled to occupy the dwelling you must procure for the Department or its agent such access;
  - iv. if, on the other hand, you accept the offer of grant, the work must be carried out in accordance with the relevant specifications within 12 months of the date of acceptance. As at (iii) above you must afford or procure for the Department or its agent access for the purpose of inspecting the work to ascertain whether it complies with the relevant specifications.
7. It would be helpful if any fittings, fixtures, articles and furnishings likely to impede the installation work were removed prior to the commencement of the work.
8. An explanatory booklet is enclosed for your information which you should read carefully before making your decision. If you require any further information please do not hesitate to contact this office.

Yours faithfully

3.4 Appendix D

Ref: \_\_\_\_\_

**ACCEPTANCE OF OFFER**

1. I hereby accept (1) and claim the benefit of the offer of noise insulation work or grant in respect of the following rooms at:-

ADDRESS: \_\_\_\_\_

<u>ROOMS</u>	<u>WORK</u>	<u>GRANT</u>
(tick as appropriate)		

- 2. I am the \*owner occupier/occupier/landlord/licensor of this dwelling.
- 3. I certify that I have informed my immediate \*landlord/licensor of the terms of the offer. I also certify that that person \*does/does not consent to the carrying out of this insulation work.

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

NAME OF CLAIMANT \_\_\_\_\_

ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

\* Delete as appropriate

**NOTES**

(1) If you require details of the grant available before deciding, please contact  
\_\_\_\_\_

(2) If for any reason the landlord or licensor does not consent a note indicating the reasons should be enclosed.

(3) In the case of joint claimants or companies the claim should be in the name of one person authorised to sign on behalf of the claimants.

3.5 **Appendix E**

Roads Service -

Division

**The Occupier**

Ref:

Date:

Dear Sir/Madam

**THE NOISE INSULATION REGULATIONS (NORTHERN IRELAND) 1995**

The Department is, under the above-mentioned regulations, considering making an offer of insulation for your property by way of secondary glazing and special ventilation to reduce the effects of traffic noise arising from the [description of scheme].

A representative of the Department (who will possess means of identification which you should ask to see) will call with you on:-

DAY \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

to carry out a survey of the property to ascertain which windows, and perhaps doors, may be eligible for insulation. Subsequently you may receive a formal offer of insulation which you will have the option to accept or refuse, wholly or in part.

Yours faithfully

### 3.6 Appendix F

#### RATE OF GRANT

1. The rate of grant shall be equal to the actual cost incurred by the claimant or the reasonable cost of carrying out the work in accordance with the specification, whichever is less. At the time an offer of grant is made it will often be impracticable to say what cost would be reasonably incurred in doing the work. To overcome this difficulty and to establish a degree of uniformity Construction Service should be asked to determine cost limits which are considered reasonable in this context.
2. The figures supplied by Construction Service should include the cost of materials, installation and all associated works as well as making good of the fabric and existing decorations. Where VAT is payable the claim should be deemed reasonable if the cost excluding VAT is within these limits.
3. In respect of individual properties measurements should be made of each item to an accuracy of 10 mm, and the total cost of work to the property compared with the total reasonable cost calculated according to the figures above rather than to the separate amounts for glazing, blinds, etc, within that total.
4. If in any case it is proposed to pay grant in excess of cost limits because of particular circumstances, the Department must be satisfied that the grant to be paid is not greater than the reasonable cost of carrying out the work to the house in question. The Department should pay only for doing the work to a standard with which they would be satisfied if they were arranging for the work to be carried out. The Department should also be satisfied that the tender which the householder proposes to accept, in order to have the work done to that standard, is truly competitive.

3.7 **Appendix G**

**DEPARTMENT FOR REGIONAL DEVELOPMENT**

**THE NOISE INSULATION REGULATIONS (NORTHERN IRELAND) 1995**

**[DETAILS OF NEW ROAD]**

[Details of new road] was opened to public traffic on

Following an assessment of noise levels arising from the use of this road the Department for Regional Development has made offers of insulation work or grant to the occupiers of dwellings which have qualified under the Noise Insulation Regulations (Northern Ireland) 1995.

The regulations give the right of appeal to the occupier or person entitled to occupy any dwelling or other residential property (such as an old people's home or hostel for long-stay residents), and to his immediate landlord or licensor, where the dwelling or property is within 300 metres of the road and no offer of insulation work or grant has been made in respect of it.

Any such person who did not receive an offer of insulation work or grant, and claims to be entitled to one, may apply in writing to the Divisional Roads Manager, Department for Regional Development, Roads Service [ ] Division, [address] before [date] [6 month period] giving their reasons and requesting that an offer be made in accordance with the provisions of the regulations.

**DIVISIONAL ROADS MANAGER**

Dated



3.8 **Appendix H**

**DEPARTMENT FOR REGIONAL DEVELOPMENT**

**THE NOISE INSULATION REGULATIONS (NORTHERN IRELAND) 1995**

**[DETAILS OF NEW ROAD]**

[Details of new road] was opened to public traffic on

Following an assessment of noise levels arising from the use of this road the Department for Regional Development has ascertained that no dwellings qualify for an offer of insulation work or grant under the Noise Insulation Regulations (Northern Ireland) 1995.

The regulations give the right of appeal to the occupier or person entitled to occupy any dwelling or other residential property (such as an old people's home or hostel for long-stay residents), and to his immediate landlord or licensor, where the dwelling or property is within 300 metres of the road and no offer of insulation work or grant has been made in respect of it.

Any such person who claims that they are entitled to receive an offer of insulation work or grant may apply in writing to the Divisional Roads Manager, Department for Regional Development, Roads Service [ ] Division, [address] before [date] [6 month period] giving their reasons and requesting that an offer be made in accordance with the provisions of the regulations.

DIVISIONAL ROADS MANAGER

Dated

### 3.9 Appendix I

Your Ref:  
Our Ref:  
Date:

Dear

#### **THE NOISE INSULATION REGULATIONS (NORTHERN IRELAND) 1995 [NAME OF ROAD SCHEME]**

I refer to your appeal dated \_\_\_\_\_ against the non offer of insulation in respect of the dwelling/residential property at [address].

The traffic noise level in relation to the dwelling/property has been re-assessed and I am pleased to advise you that the Department has ascertained, as a result, that it does qualify for insulation under the Noise Insulation Regulations (Northern Ireland) 1995.

Accordingly a formal offer of insulation work or grant is now enclosed.

Yours sincerely

Enc

### 3.10 Appendix J

Your Ref:

Our Ref:

Date:

Dear

#### **THE NOISE INSULATION REGULATIONS (NORTHERN IRELAND) 1995 [NAME OF ROAD SCHEME]**

I refer to your appeal dated \_\_\_\_\_ against the non offer of insulation in respect of the dwelling/residential property at [address].

- \*A The Department has re-assessed the traffic noise level in relation to the dwelling/property and is unable to offer insulation as [reason, eg, the noise level determined in accordance with the regulations is lower than the specified level of 68 dB (A)].
  
- \*B The Department is, however, unable to offer insulation as [reason, eg, the dwelling/property is ineligible since it was first occupied after the date of opening of the road].

I am sorry that I am unable to give you a more favourable reply.

Yours sincerely

\* Paragraph A is used in cases where a re-assessment of traffic noise level is required and Paragraph B where it is not.

**Roads Service Policy & Procedure Guide : RSPPG\_S022**

Title: **ARTICLE 22 OF THE LAND ACQUISITION AND COMPENSATION (NI) ORDER 1973. NOISE (The Noise Insulation Regulations)**

**Document History**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Authorised by Document Control Panel Members Name : Signature</b>
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1	First issue of RSPPG

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