



# Crossrail Act 2008

## 2008 CHAPTER 18

### *Noise*

#### **21 Proceedings in respect of statutory nuisance: defence**

(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990 (c. 43) (summary proceedings by person aggrieved by statutory nuisance) in relation to—

- (a) a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises), or
- (b) a nuisance falling within paragraph (ga) of that provision (noise emitted by vehicle, machinery or equipment in a street),

no order shall be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that subsection (2) applies.

(2) This subsection applies if—

- (a) the nuisance relates to premises or, as the case may be, to a vehicle, machinery or equipment, used by the nominated undertaker for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works, and
- (b) the nuisance is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65, of the Control of Pollution Act 1974.

(3) The following provisions of the Control of Pollution Act 1974—

- (a) section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990), and
- (b) section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded),

shall not apply where the consent relates to the use of premises or, as the case may be, of a vehicle, machinery or equipment by the nominated undertaker for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works.