

SCHEDULES

SCHEDULE 27

NOISE

Defences to proceedings relating to statutory nuisance

- 2 In proceedings for an offence under section 80(4) of the Environmental Protection Act 1990 (offence of contravening abatement notice) in respect of a statutory nuisance falling within section 79(1)(g) or (ga) of that Act where the offence consists in contravening requirements imposed by virtue of section 80(1)(a) or (b) of that Act, it is a defence to show that the nuisance—
- (a) is a consequence of—
 - (i) the construction or maintenance of the works authorised by this Act, or
 - (ii) the operation of Phase One of High Speed 2, and
 - (b) cannot reasonably be avoided.