



Noise Impact Evaluation and Regulation in Canadian Transportation Planning

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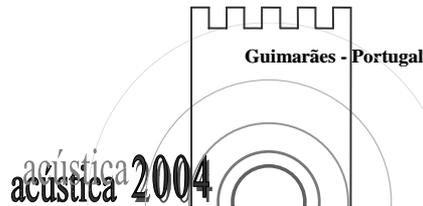
ABSTRACT: Noise complaints can sterilize the use and potential expansion of important transportation infrastructure, such as airports and highways. On the other hand, if these facilities are not fully assessed and properly planned, noise emissions can create widespread and unacceptable health and environmental impacts. This paper outlines the Canadian regulatory approach to protecting transportation infrastructure from encroachments and restrictions from “new neighbors,” as well as criteria for the approval of new or expanded highways and airports. Topics canvassed include who, as between the proponent and the neighbor, has the burden of impact avoidance; the role of environmental impact assessment; land use and building design noise attenuation requirements; property noise warnings; and the availability of financial compensation for noise impacts. A limited comparison is made to U.K., U.S. and European laws and practice.

1. INTRODUCTION - CANADIAN REGULATORY FRAMEWORK

Canada has a federal system of government. Because the constitutional jurisdiction of the federal Parliament, located in Ottawa, is directed at activities which affect the whole country, and the jurisdiction of the thirteen provincial and territorial legislatures directed to more local matters in those provinces, most Canadian noise laws are provincial/territorial in origin or are made by municipalities.

1.1 Federal Jurisdiction – Trains, Planes, Boats & Pipelines

From an acoustical perspective, the Government of Canada has legislative jurisdiction over airports, railways, navigation and inter-provincial works such as pipelines, and can set standards for manufactured items which enter into inter-provincial and international trade and commerce. It also can regulate noise on federally owned lands (usually in national parks and in northern Canada). Airport noise regulation is discussed further below. Regulations under the federal *Motor Vehicle Safety Act* have set noise emission limits on cars, trucks, heavy duty vehicles, buses, snowmobiles and motorcycles at the point of manufacture or importation into Canada. Some noise limits are those suggested by industry, e.g. the 88 dBA at 50 feet limit set in 1973 which was the voluntary standard adopted in 1954 by the Motor Vehicle Manufacturers Association for all new trucks [1]. The standards for motorcycles ranges from 77 to 82 dBA, depending on maximum engine displacement [2]. Due to the nuisance often created by pleasure motor boats, the federal government is under pressure to regulate these, but to date has not acted. And while Ottawa has exclusive jurisdiction to regulate noise from railways including rail yards, it has essentially not done so.



The National Research Council has developed the *National Building Code* (“Code”). Although not a law *per se*, many Canadian municipalities require buildings to meet Code standards prior to issuance of a building permit [3]. The Code requires portions of apartment buildings, hotels and motels to be separated from every other space in the building in which noise may be generated by construction, rated at specific sound transmission class ratings (measured in accordance with American Society for Testing and Material Standards (ASTM)) [4]. Construction carrying a minimum sound transmission class rating of 50 is required between dwelling units while a higher sound transmission class rating of 55 is required in apartment buildings between the units and noisy areas such as elevators and garbage chutes [5].

The *Canadian Environmental Assessment Act* (and its predecessor the federal Environmental Assessment and Review Process (EARP)) can require noise predictions for federally regulated projects, and can potentially prevent projects with unacceptable impacts from proceeding at all, or require mitigation. While CEAA is regularly applied to major airport expansions (and has been used regarding noise impacts from military flight testing), its use on other noise related projects is limited and highly discretionary.

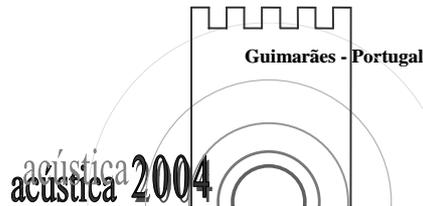
1.2 Provincial and Municipal Noise Regulation

The provincial and territorial legislatures regulate all other noise sources. Therefore determining whether or not there are noise limits or mitigation measures for such things as highways, various types of engines, and air conditioning equipment in any particular part of Canada, and the requirements of those noise regulations, must be determined by an examination of the laws of thirteen jurisdictions. In addition, most Canadian municipalities are authorized by provincial or territorial statutes to make local noise by-laws or ordinances to further regulate local noise sources. Because of space limitations, this paper focuses on noise related land use planning and noise impact assessment in the province of Ontario. Ontario is Canada’s second largest province, with a land area of 917,000 km², and 12 million inhabitants, 83% of whom live in urban areas. The capital of the province is Toronto, with a population of 5 million. Ontario is Canada’s business and financial center, generating 40% of the country’s GDP. Ontario’s environmental laws are usually regarded in Canada as leading edge, and are frequently emulated in the rest of the country.

2. ONTARIO TRANSPORTATION NOISE LAWS AND GUIDELINES

2.1 Prohibition on Noise and Vibration Causing “Adverse Effects”

The vast majority of highway construction in Canada is carried out by or for provincial governments or by municipalities. The Ontario *Environmental Protection Act* (EPA) defines sound and vibration that may cause an “adverse effect” as a contaminant. An “adverse effect” is not defined by numerical limits, but rather in general terms, and includes “impairment of the quality of the natural environment for any use that can be made of it”; “an adverse effect on the health of any person;” “material discomfort to any person;” and “loss of enjoyment of normal use of property.” Emissions of sound into the natural environment which cause or are



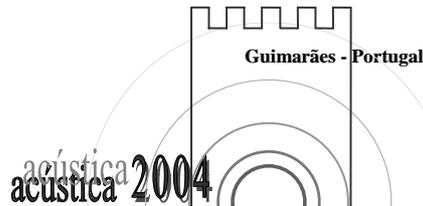
likely to cause such effects are punishable by fines. Maximum penalty for a first offence by an individual is \$20,000 per day and \$50,000 (Can.) for any subsequent offence. Every day an offence occurs is deemed to be a separate offence. Maximum fine for a corporation on a first offence is \$100,000 per day and \$200,000 for each subsequent offence. Offences posing a risk of adverse effect cause the fine ceilings set out above to more than double. Potential maximum fines for offences that actually cause an adverse effect range from \$4,000,000 to \$10,000,000 per day.

2.2 Noise Assessment in Ontario Land Use Planning – Road, Rail & Airports

While there are no EPA regulations that impose numerical emission limits on highway, rail or airport noise, an Ontario Ministry of Environment (MOE) Guideline [6] provides numerical sound limits for proposed land uses proximate to highways, railways and airports. These guide municipalities and the Ontario Municipal Board when authorizing new housing (and to some extent are used when industries seek approval from the MOE for new noise sources). The general principle for new residential development adjacent to freeways is that “those who develop land adjacent to existing or planned noise generators should accept responsibility for achieving a minimum standard of environmental quality for future residents”[7].

For example, in 1973 the City of Hamilton approved development standards for its proposed Red Hill Creek Expressway to “minimize long term effects and nuisance of noise and vibration generated by vehicular traffic.” The standards required that the City design the freeway to be in-cut with 6.10 m. high bermed side-slopes, (minimum 3.66 m. cut plus 2.44 m. earth berm typical) with single family and low multiple residential structures entirely within the sound shadow. Restrictions imposed on future residential development included: (1) first row of residential lots to be a minimum of 45.72 m. in depth, drained away from the freeway right-of-way; (2) granting of a temporary 15.24 m. surface easement on lands immediately adjoining the freeway to construct a landscaped noise barrier; (3) no structures within the easement by the owner; (4) no residential structure to be less than 27.4 m. from freeway right-of-way (5) single and double housing within the first 45.72 m. from freeway right-of-way to be constructed to permit units to be centrally air conditioned; (6) single or double housing within 137.16 m. from the right-of-way to be constructed of brick veneer; (7) insulated with R7 (7.30 cm. fibre glass batt); (8) double glazed windows and (9) no bedroom windows to be located in walls facing freeway. In addition, within 304.80 m. of the right-of-way multiple residential development required a specific site plan agreement, and evidence that the building design considered an assumed noise source of 85 dBA [8].

In Canada and the United States, if any measures are taken to reduce the level of sound reaching a receiver, for example through insulation, it is mostly likely the municipality mandating that form of noise mitigation from the developer. In contrast, in the United Kingdom, the Secretary of State may make regulations imposing a duty on a responsible government authority to insulate buildings or to make grants in respect of the cost of such insulation if the noise from new roads exceeds a specific limit at existing homes [9].

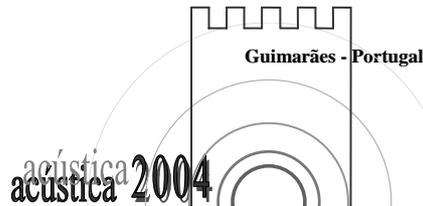


Road Traffic: In Ontario, for indoor areas exposed to road traffic, the MOE Guideline for living and dining rooms is $Leq\ Day = 45\ dBA$ and night time for bedrooms is $Leq\ Night = 40\ dBA$ [10]. If the night time sound energy exposure (2300 to 0700 hours), at the exterior face of bedrooms is greater than 60 dBA, means must be provided so that windows can be kept closed for noise control purposes and central air conditioning is required. For night time, exterior sound exposures between 51 and 60 dBA inclusive, there need only be the provision for adding air conditioning at a later date. A warning clause advising the occupant of the potential interference with some activities is also required. For outdoor amenity areas exposed to road traffic, the guideline is 55 dBA $Leq\ Day$ (0700 to 2300 hours), with an excess not exceeding 5 dBA considered acceptable if it is technically not practicable to achieve the 55 dBA objective.

Rail Traffic: While neither a province nor a municipality can regulate inter-provincial railways, they can make requirements for new land uses. The MOE Guideline provides that indoor areas exposed to rail traffic must meet the same basic criteria as for road traffic, except that the sound level limits are 5 dBA more stringent. This is to account for the specific characteristics of railway noise, particularly the low frequencies produced by diesel locomotives. For outdoor areas exposed to rail traffic the same outdoor criterion as for road traffic applies.

Aircraft Noise: Again, neither a province nor a municipality can regulate aircraft noise or airports, but they can regulate land uses proposed for areas near, or which would be affected by, aircraft noise. The MOE Guideline requires a detailed noise study for new land use proposals that are located at or above NEF/NEP 25 contours [11]. If the receptor is within the contours of 25 and 30, a dwelling must be designed with provision for central air conditioning and the windows, doors, walls and ceiling/roof must be designed to achieve the indoor sound level criteria. A warning clause advising that sound levels may interfere with residential uses is also required [12]. Also, the Ontario *Provincial Planning Policy* Statement [13] provides that in order to protect airports from incompatible development: (a) “new residential development and other sensitive land uses will not be permitted in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) approved by Transport Canada” and (b) “redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be no negative impacts on the long term function of the airport” [14]. There are a number of other relevant Ontario MOE noise guidelines [15].

The Ontario Municipal Board has applied proponent-mitigated development principles when approving residential development proximate to Toronto’s Pearson International Airport to ensure that future residents do not “sterilize” current use and potential for expansion, and to ensure that future residents do not suffer from unacceptable levels of noise pollution [16]. As a condition of subdivision approval, the developer was required to enter into an Aircraft Noise Warning Agreement based on the airport operator’s finding that “residents living in areas exposed to high levels of noise from aircraft operations...suffer annoyance, and are expected in the future to make complaints that aircraft noise interferes with the enjoyment of their



property. The agreement required, among other measures, a warning on temporary signs that were to be displayed on the lots to be sold:

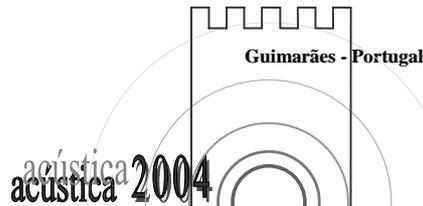
"Homes within this area are subject to noise from aircraft Lester B. Pearson International Airport. The amount of aircraft noise may increase in future and may interfere with your use and enjoyment of your home. Please satisfy yourself that the level of aircraft noise will be acceptable to you before you purchase your home. The City of Mississauga, the Greater Toronto Airports Authority (GTAA) or any air carrier using Lester B. Pearson International Airport are not responsible for annoyance due to aircraft noise. For more information on aircraft noise please contact the GTAA...."

The developer also had to pay into a permanent sign fund, and the noise warning agreement was registered against title to the developer's lands [17].

2.3 Ontario Ministry of Transportation (MTO) Highway Noise Planning Policies

The Ontario MTO operates the largest road system in Canada. The assessment of noise in the planning stage of a new or expanded provincial highway is required under a Class Environmental Assessment process established under the Ontario *Environmental Assessment Act* (EAA) [18]. Under the Ontario EAA, project proponents must predict and assess all potential environmental, social and economic effects of a proposed undertaking. In the case of a highway, the noise assessment is used to assist in generating alternative routes and in selecting the preferred route. Recently MTO prepared a Noise Work Plan containing a methodology and framework for carrying out the noise assessment component for a new major controlled access freeway [19]. In the initial generation of route alternatives, the stated objectives included " [to] maximize separation distance between the route alternative and sensitive receptor locations; minimize encroachment near existing and proposed urban and rural residential developments." It was proposed these route alternatives would be "pre-screened" to avoid the most significant/sensitive resources areas to the extent possible. The remaining alternatives would then be reviewed with government agencies and the public. Refinements would then be integrated and a finalized set of route alternatives brought forward for evaluation. The analysis and evaluation process compares the route alternatives and selects the preferred alternative using the criteria "potential increases in noise detected at sensitive receptors" (using a quantitative analysis to predict noise impacts and applying mitigation measures).

Noise is also addressed in the design and construction stages of provincial highways under recently proposed MTO Policy [20]. The design objective for a new or modified highway is to achieve the predicted ambient noise level that would occur without the proposed highway. If predicted noise level increases above ambient 10 years after highway completion are 0-5 dBA, no mitigation is required. For predicted increases greater than 5 dBA, the policy requires investigation of noise control measures on the right of way and, if project cost is not "significantly" affected, calls for noise control measures within the right of way. Such control measures should achieve a minimum of 5 dBA attenuation over first row receivers and mitigate to ambient "as administratively, economically and technically feasible." MTO uses the U.S. Federal Highway Noise Prediction Model [21] and the STAMINA 2.0 highway noise



prediction model. Further details of MTO policies and directives regarding highway noise are contained in a number of documents used by MTO [22].

3. COMPENSATION FOR NOISE IMPACTS

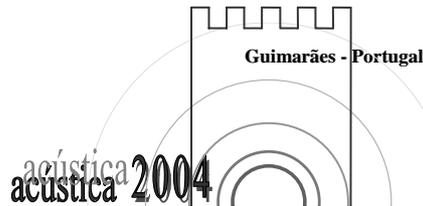
English common law principles, applicable also in the courts of Canada, the United States, Australia and other former British colonies, allow a court to grant compensation for “nuisance,” which can be defined as an unreasonable interference with the use and enjoyment of property. However, at least in Canada, compensation claims based on nuisance for noise arising from public transportation facilities have not met with success. For example, the Ontario Court of Appeal found noise and vibration from the Toronto subway to be the inevitable consequence of operating such trains; that neighbors’ expectations of quiet and tranquility were unreasonable in a locality that was essentially commercial; and because the subway had been specifically approved by at that location, “a public body is immunized from liability if it shows that there is no practical possibility of it carrying out its mandate without causing a nuisance to others” [23]. Similarly, the Supreme Court of Canada has held that: “...highways are necessary: they cause disruption. In the balancing process inherent in the law of nuisance, their utility for the public good far outweighs the disruption and injury which is visited upon some adjoining lands” [24].

In a report of the EARP panel reviewing a proposal for a “Parallel Runway Project” for the Vancouver International Airport, compensation for noise impacts was recommended:

The Panel believes very strongly that it is no longer acceptable for a new airport development to subject neighbouring areas, routinely and as a matter of right, to excessive sound levels. This certainly applies to levels which interfere with sleep, disrupt conversation and undermine health. If there is no alternative to the development, and if abatement and mitigation have been taken as far as possible, then some form of compensation should be made available to those affected”[25].

The Panel recommendations included relocation assistance; house insulation; annual tax rebates and a noise compensation program. However, the federal government disagreed with this recommendation stating it would “focus on the implementation of effective [noise] reduction and mitigation measures rather than compensation.” In response, a group of affected residents sued the Government of Canada for compensation. The lower court awarded between \$40,000-\$70,000 in compensation per home. However in 2002, the British Columbia Court of Appeal overruled this decision, holding that construction of the runway in its precise location was authorized by the government with knowledge that the noise nuisance was the inevitable result:

In this case, the location of the North Runway is specifically authorized and...therefore not a justiciable issue. The decision as to where to locate the new runway involved many issues of public policy. The decision was made after the EARP report and lengthy public consultations and hearings....Resulting noise was specifically considered in this process. Alternate locations were also considered. The choice of where best to locate the new runway was not a legal question. It was a “political” issue to be resolved through appropriate public procedures[26].



Leave to appeal to the Supreme Court of Canada was denied.

A 2003 decision of the European Court of Human Rights stands in marked contrast to these Canadian cases. In the *Case of Hatton and Others v. The United Kingdom* [27] the applicants alleged that government policy on night flights at Heathrow airport gave rise to a violation of their rights under Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and that they were denied an effective domestic remedy for this complaint contrary to Article 13 of the Convention. The lower chamber agreed and awarded compensation. The U.K. government appealed to the Grand Chamber. Although not finding a violation of Article 8, the Grand Chamber, with dissenting opinions, found that the applicants should have a remedy, and awarded them EUR 50,000 for costs and expenses, on the basis that the English legal system did not, at the time of the original complaint, “allow consideration of whether the increase in night flights represented a justifiable limitation on the right to respect the private and family lives or the homes of those who live in the vicinity of Heathrow airport.”

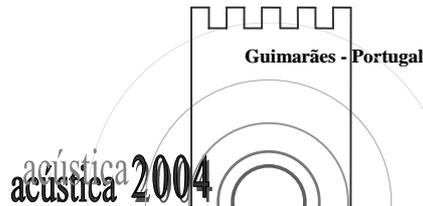
In the United Kingdom, statutory compensation can be awarded for impacts, including noise impacts, and a decrease in land value, caused by the building and the use of public works [28]. “Noise” is one of seven physical factors that is considered when determining compensation for depreciation in the value of the land caused by the use of the public works. The United Kingdom recognizes the “inconvenience and discomfort” caused by a “new motorway.” “Acquiring authorities” have been given “duties and discretionary powers” to mitigate the injurious affects of development. In agreement with the residents affected, the authority can take the following measures: sound-proofing; acquiring more land than what was actually required for development; earth-moulding and other landscaping works; and payment of moving and temporary relocation expenses if the authority finds such measures necessary [29].

4. ACKNOWLEDGEMENT

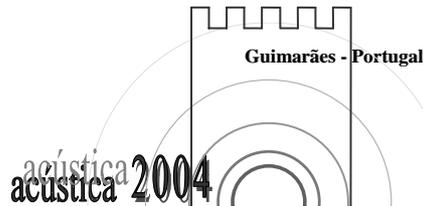
I acknowledge with thanks the excellent assistance of Joanne Grower, who as a summer law student with Gowlings worked diligently to obtain obscure and often unpublished source material and who developed and drafted some useful initial aspects of this paper.

REFERENCES

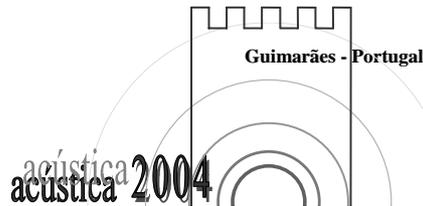
- [1] Estrin, D. and Swaigen, J. (ed.) *Environment on Trial – A Guide to Ontario Environmental Law and Policy*, 3rd edition (Toronto, 1993) p. 599. For current Canadian law on noise limits for cars and light trucks see: *Motor Vehicle Safety Regulations*, C.R.C., c. 1038, Sch. V.1, s. 2(b)(ii)-(iii).
- [2] *Motor Vehicle Safety Regulations*, C.R.C., c. 1038, Sch. V.1, s. 3(a)(i)-(iii).
- [3] Aspects of the National Building Code sound control standards have been incorporated into the *Ontario Building Code*, s. 9.11, which is binding on all Ontario municipalities pursuant to the *Ontario Building Code Act*.



- [4] Canadian Commission on Building and Fire Codes, *National Building Code of Canada 1995*. (Institute for Research in Construction, June 2003) at s. 3.3.4.6 (1) and s. 9.11.2.1 (1) and (2).
- [5] *Ibid.* at s. 3.3.4.6. 3)
- [6] Ministry of the Environment (MOE), LU-131 “Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation”
<http://www.ene.gov.on.ca/envision/gp/3517e.htm>
- [7] Ministry Transport Ontario (MTO), Directive QST A-1 “Noise Policy and Acoustic Standards for Provincial Highways” March 1, 1992, Appendix Five, pg 1.
- [8] City of Hamilton, Ontario, s. 11, 32nd Report of the Board of Control, Adopted by City Council October 9, 1973 “Approval of the Establishment of the following Development Standards to control the effect of freeway noise.”
- [9] *Land Compensation Act, 1973 (U.K.)*, c. 26, s. 20(1).
- [10] The sound level L_{eq} is determined using ORNAMENT, Ontario Road Noise Analysis Method for Environment and Transportation, Technical Document, Ontario Ministry of Environment, ISBN 0-7729-6376 (1989).
- [11] NEF (Noise Exposure Forecast) is the noise metric system utilized by Transport Canada:
It is the summation of all noise that takes place in a 24-hour period based on the effective perceived noise level (EPNL). It considers some tonal qualities of sound and is intended to rate the “noisiness” or annoyance level of a sound rather than its loudness. Like the L_{dn} metric, the NEF metric includes a weighting factor that penalizes night-time noise [Canada, Federal Environmental Assessment and Review Office, Report 40, August, 1991, s. 6.1.1].
The United States uses a system based on the dBA or the A-weighted decibel [www.aee.faa.gov/noise/Aircraft_Noise.htm] and the United Kingdom uses the LAeq,T indexing system or the equivalent continuous sound system [www.defra.gov.uk/environment/statistics/noise/nsaircraft.htm].
- [12] This is a generalized summary of some but not all key features of the MOE Guideline. It was prepared with the assistance of Dr. Al Lightstone of Valcoustics Canada Ltd., a Richmond Hill, Ontario consulting engineering firm specializing in acoustics, noise and vibration control: <http://www.valcoustics.com>. See also Annex to Publication LU-131 which provides further guidance on assessing road and rail traffic noise as well as aircraft noise.
- [13] Ontario Ministry of Municipal Affairs and Housing, 1997, s. 1.1.3.
- [14] Depending upon the particular ‘facility’ involved, a sensitive land use and associated activities may include one or a combination of: (i) residences or facilities where people sleep (e.g. single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.). These uses are considered to be sensitive 24 hours/day. (ii) A permanent structure for non-facility related use, particularly of an institutional nature (e.g. schools, churches, community centres, day care centres). (iii) Certain outdoor recreational uses deemed by a municipality or other level of government to be sensitive (e.g. trailer park, picnic area, etc.) (iv) Certain agricultural operations (e.g. cattle raising, mink farming, cash crops and orchards). (v) Bird/wildlife habitats or sanctuaries:



- Guideline D-1, Land Use Compatibility, Ontario Ministry of the Environment, July 1995.
- [15] Model Municipal Noise Control By-Law, Final Report, August 1978, Ontario Ministry of the Environment.
- NPC-101 - Technical Definitions
 - NPC-102 - Instrumentation
 - NPC-103 - Procedures
 - NPC-104 - Sound Level Adjustments
- NPC-205 - Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban) Provincial Policy Statement, Ontario Ministry of Municipal Affairs and Housing, ISBN 0-7778-6020-1, February 1, 1997.
- Guideline D-6, Compatibility between Industrial Facilities and Sensitive Land Uses, Ontario Ministry of the Environment, July 1995.
- Guideline D-1, Land Use Compatibility, Ontario Ministry of the Environment, July 1995.
- [16] *Greater Toronto Airport Authority v. Mississauga (City)* [1998] O.M.B.D. No. 950.
- [17] Under the federal *Aeronautics Act*, the federal cabinet can impose a “zoning regulation” restricting or prohibiting development of land at any distance from an airport or proposed airport if the use may interfere with aerial navigation. See, e.g., Toronto/Lester B. Pearson International Airport Zoning Regulations, SOR/00-123 (March 11, 1999).
- [18] Class Environmental Assessment for Provincial Transportation Facilities, Approved by Ontario Order in Council 1653/99 as amended July 14/00.
- [19] MTO, Mid-Peninsula Transportation Corridor EA Terms of Reference, May, 2003 <http://www.supportdocuments.com/mid-pen/Document%20B%20Noise%20WP.pdf>
- [20] Ontario Ministry of Transportation, “Environmental Protection Requirements for Transportation Planning & Highway Design, Construction, Operation and Maintenance”, April, 2004 <http://www.mto.gov.on.ca/english/engineering/envirostandards/epr.htm>
- [21] U.S. Federal Highway Administration, Report FHWA-RD-77-108, December, 1978.
- [22] There are several including: “A Protocol for Dealing with Noise Concerns During the Preparation, Review and Evaluation of Provincial Highway’s Environmental Assessments”, a policy agreement between the Ontario Ministries of Environment and Transportation, February, 1986; “Environmental Office Manual, Technical Areas-Noise”, May 15, 1992; and Ministry Directive QST A-1 “Noise Policy and Acoustic Standards for Provincial Highways” March 1, 1992. Further information on these policies may be obtained from Chris T. Blaney, Senior Environmental Planner-Acoustics, MTO, Central Region, Environmental Services: Chris.Blaney@mto.gov.on.ca
- [23] *Mandrake Management Consultants Ltd. v. Toronto Transit Commission*, [1993] O.J. No. 995 (C.A.).
- [24] *St. Pierre v. Minister of Transportation and Communications*, (1987) 39 D.L.R. (4th) 10 at p. 18



- [25] Canada, Federal Environmental Assessment and Review Office, Report 40, August, 1991, s. 6.7
- [26] *Sutherland v. Canada* (Attorney General) [2002] B.C.J. No 1479, para. 107.
- [27] *Case of Hatton and Others v. The United Kingdom* (2003), Eur. C. H.R. (Application no. 36022/97) (www.worldlii.org/eu/cases/ECHR/2003/338.html)
- [28] *Land Compensation Act, 1973 (U.K.)*, c. 2; also see Office of the Deputy Prime Minister (U.K.), "Compensation when No Land Is Taken." online: (s. 3.2) www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_60609_6-04.hcsp#P243_34683)
- [29] *Land Compensation Act, 1973 (U.K.)*, c. 2; also see Office of the Deputy Prime Minister (U.K.), "Compensation when No Land Is Taken." online: (s. 4.5) (http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_606096-05.hcsp#TopOfPage)