

NOISE POLLUTION

SCOTLAND



environmental
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Since 1898

Sound is essential to our daily lives, but noise is not – noise can be defined as unwanted sound. It is a source of irritation and stress for many people and can even damage our hearing if it is loud enough. Many of us are exposed to stressful levels of noise at home and at work. Noise is on the increase in our society, and this leaflet explains what steps you can take if disturbed by noise, and to reduce the noise you make.

Noise Nuisance

A nuisance is often difficult to establish, but generally, if something is unreasonable to the average person, a court might decide that it is a statutory nuisance. Noise nuisance is covered by Part III of the *Environmental Protection Act 1990 (EPA)* as amended by the *Noise and Statutory Nuisance Act 1993* and the *Environment Act 1995*. This legislation empowers local authorities to deal with noise from fixed premises (including land) if they consider that the noise amounts to a statutory nuisance. Proceedings may be taken against noise from factories, shops, pubs, dwellings and stationary vehicles.

Noise in the Street

The *Noise and Statutory Nuisance Act 1993* makes noise in the street a statutory nuisance. Traffic noise, noise made by military forces or from campaigning demonstrations is excluded. The following are included:

Vehicles

Noise emitted from a vehicle, caused by it or by car repairs, car radios, car alarms and parked refrigerator vehicles.

Loudspeakers

The use of loudspeakers in the streets is banned between 9.00 pm and 8.00 am (the police, ambulance and fire brigade are exempt). Local authorities can license use outside these hours – e.g. for entertainment but not for advertising purposes or electioneering. Vehicles selling perishable foods may use loudspeakers between 12.00 noon and 7.00 pm and these times can be varied with local authority consent. Complaints about loudspeakers or chimes should be made to the environmental health department.

Burglar Alarms

Local authorities generally have established operational procedures for dealing with domestic intruder alarms, under the nuisance provisions of the EPA. An authorised officer may enter premises using reasonable force if necessary to silence an alarm, following the issue of a warrant by justice of the peace (JP).

Implementation of the relevant provisions of the *Antisocial Behaviour etc (Scotland) Act 2004*, gives local authorities the option of adopting locally developed procedures, including the possibility of issuing fixed penalty notices, in respect of domestic or car intruder alarms, if the noise originates in a relevant property.

Fireworks

Recently fireworks have become an increasing noise problem for people and pets. They are let off not only for traditional celebrations such as Bonfire Night, New Year and Diwali, but year round to mark public and private celebrations. The *Fireworks (Scotland) Regulations 2004* prohibit anyone under 18 from possessing a firework, and anyone except professionals from possessing display fireworks. They also prohibit the use of fireworks between 11.00 pm and 7.00 am except for Chinese New Year, Diwali, New Year's Eve and Bonfire Night. Since January 2005 only licensed traders can supply fireworks year round (see our Fireworks Leaflet for more information). Unlicensed traders can only sell them for short periods around the festivals mentioned above.

Noise from Musical or Entertainment Premises

Where this type of noise occurs late at night or weekends, most local authorities or the Police can be contacted as they can take immediate action. Local authority officers enforce statutory nuisance legislation (EPA) or antisocial behaviour legislation; Police officers can apply section 54 of the *Civic Government (Scotland) Act 1982*, under which they have powers to enter premises and seize any instrument or device which they suspect is causing a noise problem.

Noise From Animals

Noise from animals, particularly barking dogs, is a common problem. The *Antisocial Behaviour etc (Scotland) Act 2004* enables local authority officers to investigate complaints of reasonable noise within dwellings. Section 49 of the *Civic Government (Scotland) Act 1982* permits a District Court to deal with anyone who keeps a creature which is giving reasonable cause for annoyance to any person residing in the vicinity. The Court may make an Order requiring the person keeping the creature to take steps to prevent the continuance of the annoyance. It is an offence to fail to comply with the Order. Your local Environmental Health Department or Clerk to the District Court will be able to advise you on procedure.

How do I Complain About Noise Nuisance?

1. Tackle the Source

First, approach whoever is responsible for the noise. They will often not realise they are disturbing you. The majority of noise complaints are resolved informally, and you may well get a quicker result than if you wait for an official to arrive. In cases where you might feel threatened, or where previous personal approaches have not worked, go to your local authority.

2. Complain to the Local Authority

Contact the environmental health department of your local authority. They must investigate your complaint. If they agree that the noise is a nuisance they will contact the offender – informally at first, but with an abatement notice if necessary. If the offender fails to comply with the notice, proceedings can be taken in the Sheriff Court or an interdict can be sought in the same court. The *Anti-social Behaviour etc Act (Scotland) 2004* gives local authorities optional powers to deal with unreasonable noise within dwellings at the time of occurrence. If your authority has adopted the powers, an authorised officer may issue a Warning Notice if the officer considers the noise to be excessive. Continued annoyance may result in a Fixed Penalty Notice being served on the offender if the noise, when measured, exceeds a prescribed permitted level. An authorised officer can also enter the dwelling to confiscate noise making equipment.

3. Mediation

Many areas have mediation services that can help you resolve noise disputes. Again, this may often prove quicker than the legislative route, and is useful where there is a problem, but a statutory nuisance cannot be proved. Your local authority may be able to put you in touch with a mediation service. Alternatively, contact the Scottish Mediation Network:

Scottish Mediation Network

Tel: 0131 556 1221

Email: admin@scottishmediation.org.uk

www.scottishmediation.org.uk

If these fail...

1. Complain Direct to Magistrates

As an occupier of premises affected by noise nuisance you can complain directly to the Sheriff Court under section 82 of the *Environmental Protection Act 1990*. You may do this because you do not wish to involve the local authority or because you have not obtained satisfaction from them.

2. Take Civil Action

Civil action can be taken if you demonstrate that the noise nuisance substantially affects your health, comfort or convenience. It can be expensive and it is wise to seek legal advice. If you win the case you will obtain an injunction to stop the nuisance and can sometimes claim damages. Civil action differs from Sheriff Court proceedings in that judgement is based on how the nuisance affects others. Proving that the 'best practicable means' have been used to abate the noise is no defence, except in cases involving noise from trade or business premises.

In extreme cases...

Neighbour noise can be part of a more serious neighbour problem. The *Antisocial Behaviour etc (Scotland) Act 2004* allows councils to apply to the court for an anti-social behaviour order for anyone causing "harassment, alarm or distress" – this can include noise. Disobeying an order carries a prison sentence of up to five years.

Our "Neighbour Noise – Scotland" leaflet explains the complaints system in more detail and includes an explanation of the additional powers available under the Act.

Reducing Noise at Home

Although the amount of noise made by any one person or household may seem negligible, it can make a real difference to the comfort of neighbours and even other members of the household. The following simple measures can be taken:

- Site noisy household equipment (e.g. washing machines, speakers) away from partition walls.
- When buying a new household appliance, ask how noisy it is. If people opt for quiet appliances, manufacturers will make them!
- Perform noisy DIY and garden jobs during normal waking hours.
- Apologise to neighbours in advance for potential disturbance caused by DIY.
- Keep the volume of TV, radio and music as low as possible, especially late at night. If you want to turn the volume up, use headphones (but be careful not to deafen yourself!).
- If your dog barks when left alone, arrange to leave it with a friend.
- If you have an old or faulty burglar alarm, replace it with one complying with British Standard BS 4737. Notify the local authority that you have an alarm and register a key holder.
- If you have a party, tell your neighbours in advance, and keep the noise to a minimum.
- If using fireworks for a celebration, tell neighbours especially if they have pets, and don't let fireworks off after 11.00 pm.

- Laying laminate flooring can result in more impact noise (footsteps, furniture movement) affecting downstairs neighbours. For further information please see the Scottish Government leaflet “Neighbour Noise Between Flats: the influence of laminate and hardwood flooring” on www.scotland.gov.uk

Construction Site Noise

This covers inherently noisy operations – building works, roadworks, demolition, dredging etc. They often take place in areas that were quiet beforehand and are expected to be quiet again when the work is complete. Under the *Control of Pollution Act 1974* local authorities can serve a notice imposing requirements as to how the construction works should be carried out to minimise noise. The local authority sets noise limits, taking into account the character of the local area. Anyone intending to carry out construction works may apply in advance for consent. Compliance with the terms of a notice or consent does not rule out proceedings by a local authority or an individual on the grounds of noise nuisance, or constitute a defence to noise abatement proceedings.

Noise at Work

Under the *Control of Noise at Work Regulations 2005*, employers are required to prevent or reduce risks to health and safety from exposure to noise at work. Employers have duties under the Regulations to assess risks to employees, and take action to reduce the noise exposure. The Regulations do not apply when the general public are exposed to noise from non-work activities, or make an informed choice to go to noisy places.

Employers in the music and entertainment industry have until April 2008 to comply with the 2005 Regulations. Until then they must comply with the Noise Regulations 1989, which the 2005 Regulations replace for all other workplaces.

More detailed information from:

Health and Safety Executive

www.hse.gov.uk/noise

Tel: 0845 3450045

Transport Noise

Road Traffic

This is one of the most widespread sources of noise, and unfortunately, the most difficult to control. Surveys show that 23% of the population are bothered by noise from road traffic. The noise made by individual vehicles is limited by *The Road Vehicles (Construction and Use Regulations) 1986*. Vehicles must be fitted with an efficient exhaust silencer, and there are general regulations requiring road users not to make excessive noise or run the engine unnecessarily when stationary.

Noise from motor horns is regulated by the *Road Traffic Act 1972*. Horns may not be sounded in a restricted road between 11.30 pm and 7.00 am and not by a stationary vehicle unless there is a danger to another moving vehicle. Private vehicles must not be fitted with a gong, bell, siren or two-tone horn. Offenders should be reported to the police.

Complaints

If you are being bothered by an individual noisy vehicle, you can complain to the police. If you live on a busy road you may well suffer from traffic noise, even though no regulations are being contravened. This may be due to poor planning or the sheer volume of traffic. There is no easy solution to this problem. Quieter road surfaces, noise barriers or traffic management may be appropriate in some situations. Concerns about traffic noise should be addressed to your local traffic authority.

Reducing Vehicle Noise

To minimise noise made by your own car or motorbike:

- Avoid slamming car doors
- Do not rev the engine unnecessarily
- Use the horn only in an emergency
- Keep windows closed if you like music in the car
- Carry out noisy repairs during the day
- Keep the silencer in good order
- Service the vehicle regularly for quietness and economy
- Check the brakes are properly adjusted and do not squeal

Compensation - Insulation Grants

People living alongside new or improved roads may be eligible for noise insulation grants if the traffic is causing excessive noise. If your property depreciates in value because of noise arising from road/aerodrome construction or alteration, you may be entitled to compensation.

Aircraft

Many people regularly hear aircraft noise. For those living and working near civil and military airports, and under flight paths, take off and landing noise can have a severe impact. Measures introduced to reduce noise include Noise Preferential Routes and restrictions on night flying. Maximum noise limits for departing aircraft are set and monitored and noise insulation schemes operate. Noise from aircraft on the ground is the responsibility of the airport management company.

Complaints

Complaints about all Scottish airports should be directed to the airport management or operator:

Aberdeen: 01224 722331

Dundee: 01382 643242

Edinburgh: 0131 333 1000

Glasgow: 0141 887 1111

Glasgow Prestwick International: 01292 511 052

Highlands and Islands*: 01667 464 227

* Covers Barra, Benbecula, Campbeltown, Inverness, Islay, Kirkwall, Sumburgh, Stornoway, Tiree and Wick

Any complaints about military aircraft should be addressed to:

Ministry of Defence Directorate of Air Staff

Complaints and Enquiries Unit

Level 5, Zone H

Main Building

Whitehall

London SW1A 2HB

Email: lowflying@defence.mod.uk

[www.mod.uk/DefenceInternet/ContactUs/](http://www.mod.uk/DefenceInternet/ContactUs/LowFlyingComplaints.htm)

[LowFlyingComplaints.htm](http://www.mod.uk/DefenceInternet/ContactUs/LowFlyingComplaints.htm)

Tel: 0207 218 6020

If you live in southern Scotland contact:

RCRO Southern Scotland

Irvine House

Canonbie

Dumfries and Galloway DG14 0XF

Tel: 013873 81156

Email: rcro.southernscotland@stc.raf.mod.uk

Give as many details as possible to aid identification of the offending aircraft.

Railway Noise

This becomes the dominant source of noise for most people living near railways only at a relatively high level. If particular trains are causing a problem, complaints should be addressed to the company operating the train in question:

First ScotRail Customer Relations

Tel: 0845 601 5929

www.firstscotrail.com

GNER Customer Relations

Tel: 0845 722 5225

www.firstscotrail.com

Virgin Customer Relations

Tel: 0870 789 1234

www.virgintrains.co.uk

Cross Country Trains

Tel: 0870 010 0084

www.crosscountrytrains.co.uk

For noise from engineering and maintenance work contact:

Network Rail Community Relations

Tel: 0207 557 9000



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formerly NSCA

working for a cleaner, quieter, healthier world

You may also be interested in our leaflets on:

- Air Pollution - Scotland
- Car Pollution
- Fireworks!
- Neighbourhood Noise – Scotland

Environmental Protection UK

Scotland Office

c/o Glasgow City Council

231 George Street

Glasgow G1 1RX

Email: scotland@environmental-protection.org.uk

Tel: 0141 287 6530

Fax: 0141 287 6592

www.environmental-protection.org.uk

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