

NOISE POLLUTION



environmental
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working for a cleaner, quieter, healthier world

Sound is essential to our daily lives, but noise which can be defined as unwanted sound is not always essential. 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 you are disturbed by noise, and to reduce the noise you make.

Noise Nuisance

A nuisance is often difficult to establish but, generally speaking, if something is unreasonable to the average person, a court might decide it is a statutory nuisance. Noise nuisance is covered by Part III of the Environmental Protection Act 1990 (EPA). This law requires your local council to investigate complaints of noise coming from fixed premises such as factories, shops, pubs, dwellings and stationary vehicles.

Noise in the Street

Your local council can also investigate complaints of some street noise, such as loudhailers, generators, radios on stationary cars, refrigerated units on vehicles, car repairs and car alarms. The Council cannot deal with traffic noise.

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 (e.g. ice cream vans) selling perishable foods may use loudspeakers between 12.00 noon and 7.00 pm and these times can be varied with local authority consent. Your local council Complaints about loudspeakers or chimes should be made to the Environmental Health Department.

Burglar Alarms

If you have or install a burglar alarm you should check with your local authority to see if you are in an "alarm notification area". If you are you must nominate a key holder who can silence the alarm if it goes off accidentally.

If an alarm (whether in a designated area or not) has been sounding continuously for 20 minutes or intermittently for more than an hour, and is judged to be giving reasonable cause for annoyance, an officer of the local authority may enter the premises to silence the alarm. If entry can only be gained by force, a warrant will be required.

Night Time Music Noise

Local Authorities can issue a fixed penalty notice if noise from domestic or licensed premises exceeds a certain level between hours of 11.00 pm and 7.00 am. An authorised officer can also enter premises to confiscate noise making equipment. (In Scotland similar action can be taken under the Anti-Social Behaviour (Noise Control) (Scotland) Regulations 2005.) These powers are not often used because of the availability of qualified officers out of office hours.

Fireworks

Fireworks can disturb sleep and distress 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 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 or by a Local authority or for a national public celebration or a national commemorative event. The Police enforce the above regulations. Only licensed traders can supply fireworks year round but unlicensed traders can only sell them for short periods around the festivals mentioned above. The licensing is dealt with by the Fire Authority.

Bye-Laws

Some sources of noise nuisance are restricted by local bye-laws "for good rule and government", which are adopted and enforced by the local authority, but these may cover a variety of sources busking, radios, shouting, singing, fireworks, noisy animals, music, model aircraft, and seaside pleasure boats

How do I Complain About Noise Nuisance?

1. Tackle the Source

First consider approaching 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. Contact Your Local Authority

Your local authority has a duty to take reasonable steps to investigate your complaint. The first response will usually be an informal discussion with an experienced officer. The process will be explained and a way forward agreed and the initial contact is always confidential. Usually you will be asked to keep a record of dates, times and how you are affected by the noise. The sheets will then be examined by your case officer and the case officer will decide on the next step as and it will be explained to you. Often the informal approach works but sometimes it is necessary to serve a formal notice and if it is not complied with the offender may be prosecuted in a Magistrate's Court.

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 should be able to put you in touch with a mediation service-if there is one available in your area.

4. Complain Direct to Magistrates

As an occupier of premises affected by noise nuisance you can complain directly to the Magistrates 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 been able to help you. Your local authority will often have advice notes to help you.

5. 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 Magistrate/Sheriff Court proceedings In that judgment is based on how the nuisance affects others.

In some cases neighbour noise can be part of a more serious neighbour problem or general anti social behaviour such as abuse, foul language, extremely untidy gardens etc. Under the Housing Act 1998 social landlords can take action against tenants for anti-social behaviour. The Crime and Disorder Act 1998 (revised in 2003) gives councils the power to issue an anti-social behaviour order to anyone causing "harassment, alarm or distress" which can include noise. Disobeying an order carries a prison sentence of up to five years.

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) 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 jobs during normal waking hours.
- Apologise to neighbours in advance for disturbance caused by DIY
- Keep the volume of TV, radio and music as low as possible, especially late at night, if you want it loud use headphones (but be careful not to harm your hearing!).
- If you are a dog owner talk to your neighbours about what your dog does when you are out. If barking is an issue seek professional behaviour advice.
- 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 and have it regularly serviced.
- 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.

Construction Site Noise

Noise from building works, road works, demolition etc can be dealt with under the Control of Pollution Act 1974. A local authority, can serve a notice imposing requirements as to how the construction works should be carried out to minimise noise usually by restricting working hours but sometimes by setting noise limits or specifying plant etc.

Some local authorities will allow a contractor can also apply for "prior consent" before carrying out construction works and offer certain restrictions which must then be complied with.

Noise at Work

Under the Control of Noise at Work Regulations 2005, employers have a duty to assess noise levels. Hearing protection must be supplied when daily average levels reach 80dBA and employees are required to wear it when levels reach 85dBA. At these levels you have to be close to a person and almost shout to be heard. The Regulations do not apply to where the general public are exposed to noise e.g. at a music festival or concert. A wide range of information for both employers and employees is available from the Health and Safety Executive.

Environmental Noise

Over the next few years, measures must be taken to reduce, on a prioritised basis, the harmful effects of environmental noise (noise from transport and industrial activity), under the EU Environmental Noise Directive. This Directive sets out a programme for EU member states to map noise in densely populated areas and from major roads, airports and railways. Information from the noise maps will be used to introduce plans to manage noise in mapped areas where it is judged necessary and to prevent specified quiet areas from getting noisier. Transport noise (road, railway & aircraft) is exempt from the nuisance legislation described above.

Transport Noise

Road Traffic

This is one of the most widespread sources of noise, and unfortunately, the most difficult to control. Research shows that over 40% 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 horns. Offenders can 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.. Quieter road surfaces, quieter tyres, noise barriers or traffic management can all help reduce traffic noise. Concerns about traffic noise should be addressed to your local highway authority.

Railway Noise and Vibration

Like road traffic noise, some railway noise is unavoidable but squealing wheels or idling engines near houses can often be avoided. Often noisy maintenance work has to be done at night even planned routine work. Network Rail can provide information on operators and responsibilities etc.

Aircraft

Many people regularly hear aircraft noise. Those living near civil and military airports are severely affected by take- off and landing noise. The Impact is greatest near the perimeter of the airport and below flight paths.

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. To comply with the EU Environmental Noise Directive, operators of airports with over 50,000 movements a year are responsible for drawing up Noise Action Plans.

Complaints

Contact the airport from where the aircraft arrived or departed with as much information as possible but definitely date, time and direction of flight. The airport should also be contacted for ground noise from engine testing and auxiliary power units etc.

Compensation - Insulation Grants

People living alongside new or improved roads, railways or aerodromes may be eligible for noise insulation grants if noise increases by a certain amount.

The Department of Communities and Local Government booklet: Reducing Adverse Effects of Public Development - Mitigation Works is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11490/147651.pdf



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formerly NSCA

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You may also be interested in our leaflets on:

- Contaminated Land and Your Home
- Domestic Smoke
- Fireworks
- Garden Bonfires
- Light Pollution

Environmental Protection UK is an active organisation which monitors environmental issues and lobbies Government and other authoritative bodies on important issues, with the aim of improving the quality of life for all UK residents.

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