

NOISE POLLUTION



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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 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 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

Under the Clean Neighbourhoods and Environment Act 2005, local authorities in England and Wales can designate all or part of their area as an "alarm notification area". If an alarm notification area is designated, a notice will be published in a local newspaper and all affected addresses notified. Anyone responsible for premises in a designated area where an intruder alarm is installed must nominate a key holder and notify the local authority. The key holder should live nearby, be able to gain access and know how to silence the alarm if it goes off accidentally. Failure to register a key

holder may result in a fine. 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, (and, in a designated area, reasonable steps have been taken to contact the nominated key holder) an authorised officer of the local authority can enter the premises to silence the alarm. If entry can only be gained by force, a warrant will be required.

Night Time Noise

The Anti-social Behaviour Act 2003 amended the Noise Act 1996 and enables local authorities in England and Wales to tackle night time noise emitted from dwellings and gardens between the hours of 11.00 pm and 7.00 am. To enforce these powers local authorities must ensure that an environmental health officer takes reasonable steps to investigate complaints about noise emitted from dwellings. If the officer is satisfied that noise exceeds the permitted level, a warning notice may be served on the person responsible. If the warning is ignored, the officer may issue a fixed penalty notice of £100, enter the dwelling and confiscate the noise making equipment (obstructing confiscation carries a fine of up to £1000), or prosecute (fine up to £1000). In Scotland similar action can be taken under the Anti-Social Behaviour (Noise Control) (Scotland) Regulations 2005. An extension of the Noise Act came into force in February 2008, enabling local authorities in England and Wales to tackle night time noise from licensed premises.

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 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.

Bye-Laws

Some sources of noise nuisance are restricted by bye-laws enforced by the local authority, but an individual may also prosecute. Sources covered include noisy animals, loud music, model aircraft, and seaside pleasure boats.

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 Magistrates Court (Sheriff Court in Scotland) or an injunction sought in the High Court.

3. Mediation

Many areas have mediation services who 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.

If these fail...

1. 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 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 Magistrate/Sheriff Court proceedings in that judgment 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. Under the Housing Act 1996 social landlords can take action against tenants for anti-social behaviour. The Crime and Disorder Act 1998 gives councils the power to issue an anti-social behaviour order to 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 leaflet explains the complaints system in more detail.

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 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 (or 1.00am at New Year, Diwali, Chinese New Year and Bonfire Night).

Noise Abatement Zones

Under the Control of Pollution Act 1974 a local authority may designate all or part of its area as a noise abatement zone (NAZ). This is intended to control noise from premises in the long term by preventing an increase in noise levels and reducing levels wherever possible. When a NAZ is in operation the local authority records the levels of noise from specified premises - these may be factories, commercial or domestic premises. The register is open to public inspection and once a noise has been registered it can only be exceeded with the local authority's consent. Noise reductions can be sought later if it is in the public interest and can be achieved at reasonable cost.

Construction Site Noise

This covers inherently noisy operations - building works, roadworks, demolition, dredging etc. They often take place in areas which 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 environmental health department sets noise limits, taking into account the character of the local area. Anyone intending to carry out construction works may apply in advance for a consent. Compliance with the terms of a notice or consent does not rule out proceedings by an individual on the grounds of noise nuisance under s.82 of the Environmental Protection Act.

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 levels reach 80d(B)A and employees are required to wear it when levels reach 85d(B)A (the entertainment industry have until 6 April 2008 to comply). The Regulations do not apply when the general public are exposed to noise from their non-work activities, or make an informed choice to go to noisy places. A wide range of information leaflets for both employers and employees are available free from the Health and Safety Executive.

<http://www.hse.gov.uk/noise/index.htm>

Tel 01787 881165

Transport 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.

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 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, quieter tyres, noise barriers or traffic management can all help reduce traffic noise but none of these are quick to implement. Concerns about traffic noise should be addressed to your local traffic authority (usually county councils, but sometimes district councils).

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
- 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
- Keep the volume of in car entertainment reasonable - if it is too loud you could harm your hearing and reduce safety as well as disturb and annoy others

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 a road/aerodrome construction or alteration, you may be entitled to compensation. See the Department of Communities and Local Government booklet Reducing Adverse Effects of Public Development - Mitigation Works. Available from:

Communities and Local Government Publications

PO Box 236

Wetherby LS23 7NB.

Tel: 0870 1226 236

Email: communities@twoten.com

www.communities.gov.uk/publications/planningandbuilding/compulsorypurchase

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.

Currently the Government only has direct responsibility for aircraft noise management at Heathrow, Gatwick and Stansted. 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 by 18th July 2008 (Under criteria set for this 15 airports are designated in England, 3 in Scotland and one in N Ireland).

Complaints

Heathrow, Gatwick and Stansted are responsible for complaints about aircraft noise, including ground noise and have their own 24 hour lines:

Heathrow: 0800 344844 Gatwick: 0800 393070
Stansted: 0800 243788

Complaints about all other UK airports should be directed to the airport management or operator.

Complaints about military aircraft should be addressed to:

Ministry of Defence

Email: lowflying@defence.mod.uk

Tel: 0207 218 6020

www.mod.gov.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. If you are not sure which company covers your district or the noise is from a source other than the train contact:

Network Rail 24 hour helpline: Tel: 08457 114141

To comply with the EU Environmental Noise Directive, for railways with over 30,000 movements Noise Action Plans should be drawn up by 18th July 2008 by the Secretary of State.



Since 1898



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formerly NSCA

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You may also be interested in our leaflets on:

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

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