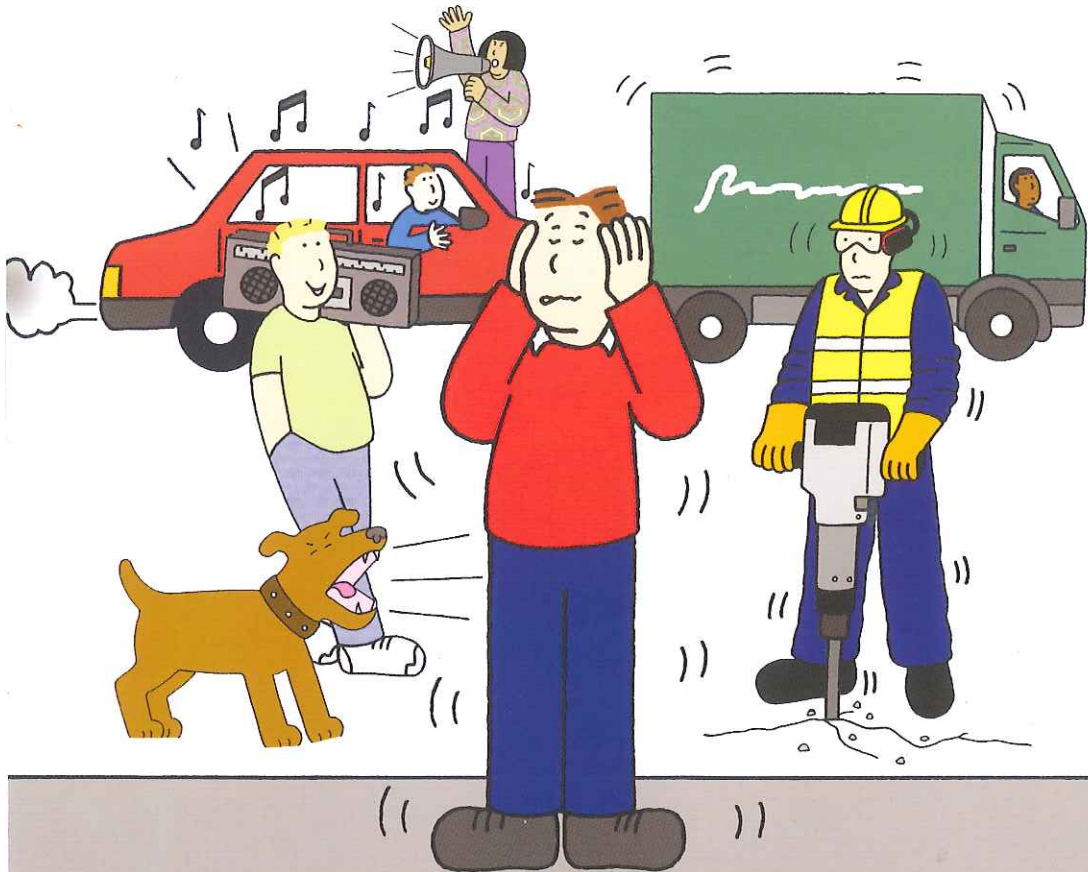




Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Sound Advice on Noise

www.cymru.gov.uk



About this booklet: This booklet will help you if you are experiencing problems with noise or would like to know more about noise problems in general

What you can do about noise

It is a fact of life that we make noise. However, the level and frequency of noise that is acceptable to one person may not be to another. Excessive noise such as barking dogs and loud music can reduce quality of life, cause sleepless nights and stress.

If you are currently experiencing a noise problem, this booklet will show you how to overcome the problem in the following ways:

- **Section 1** tells you what you can do about noise from neighbours, local commercial and industrial premises, and vehicles. This section explains what to do if you want to complain and the different options available.
- **Section 2** describes other noise controls to deal with noise from construction sites and loudspeakers.
- **Section 3** explains how you can become involved in the planning stages to prevent potential noise problems.

At the back of the booklet there is a list of contacts that you might need.



What is noise?

Noise is generally regarded as unwanted sound. Sound is measured in decibels (dB) and volume is not the only thing that can cause annoyance. Unexpected sound, repetitive base beats, barking dogs or house /car alarms can be just as annoying.

Here are some illustrations of typical sound levels.

120 dB

Nightclub – 1m in front of loudspeaker

100 dB

Pneumatic drill from 5m away

90 dB

Heavy goods vehicle from pavement;
powered lawnmower close to the operator's ear

70 dB

Vacuum cleaner at 3m;
telephone ringing at 2m

60 dB

Normal conversation

50 dB

Boiling kettle at 0.5m

40 dB

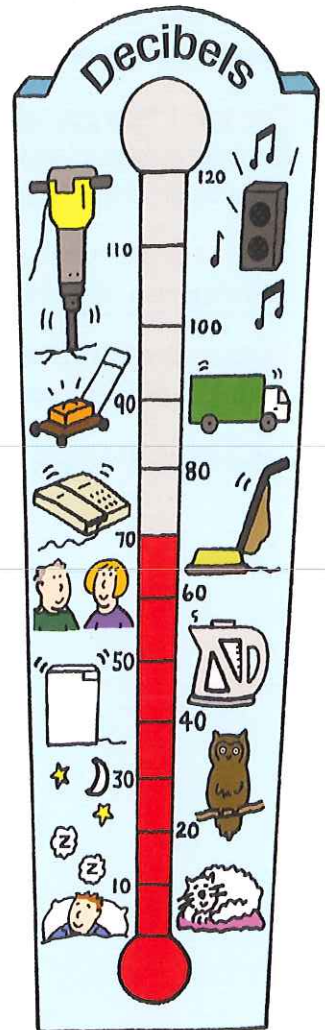
Refrigerator humming at 2m

30 dB

Normal night time sounds

0 dB

Threshold of hearing



How to be considerate & keep the peace with your neighbour

Stereo and TV

Think about the volume or use headphones. Pull the TV and speakers away from your neighbour's walls and raise them from the floor if possible.

Household chores

Consider not mowing the lawn or starting the DIY at the crack of dawn. You may be an early riser, but others could be trying to get some rest. Night owls should equally think about doing their vacuuming or putting the washing on at less 'anti social' hours.

Laminate & Hardwood flooring

Only install a laminate or hard floor surface on a clear, level, prepared sub-floor and only ever with an underlay designed to reduce impact noise transmission.

This extra layer helps level the sub-floor, prevents the joints from cracking and helps extend the life of the floor. Although underlay does not prevent all impact noise and is considerably less effective than carpets, its use will help reduce the amount of impact noise passed through the floor.

Parties

If you're planning a party, your neighbours are likely to be much more understanding if you warn them in advance – you might even invite them. Either way, don't ruin their evening – and encourage guests to be equally respectful.

Dogs

Dogs may bark because they are lonely. Constant barking or whining can be disturbing to your neighbours. A well-trained, happy dog will not bark unnecessarily.

Cars

Consider the volume of your car stereo and make sure your music isn't disturbing others, especially when you are parked or waiting for someone. Make sure that your car alarm works properly.

Alarms

Make sure a keyholder can be contacted if your house alarm goes off while you are away from home. See that it is regularly maintained to ensure that it doesn't go off accidentally. Any person who is responsible for alarmed premises, domestic or business, should ensure that their local authority is informed of contact details for the main, and where possible, secondary keyholder. Contact your council for more details about alarm databases.



Section 1

What to do if you have a problem with noise

You can't stand your neighbour's stereo playing at night, so what can you do? Don't suffer in silence. You should always consider, in the first instance, talking politely to your neighbour and raising the issue directly with them first.

You may find this difficult and confrontational, but often people are unaware that they are causing a problem. Your neighbour may therefore be happy to reduce the noise they are making.

However, approach your neighbour carefully if you think they might react negatively. If you don't feel you can talk directly with your neighbour you might wish to consider putting a note through the door or even a letter in the post, politely worded, just to raise their awareness of the problem. In that way you can remain anonymous whilst still bringing the problem to their attention. The problem may not always be one of inconsiderate behaviour. Similarly, if the noise is from a local business or manufacturer, approach them directly.

If the noise continues, you could start a noise diary, recording dates and times of the disturbance, and the effects it has on you. For example not being able to sleep. You could write to your neighbour, using the information in your diary to support your case, and emphasise the seriousness of the problem.

Mediation – Reaching Agreement

If your neighbour does not reduce the noise they are making, and the noise is persistent, you could consider mediation – an independent third party will listen to the views of both sides and try to help them reach an agreement. Although it may sound stressful, mediation is increasingly popular and many people find it resolves their dispute. Please refer to your local authority.

It is usually better to resolve neighbour disputes informally – you should only contact your local authority or turn to legal action when all other approaches have failed. It is more than likely that your relationship with your neighbour will get worse by complaining formally.

How Do I Complain?

If the problem persists, and you do wish to complain formally, you could take your complaint to your local authority. Local authorities are legally obliged to investigate complaints of noise coming from premises (land and buildings) and vehicles, machinery or equipment on roads or streets in their area.

Under the Environmental Protection Act 1990, local authorities have a duty to deal with any noise that they consider being a statutory nuisance, and this includes noise and vibration.

This Act also covers noise that is expected to occur or recur.

Approaching your Local Authority

If you wish to complain about noise, you should contact your local authority, usually the environmental health section.

What will the Local Authority do?

The local authority may send an environmental health officer to visit your home and determine whether a statutory nuisance exists. There isn't a specific measurement to define when noise becomes a statutory nuisance. The environmental health officer must decide if the law is being breached according to the specific, individual circumstances.

If the officer concludes that the noise is a statutory nuisance, they can take action immediately. If the noise is intermittent, the officer may ask you to keep a diary of the days and times of the noise or call again so that they may try to witness the noise.

Serving an Abatement Notice

The local authority may try to solve the problem informally – by persuading the person making the noise to reduce or stop the noise so that it does not cause a statutory nuisance. If this fails or is likely to fail and they are satisfied that the noise amounts to a statutory nuisance, they must serve an abatement notice on the person responsible for the statutory nuisance. If that person responsible cannot be found, then the notice must be served upon the owner or occupier of the premises.

The notice may require the noise to be stopped completely, reduced, or limited to certain times of the day. A person on whom an abatement notice has been served can appeal to the magistrates' court within 21 days.



Failure to comply with an Abatement Notice

If a person fails to comply with the abatement notice without reasonable excuse, they have committed an offence.

For offences relating to domestic premises and private vehicles, the magistrates' court may impose a maximum fine of £5,000. A further fine of up to £500 per day can also be imposed if the offence continues after conviction. When the statutory nuisance arises on industrial, trade or business premises, the maximum fine is £20,000. (It should be noted that the penalties and fines are subject to revision from time to time).

Local authorities are allowed (subject to certain conditions) to gain entry into premises to reduce a statutory noise nuisance, the most common being burglar alarms. They can also gain access to, or remove vehicles, machinery or noise-making equipment which is causing a statutory nuisance by creating too much noise and breaching an abatement notice.

Seeking an Injunction

If, after investigating a complaint, the local authority considers a summary proceeding to not be enough to ensure that the statutory nuisance is abated, prohibited or restricted, it may decide to seek an injunction in the High Court.

Complaining to a Magistrates' Court

If the local authority does not take action, you can complain directly to the magistrates' court. It is advisable to make your local authority aware that you intend to do this. You may be able to obtain guidance on the procedure from your local authority's environmental health section. The magistrates' court will need to be persuaded that the noise problem amounts to a statutory nuisance.

However, before considering approaching the court it is a good idea to write to the person making the excessive noise, saying that unless the noise is reduced by such a time, say two weeks, you will complain to the magistrates' court.

What then?

If the person making the excessive noise does not stop, it is important that you keep a noise diary. Record the dates, times, duration of the offending noise, a description of its nature and the distress it causes you in your home.

As previously mentioned, try and resolve the problem informally before contacting the court. Write to the person responsible for the noise. If you know where the noise is coming from but you don't know who is causing it, then make contact with the owner or occupier of the premises.

Give fair warning of your action

Once you have decided to take action and complain to the court, you must give a minimum of three days notice in writing to the maker of the noise stating your intentions, and provide them with details of your complaint. Make sure your letter is dated and keep a copy.

Working with the Court

When you contact the court, explain your situation as clearly as possible. You may need to visit the court so that the procedure can be explained and you may be asked to present evidence of the problem. This will show the magistrates that you have an arguable case. You should also let the court know that you have notified your local environmental health department of this problem.

The court will decide if a summons can be issued and may ask you to serve it (by post or hand) on the person responsible for the noise, stating the date and time for the court hearing. If you serve the notice, you should keep an accurate record and ensure that the notice is served in advance of the hearing date.

At the hearing, you will have to attend court to give evidence. However, it is likely that the person responsible for the noise may also come to court to defend him or herself, possibly making counter-accusations. You do not need to have a solicitor to represent you at the hearing, although it is allowed. You should be prepared for the possibility of having to pay the costs of taking the case to court. These costs will include your costs, those for your solicitor if you have one, and any witnesses you may call in support of your case.

You may find it helpful to seek the advice of a solicitor or the Citizen's Advice Bureau before beginning proceedings. It is possible that, in some cases, Legal Aid might be available.



The Outcome – Win or Lose

If the court decides in your favour it will make an order requiring the offender to either abate or prohibit a recurrence of the noise (or both) and specify the measures they will have to take. The court may also impose a fine.

If the court finds that the statutory nuisance existed at the date of making the complaint, they must order the noise maker to pay you such amount as the court considers reasonably sufficient to compensate you for any expenses incurred by you in bringing the claim. These costs will be awarded whether or not the statutory nuisance still exists or an abatement order is made.

If the case is dismissed, you will normally incur your own costs in bringing the case to court and you may also be ordered to pay the cost of the other party.

What if the excessive noise persists?

It is an offence, for any person to ignore the requirements of an abatement order without reasonable excuse.

You should keep your noise record up to date, in case the abatement order is being ignored and it proves necessary to return to court. The procedure for starting another case will be the same as for the original proceedings.

You can take civil action for noise nuisance at common law by seeking either an injunction to restrain the defendant from continuing the nuisance and/or by issuing a claim for damage or loss.

What to do if you are dissatisfied with the local authority's handling of your complaint

If you are unhappy about the way your local authority has handled your complaint, you could make a formal complaint. Most local authorities have a formal complaints procedure. Address the complaint to either the authority's Chief Executive or Monitoring Officer. Alternatively, contact your local councillor.

Public Services Ombudsman For Wales

If you are still not satisfied with your local authority's response to your formal complaint, you can complain to the Ombudsman. The Public Services Ombudsman For Wales is an independent office holder that impartially investigates maladministration or service failure by a public body, i.e. when a local authority fails to deal with a complaint adequately. The Ombudsman service is independent and free of charge. However, the Public Services Ombudsman cannot question a local authority's decision just because someone does not agree with it. Before contacting the Ombudsman you have to complain to your local authority first.

Any complaint made to the Ombudsman must be within 12 months of the date on which the complaint was made to the local authority. However, the local authority must have had a chance to respond to the complaint before the Public Services Ombudsman will investigate.

For the Ombudsman contact details, see the back of this booklet.

Section 2

Additional Noise Controls

There are additional controls that can help stop or reduce noise from particular sources.

Byelaws

Some local authorities have made byelaws to control some noise sources. For example, byelaws have been approved for certain kinds of noise taking place in the street or on local authority property such as parks or recreation grounds. The type of noise covered by these byelaws may include singing, playing musical instruments, radios and stereos. Check with your local authority for details in your area.

Statutory Codes of Practice

Statutory codes of practice give guidance on appropriate methods for minimising noise. They cover issues such as noise from audible alarms, ice cream van chimes, model aircraft and construction sites. They are available from the Stationery Office. For contact details see the back of this booklet.

The local authority must have regard to the code of practices when serving a notice imposing requirements as to the way works are to be carried out in relation to construction sites.

Where criminal proceedings are brought for an alleged failure to comply with an abatement notice relating to noise (i) on industrial, trade and business premises or (ii) street noise caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, the magistrates' court must have regard to these codes of practice in determining whether the best practicable means were used to prevent, or to counteract the effects of the noise. In such circumstances if the noise maker can prove that they have used the best practicable means then they will have a defence to the proceedings.

Loudspeakers in the Street

Their use in the street for advertising entertainments, trades or businesses is prohibited, and for other uses is restricted to between 8am and 9pm. The Emergency Services are exempt from this ban

Vehicles selling perishable foodstuffs such as ice-creams may only use loudspeakers between noon and 7pm. There are certain circumstances, for purposes other than election canvassing or advertising, where local authorities can consent to the operation of loudspeakers in the streets outside the hours of 8am – 9pm.

Those found guilty of using a loudspeaker illegally in the street are liable to a fine of £5,000 for the first or subsequent offence with a further fine of £50 for each day for which the offence continues after conviction.

A local authority is not required to serve an abatement notice and offenders are subject to prosecution after the usual enforcement policy tests have been carried out.

Noise from Construction Sites

To help minimise the noise pollution caused by necessary construction and demolition works, the local authority has the power to specify how the work must be done and the hours for site operations and the level of noise which may be emitted from the premises. Those planning to undertake such work can consult their local authority before proceeding and ask them to make their requirements known.

When a new road or railway is to be constructed close to your home you may be eligible for a grant towards the cost of noise insulation measures.



Noise Act 1996

The Noise Act 1996 includes night-time noise offences, and gives local authorities powers to take away noise-making equipment. The Act provides a standard against which noise at night (between the hours of 11pm – 7am), from domestic and licensed premises, may be assessed. The night-time noise offence complements the statutory nuisance controls on noise. It aims to quickly resolve noise from dwellings and licensed premises. It offers local authority officers the ability to use a procedure that is clear and unambiguous. The penalty for a night time noise offence is prosecution, however the local authority officers may choose to offer the offender the option to pay a fixed penalty notice of £100 (and in some circumstances £500) rather than prosecution.

Anti-social Behaviour Orders

Under the Crime and Disorder Act 1998, several parties including local authorities, the police, British transport police and registered social landlords can seek Anti-social Behaviour Orders against any person (not just a tenant), who is causing harassment, alarm and distress to others. The Order will stop the defendant from doing anything included in it. A breach of the Order can lead to a custodial sentence.

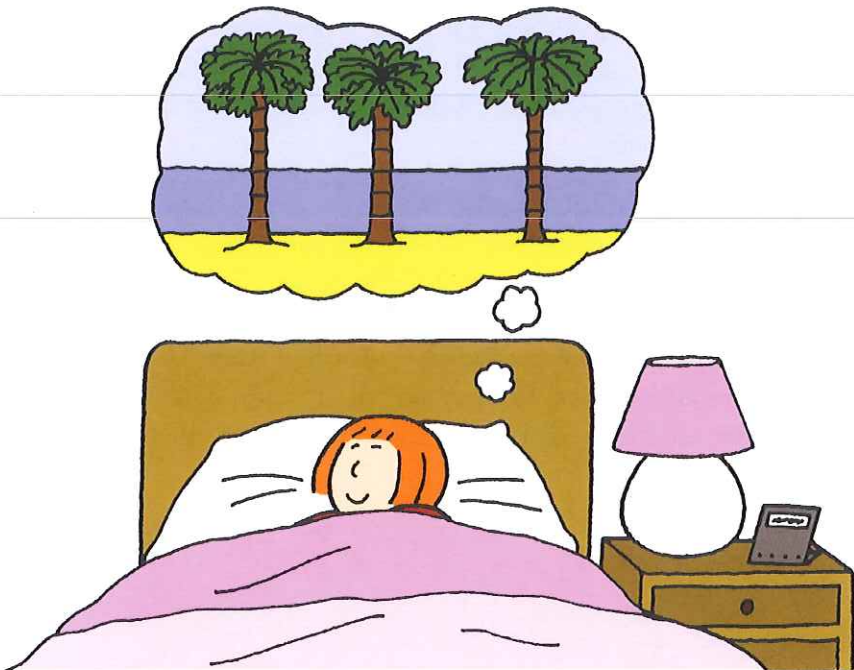
While anti-social behaviour orders would not be the first option in cases where noise is the main problem, they are an effective way of tackling more serious anti-social behaviour, which may include noise. Circumstances where their use may be appropriate would include dealing with for example, families whose anti-social behaviour, when challenged, leads to verbal abuse, threats or graffiti, or where noise nuisance is part of a pattern of unruly behaviour by tenants or owner-occupiers which intimidates others.

Complaining about Noisy Tenants

The local authorities have measures in place to tackle neighbour nuisance problems, including noise.

All landlords have the ability to take action against tenants who are breaching their tenancy agreement. This may include applying for injunctions that can reduce the neighbour nuisance while allowing people to keep their homes. Social landlords (local authorities and housing associations) can ask the courts to attach a power of arrest to such injunctions if there is violence, or a threat of violence.

Eviction remains the most extreme method used by landlords against those who will not reform their behaviour and who continue to make their neighbours' lives a misery.



Section 3

Planning to stop the noise

The planning system can help to prevent potential noise problems. For example, noisy industrial developments can be sited away from schools and hospitals, and buildings and roads can be designed to limit noise. Conditions can also be placed on planning permissions to control noise from pubs, clubs and restaurants by restricting their opening hours.

Local authorities prepare development plans and noise should be taken into account as part of these plans.

Applications for planning permission are made to local planning authorities. Noise is often a consideration in determining planning applications.

If you are concerned about the noise implications of a proposed development or if you require further information about plan preparation or a particular planning application you should contact the local planning officer for the area.

Highway authorities are required to publish details of proposed new roads and the public has a right to object on any grounds, including noise.

The Welsh Assembly Government is responsible for the development of trunk roads and motorways only. Your local authority is the contact for all other roads. Objections should be sent to the relevant highway authority during the objection period, explaining your reason for objecting.

In some cases there will be a public inquiry, and you will be notified of this in advance if you have objected.

The Environmental Noise Directive

The European Council Directive relating to assessment and management of environmental noise 2002/49/EC, commonly referred to as the Environmental Noise Directive (END), was published in the Official Journal of the European Communities in July 2002.

The three main objectives of the Directive are as follows:

- To determine the noise exposure of the population through noise mapping;
- To make information on environmental noise available to the public;
- To establish Action Plans based on the mapping results, to reduce noise levels where necessary, and to preserve environmental noise quality where it is good.

Article 7 of the Directive requires Member States to produce strategic noise maps for major road, major rail, major air traffic and agglomerations (large urban areas) and then to produce action plans to manage noise issues. It focuses on the impact of such noise on individuals, complementing existing EU legislation, which sets standards for noise emissions from specific sources. The Directive was implemented in Wales by the Environmental Noise (Wales) Regulations 2006.

The first round of strategic noise maps and action plans for major roads, railways and agglomerations have been completed in accordance with the requirements of the Environmental Noise (Wales) Regulations 2006 and are available on the Welsh Assembly Government website at the following link:

<http://wales.gov.uk/topics/environmentcountryside/epq/noiseandnuisance/environmentalnoise/?lang=en>

Getting more advice on noise

Here are some contact points for further advice on noise from other sources.

Noise at Work

General written enquiries about noise at work should be directed to the Health and Safety Executive:

Health and Safety Executive,
HSE Information Service
Caerphilly Business Park
Caerphilly
Van Road
CF83 3GG

Tel: 0845 345 0055 Fax: 029 20859260

www.hse.gov.uk

The body responsible for the encouragement, regulation and enforcement of workplace health, safety and welfare, and for research into occupational risks.

HSE Books
PO Box 1999
Sudbury
Suffolk CO10 2WA

Tel: 01787 881165 Fax: 01787 313995

www.hsebooks.co.uk

HSE Books distributes both priced and free publications and also operates a number of subscription services on the subject of health and safety at the workplace.

Noise from roads and traffic

Certain types of noise may constitute an offence under road traffic, e.g. the sounding of a motor horn at certain times on restricted roads.

For complaints about excessive traffic noise from local roads and road construction noise, approach your local authority. For complaints about trunk roads (motorways and A roads) and traffic noise issues (including traffic noise insulation) contact:

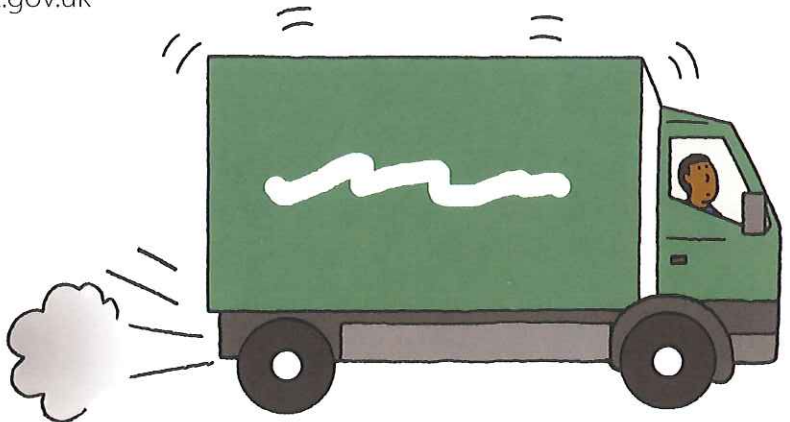
The Welsh Assembly Government,
Transport Wales, Transport & Strategic Regeneration
Cathays Park, Cardiff CF10 3NQ
Tel: 029 20826442

Noise from Air Traffic

General enquiries about noise from aircraft, including helicopters should be directed to:

Department of Transport Aviation
Environmental Division
Great Minster House, 76 Marsham Street
London SW1P 4DR

Tel: 020 7944 8300 Fax: 020 7944 9643
Website: www.dft.gov.uk



Noise from Military Aircraft and Aerodromes

Complaints about noise from military aircraft and aerodromes should be made to:

Royal Air Force Community Relations In Wales
Royal Air Force Community Relations Officer
The Barracks
Brecon
Powys
LD3 7EA

Tel: 01874 613 889 Fax: 01938 554716

Email: raf.cro.wales@de.mod.uk

www.raf.mod.uk/crowales

Complaints about Rail Noise

If you wish to complain about excessive rail noise contact:

Network Rail Helpline

Tel: 08457 114141 or

Passenger Focus

Freepost

PO Box 4257

Manchester

M60 3AR

Tel: 0845 3022022 Fax: 0845 8501392

You may also approach your local authority if you believe local rail noise is excessive.

Other Useful Contacts

Welsh Assembly Government

Local Environment Quality
Department for Environment
Sustainability & Housing
Cathays Park, Cardiff CF10 3NQ

Tel: 029 20826737 Fax: 02920823658
Email: LEQ@wales.gsi.gov.uk

For enquiries about Neighbourhood Noise

Welsh Assembly Government

Radioactivity & Pollution Prevention
Sustainable Energy & Industry Wales
Cathays Park
Cardiff CF10 3NQ

Tel: 029 20823235 Fax: 029 20823658
Email: rpp@wales.gsi.gov.uk

For enquiries about Environmental Noise.

Environmental Protection UK

44 Grand Parade, Brighton BN2 2QA

Tel: 01273 0878770 Fax: 01273 606626
Email: admin@environmental-protection.org.uk
www.environmental-protection.org.uk

Seeks to change policy and practice to minimise air, noise and land pollution, bringing together stakeholders to inform debate and influence decision-making.

CIEH Wales

Pembroke House, Ty Coch Lane
Llantarnum Park Way, Cwmbran, Wales, NP44 3AU

Tel: 01633 865533 Fax: 01633 485193

www.cieh.org

The Chartered Institute of Environmental Health is a professional, awarding and campaigning body at the forefront of environmental and public health and safety.

United Kingdom Noise Association (UKNA)

Tel: 01634 863 852 Fax: 020 7329 8160

Email: info@ukna.org.uk

www.ukna.org.uk

A web-based service only to assist people who are experiencing a noise problem. It also provides a Noise Resource Service.

Noise Direct

PO Box 77 Kent BR8 9XA

Tel: 08453 31 32 30 Fax: 08456 12 24 37

Email: mail@noisedirect.co.uk

www.noisedirect.co.uk

Provides a unique blend of practical, technical and legal advice for noise makers and noise sufferers regardless of their geographical location and status. Independent, impartial, professional advice for noise sufferers, businesses and responsible individuals.

Noise Abatement Society

44 Grand Parade, Brighton BN2 2QA

Tel: 01273 823850

www.noiseabatementociety.com

The Noise Abatement Society gives advice and information about noise related issues.

Noiseconcern.org

A web-based information tool for the public that is designed to tackle all levels of neighbour noise problems. Campaign run by Environmental Campaigns (ENCAMS).

Royal National Institute for Deaf People (RNID)

16 Cathedral Road, Cardiff CF11 9LJ

Tel: 029 2033 3034

Textphone: 029 2033 3036

Fax: 029 2033 3035

Email: rnidcymru@rnid.org.uk

www.rnid.org.uk

Tinnitus Association

British Tinnitus Association, Ground Floor Unit 5

Acorn Business Park, Woodseats Close

Sheffield, S8 0TB

Freephone 0800 018 0527

Email: info@tinnitus.org.uk

www.tinnitus.org.uk

Providing support and advice about Tinnitus

Friends of the Earth Cymru

33 Castle Arcade
Balcony
Cardiff CF10 1BY

Tel: 029 2022 9577 Fax: 029 2022 8775

www.foe.co.uk/cymru

Campaigns on environmental issues

General Aviation Awareness Council

RAeS House
4 Hamilton Place
London
W1J 7BQ

Tel: 020 7670 4501 Fax: 020 7670 4309

Email: info@gaac.org.uk

www.gaac.co.uk

Ensuring that General Aviation activity does not decline

Public Services Ombudsman For Wales

Public Services Ombudsman For Wales
1 Ffordd yr Hen Gae
Pencoed,
CF35 5LJ

Tel: (01656) 641 150 Fax: (01656) 641 199

Email: ask@ombudsman-wales.org.uk

www.ombudsman-wales.org.uk

Mediation Services

Please obtain advice from your local authority

Further Reading

Stationery Office Publications

Tel: 08444 777 508

www.tso.co.uk

Control Of Pollution Act 1974

(ISBN 0105440744)

Civil Aviation Act 1982

(ISBN 0105416827)

Environmental Protection Act 1990

(ISBN 0105443905)

Noise and Statutory Nuisance Act 1993

Welsh Office Circular 42/97

(ISBN 0105440930)

Noise Act 1996

(ISBN 0105437964)

Clean Neighbourhoods and Environment Act 2005

(ISBN 0105415057)

National Assembly for Wales Circular 18/2007

Code of practice on noise from audible intruder alarms, DoE,
Welsh Office 1982

Code of practice on noise from ice cream van chimes, DoE, Welsh Office 1982

Code of practice on noise model aircraft, DoE, Welsh Office 1982

Code of practice for the control of noise on construction and open sites,
Wales 2002

The Environmental Noise (Wales) Regulations 2006 – Welsh Statutory
Instrument 2006 no. 2629