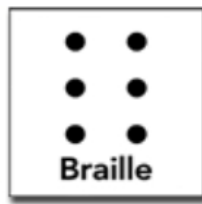
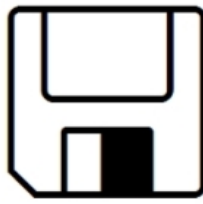
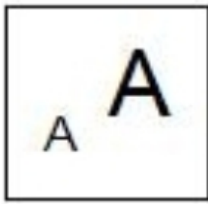


NOISE STRATEGY AND POLICY



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Environmental Health Pollution, Housing and Health Section Noise Strategy and Policy

1.0 Introduction, context and purpose of the strategy

Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Noise nuisance is one of the determinants of health about which people do not always have direct control. In these cases, the Council has a duty to take action to abate noise nuisance under the Environmental Protection Act 1990.

The Government, through Defra, aim to publish a Neighbourhood Noise Strategy in 2008 with a number of consultations in the process. The Neighbourhood Noise Strategy will look at ways to improve noise management at National, regional and local level. A number of initiatives have been produced and, where appropriate, they have been considered in relation to the development of the Rossendale Strategy and Policy.

Noise originates from a range of sources and the means available for its control varies, as does the perception of people towards noise itself. The prevention of noise nuisance can be proactive or reactive and this strategy is intended to demonstrate the way Rossendale is fulfilling its duty and responsibility to reduce noise and control noise nuisance.

1.1 What is Noise?

The definition of noise nuisance is 'an unreasonable and significant emission of noise that causes significant and unreasonable interference with the use and enjoyment of your premises'.

For reference here are some familiar sounds and their average decibel level (volume)

Whisper/bedroom at night	30dBA*
Library	40dBA
Rainfall	50dBA
Normal conversation/laughter	50-65dBA
Washing machine	75dBA
Lawnmower	85dBA
Shouting	90dBA
Train	100dBA
Chainsaw	110dBA
Thunderclap	120dBA
Jet taking off	130dBA

* dB-decibels are the units for measuring sound

This is an illustration of the sound levels at their source. Sound levels vary greatly depending on the distance from the noise source.

1.2 Health Effects of Noise

Noise is often described as unwanted sound and can affect the quality of people's lives. The main health risks of noise identified by the World Health Organisation are:

- Sleep disturbance and all its consequences on a long and short-term basis.
- Hormonal responses (stress hormones) and their possible consequences on human metabolism (nutrition) and immune system.
- Cardiovascular effects
- Interference with social behaviour (aggressiveness, protest and helplessness)

1.3 Health effects of noise in relation to children, disabled people and older people

Living in an area with constant background noise, such as traffic, raises children's blood pressure and stress levels. Even though levels of noise from cars or trains may not be high enough to damage hearing, US and Austrian scientists reported in the New Scientist that constant, low-level sound can affect children. The study suggests that a child's "motivation" could also suffer from prolonged exposure to noise.

People with a previous history of ischaemic heart disease or hypertension might be more or less susceptible to future episodes of cardiac ischaemia in the presence of noise than they would otherwise have been.

The Mayor of London's Older People Strategy concluded that older people can experience increased sensitivity to noise if it is concentrated at certain sound frequencies, such as from overflying aircraft or the low bass beat of amplified music. High levels of ambient noise can make it more difficult for people with hearing impairment to communicate. Similarly, people with visual impairments, who use subtle differences in reflected sound to get a sense of their surroundings, may find it difficult to get a sense of the space they are in.

1.4 National context

The Government recognises that noise is generally a constraint on people and a possible cause of problems in relation to people's enjoyment, health and wellbeing. The Department for Food and Rural Affairs and the Chartered Institute of Environmental Health (CIEH) have produced a guide on noise titled 'Neighbourhood Noise Policies and Practice for Local Authorities-a Management Guide'

2.0 Background to Rossendale

2.1 Brief outline of the area

Rossendale is one of the smallest Lancashire districts, with a slowly rising population of just under 66,000. It covers 138 sq km between the conurbations of West Yorkshire and Greater Manchester; a band of urban development runs East-West along the deeply incised upper valley of the River Irwell, flanked by harsh Pennine moorland scattered with isolated settlements.

2.2 Description of noise problems in Rossendale

Domestic noise arising from loud music and barking dogs are the most common reasons why people make a complaint against their neighbour to the Council. Industrial and commercial noise includes sounding intruder alarms and complaints about demolition and construction sites. The Council responds to approximately 300 noise complaints in total each year.

3.0 Aim of the Noise Strategy

The strategic aim is taken from the Council's Environmental Strategy which, as stated in Objective 8.3.2 is to "minimise the effects of noise on quality of life.

4.0 Policy Statement

The making, creation or maintenance of excessive and unreasonable noise can adversely affect the health and wellbeing of people in Rossendale. The intention of this policy is to ensure the protection of people from existing noise nuisance and to take action to reduce the likelihood of nuisance being caused.

Rossendale Borough Council believes that people living in the Borough have a right to the following:

- A right to sleep without regular disturbance during the night
- A right to the enjoyment of their properties without excessive noise from neighbours, whether residential, commercial or industrial, on a regular basis such that it causes loss of amenity,
- The availability of qualified, competent staff during normal working hours and out of hours when necessary to consider the existence of a statutory nuisance.

The Council will achieve its aim by:-

- Fulfilling its duty to investigate, and where necessary, eliminate statutory nuisance in accordance with Part III of the Environmental Protection Act 1990.
- Reacting to applications for development and licensing consent in order to prevent noise affecting susceptible populations in the future
- Promoting awareness amongst all sectors of the community in order to secure their consideration of others in respect of noise
- Liaising and working with other Authorities, agencies and organisations
- Undertaking enforcement action in compliance with the Enforcement Policy
- Communicating performance in relation to noise to residents and outside bodies and obtaining feedback on the service and its delivery
- Committing appropriate resource, including staff and equipment, for the design and delivery of the services
- Monitoring and reviewing the service in order to ensure consistency of service delivery and maintenance of an effective, efficient and economic service that reflects best practice.

5.0 Strategic Aims

The aims are set out in the following sections. Each section contains background information on the subject and services. Details of the service procedures and service standards are contained in quality documents.

5.1 Investigate and resolve statutory nuisance

5.1.1 Background –

The Council has a statutory duty to inspect its area and investigate and, if necessary, control any sources of noise that cause a statutory noise nuisance under the Environmental Protection Act 1990. Nuisance can be caused by a range of sources including:-

- Domestic, including amplified music, DIY, noise from people's behaviour, barking dogs etc
- Commercial and industrial, including amplified music and singing, working at unsocial hours, noisy plant and equipment etc.

5.1.2 Services provided

Action can be taken to investigate and control noise sources by:-

- Informal and formal action through service of notices under Section 80 of the Environmental Protection Act 1990
- Issuing fixed penalty notices under the Noise Act 1996. This option has not been implemented within the scope of the night time noise service.

For each type of noise complaint we receive there are measures to deal with them and more detailed procedures on the action we can take can be found on the Council's website www.rossendale.gov.uk.

We recognise that there are circumstances where a particular equality group may be involved in a statutory nuisance investigation, either as cause or victim. We will adapt the service delivery to meet the needs of the particular situation.

Staff are available during the night time on Fridays and Saturdays to witness noise nuisance as part of a Night Time Noise Service provided in partnership with other East Lancashire Authorities. This service started on 13th June 2008. All investigations will be undertaken in accordance with the demands of the situation.

5.2 Development Control

5.2.1 Background

The Development Control function of the Council can be used to minimise the adverse effect of noise in relation to developments subject to Planning consent. PPS 24 Planning and Noise describes measures that can be taken in relation to development such that noise nuisance will be prevented. This applies to noise sensitive developments as well as noisy development near to susceptible population. Guidance is given on Noise Exposure Categories (NECs), which provide guidance to the acceptability of the development proposal.

5.2.2 Services provided

The Environmental Health Service will examine development proposals to determine whether a potential exists for future noise nuisance and the sufficiency of the measures to be introduced to control the source of, or limit the exposure to, noise. Such measures may include:-

- Engineering – reduction of noise at the point of generation
- Lay-out – adequate distance between source and noise-sensitive buildings
- Administration – limiting operating time of source, restricting activities or specifying noise limits.

5.3 Licensed premises

5.3.1 Background

The prevention of Public Nuisance is one of the four key Licensing Objectives of the Licensing Act 2003. The control of noise to minimize impacts on the local community

forms a significant part of this objective and one of the most crucial elements of this is the prevention of sleep disturbance. In order to prevent sleep disturbance, noise caused by fixed plant, music or other source giving rise to a consistent noise level should be controlled. The aim should be that the noise is barely audible outside noise sensitive premises (eg dwellings). Low frequency noise from music (bass beat in particular) and tonal noise from a fan serving air conditioning or chiller unit need particular consideration since the character of such noise tends to enhance its audibility.

5.3.2 Services provided

Applications for Licensing consent are considered by the Environmental Health service as a statutory consultee. Action can be taken both proactively and reactively:-

- o By requiring action in relation to applications, renewals or variations to licenses, nuisance can be prevented,
- o By investigating allegations of public nuisance, evidence may be obtained justifying the review of the licence.

5.4 Intruder and vehicle alarms

5.4.1 Background

Noise from intruder alarms can be a great source of annoyance since they can ring persistently and are routinely installed on property and in vehicles. Alarms are also fitted to vehicles to warn pedestrians when reversing and these can be a nuisance late at night or early in the morning, for example when delivering to commercial premises.

Ice cream vehicles use chimes to alert potential customers to their presence. A code of practice gives guidance on the noise level, playing time and frequency.

5.4.2 Services provided

In the case of a one-off incident it is unlikely that the matter will constitute a statutory nuisance and no action would be taken by the Council. However, with alarms which repeatedly sound, or sound for a long period of time, it is possible that these noises may cause a statutory nuisance within the provisions of the Environmental Protection Act 1990.

The Council has the power to adopt provisions for the designation of an area within which occupiers of any premises, that are fitted with an audible intruder alarm, to nominate a key-holder and notify the Council of their contact details.

The operation of a voluntary key-holder scheme can result in much less expenditure by the Council on the basis that in Rossendale there has been a relatively small number of problems caused by intruder alarms. Therefore it is not recommended that a formal key-holder service be implemented.

5.5 Promotion and raising awareness

5.5.1 Background

Many people are not completely aware of the effect of noise they produce on their neighbours. Businesses similarly may not be aware of the level of noise produced from their premises e.g. late at night when the premises are closed. Others are

aware but have no regard for the effects of their noise. Effective noise control relies on everyone being aware of their effects and their responsibilities in relation to noise. Awareness promotion initiatives will often be sufficient to control noise. The remainder of situations may require the instigation of formal proceedings to secure effective control.

5.5.2 Services provided

Noise Action Week is an annual initiative coordinated by Environmental Protection UK (formerly NSCA), that aims to raise awareness of the problems caused by neighbour noise and the solutions available to tackle it. It provides an opportunity for local authorities, housing providers, mediation services and all those involved in neighbour noise management to raise awareness of services available and promote practical solutions.

Press releases, participation in Noise Action Week and attendance with a display stand and leaflets at various fairs and festivals within Rossendale are ways in which we give advice on minimising noise issues and promoting the service we provide.

5.6 Customer involvement

5.6.1 Background

In line with other services, the involvement of service users is essential in order to ensure the service meets the needs of the whole community. A consultation activity was undertaken following the approval of the draft report in March 2008. As a result a summary of the comments were:-

- General support for an out of hours noise service.
- The Council should work more closely with the Police to combat noise nuisance from underage drinking and the sale of alcohol to minors and should consider seizing alcohol from premises where under age drinking is suspected.
- The local Police need to take more of an active role in dealing with noise.
- The policy does not cover channels for dealing with 'boy racers' and MOT checks for cars with loud exhausts may also be a good idea.
- More powers to deal with unsupervised children left at home alone.
- The noise policy should be sent to all properties so that everyone is aware of the legislation and rules governing noise nuisance.
- More provision should be made for nuisance caused by barking dogs.
- The noise nuisance service should be widely advertised.

5.6.2 Services provided

Service users are routinely requested to provide feedback on service delivery through the Environmental Health Service's Customer Satisfaction Survey process. In addition, businesses investigated in relation to alleged noise nuisance are also surveyed in line with the requirements of National Indicator 182.

5.7 Working in partnership

Partnerships are an invaluable tool when tackling noise nuisance and a multi agency approach allows issues to be addressed effectively and succinctly.

- SMILE Mediation: Officers can make referrals to a free mediation service where there is no other route available or it is felt that mediation between both parties could lead to an effective resolution.
- PACT meetings: Police and Community Together meetings are monthly meetings where the public can raise concerns about problems in their area. The Police refer complaints about noise to the Environmental Health Section.
- Pubwatch: This is a group of licensees along with Licensing, Police, Health and Safety etc who meet up to discuss issues relating to licensed premises including public nuisance.
- Multi Agency Problem Solving (MAPS): This is a multi agency group including the Police, Council, Adult and Children's Services, Anti Social Behaviour Officer etc who can work together to resolve problems that cover many issues.

5.8 Provision and assurance of resources

5.8.1 Background

There is no fixed level of noise which constitutes a statutory nuisance as individual circumstances differ and each case needs to be judged on its merits. In deciding whether or not a noise is sufficient to amount to a statutory nuisance, the Investigating Officer, normally an Environmental Health Officer, has to consider the likely reaction of an average, reasonable person to the noise, taking into account not only its loudness, but also such factors as when, how often and for how long the noise occurs.

In order to provide an investigation service, two main elements are involved:-

- Competent and experienced staff available to investigate, witness and consider allegations of noise nuisance, and to implement the proactive elements of the service e.g.planning and licence consultations and promotional activities,
- Efficient and reliable equipment to record and analyse noise.

5.8.2 Services provided

Staff within the Pollution, Housing and Health Section are recruited and developed in line with Council policies and procedures. A Competency Matrix will be used to assure the competence of investigating officers. All staff are authorised in accordance with the requirements of the Council's Constitution and Environmental Health procedures.

A selection of electronic equipment is maintained for use in recording and analysing noise during the course of investigations. All equipment is calibrated and maintained in line with their manufacturer's instructions and good practice.

Information about new legislation and best practice initiatives are obtained from a range of National and Regional sources including LACORS, Defra, the Chartered Institute of Environmental Health, as a means of keeping the service up to date.

6.0 Other Sources of Noise and Action We Can Take

The Council does not have powers to deal with aircraft or road traffic noise or complaints about the noise from individual vehicles. Complaints in relation to those are referred to:

Civil Aviation Authority Tel: 020 745 36599
Lancashire Highways Partnership Tel: 0845 053 0011
Police Road Policing Unit Tel: 01706 237528

7.0 Performance Monitoring and Reporting

Monthly output reports are produced detailing the number of noise complaints dealt with on a monthly basis. Customer satisfaction forms are sent out following the closure of a complaint and comments received back on the forms are acted upon, if applicable, to continue to improve the service. We also survey businesses involved in noise investigations to determine their level of satisfaction with our services.

The total number of the complaints dealt with is detailed in the Council's Annual Environmental Health Report and figures are sent on an annual basis to the CIEH who collate statistics on noise data nationally.

The Principal Environmental Health Officer audits requests for service to ensure that each case is dealt with promptly, professionally and fairly in line with the Council's procedure. The Principal Environmental Health Officer also attends quarterly meetings of the Lancashire Environmental Protection Officers' Group to benchmark, compare and share working practices to ensure consistency Lancashire wide.

8.0 Contact details

If a member of the public is aggrieved by a noise nuisance then contact with the Council can be made by any of the following means:

- By telephoning 01706 252565 or 01706 217777
- By email to envhealth@rossendalebc.gov.uk
- In person by visiting the One Stop Shop, located in the Town Centre Offices, Rawtenstall
- In writing to the Environmental Health Service, Stubbylee Hall, Stubbylee Lane, Bacup, Lancashire OL13 0DE
- By fax to 01706 870447
- By the internet by completing a request for service form on the Council's web site www.rossendale.gov.uk
- Via the local ward Councillor
- On Friday and Saturday nights, by telephoning the Night Time Noise Service on 01254 353447

The complainant must provide their own name, address and a telephone number as well as details of the complaint and the address of the premises at which the noise nuisance is alleged to exist. A description of the noise, when and for how long it occurs, the way in which it affects them and anything they have done to try to resolve the problem must also be given.

Details of all complainants are kept in strict confidence unless otherwise agreed. Only during legal proceedings would these details be released, and the complainant's agreement to this position is normally secured at a relatively early stage during the investigation. Anonymous noise complaints will not be able to be

progressed beyond informal action, as the complainant's evidence is required before formal action can be taken.

Document Management

Version	Date	By Who
Version 1.0	29 November 2007	Lorna Rouke Principal Environmental Health Officer
Version 2.0	30 May 2008	Lorna Rouke Principal Environmental Health Officer
Version 2.1	5 June 2008	Philip Mephram Environmental Health Manager
Version 2.2	18 June 2008	Philip Mephram Environmental Health Manager
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If you would like a summary of this information in large print, on audio cassette or language other than English, please let us know and we will be happy to arrange it.

Please telephone 01706 217777 or Contact Communications Section, PO BOX 74,Bacup,OL13 OWU

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برائے مہربانی 01706 217777 پر ٹیلیفون کریں یا پھر کمیونٹی کیشن سیکشن سے اس پتے پر رابطہ قائم کریں:

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