

Welcome to our last ever **Noise Bulletin (March 2022)**. It contains fewer than usual news stories but a huge retrospective (as a [pdf](#))

\*\*\*\*a reminder of our closure/refund special [announcement](#)\*\*\*\*

**NOISE**  
March 2022 Issue 160 final issue **BULLETIN**

**23yrs of noise retrospective**

**NUISANCE**  
**Noiseapp 'not fit for purpose'**

Failure to tackle a hum from a telecoms mast led to criticism for Luton Borough Council but not fault. The Noiseapp system was criticised as "not fit for purpose". A resident complained to the Ombudsman about Luton failing to deal with a noise nuisance from the site varying from tonal sounds to rumbling and whooshing from cooling systems on the site. The resident says the sounds are audible above ambient noise levels during the day as well as at night, the council countered that the prominent background noise was traffic and birdsong. The resident says he submitted noise diaries and noise readings taken in his home during the night but the council insisted on use of its noise app or installation of noise monitoring equipment in his even though neither measure is fit for the purpose. The resident asked the council to commission an independent noise test but says it refused. He says his family is distressed and suffer from sleep. ● Full story in subscriber email

**Important**  
**23 years of noise**  
In the pages below we look back on publishing noise since 1999. This is not just a case of nostalgia – how easy is it to forget that many of the problems we face today (heat pumps) are not new. ● See pages below  
**Noise Bulletin: Closure announced**  
(Jack Pease writes): Last month we announced with

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[Full 23 year retrospective \(pdf here\)](#)

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**[Full text of stories follows:](#)**

**[Noise Bulletin: Closure announced](#)**

(Jack Pease writes): Last month we announced with huge regret that the publication of *Noise Bulletin* (and *Air Quality Bulletin*) is to cease. This is the last issue and those with unused subscription will be [refunded](#) on request (we have been trying to contact those we believe will be owed money).

The publications had a loyal following but numbers have nosedived – first austerity and more recently Covid and Ukraine has taken its toll on the market into which the newsletters are sold.

Our core market is local authority environmental health teams – these have been hit particularly hard over the last decade with more cuts to come. Many local authorities no longer have any noise expertise and lean on consultants if they get caught out.

In our announcement in sister journal *Air Quality Bulletin* I commented that I was content that cleaner vehicles meant that air quality problems were largely solved. The same is *not* true of noise which remains the ‘forgotten’ pollutant.

Unlike air quality, noise was never put into regulation and local authorities were left to get on with it. Attempts to deal with it centrally (eg Defra noise mapping) failed. Wales and Scotland have taken it more seriously but the tiny team left at Defra are hamstrung.

Nuisance management at local authority level has sunk to diary sheets and the Noiseapp which neatly distracts from the fact that many local authorities no longer have environmental health officers to listen to nuisance and make an expert judgement.

The holding company for the newsletters (EMP Ltd) will be dissolved at the end of the month so if you feel you are due a refund and haven’t responded to past messages you need to move fast.

The email and website will continue operating for the foreseeable future. It is my intention to make the entire *Noise Bulletin* archive freely available for perpetuity. Details will put on the [website](#).

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### **Lockdown leads to 50% increase in complaints**

CIEH has released its latest noise survey. It captures stresses of various Covid lockdowns where many were forced to stay at home and be annoyed by/annoy neighbours.

CIEH says in its forward to the new 2020/21 noise survey “2020 has been a year unlike any other: in March, much of the world went into lockdown and large numbers of people were suddenly working, studying from home or on furlough. Restaurants, pubs, museums, and leisure premises were closed, and people had to find new ways to occupy themselves at home.

“The summer of 2020 saw the Government lifting the national lockdown, but local lockdowns came into force. September saw a return of restrictions including working from home and a 10pm curfew for the hospitality sector, later in November a second national lockdown came into place. As a result, CIEH’s noise survey captured data from three national lockdowns and constantly changing restrictions. At the time, many local authorities reported that they have received more domestic complaints during the initial lockdown period, as some people started DIY projects, whilst others juggled virtual meetings and home schooling.

Other findings include:

- ▶ Between 2019/20 and 2020/21 the data shows a 54% increase in the number of noise complaints in 89 local authorities, which participated in both years;
- ▶ The Anti-social Behaviour, Crime and Policing Act 2014 was the most commonly used legislation to take formal action on noise with 6,329 actions, including 5,083 warnings, and 1,246 notices served. EPA 1990 saw 1,680 notices served;
- ▶ 88 noise-related prosecutions were reported - about 10% down on the previous years, despite the rise in absolute complaint numbers;
- ▶ Some noise-related legislation was not being used at all, such as Fireworks Regulations 2004 and Noise Act 1996. Authorities stated that they believed other legislation was sufficient, the Noise Act was too complicated whilst the Fireworks Regulations were the responsibility of Trading Standards and the Police;
- ▶ Overall, there are approximately 563 Full Time Equivalent (FTE) Professionals working at 144 local authorities in England to investigate and resolve noise complaints, 3.9 FTEs on average per local authority.

The 2020/21 England Noise Survey report is based on responses from 144 local authorities accounting for 45% of local authorities in England.

- ▶ [www.cieh.org/policy/campaigns/noise-survey](http://www.cieh.org/policy/campaigns/noise-survey)

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### **Incoming householder complains about skateboard noise**

Failure to tackle skateboard noise complaints has led to an Ombudsman's rap for Leeds City Council.

A resident moved into a new development close to a park managed by the council which includes skate ramps.

The resident says the metal ramps at the skate park create a lot of noise when in use. He contacted the council and the police about the matter in 2020 because the skate park was being used late at night and early in the morning, with the help of portable lights brought in by the skaters, causing a noise nuisance.

He complained and the council response was that the skate park was being used for its intended use, regardless of the time of day, thus was not anti-social behaviour. Then the council later admitted that it should have installed signs, in line with a commitment it previously made, saying what the hours of use of the skate park were. It said this would allow the police to enforce the relevant council bylaws for parks about when the park can be used.

These signs said the skate park should be used between "dawn and dusk" but were then stolen. The council also planned to install panels to deaden the sound from the ramps. However, it does not currently have the budget to do this.

The Ombudsman concluded: “The evidence shows the council failed to consider its duties and powers under either the Environmental Health Act or the Anti-social Behaviour, Crime, and Policing Act. This is fault.

“The resident reported particular concern about noise from the skate park late at night. This related specifically to the noise caused by the metal ramps. This could be a statutory noise nuisance. There is no evidence the council told the complainant that he could report the matter to its environmental health team. Nor did the council alert the environmental health team itself.

“The resident received conflicting advice from other departments about whether use of the skate park can ever be anti social behaviour, and what the council and police can do about it. The council’s failure to provide accurate and consistent information caused avoidable confusion. This is an injustice.”

The council was told to apologise, pay the resident £250 and properly investigate the nuisance noise.

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### **Luton confounded by mast hum. Noiseapp not fit for purpose**

Failure to tackle a hum from a telecoms mast led to criticism for Luton Borough Council but not fault. The Noiseapp system was criticised as “not fit for purpose”.

A resident complained to the Ombudsman about Luton failing to deal with a noise nuisance from the site varying from tonal sounds to rumbling and whooshing from cooling systems on the site. The resident says the sounds are audible above ambient noise levels during the day as well as at night, the council countered that the prominent background noise was traffic and birdsong.

The resident says he submitted noise diaries and noise readings taken in his home during the night but the council insisted on use of its noise app or installation of noise monitoring equipment in his even though neither measure is fit for the purpose. The resident asked the council to commission an independent noise test but says it refused. He says his family is distressed and suffer from sleep deprivation.

The Ombudsman was unable to find fault: “The investigations officer initially gathered evidence on the noise from the resident in the form of noise diaries. The officer visited the site to assess the noise on his own as well as when he met up. The officer also sought to gather further evidence through the noise app and installation of noise monitoring equipment. On examination of the council’s actions in this case, I am satisfied the council took reasonable steps to investigate the allegation of a noise nuisance from the telecommunications site.

“I note the contention that the council’s noise app or monitoring equipment was universally agreed to be unfit for the purpose. I am satisfied the explanation given by one of the council’s officers to the resident’s query

about the suitability of the equipment did not amount to the officer stating the equipment was unfit to be used to gather evidence.”

► *Editor’s comment: This highlights how the Noiseapp can become a tool for lazy councils to avoid thinking. How could an Iphone ever gather useful data on a hum?*

*Suggesting that birdsong could mask the sound is disingenuous, not least because the complained of noise deprivation when presumably the birds are asleep and not singing!*

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### **Bristol Airport wins expansion on appeal**

Bristol Airport has succeeded in overturning North Somerset Council’s refusal for expansion. Noise and other fears were trumped by economic benefits.

Bristol Airport argued that the scale of the impact would be low, at between a 0-2dB and that an average increase from 175 to 207 daily flights, and an additional three arrivals and four departures per night is also of a small scale.

“Even with mitigation, the noise impacts would be such that the grant of planning permission would result in a greater noise impact than from the baseline and from the 2030 ‘without development’ position and an increase in dwellings above the established LOAEL and SOAEL thresholds. This is demonstrable through the application of the LAeq,T metric. The application of complementary metrics such as the Nx metric reveal this further.

“We recognise that noise effects, even at a lower scale and with some sharing of benefits from a modernised fleet, would be experienced by those communities in and around BA, particularly from aircraft noise. Levels would increase above the LOAEL and SOAEL thresholds for a number of properties, and the effects would be as such that there would be adverse impacts on amenity and upon health and quality of life.

“However the appeal panel considers that the benefits arising from the proposed development are as such that they would clearly outweigh the harm to Green Belt and the harm to noise, so as to amount to very special circumstances.”

► Appeal Decision APP/D0121/W/20/3259234  
<https://acp.planninginspectorate.gov.uk>

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### **Windows again feature in M4 housing appeal**

An appeal has been discussed for housing near the M4 where noise was an issue.

A developer wanted to put in 23 homes and a community hall near the M4 in Shinfield, Bucks.

“The fifth reason for the planning authority’s original refusal also set out that it had not been demonstrated that the proposed noise attenuation barrier could adequately protect against road traffic noise from the M4 motorway without significant impact to residential amenity of future occupiers. In particular, the council was concerned that this could not be addressed without windows having to be kept fixed shut.”

The developer subsequently confirmed at the hearing that all windows would be openable at all times - and this removed noise objections however the development was rejected on landscape grounds.

► Appeal Decision APP/X0360/W/21/3275086

<https://acp.planninginspectorate.gov.uk>

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### **High Court challenge for race circuit expansion**

The High Court has heard arguments in a Judicial Review of a controversial go ahead for planning permission for the expansion of Lydden Hill Racing Circuit.

Wootton Environment Protection Group had raised funds for the Judicial Review of Dover District Council’s decision last year and this has been brought by nearby resident Penelope James.

The racetrack had sought planning permission to carry on motor-racing events 52 days a year as well as use the site for bicycle training and racing and advanced driver tuition. Further, there are plans for corporate events and motorsport experience days.

Dover’s planning officers had recommended approval of the scheme, but the local authority says the permission includes some 30 conditions, several relating to more stringent noise monitoring. Forty-nine ‘silent days’ including 10 weekends, when no motor vehicles can be used at the circuit, form part of those conditions.

Cornerstone Barristers report that the Judicial Review will see the High Court consider the interaction of the planning and nuisance regimes when determining what the lawful “fallback” position would be if a planning permission were not granted. No doubt the Fenland Tigers racetrack decision will be much cited.

“When considering a controversial application for planning permission for the expansion of Lydden Hill Racing Circuit, which sits in the Kent Downs AONB, Dover District Council took into account, in favour of granting permission, that the lawful ‘fallback’ position under a 2014 planning permission was that the track produced noise that officers accepted amounted to a ‘Significant Observable Adverse Effect’ or ‘SOAEL’.

“This level of noise causes significant adverse effects on the health and quality of life of residents living in the vicinity of the track, including in the nearby Wootton Village. There was a noise abatement notice in place, but this only restricted the noise and officers agreed did not prevent noise at the level of a SOAEL.

“The claimant's case is that the lawful fallback position was the 2014 planning permission, subject to control via the nuisance regime, which was not limited only to the existing noise abatement notice, but also included the council power to serve a further abatement notice which restricted or abated the noise to a level below SOAEL.

“The claimant also challenges the council's approach to AONB policy; its reasons for granting planning permission and contends that the council acted in breach of Article 8 Human Rights Act. Inevitably with noise and nuisance, Richard Buxton Solicitors is involved (of course!).

► <https://cornerstonebarristers.com/news/high-court-considers-controversial-application-planning-permission-expansion-lydden-hill-racing-circuit>

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### **Durham tackles noisy students...**

The University of Durham is worked in partnership with Durham Constabulary, Durham County Council and others, to introduce a new procedure for responding to reports of anti-social noise from students in Durham City.

The aim is to encourage positive citizenship and good relationships between students and the local community.

The policy is claimed to be part of an on-going commitment to encourage students to be good neighbours. Recent initiatives include the ‘Shh... 11pm-7am’ campaign, led by the City of Durham Parish Council, to encourage quiet in residential areas between 11pm and 7am. The university also requires all students to sign up to the Student Pledge, which sets out the kinds of behaviour expected of them.

“Under the new process, anyone wishing to report ongoing anti-social noise out of hours at a property they believe to be student occupied should call the police non-emergency number, 101. The complaint will then be referred to the University Security Community Response Team (CRT), which operates between 9.30pm and 3.30am, seven days a week during University term time.

The team will be equipped with body cameras and Bodycam footage may be shared with Durham County Council, which can issue a Community Protection Warning (CPW) or Community Protection Notice (CPN). Breach of a CPN can lead to a Fixed Penalty Notice or, ultimately, prosecution.

“While it is part of the council’s remit to enforce legislation on nuisance noise, the University may, where appropriate, pursue specific complaints against students under its Non-Academic Misconduct Procedure.”

► [www.dur.ac.uk/resources/community/Anti-SocialNoiseProcedure21-22.pdf](http://www.dur.ac.uk/resources/community/Anti-SocialNoiseProcedure21-22.pdf)

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### **... and Leeds also announces ‘unique’ scheme**

Leeds Beckett University, the University of Leeds and Leeds City Council are cooperating to cut student noise.

The officers will work exclusively on noise and anti-social behaviour issues in inner north-west Leeds. They will carry out patrols to identify and stop potential issues from escalating while also providing capacity to respond to more calls, more quickly.

The partnership will provide additional call-handling capacity at weekends and during peak times throughout the year, including Freshers' week and end of assessments.

Leeds City Council, said: "While universities make an incredibly positive contribution to Leeds' culture and economy, we also recognise that some issues can arise in all communities with a student population. While these issues are not unique to Leeds, our response is. The dedicated service is a national first, building on years of partnership and listening to communities.

"Leeds' 70,000 students contribute significantly to the city's economy and the majority play a positive role in their communities. This service recognises community concerns over the minority that behave inappropriately, and strengthens the partnership's ability to respond to and deal with that behaviour."

► [www.leedsbeckett.ac.uk/news/2022/02/unique-new-service-tackling-anti-social-behaviour-and-noise-nuisance](http://www.leedsbeckett.ac.uk/news/2022/02/unique-new-service-tackling-anti-social-behaviour-and-noise-nuisance)

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### **'Back Page' Soundbites**

Some daft stuff to finish off 20+ years of daft stuff on the 'back page', apparently the first page readers turned to (terrified we might have uncovered their blooper, and hoping we would be ribbing others!).

From Italy. A judge has ruled that loud loos 'breach human rights'. A couple who lived in La Spezia claimed a new bathroom installed by neighbours kept them awake because of toilet noises. Local judges rejected their legal bid to have the toilet removed.

But the Italian High Court disagreed and said the noises breached the couple's Human Rights and ordered the toilet be removed. Perhaps a counterclaim might have been that neighbours have a right to go to the loo!

This does remind of us of one of our wackier stories in *Noise Bulletin* over the years where a similar claim of toilet noise was made in a newly made block of luxury flats. The downstairs owner could hear turds thumping their way down the soil pipe passing near her bedroom and put in a claim against the builder.

Tests were carried out using sausages to simulate turds, there being no British Standard testing method for this sort of thing (if you can't remember this see [below](#)).

All this must horrify the Japanese who have a morbid fear of people hearing their toilet noises to the point where public loos pipe in loud music to mask any embarrassment.

Japan is culturally a very quiet place to live with residents generally mindful of others, not least because walls between flats are traditionally paper thin. But lockdown, as here, caused all sorts of stresses and a geek who was unduly annoyed by noises on the street set up an online reporting map for noises.

This proved very popular - with reports being made of people gossiping in the street and children playing. Such benign annoyances would of course attract little comment here in the UK where vehicle owners appear entirely at liberty to doctor their exhausts to make as much noise as possible.

*\* For those who can't remember the detail of the 'sausages as turds' case in April 2020: "In addressing the expert evidence relating to the noise transference via the soil waste pipe, the recorder noted that Mr Jarman had conducted tests flushing the toilet in the upstairs flat both with water alone and with solid material (sausages), which gave readings of 30-35 dB in the Appellant's bedroom. The Recorder found, however, that the peak of 35 dB was only achieved flushing sausages down the pipe – observing that this was "not something which would ever happen" – and in any event was "well below the WHO 40 dB threshold for adverse health effects".*

A misuse of sausages and WHO guidelines!

So moving away from the scatological to the more serious we enjoyed our look-back at the past 20+ years of reporting about noise. Some issues have been overtaken by events (eg domestic wind turbines and Concorde) while others have not (noisy roads and vehicles).

Some lessons from the past have not been learned (heat pumps) and some problems were never fixed (wind turbines, MUGAs, loud exhausts). Some are on their way to be tackled (Agent of Change, sealed windows and Airbnb).

So we can sign off with some predictions:

- ▶ Vehicle noise: the problem is now so bad that even the *Daily Mail* is welcoming the introduction of noise cameras by some enlightened councils. Central government is too hopeless to act so far, but we believe it might now be shamed into stopping pointless popping and roaring;
- ▶ Heat pump noise: putting rattly, tonal and cycling heat pumps near sleeping folks' windows will prove disastrous. All the information is out there (heat pumps are bad neighbours in the quiet of the night) but warnings are being ignored;
- ▶ Drones: Perhaps the worst imaginable noise outside your window, not at ground level but at bedroom level. Next door's young folk ordering beer and pizzas in the small hours via a drone drop - what could possibly go wrong!;
- ▶ Permitted development rights: Oh dear. It may be okay to put office blocks near busy roads but converting them to flats without planners' input on noise concerns will be create developments akin to shanty towns;

► Collapse of EHOs: More shootings and stabbings are inevitable as a result of being unable to get past Noiseapp hurdles and make complaints to real people capable of using their expert judgment to assess a nuisance. For the wealthy few, lawyers await your custom to launch private prosecutions.

I hope you've enjoyed my attempts to report the world of noise (with as few complicated numbers as possible) as much as I have enjoyed writing about it.

Thanks for your past support and goodbye!

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► **Noise Bulletin** is edited by Jack Pease, and published by Environmental Management Publishing, c/o Whitmore, Rockshaw Road, Merstham, Surrey RH1 3BZ

tel: 07443 033294

email: [jackpease@empublishing.co.uk](mailto:jackpease@empublishing.co.uk)

### Refund due?

It is with huge regret that we are ceasing publication of *Noise Bulletin* (and *Air Quality Bulletin*) is to cease. This is the last issue. We wish to thank you for your past support.

If you have unused subscription you may be due for a refund for unfulfilled magazines from April 2022. We will pro rata what you paid us NOW but we need a bank account to put the money in - or an address to send a cheque to. You need to act quickly - EMP Ltd will be wound down on March 31st and the bank account frozen so refunds need to be issued well before that - eg get a move on! If you have a sluggish accounts department they may lose out.

### BACS transfers:

Please let me know what account to put the money into - we will send a closing statement.

If the account name doesn't exactly match the account details we will not send the money as if it goes wrong, by the time it is sorted out the bank account will have ceased to exist.

### Cheques:

Please let me have payee and address to send it to.

It goes without saying this is a sad time but we are keen to wind down without any debtors!

Kind regards

Jack Pease

**Editor and Publisher**