

NOISE

Why a noise strategy is required

Noise is losing out due to the lack of a road map

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Introduction: *Noise is Nowhere*

Noise impacts more people in the UK than any other pollutant.

And yet it remains the forgotten pollutant. The Government and the devolved administrations have no clear road map or strategy of where they want to go on noise, as they do with climate change; or even targets to meet as they have for air pollution. Noise is too often dismissed as simply a local issue. It is in danger of being sidelined because there is no overall guiding strategy.

Sound Facts

11% of people are extremely disturbed by **neighbour noise**, with 54% bothered to some extent (1)

8% of people are extremely disturbed by **traffic noise**, with 55% bothered to some extent (1)

4% of people are extremely disturbed by **aircraft noise**, with 31% bothered to some extent (1)

17% of people say **piped music** is the thing they most detested about modern life (2)

In its latest guidelines the World Health Organisation found **wind turbine noise** can cause real annoyance (3)

Underwater noise has doubled each decade during the past 50 years (4)

Each year **one in six** people in the UK move house because of noise (5)

2. The case for a national noise strategy

The Government (and the devolved administrations) have a clear road map for climate change: to reach net zero by 2050. Nothing similar exists for noise.

This means that noise is losing out.

There is no clear road map of future noise policy.

There is 'The Noise Policy Statement for England', published by Defra in March 2010, which describes itself as a 'policy vision to facilitate decisions regarding what is an acceptable noise burden to place on society'.

The Statement is short, "*Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development*"

It applies to all noise not simply ambient noise, with only workplaces excluded. The long term vision is supported by the following aims:

- *avoid significant adverse impacts from noise;*
- *mitigate and minimise its lesser but still adverse impacts;*
- *contribute to the improvement of health and quality of life through the effective management of noise, for example through the promotion of quiet areas.*

Pushed through by the excellent Stephen Turner, it was a break-through at the time. But more is now needed. At the moment national governments and local authorities have nothing to inform them what sort of overall noise climate they should be aiming for; what is considered acceptable.

Without a framework noise policy is floundering. And worse, noise impacts of policies to tackle climate change can easily be brushed aside because there is no imperative to implement them. We are using climate change as an example but noise will lose out to any policy area where there a clear road map, strategy or targets.

This lack of clear direction by Government on the noise means it is being sidelined in a many policy areas.

We give examples on the next page.

Noise is losing out

Some examples:

Energy

Example 1:

The Government understands that it must move away from fossil fuels if it is to meet its 2050 climate target. To do that it is promoting wind power, solar, nuclear and other non-fossil fuel sources of energy. If it also had a framework/target for noise, it would probably favour nuclear over wind power or even solar.

Example 2:

Driven by the 2050 target, the Government is promoting better thermal insulation of homes and has said that by 2025 no gas-fired boilers will be allowed in new properties. Heat pumps are the most likely short-term replacement. If policy was also driven by a noise target, sound insulation would be ranked of equal importance to thermal; and the installation of heat pumps would be paused until it was proved they did not cause a noise problem. A Government driven by a noise target might even decide that most heat pumps were too risky an investment and continue with gas-fired boilers until the time came when they could be replaced by hydrogen.

Transport

Example 1:

To meet the climate target, as well as air pollution targets, petrol and diesel vehicles need to be replaced by electric or hydrogen vehicles. Electric vehicles will reduce noise considerably at lower speeds but will not make a difference at higher speeds (when tyres are the main source of noise). But there is a strong feeling that the noise benefits of electric vehicles are incidental for policy makers driven by the need to meet climate and air pollution targets.

Example 2:

The aviation industry understands it needs to reduce its carbon footprint. It is working hard to develop electric planes and new sources of fuel. Some of the new aircraft may be quieter than today's planes, some may be noisier, but the investment is not being driven by noise but by the need to cut climate emissions.

Neighbour and Community Noise

Example

There are laws to control noise from neighbours and in the neighbourhood more generally. What is missing is any discussion of what *overall* level of noise is acceptable in a neighbourhood – for example, when planning permission is sought for a development or change of use without a framework it is not possible to assess how it would affect the total noise in the neighbourhood.

Noise is not a local issue

This is the reason most often given for not developing a national framework or strategy. Noise *is* a local issue but it is more than that. Millions of people of people are disturbed by noise. Moreover, the World Health Organisation's has noise guidelines - *WHO Environmental Noise Guidelines for the European Region* (2018) – intended to help Government's develop a noise strategy.

A clear noise strategy based on targets or an overall framework would include:

- policies required to meet the objectives;
- determine the priorities of the private sector;
- the requirement to reassess whether current legislation is fit for purpose to deliver the objectives

3. Noise Strategy – key policies

There are solutions to the vast majority of noise problems we face.

Traffic Noise

Lower speeds

- Cutting the urban speed limit from 30mph to 20mph could reduce traffic noise by more than 50% (6).
- Cutting the motorway speed limit from 70mph to 60 mph could cut noise by more than 25% (6).

Quieter Road Surfaces

- The use of quieter road surfaces could halve the noise from traffic. Quieter road surfaces like porous asphalt cost more than traditional road surfaces but are 3-10 times more cost-effective than mitigation measures such as home insulation or the construction of noise barriers (7).

Noise Barriers

- These can be expensive but are essential at noise hot spots. At their best, they can cut noise by 75%.

Quieter Vehicles

- Greater use of electric and hybrid vehicles will cut noise. However, they come with two important noise caveats. Tyre noise will still be present; and it remains uncertain how much noise will be deliberately added to these vehicles so people can hear them coming. In economic terms they do have an important advantage over measures like quieter road surfaces, insulation and noise barriers, in that the cost falls on the manufacturers and the users rather than on the public purse.

Traffic Reduction

- Fewer vehicles on the roads would cut traffic noise as long as lower speed limits were introduced. It would also reduce air pollution, road danger and climate change emissions. And traffic reduction *is* possible. Half the journeys we make are under two miles long; 75% are less than 5 miles (8). A mix of investment in these non-car modes, lower fares on public transport plus some form of road pricing could both improve the quality of life in our towns and cities and make them better places in which to do business – for example, the annual cost of congestion to the London economy was put at \$8.5bn in 2013 and rising (9).

With the right measures in place, annoyance caused by traffic noise could be cut by 70% (10).

Aircraft Noise

Quieter Planes

Over the next 30 years the industry is not expecting the same sort of step-change seen during the past 30 years. In fact there is the possibility some of them may become noisier. There is huge pressure on Governments to cut CO₂ through the introduction of electric planes or the use of more sustainable fuels. The aviation industry acknowledges it may need to sacrifice improvements in noise to meet the climate targets. A robust Noise Strategy is required to ensure noise considerations do not take second place.

Improved Operation Practices

Steeper descents and ascents; improved flying techniques - particularly, the introduction of periods of respite for residents under flight paths - will help reduce the impact of noise over communities. Again, though, there are potential conflicts. New technology enables aircraft to use shorter, more concentrated flight paths. This cuts costs, saves fuel and reduces CO₂ but would not be in the interests of residents if meant the same communities being constantly overflown. There are potential solutions such as giving noise priority up to at least 7,000ft, with CO₂ prioritised above that but will this happen consistently without a road map for noise?

Fewer Short-Haul Flights

The expected growth in air travel may off-set the noise improvements from quieter planes and improved operational practices. It may need to be limited. Since aircraft noise is only a problem when planes approach or leave airports it is more important to reduce the many short-haul flights rather than the smaller number of long-distance flights. An equitable tax, such as a Frequent Flyers Levy (11), would cut down short-haul flights without hurting the economy.

Drones

Any strategy would need to include a clear policy on drones, flying taxis and any other new developments.

Neighbour Noise

Effectively deal with noise

- This has been made a lot simpler by the introduction Anti-Social Behavior legislation which allows noise offenders to be prosecuted more easily and quickly (12) than if the courts need to rely on the law of nuisance. The challenge is for the Police and *all* local authorities to find the resources and the will-power to make this happen. It's time to get consistently tough on noise offenders.

Give residents the right of appeal

- When local authorities fail to crack down on noise offenders, there is little redress for noise sufferers. They can go to court (usually too expensive) or the Ombudsman (whose remit is often too narrow). Legislation is likely to be required to set up an Independent Appeals Panel and spell out its remit.

Improve insulation of properties

- Exact figures are hard to come by but research carried out some years ago by the UK Noise Association estimated that at least 2.5 million people live in homes with poor sound insulation (13). This has almost certainly increased in recent years with the growth of the private rented sector. Further research may be required. A nationwide programme to properly insulate all the UK's homes would run into billions but doing nothing is not an option. A 10 year programme to install effective sound insulation in all homes is required.

Community Noise

Noisy Neighbourhoods

- use the available anti-social behaviour legislation to deal with unacceptable noisy behaviour on the streets, including a clampdown on 'boom' cars, noisy motor bikes and stereo systems blaring from cars
- ban the playing of amplified music on streets where people work, shop or live
- restrict the number of music events allowed in any one park or open space in a year; impose and enforce tough noise conditions when they are permitted
- reject new developments that would cause unacceptable noise to the local community when they come before the relevant planning authority
- close down premises which continue to present a noise problem in a community
- restrict fireworks to a limited number of public displays each year; ban the sale of fireworks to the public; promote the use of silent fireworks

Noisy Trains, Buses and Tubes

- cut the number of announcements to the barest minimum: those required by law to assist visually impaired people and those essential for safety and disruption; reduce the loudness of the announcements; get tough with people playing music on public transport

Piped Music

Regulate piped music and televisions in hospitals and nursing homes

- No patient should unwillingly be subjected to piped music or televisions in hospitals or nursing homes. Separate television rooms and headphones for people who want to listen to television or music in wards should be the norm, and also for outpatients

Introduce legislation to protect workers rights

- Workers in shops, restaurants and elsewhere are often bombarded by piped music that is sometimes loud and almost always very repetitive. Such inescapable forced music is particularly stress-inducing. Legislation is needed to give workers the right not to have to listen to it in the same way that non-smokers have gained the right not to have to breathe others' smoke.

Provide tax-breaks for 'muzac-free' shopping malls

- Shopping malls are in many ways like a public street. Particularly in many of the UK's smaller towns and cities, it is difficult to get what you want without visiting the mall.

Energy Noise

New sources of energy and a move away from fossil fuels are likely to present the biggest challenges.....opportunities

The Heat Pump Revolution

The UK Government has said that fossil fuel heating systems – oil and gas boilers – will be outlawed in new homes from 2025. Their main replacement is likely to be heat pumps. These are like air conditioners which pump out heat. And most of them are situated outside. There are significant noise concerns. A report by the European Heat Pump Association admitted that the fan noise is a key problem. Mike Stigwood, the director of the consultancy MAS Environmental told the journal *Noise Bulletin* that the tonal and low-frequency noise from noise pumps would be a problem. Where they are located is also important but in flats the choice of location could be very limited indeed. There is an expectation that the technology might improve as the mass market justifies and stimulates investment in quieter pumps but in our view we simply cannot risk installing heat pumps in properties until we are certain they will not cause noise problems. It would be preferable to wait until a hydrogen-based system is widely available as a replacement for fossil fuel boilers. Further legislation may be required to regulate heat pumps.

Wind Turbine Noise

Use accurate noise guidelines

The current guidelines underestimate noise from the largest turbines.

No turbine within a mile of properties

The distance recommended by the French Academy of Medicine. The terrain will influence how far the noise carries; if there is nothing to block it, the distance may need to be greater.

Close down disturbing turbines

People should not need to put up with disturbing noise for decades. Where this is happening the turbines should be closed down and the companies compensated.

Nuclear

Nuclear is quiet

Nuclear is quieter than wind or even solar. The long period of construction of a nuclear plant can cause noise problems, particularly with heavy lorries, but once constructed it does not cause noise problems. In addition to a few large nuclear power plants, smaller nuclear power stations may come on-stream which will reduce the cost. The benefits of nuclear need to be factored into any noise strategy.

Biomass, Solar, Electrification, Geothermal.....

A Noise Audit of all sources of energy is required. More details in *The Case for a Noise Audit*:

http://www.ukna.org.uk/uploads/4/1/4/5/41458009/noise_audit.pdf

Solutions

Over the coming decades a number of new sources of energy could come on-stream but at the moment we know that from a noise perspective investment in nuclear, hydrogen, electricity and good-quality solar are preferable to wind, fracking or heat pumps.

Noise Audit

Our energy sources are changing. It is inevitable that they must do given the concerns about climate change. But there is a real risk that, in the rush to cut carbon emissions, the noise from the new energy sources will be downplayed, even ignored. What is required is a noise audit of all energy sources. Unless this happens there is a danger the move towards more carbon-friendly sources of energy will bring unacceptable noise problems.

4. Conclusions

- 'The Noise Policy Statement for England', published by Defra in March 2010 was a breakthrough but a full-blown, policy-specific strategy is now required.
- Without a strategy, noise will lose out to other policy areas such as climate change
- The strategy should provide a framework but it should also be policy-specific
- The strategy should deal with all aspects of noise include noise from the emerging technologies
- The strategy needs to be solution-focused
- The strategy should identify where legislation needs updating or new legislation needs is required

References:

1. file:///C:/Users/Dell/Downloads/12378_SummaryReportV1.0.pdf
2. <https://pipedown.org.uk/docs/PipedownFactSheet2017.pdf>
3. <http://www.euro.who.int/en/publications/abstracts/environmental-noise-guidelines-for-the-european-region-2018>
4. McDonald, M.A., Hildebrand, J.A. and Wiggins, S.M. (2006) 'Increases in deep ocean ambient noise in the Northeast Pacific west of San Nicolas Island, California', in: J. Acoust. Soc. Am. 120(2): 711-718,
5. <https://www.homewardlegal.co.uk/blogs/how-noisy-britain-makes-1-in-6-of-us-move-house>
6. *Speed and Road Traffic Noise*, Paige Mitchell, UK Noise Association, (2009)
7. *The Danish Road Noise Strategy*, Danish Environmental Protection Agency, (2003)
8. *Road User Statistics Great Britain 2016*, Department for Transport
9. *Financial Times* (13/10/14)
10. den Boer and Schroten, 2007
11. <http://afreeride.org/>
12. *The Anti-Social Behaviour, Crime and Policing Act 2014*
13. *A Sound Solution*, UK Noise Association, (2002)

5. Legal Controls over Noise

Noise and common law

Individuals who are affected by noise can invoke the law of nuisance in order to secure redress. A wide range of noise sources have been held to constitute a nuisance at common law. These include noise from power boats (*Kennaway v Thomson* [1981] AC 1001) a go-cart track (*Tetley v Chitty* [1986] 1 AllER 663) and the performance of a military tattoo (*Webster v Lord Advocate* 1984 SLT 13 over-ruled by the Inner House, as to the nature of the interdict which was given to the pursuer 1985 SC 173).

STATUTORY CONTROLS OVER NOISE

The statutory control over noise is fragmented and, indeed, represents the most fragmented branch of environmental law. The statutory controls over noise assume this form, since over the years, Parliament has responded, often by a knee-jerk reaction, to the various forms of noise. The law comprises a rather clumsy mosaic. Given that the statutory law varies in Scotland, England, Wales and Northern Ireland, only a general overview can be given.

Neighbourhood noise

As far as the control over neighbourhood noise is concerned, the main legislative tool at the disposal of local authorities is the Environmental Protection Act 1990 (EPA), s79(1)(g) which empowers a local authority to serve an abatement notice on someone who creates a noise nuisance. The EPA places a mandatory duty on a local authority to investigate a noise complaint which it receives. If a local authority is of the opinion that a noise nuisance exists, it must serve an abatement notice on the person responsible. It has no discretion; s80(1). The person on whom the notice is served can appeal against the notice either to the magistrates' court or to the sheriff in Scotland: s80(3).

If the person on whom the notice is served, either contravenes, or fails to comply with the notice, he commits an offence: s80(4).

The EPA also allows a private individual to take action to take summary action in the magistrates' court or before the sheriff: s82.

Questions

- (a) How effective is s 79 of the EPA?
- (b) Can the legislation be improved?
- (c) Is the abatement procedure too cumbersome?
- (d) Should third parties who are affected by noise, have any statutory right of appeal against a local authority failing to take action?

Noise Act 1996

It is often difficult to establish that noise constitutes a nuisance. The Noise Act 1996 represents an attempt to break away from nuisance-based law. The Act gives local authorities additional powers to deal with night-time noise which is defined under s2(6) as the period from 11pm-7am. Essentially, s3(1) of the Act allows a warning notice to be served on a person who is responsible for noise (or in the case of licensed premises, the licensee) which exceeds the permitted level, that is to say, a predetermined level which has been set by central government, currently, 35dB(A). Under s4(2) it is an offence for a person on whom a warning notice has been served, to exceed the permitted level of noise with reasonable excuse. An important feature of the Noise Act is that s8(1) allows fixed penalty notices to be served on the relevant person, if the officer of the local authority has reason to believe that the person is committing, or has committed, an offence. In Scotland, Part 5 of the Antisocial Behaviour (Scotland) Act 2004 contains similar provisions.

Questions

- (a) Could the Act be improved?
- (b) Is there any anecdotal evidence as to the effectiveness of the Act?
- (c) The ABSA is adoptive in its application and, therefore, applies only if the relevant authority has adopted the Act. Should the provisions of the ABSA be made compulsory?

Anti-social behaviour legislation

Section 1 of the Anti-social Behaviour Crime and Policing Act 2014 allows a court to grant an injunction against a person aged 10 or over, if it is satisfied, on a balance of probabilities, that the respondent has engaged or threatens to engage, in anti-social behaviour. Under s2 'anti-social behaviour' includes conduct which has caused or is likely to cause distress, nuisance or annoyance. Noise would clearly be included in this definition of 'anti-social'.

The magistrates court may, if it believes that anti-social behaviour has taken place, make an anti-social behaviour order (ASBO). The Antisocial Behaviour Act (Part 6) also allows a local authority to close noisy premises. The police can also close premises where a person has engaged in anti-social behaviour, or the use of premises is associated with significant and persistent disorder, or persistent serious nuisance to members of the public.

Question

- (a) Could the Act be improved?

Industrial noise

Pollution, including noise pollution, from many industrial activities is now regulated under the integrated pollution regime which was instituted by the Pollution Prevention and Control Act 1999, which, in turn, implements Directive 96/61/EC which requires member states to set up a command and control licensing system, in relation to activities which are listed in the Directive. The appropriate regulatory authority (the Environment Agency and local authorities in England and Wales and the Scottish Environment Protection Agency (SEPA) in Scotland) is required to impose conditions on the granting of a permit. If a condition is breached the enforcing authority can take appropriate remedial action.

Question

- (a) Is there any evidence as to how effectively the EA, SEPA enforce noise control under the above regime?

Construction site noise

Noise from construction sites presents particular problems on account of the nature of noise which is associated with such sites. Local authorities have extensive powers to deal with noise from construction sites under ss60-61 of the Control of Pollution Act 1974 (COPA).

Question

- (a) Could the above legislation be improved?

Loudspeakers in roads

Section 62 of the Control of Pollution Act 1974 makes it an offence to use loudspeakers in a street or road at certain times of the day, subject to certain exceptions.

Licensed premises

The Licensing Act 2003 and the Licensing (Scotland) Act 2005 give licensing authorities powers to impose conditions in licenses with the objective of preventing the premises from creating noise nuisance.

Town and Country Planning

The control of development of land in the UK was transformed in 1947 in the UK. The Town and Country Planning Acts of Scotland and England required planning permission from the state to develop land. Whereas the Acts vested overall responsibility for planning in central government, local planning authorities were given the responsibility of granting planning permission for particular projects. This remains the current position. As far as the role of central government is concerned, central government has the responsibility for producing a National Planning Policy Framework (NPPF) in terms of which locally-prepared plans for housing and other development, can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan (including neighbourhood and development plans and spatial development strategies) unless material considerations indicate otherwise (s38(6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990. The NPPF does not contain specific policies for nationally significant infrastructure projects. Policy in such cases is determined in accordance with the decision making framework under the Planning Act 2008 (as amended) and *inter alia*, relevant policy statements for major infrastructure. National policy statements form part of the overall framework of national planning policy and may be material consideration in preparing plans and making decisions on planning applications. Other statements of government policy may be a material consideration when preparing plans or deciding planning applications.

As far as Scotland is concerned, The Town and Country Planning (Scotland) Act 1997, s3A(1)(2) provides that there requires to be a spatial plan for Scotland known as the National Planning Framework (NPPF) which sets out the Scottish Ministers' policies and proposals for the development of and use of land. The NPPF must contain, *inter alia*, a strategy for Scotland's spatial development and also a statement as to how development in Scotland will contribute to certain outcomes including improving the health and wellbeing of people living in Scotland : s3A(3)(3A)

Brief mention should be made of the role of environmental impact assessment in UK planning law. Under subordinate legislation which implements Directive 2011/92/EU an environmental impact assessment (EIA) is required for certain large developments such as airports, steelworks and power stations (Annex 1 projects). For other forms of development (ie Annex 2 projects) an EIA is required only if the development is likely to have a significant effect on the environment. The EIA process is designed to ensure that the relevant planning authority fully addresses the potential negative impact the development could have on the environment when deciding whether or not to grant planning approval.

Transport

Aircraft

Noise from aircraft can pose a particular problem. With an expected increase in the number of aircraft flying over our skies, the problem is likely to continue.

Civil aircraft

Civil aircraft can pose noise problems for the community either when the aircraft is taking off, when it is landing at an airport or when it is in flight. The relevant statutory controls that govern aircraft noise can, therefore, be roughly divided into controls that relate to the flight (or navigation) of aircraft, and controls which are aimed at noise from aerodromes.

Flight noise

The flight paths of civil aircraft are often directly over houses and other occupied property. The noise that aircraft generate can, therefore, cause considerable annoyance to those who live beneath flight paths. However, s76(1) of the Civil Aviation Act 1982 provides that no action in trespass or nuisance may lie, by reason only of the flight of an aircraft over any property, at a height above the ground which, having regard to wind, and all the circumstances of the case, is reasonable, or the ordinary incidents of the flight, provided that the provisions of any Air Navigation Order have been complied with. Section 60(3) allows Air Navigation Orders to be made, *inter alia*, in order to regulate the conditions and in particular, the aerodromes to and from which aircraft either entering or leaving the UK may fly, and also the conditions under which aircraft may fly from one part of the UK to another part.

It is of the utmost importance that noise is reduced at source, that is to say, from the aircraft itself. The most important, but not exclusive, legal instrument for reducing such noise is by way of noise certification, which ensures that aircraft meet minimum environmental standards. As far as the UK is concerned, the Civil Aviation Authority (CAA) is responsible for issuing noise certificates in terms Volume 1 of Annex 16 to the Chicago Convention on International Civil Aviation 1944.

Airport noise

Noise from aircraft poses a particular problem in the vicinity of aerodromes. Under s77(1) of the Civil Aviation Act 1982, provision may be made by an Air Navigation Order for regulating the conditions under which noise and vibrations may be caused by aircraft on an aerodrome. Such an order may provide that s77(2) applies to such noise and vibration. Section 77(2) provides that no action may lie, in respect of the law of nuisance, by reason only of the noise and vibration of aircraft on an aerodrome, provided that the provisions of the Order are complied with. Article 218 of the Air Navigation Order 2016 provides that s77(2) applies, *inter alia*, to government aerodromes (ie military aerodromes), national licensed aerodromes and EASA certified aerodromes. The major airports in the UK would be covered under the latter two categories.

Military aircraft

Generally, the legal controls which apply to civil aircraft do not apply to noise from military aircraft. However, the Crown can be sued in relation to noise which contravenes Art 8 of the ECHR and also noise which ranks as a nuisance.

Question

- (a) Can the above legislation be improved?

Road Traffic Noise

Section 41(1)(2) of the Road Traffic Act 1988 allows the Scottish Ministers to make regulations which govern, *inter alia*, the construction and equipment in motor vehicles, and the conditions under which they may be used. Provision can be made for the regulation of noise from vehicles. Section 42 makes it an offence to fail to comply with the regulations which are made under made under s41. The main regulations which govern the construction and use of vehicles are the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986 No 1078)(as amended). Under Reg. 54(1)(2), every vehicle that is propelled by an internal combustion engine is required to be fitted with an exhaust system, including a silencer, both of which are required to be kept in good and efficient working order. Importantly, Regs. 55-57 incl. make provision for noise limits which may not be exceeded. Furthermore, Reg 97 provides that no motor vehicle may be used in such a manner as to cause excessive noise, which could have been avoided by the exercise of reasonable care on the part of the driver.

Questions

- (a) How effective is the above?
(b) What should be included in a Noise Strategy to deal with the problem of road traffic noise?
(c) Is existing planning legislation effective in dealing with road traffic noise?

The Environment Bill

At present the Environment Bill is progressing through Parliament and given, the fact that it is Government Bill, is likely to be passed. Chapter 1 relates to 'Improving the natural environment.' 'Natural environment' is given a wide meaning.

Clause 1 deals with 'environmental targets.' The Secretary of State (SoS) is given the power to set long terms targets relating to the natural environment or peoples enjoyment of the natural environment. The SoS must exercise that power to set a long term target in respect of one at least one matter within each priority area. These areas are air quality, water, biodiversity, resource efficiency and waste reduction. The target is required *inter alia* to set a standard to be achieved which must be capable of being objectively measured, and also a date by which it is to be achieved.

Clause 16 places a requirement on the Secretary of State to prepare a policy statement on environmental principles. These principles are:

- (a) the principle that environmental protection should be integrated into the making of policies,
(b) the principle of preventative action to avert environmental damage,
(c) the precautionary principle, so far as relating to the environment,
(d) the principle that environmental damage should, as a priority, be rectified at source, and
(e) the polluter pays principle.

Under Clause 18 a Minister of the Crown must, when making policy have due regard to the policy statement on environmental principles currently in effect.

Chapter 2 of the Bill establishes the Office of Environmental Protection ('OEP'). One of functions of the OEP is to take action against public authorities (this would include local authorities) for failing to comply with environmental law?

Questions

- (a) Should noise be included as a priority area?
- (b) Should it be made compulsory for the OEP to include a noise specialist?

Noise Problems Associated with Renewable Energy

The issues outlined in John's press release 'Noise Problems Associated with Renewable Energy' would be included here.

Questions

- (a) Should a draft strategy require a Noise Audit to be undertaken of the potential noise problems which are associated with the various forms of renewable energy? Which body would undertake such an audit? Would the Environment Agency or SEPA be equipped to do this?
- (b) Do we require a new national body to carry out a Noise Audit?
- (c) Is existing legislation fit for purpose?

Piped Music

Piped music or 'muzac' is unique, in that it is loved or at least tolerated by some and yet hated by others. It has grown so common it threatens to become ubiquitous.

Questions

- (a) What should be included in a noise strategy to address piped music?
- (b) Is new legislation required? (It should be noted that piped music in buildings would not fall within the scope of the Environment Bill (Clause 41)).
- (c) Should any new legislation concentrate on banning/regulating piped in places such as hospitals where there is a 'captive' audience? Or should it also extend to shops, restaurants, pubs etc where staff are the captive audience?

General questions

- (a) What are the key points which could be included in a noise strategy?
- (b) Do we require a new Noise Act?
- (c) Would the Act cover all types of noise from any source?
- (d) At present, noise is regulated in England and Wales by the Environment Agency (SEPA in Scotland) and local authorities. Do we require a national body to regulate noise, in order to secure uniform enforcement of the law, or should the existing regulators simply be given more powers?
- (e) Should the Building Regulations sound insulation standards be made more robust? Is there any evidence that the current standards are not fit for purpose? Should there be a consultation on this issue?