



THE NOISE CLIMATE POST-BREXIT

The opportunities to tackle noise pollution in the UK



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“There is the opportunity with Brexit for an overdue reconnection between the parties and their voters. There is renewed interest in finding out what the voters really think. It could catch on.” Iain Martin, Times, 22/12/16

This short book assesses noise policy post-Brexit. It doesn't take a view on Brexit per se but it does assume that, as the declared will of the people, Brexit will happen. It argues that, although the EU may have driven the agenda on some environmental issues, its impact on noise was limited and, at times, negative.

It acknowledges, however, that it would be quite wrong to blame inaction on noise solely, or even mainly, on the EU. The principal reason we have a huge noise problem has been the refusal of successive UK Governments to take action.

This book calls noise 'the people's pollutant'. Not because people are clamouring for more noise! But because it is the pollutant that affects more people in their daily lives than any other - certainly in the UK. In a typical year, noise tops the list of complaints which are received by local authorities⁽¹⁾.

And yet noise remains the forgotten pollutant. It is not the subject of international conferences attracting prime ministers and presidents. It has never really excited the green movement. It is too often simply dismissed as a local issue.

Theresa May's Government has got a real chance to rescue this unfashionable pollutant; the one that causes so much distress to so many ordinary people. The message of this book is that the solutions are there. It is largely the political will that has been missing.

However, although we argue Government should set the correct framework, we also believe the private sector will come up with solutions if the market for 'quiet' is strong enough. Most of those solutions will not come from large corporations but from the flame of individual innovation in an increasingly networked world. This future innovation is more likely to happen without having to thread through the Brussels bureaucracy.

THE ROUTE TO A QUIETER WORLD

This book is about solutions (summarised on page 21).

Page 4: Post-Brexit Opportunities

“The UK has the chance to break free from this exercise in bureaucracy and concentrate its resources on putting in place practical solutions to noise problems”.

Page 5: The Roar of the Noise Sufferer

“Speak to ordinary people up and down the country, and it becomes clear that noise is a huge concern for millions of them”.

Pages 6 - 7: Traffic Noise

“Even without significant traffic reduction, it is estimated noise from traffic could be cut by 70%. That is a goal worth aiming for”.

Pages 8- 9: Aircraft Noise

“Noise from aircraft is really just a problem as they come into land and take off – though it is a huge problem; a brutal problem. But there are solutions”.

Pages 10-11: Community Noise

“The beauty of these solutions is that they require no new legislation; nor are they difficult or expensive to implement”.

Pages 12-13: Neighbour Noise

“No more second and third chances. No more pleading ‘lifestyle’ or ‘cultural’ differences. The tools exist to tackle this epidemic. Seize them!”

Pages 14-15: Piped Music

“Far from being trivial, we would argue that piped music is a question of both civil liberties and workers’ rights”.

Pages 16-17: Wind Farm Noise

“Close down turbines which cause disturbance: it is not acceptable to expect people to put up with destabilizing and disturbing noise for decades”.

Pages 18-20: Noise and the Law

Page 21: Summary of Solutions

Page 22: References

Page 23: List of Contributors

Page 24: ‘I’ve heard the future and it’s quiet’

POST-BREXIT OPPORTUNITIES

The European Union did little for noise. Indeed its bureaucracy and its willingness to accommodate big business were barriers to putting in place effective noise solutions.

The European Union develops noise policy through its Directives. The main one – its flagship - is the European Noise Directive (END) which requires member states to draw up noise maps and noise action plans. The respected acoustician Stephen Turner has said, “Prior to the END, noise impact was only considered if there was a change or a new sensitive development proposed or if complaints were high. END meant we took a snapshot every five years through mapping. This mapping allowed us to monetize the impacts of road noise at £7-10bn a year.”

Stephen Turner is right to outline these benefits. However, they came at a high cost. The maps and action plans required by the EU took up a sizeable chunk of DEFRA’s budget (the Government department responsible for noise policy). Moreover, there was no requirement from the EU for the action plans to be acted upon! The plans did little more than gather dust in the bottom drawer of a Brussels’ bureaucrat. Brexit gives the UK the chance to break free from this exercise in bureaucracy and concentrate its resources on putting in place practical solutions to noise problems.

Critically, the European Noise Directive failed to set targets for reducing noise, far less dates by which these should be achieved. The Air Pollution Directive, which set targets and dates, is able to drive policy in a way the Noise Directive could not. It is thought that the EU’s failure to set noise limits was the result of intense lobbying from big business. That same lobbying resulted in the EU agreeing to get rid of the Airports Directive and replace it with watered down rules and regulations. It would be naïve to think that post-Brexit the UK Government will not be under similar pressure from business but, no longer bound by rules from Brussels, it will have the freedom to work with innovative forces in the private sector, as well as local authorities and community organizations, to forge a policy to manage and reduce noise.

Time to listen to the people

The last big piece of noise legislation in the UK was 20 years ago. Since the 1996 Noise Act there has been virtually nothing. And yet in that time the country has become much noisier. Traffic levels have increased, the budget flight revolution has taken place, wind farms have mushroomed, background music has become almost ubiquitous, the iPod has been invented, mobile phones are now the norm, stereo systems have increased in strength and announcements on public transport have become louder and longer. No wonder ordinary people are up in arms, with protests against wind farms, airport expansion, rat-running traffic and more.

Of course, not everybody is bothered. According to the German psychologist, Rainer Guski, about 10% of the population is particularly noise sensitive (2). A lot of people have become inured to the noise around them. For some, loudness has become the norm.

“Half a million people move from their homes each year because of noise - the noise refugees”

But the fact that half a million people move from their homes each year because of noise (3) speaks for itself. These are the noise refugees whose plight has been ignored by successive governments.

Governments tend to see noise as an individual problem, certainly as just a local issue with local solutions. Noise *does* impact on individuals and it *can* be a local issue but, given the millions who are disturbed by it, it is more than that. It is also a national issue requiring some national solutions.

Some of these solutions need public money. Others can be financed through the private sector. But it is not just a question of money. Or even of political will. A culture has grown up where noise offenders are tolerated, whether they are noisy neighbours or wind farm companies that have built turbines within yards of people’s homes. Noise sufferers are calling for their own Brexit: a way out of the noise which blights their lives.



THE ROAR OF THE NOISE SUFFERER

For decades the establishment, including the green establishment, has ignored and downplayed noise as it concentrated on more fashionable environmental issues such as air pollution and clean beaches. Important matters, but, with each new issue, noise was cast aside.

In doing so, it neglected the pollutant that affects more people in their day to day lives than just about any other.

Only occasionally, such as in the high-profile battle to stop a third runway at Heathrow, does noise capture the headlines. For the most part its victims are on their own, often hidden away, afraid to speak out.

Of course there are some local authorities and others trying hard to deal with noise but, for the most part, noise remains the 'Cinderella' pollutant.

Yet, speak to ordinary people up and down the country, and it becomes clear that noise is a huge concern for millions of them. The official figures bear this out. 28% of the population is not satisfied with their noise environment (4). And things are getting worse. Between 2000 and 2012 there was an increase of 11% to 17% (depending on the noise source) in the number of people who felt adversely affected by noise (4).

The government of Theresa May has promised to focus on improving the lives of ordinary people. Post-Brexit, it has the perfect opportunity to become the first government in decades to treat noise with the seriousness it deserves.



“In a typical year local authorities get more complaints about noise than any other single topic”

TRAFFIC NOISE

According to the National Noise Attitude Survey 2012, 5 million people in the UK are extremely disturbed by traffic noise. That is 8% of the population. A total of 55% are disturbed to some degree (4).



Solutions:

Lower speeds

- Cutting the urban speed limit from 30mph to 20mph could reduce traffic noise by more than 50% (5).
- Cutting the motorway speed limit from 70mph to 60 mph could cut noise by more than 25%.

It is possible to cut speeds without being anti-motorist

Lowering speed limits is the quickest, cheapest and fairest way of cutting traffic noise.

Governments have shied away from it because they fear a public backlash. However, the public's reaction is more complex than is generally believed. Studies consistently show the public back lower speeds and the enforcement of existing limits in areas where they live (6) despite the fact many of them habitually speed through other people's areas!

Lower limits would also save money. Business argues that slower speeds will increase journey times and thus cost money. That would be dependent on other factors but studies show that the money saved from fewer deaths on the roads and less noise could be in the region of £20billion a year across Europe (7).

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 (8).

Noise Barriers

- These can be expensive but are essential at noise hot spots. At their best, they can cut noise by 75%. However, it is much more cost-effective in the longer term to concentrate reducing vehicle noise at source (9). A Dutch study found that every decibel reduced at source would save 100 million euros in national expenditure on noise barriers and sound insulation (10).

Even without significant traffic reduction, it is estimated noise from traffic could be cut by 70% (11).

That is a goal worth aiming for. The Government needs to put in place a strategic plan to make it happen.

Quieter Vehicles

- Greater use of electric and hybrid vehicles will cut noise. Governments and the motor industry are placing a lot of hope in these vehicles but they come with two important caveats as far as noise is concerned. Tyre noise will of course still be present; and it remains uncertain by 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

- It is not anti-business to call for traffic reduction. London First, the voice of big business in London, backs road pricing. The annual cost of congestion to the London economy was put at \$8.5bn in 2013 and rising (12). Equally, traffic reduction need not be anti-car. It is about getting a better balance than exists at present. 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 (13); most are possible by walking, cycling or taking public transport. 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.



Where to seek further information:

London First: 34-42 Cleveland Street, London, W1T 4JE, <http://londonfirst.co.uk/>

Campaign for Better Transport: 16 Waterside, 44-48 Wharf Road, London N1 7UX, <http://www.bettertransport.org.uk/>

Cycling UK: Parklands, Guildford, Surrey, GU2 9JX, <http://www.cyclinguk.org/>

AIRCRAFT NOISE

According to the National Noise Attitude Survey nearly 2.5 million people in the UK are extremely disturbed by aircraft noise - 4% of the population; up from 2% in 2001. A total of 31% are disturbed to some degree (4).

Noise is a key factor holding the aviation industry back from fulfilling its potential to improve the connectivity between nations that facilitates trade and opens up societies.

However, noise from aircraft is really just a problem as they come into land and take off – though it is a huge problem; a brutal problem. But there are solutions.



The benefits of aviation

The downsides of aviation are well-known: locally, noise and land-take; globally, climate change. But there are significant benefits to the growth of aviation worldwide. The aviation industry has an important role to play in improving connectivity between nations. Better connectivity facilitates trade which in turn helps create prosperity. And historically, it has been trade which has played a key role in opening up closed societies, breaking down taboos and increasing individual freedom (14). Flying also enables people to visit other countries and share in their cultures. And it is a more environmentally-friendly way of transporting people and goods than shipping which, like aviation, is a major cause of CO₂ but which, unlike aviation, causes real noise problems the entire length of its journey. It is estimated underwater noise has doubled each decade during the past 50 years, with shipping being the main culprit (15). Scientists are increasingly concerned about the impact this has on marine life such as whales and dolphins which rely on sound for their survival.

It is thought that less than 10% of the world's population has ever flown. As worldwide incomes rise, that represents a huge latent demand for air travel. The International Air Transport Association (IATA) expects air travel across the world to grow by an average of 4.1% per annum over the next 20 years. The challenge for governments and the aviation industry is to find ways to enable at least some of the growth to take place while minimizing the downsides.

Solutions:

Quieter Planes

Individual aircraft have become quieter over the last 40 years or so but this has been off-set by the phenomenal growth in the number of planes at most UK airports, leading to an increase in annoyance and complaints. Aircraft will continue to become less noisy but, over the next 20 years, the industry is not expecting a significant step-change. The noise reduction that does take place will largely be down to quieter engines; cutting airframe noise is more challenging; it could be beyond 2050 before significant reductions are in place (16). Quieter planes, then, will play a useful role but, on their own, will not bring the sort of noise reductions communities want.

Improved Operational Practices

Steeper descent approaches; steeper departures; improved flying techniques; and, particularly, the introduction of periods of respite for residents under flight paths will all help reduce the impact of noise over communities.

- **steeper approaches and departures:** ICAO (the International Civil Aviation Organisation) currently only permits aircraft to land at a 3 degree angle except when safety might be compromised such as London City Airport where the presence of tall buildings close to the airport requires a steeper approach. However, both Heathrow and Frankfurt have experimented with a 3.2 degree approach. In itself it makes a negligible difference to noise on the ground but Heathrow sees it as a first step to introducing even steeper descents. What is most likely is the introduction of steeper descents further from the airport with a 3.2 angle being retained for the last few miles before touchdown. Heathrow is also assessing if there are ways in which aircraft can take off more rapidly.
- **improved flying techniques:** the way a plane is flown can negate the benefits of quieter planes or steeper descents and departures - what may appear to be relatively technical things such as the point where a plane lowers its landing gear can impact on noise levels.
- **periods of respite:** the key, though, to making noise more bearable may be to introduce respite – predictable periods of relief from the noise – wherever possible. The computer technology now exists for aircraft to be guided much more precisely. It could be used to vary the flight paths to give people relief. Multiple flight paths may become the norm. For most people the critical factor is the number of aircraft flying over their homes, schools or offices.

Curbing Short-Haul Flights

Technology may yet surprise us but it is difficult right now to see how the whole world could fly to the extent the richer world does today without the noise and climate problems becoming insurmountable. Demand may well need to be managed. The most realistic target is short-haul flights, the majority of which are taken for leisure purposes. An equitable tax, such as a Frequent Flyers Levy (17), could curb the growth in air travel without hitting business trips or most family holidays. Every leisure traveller would be permitted one tax-free return flight a year, with the tax increasing with each subsequent flight taken. This would benefit the majority of people in the UK since most take a maximum of one return flight each year (50% of the country's population does not fly at all in any one year). It is the 15% of people who take 75% of the flights who bump up demand. Business travel accounts for less than 20% of trips (and there is a case to exempt them from the tax). The tax, if workable, is less blunt an instrument than Air Passenger Duty or even a carbon or noise tax. There is also an argument that some of the revenue raised from a Frequent Flyers Levy should go back to the aviation industry to assist it develop quieter and cleaner aircraft.

Unchecked, predicted levels of growth could eat into noise improvements from quieter planes, respite and better operational practices

Where to seek further information:

Aviation Environment Federation: 40 Bermondsey St, London SE1 3UD <http://www.aef.org.uk/>

Sustainable Aviation: <http://www.sustainableaviation.co.uk/>

HACAN (Heathrow Association for the Control of Aircraft Noise): 13 Stockwell Road, London SW9 9AU, www.hacan.org.uk

COMMUNITY NOISE

The National Noise Attitude Survey does not fully address community noise. The Survey provides useful details about traffic, aircraft and neighbour noise but it does not consider the community noise as such.

It is important to remind ourselves that noise has been with us down through the ages. We only have to read accounts of it in ancient Rome or on the streets of medieval Europe to understand the problems it presented. But the nature of modern noise is very different. It changed with industrialization. Pre-industrial noise was described by Emily Thompson in her book *The Soundscape of Modernity* as ‘the organic sounds created by humans and animals at work and at play’. Animals and humans *can* still be disturbing – barking dogs can top the list of noise complaints to local authorities (18) and noisy people pouring out of late night clubs can be problematic – but these days it is machine noise which dominates our communities. When New Yorkers were surveyed in 1929 about the noises which bothered them, the ten most annoying noises were all related to ‘machine age interventions’. Nearly a century later the machine is ever more dominant.

The trip through London town (in the box) would be experienced very differently by someone not bothered by, or sometimes not even aware of, the noises described.

And therein lies a big problem in tackling community noise. There is evidence that a lot of people are

becoming more tolerant of noise. The noise in modern clubs, cinemas and restaurants, for example, is at a decibel level that would have been unimaginable even 40 years ago. And yet so many of us tolerate it, even embrace it. It has become clear it is silence that disturbs a lot of people. Michael Bull in *Sounding out the City* found this is why some people can't be without their iPods. One interviewee told him: “I just don't like silence. I just don't like being alone. I just have to have someone with me or, if not with me, some type of noise. That's why I have the music on.”

But there are indications the Millennial Generation is becoming fed up with noise. Laura Freeman wrote in the *Spectator* (17/9/16): “The new consumer obsession of my generation isn't white goods, trainers or designer labels. It is — whisper it — quiet. We'll pay silent spondoolicks to get it. Call us the Murmuring Millennials, or Generation Shhhh. What we want more than anything is refuge from a phone-bleeping, car-honking, fridge-alarm world.

If one must live in a shoebox, let it at least be a soundproof shoebox.....” And this is the networked, creative generation who are most likely to come up with innovative ways to tackle noise. However, a lot of people still embrace noise. This makes getting solutions quite difficult but, as we suggest on the next page, it can be done. And it must be done. For many, the noise of the modern world makes life increasingly desperate. Some of them compare the inaction of noise in public places with the increasingly draconian bans on smoking. As one noise sufferer put it to us: “The liberal establishment just doesn't get it. They clamp down on our pleasure of

“They clamp down on our pleasure of having a smoke but neglect the very real problem of noise in our communities.”

Desperate noise sufferer and happy smoker!

Take a trip through London town

Jump on the bus. Every single stop is announced. And the destination of the bus is repeated on leaving each stop. All at a volume loud enough to annoy. Off the bus. Cross a noisy main road.

Down the underground.

Announcements are over-long and over-loud. Many of them not necessary. Exit the underground.

Buskers, harmless until they amplify their music. Fancy a coffee. Struggle to find a café without background music. Then need to get choosy about where to shop because of the dreaded muzac. Even Harrods has it! A lunchtime pint without piped music is possible but difficult. Home to the sound of aircraft overhead and the whine of the neighbour's air conditioning system. And did I mention the noisy party that takes place every fortnight?

having a smoke but neglect the very real problem of noise in our communities.” You may or may not agree with that sentiment but her voice should not be ignored.

Solutions:

Noisy Premises:

- reject new developments that would cause unacceptable noise to the local community when they come before the relevant planning authority
- make effective use of licencing regulations (Licencing Act 2003; Licencing (Scotland) Act 2005) to make noise a key issue in granting or withholding a licence
- require premises whose generator, heating or air condition system is causing a noise problem to deal with it speedily and effectively.
- use by-laws to prevent premises pumping music out onto the street
- close down premises which continue to present a noise problem in a community

Noisy Neighbourhoods

- use the available anti-social behaviour legislation to deal with unacceptable noisy behaviour on the streets, including a clampdown on 'boom' 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

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; develop technology to 'individualise' the announcements by playing them directly to people's watches or phones.
- reassess the policy on buses in London of announcing every stop and, after every stop, repeating the destination of the bus; cut the loudness of the announcements
- get tough with people playing music on buses

We look at piped music solutions in a later chapter.

The beauty of these solutions is that they require no new legislation; nor are they difficult or expensive to implement. This is what makes noise suffers so frustrated.

Where to seek further information:

Law and Your Environment: 16 Waterside, 44-48 Wharf Road, London N1 7UX,
<http://www.environmentlaw.org.uk/>

Bar Pro Bono Unit, (where you can apply for free legal services) 6 Gray's Inn Square, Gray's Inn,
London WC1R 5AZ, Phone: 020 7831 9711 www.barprobono.org.uk

Noise Nuisance: <http://noisenuisance.org/>

NEIGHBOUR NOISE

According to the National Noise Attitude Survey nearly 7 million people in the UK are extremely disturbed by neighbour noise. That is 11% of the population. A total of 54% are disturbed to some degree (4).



Solutions:

Crack down on noise offenders

This has been made a lot simpler by recent Anti-Social Behavior legislation which allows noise offenders to be prosecuted more easily and quickly (19). The Environmental Protection Act, which had been the main piece of legislation used to prosecute noise offenders, is more cumbersome. For night noise, the Noise Act 1996 can be used. The challenge is for the Police and *all* local authorities to find the resources and the will-power to get consistently tough on noise offenders. This may well mean a cultural change. Over the last two decades noise has been seen by

many decision-makers as the inevitable by-product of a modern, go-ahead society where you had to learn to live with noisy neighbours. But ordinary people, through their persistent complaints, have been sending out a very different message. They are fed-up with noisy

neighbours. They want something done. In a recent survey, two-thirds of households said they have neighbour noise problems (20). Many local authorities plead lack of resources. This is a problem at a time of austerity but, even in times of plenty, many noise sufferers felt neglected. And they are frustrated. They know that tough action would solve the problem. That frustration can sometimes spill over into violence. Indeed, noise is probably the only pollutant which can drive people to murder. It is time for *all* local authority officials and police, whatever their individual tolerance of noise, to get serious in tackling this epidemic on their doorstep. No more 'understanding' of difficult tenants as they 'work through their problems'; no more second and third chances. No more pleading 'lifestyle' or 'cultural' differences. The tools exist to tackle this epidemic. Seize them!

As Home Secretary **Theresa May** piloted through Parliament the **Anti-Social Behaviour, Crime and Policing Act 2014** which made it easier to prosecute noise offenders.

The tools exist to tackle this noise epidemic. Seize them!

No more gentle 'understanding' of noisy tenants with 'problems'; no more second and third chances. No more pleading 'lifestyle' or 'cultural' differences.

Endure residents have a satisfactory right of appeal

The Anti-Social Behaviour, Crime and Policing Act 2014 ⁽¹⁹⁾ provides useful redress for noise sufferers when local authorities fail to crack down on noise offenders. If a person has reported an incident three or more times within a six month period and not received a satisfactory response, they can activate the Community Trigger. This has been designed to give the victim the right to demand that agencies deal with persistent anti-social behaviour. There will be a multi-agency case review which involves various agencies (e.g. local Police, local authority, housing association, NHS). Alternatively, noise victims can go to court (usually too expensive) or to the Ombudsman (whose remit can be too narrow to deal with many of these cases). If the Community Trigger proves insufficient there may be a case for setting up an Independent Appeals Panel which noise victims could use when all else fails. It would look at cases where local authorities or the Police chose not to take action under the various laws open to them.

Improve insulation of properties

This is one of the hidden scandals of our housing crisis. Exact figures are hard to come by but research done by the UK Noise Association over 10 years ago estimated that at least 2.5 million people live in homes with poor sound insulation ⁽²¹⁾. This has almost certainly increased in

The least well-off can suffer the most. Just 7% of people living in a detached house or bungalow are annoyed by noise from their neighbours. This rises to 23% of those living in a medium/high rise flat.

recent years with the growth of the private rented sector. And the evidence is clear that it is the less well off who are worst hit. According to MORI ⁽²²⁾ just 7% of people living in a detached house or bungalow are annoyed by noise from their neighbours. This rises to 23% of those living in a medium/high rise flat. A nationwide programme to properly insulate all the UK's homes would run into billions. It is a damning criticism of New Labour that in the age of plenty it refused even to consider such a programme. Despite a recommendation that it do so from the Housing Select Committee in Parliament, it refused to make effective sound insulation between properties part of its Decent Homes Standard. However, even in

more austere times, doing nothing is not an option. Insulation must become part of the housing mix. The building standards for new homes are likely to ensure they will be adequately insulated. The problem is the older housing stock in the public and private sector. It might be impractical for Government to require private landlords or housing associations take immediate action to improve the insulation of their properties given so many people currently rely on the rented sector to keep a roof over their heads. However, the Government needs to ensure that a plan is in place to install first-rate insulation in both the public and private sector as an integral part of its housing programme. This might be best done in conjunction with plans to improve thermal insulation. Although private sector innovation may reduce them, the initial costs of these programmes would be high (the only really costly measure we are proposing in the book) but the savings in heating bills, in the reduction of CO₂ emissions, in conflict with neighbours and in improving people's quality of life would be significant. It would also cut the negative impact on family life where noise can lead to agitation, stress and may impact on people's ability to work.

“The Decent Homes Standard the Labour Party introduced improved my kitchen against my will but didn't insulate my walls which I did want. Why not let me choose?”
Social Housing tenant

Where to seek further information:

Noise Nuisance: <http://noisenuisance.org/>

Noise Direct: <http://www.noisedirect.co.uk/>

Neighbours from Hell: <http://www.nfh.org.uk/>

PIPED MUSIC

Piped music is very common in the UK but it is frequently disliked and unwanted. Surveys suggest that, while some people can tolerate it, others find it really disturbing. It is a particular problem when people are unable to escape it in hospitals or are forced to listen to it at work.



Piped music is not a trivial issue

It is true the consumer can choose to leave a shop, restaurant or bar that is playing piped music often at excessive volume (although in many high streets that has become harder as piped music has become so common). However, there are places such as hospitals, where people literally have no choice. And, of course, the workers in any place where piped music is being played have little option but to put up with it. Far from being trivial, piped music is a question of both civil liberties and workers' rights.

'Heaven please help me and let my end come without music or TV'

"This cry of anguish", wrote Nigel Rodgers, the founder of Pipedown, "comes not from someone being tortured by loud music in a Guantanamo or Abu Ghraib-like prison but from a National Health hospital in the UK.....the distressed patient put it like this: 'What I dread is not any of the mechanical or biological parts of the treatment; it is the music and the bloody TV soundtracks.'⁽²³⁾ Of course there is a percentage of the population that actively enjoys background music and a larger percentage which is pretty neutral about it. (34% dislike it, only 30% like it, the rest are indifferent). Those who like it, even those who are indifferent to it, are unlikely to understand or sympathise with Ray's anguished cries. But minorities have rights too.

Piped music is also a potential health problem. Like all unwanted noise, it raises the blood pressure and depresses the immune system. It also causes problems for the millions of people with hearing problems⁽²⁴⁾. Pipedown's website has some interesting statistics. A survey of 115 blood donors at Nottingham University Medical School found piped music made people more nervous before giving blood, and more depressed after giving it, than silence. Another survey also discovered that a typical sales assistant will be forced to hear 'Jingle Bells' at least 300 times in the run-up to Christmas. If mental health were ever a genuine concern for employers, they should surely look at those numbers.

Far from being trivial, we would argue that piped music is a question of both civil liberties and workers' rights.

Signs of progress

In summer 2016 Marks and Spencers announced it was to ban piped music in its stores. The Bullring in Birmingham, home to one of Britain's largest shopping malls, has been experimenting with quieter music. For years pounding pop music has filled almost its every corner and shoppers, of all ages and tastes, have had to tolerate it or leave. Now an experiment has shown that replacing clamorous loud music with much softer ambient music – not blended 'muzac' but a sound closer to the sea – has a positive effect on shoppers. They move less rapidly and seem to spend more. The results are still tentative but suggest that less noise equals more sales, at least initially: <http://www.bbc.co.uk/news/business-35154100>. A number of shops are also having muzac-free hours or evenings in order to allow people particularly disturbed by the noise – typically older people, those with hearing difficulties and autistic people – to do their shopping.

In an interesting new development Action on Hearing Loss (formerly the RNID), buoyed by the knowledge that 80% of diners find noise in restaurants unpleasantly distracting – especially but not exclusively noise from piped music – is launching a new Speak Easy Pack. This includes two cards, one with a Thumbs Up for a quiet restaurant or café) and the other with a Thumbs Down for a noisy place. Along with the cards come details of why people object to noisy venues and suggestions as to how such places can be made quieter. Complementing this, Pipedown is going to revamp its Quiet Corners website to make it geographically searchable via an App on mobiles. This will make it far more useful to anyone seeking a muzac-free bar, café or restaurant.

Solutions:

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.

Where to seek further information:

Pipedown: 1 The Row, Berwick St James, Salisbury SP3 4TP, www.pipedown.org.uk

Action on Hearing Loss: 19-23 Featherstone St, London EC1Y 8SL
<https://www.actiononhearingloss.org.uk/>

Quiet Corners: <http://quietcorners.org.uk/>

Wind Farm Noise

Communities complain of noise from wind farms. The evidence suggests that the low-frequency component in wind turbine noise plus the flickering of the blades can have a destabilizing impact on people's health.



Many would argue wind farms provide the clearest example that the green movement as a whole doesn't really understand noise. Many conservationists, eager to preserve the peace and quiet of rural areas, do. But noise doesn't set environmentalists' pulses racing in the way air pollution, biodiversity or, particularly, climate change does. It remains the green movement's forgotten pollutant.

Wind farms provide the clearest example that the green movement as a whole doesn't 'get' noise

In its almost uncritical support for onshore wind farms much of the environmental movement has brushed aside both the evidence that they cause noise problems and the clear experience of desperate people disturbed by that noise. Many people in the movement simply closed their ears to what noise campaigners were saying about wind farms. In their enthusiasm to promote renewable energy, they acted as the cheerleaders for the last Labour Government as it raced to build subsidised wind farms across the country. The result was misery for many communities when

wind turbines were erected far too close to their homes (25). The UK was not unique. The wind farm industry worldwide sought to rig noise statistics (26). Only now are countries fighting back.

Wind power has a role to play in our energy mix but wind farm sites need to be chosen carefully if noise problems are to be avoided. And these problems are very real. An investigation by the UK Noise Association (25) concluded that distress caused by wind farms can be explained by 'a cocktail of effects – the noise, low-frequency, rotating blades, the shadows and the strobing – leading to ill-health out of proportion to the noise turbines make.' Acousticians recognise that, whenever there is a high low-frequency content to noise, it is more disturbing. It is why people become more annoyed by relatively low levels of aircraft noise than similar levels of traffic noise. It is the same with the noise from wind turbines.

The green movement acted as cheerleader for the Labour Government as it raced to build subsidised wind farms across the country, which resulted in noise misery for many communities (25)

As we detail on the next page the current Government is scaling back quite significantly on investment in on-shore wind farms. There are various reasons for this but one of them has been the persistent opposition from local communities (noise of course was not the only reason many objected to them). But, collectively, local communities scored a significant win (27).

Solutions:

Use accurate noise guidelines

At long last it looks as if the Government might be set to replace the much-criticised ETSU guidelines, 19 years old and regarded as out-of-date. Controversially, ETSU allows wind turbines to emit *more* noise at night than during the day on the basis that people would be inside the house, asleep, and wouldn't be disturbed by them! It didn't work out like that! Moreover, ETSU consistently underestimated the noise from the largest turbines. As a new Government paper ⁽²⁸⁾ said, "ETSU acknowledged that the noise limits were chosen to provide 'a reasonable degree of protection', or to put it another way, the potential for some loss of amenity in favour of the wider national economic and sustainability benefits of renewable energy'. In simple terms, the guidelines were primarily drawn up to allow as many turbines as possible; not to protect people from noise. The paper argues that new guidelines are required. They should be drawn up as soon as possible.

The current guidelines were primarily drawn up to allow as many turbines as possible, not to protect people from noise.

No turbines within at least one mile of residential properties

This is the distance recommended by the French Academy of Medicine. The terrain of course will influence how far the noise carries and some would argue that, if there is nothing to block the noise, the distance ought to be greater but one mile should be the minimum distance.

Close down turbines which cause disturbance

It is not acceptable to expect people to put up with destabilizing and disturbing noise for decades. Where this is happening the turbines should be closed down and removed. If need be, the developer should be compensated. Many of these turbines were built in inappropriate places as developers rushed to take advantage of easy subsidies and lax noise laws under the last Labour Government in something akin to the anarchic conditions of the old Wild West ⁽²⁹⁾. The current Government has reined in this reckless expansion – some would say too severely but to the relief and delight of others – but it does need to take the next step and shut down the wind farms that are still causing people noise problems.

A WORD ON FRACKING

If the Government has scaled back onshore wind farms, it is promoting fracking which has generated nationwide protests. Many local people fear disruption to their communities. Green activists argue against it on climate grounds. Acousticians are divided about the scale of the noise problems it may cause. All agree there will be noise when a site is being prepared. Some noise experts argue that, once a site has been established, it would not cause problems if solid planning safeguards are in place. They point to oil and gas drilling activities that have been taking place in the UK for many years with minimal noise impact. Other experts argue that noise from the site could continue to be a problem. Last autumn the Government endorsed the planning inspector's view that the noise case made by Cuadrilla, in its bid to start fracking in Lancashire, was 'perverse'⁽³⁰⁾. There is also little doubt that heavy lorries serving any site would cause disturbance. Noise needs to be considered on a site by site basis. If the noise is unacceptable, the application should be refused. The Government *has* recognized there are noise issues which need addressing ⁽³¹⁾ - so different from the way noise problems in the early days of wind farms were ignored and dismissed by the Government of the day.

Where to seek further information:

Renewable Energy Foundation: De Morgan House, 57-58 Russell Square, London WC1B 4HS
<http://www.ref.org.uk/>

Country Guardian: <http://www.countryguardian.net/> including
<http://www.countryguardian.net/Location.pdf>

Noise and the Law

In this section we briefly look at what members of the public can do if they are affected by noise.

Common law nuisance

If one is affected by excessive noise one can take legal action against the person who is causing the noise. If the court decides that a nuisance does exist, the court has the power to grant an injunction, or in Scotland an interdict, to prevent the continuation of the nuisance. The court may also award damages to the claimant. However, taking legal action as a private individual is expensive and the outcome of the action is often difficult to predict. One requires to pay legal expenses. Also, normally, the cost of acousticians (who appear in court to give expert evidence) requires to be taken into account.

UK and Noise

There are a variety of statutes which cover noise in the UK. However, some deal with noise in a peripheral way. Only the most important statutes are dealt with here, namely, the Environmental Protection Act 1990, the Control of Pollution Act 1974 (COPA), the Noise Act 1996 and the Antisocial Behaviour (Scotland) Act 2004 and Article 8 of the European Convention on Human Rights.

The Environmental Protection Act 1990: Section 79(1)(g) makes noise which is prejudicial to health or a nuisance, a statutory nuisance. Section 79(1)(g)(a) makes noise which is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street, or in Scotland, a road, a statutory nuisance.

Abatement notices: Under section 80(1) of the Environmental Protection Act 1990, if a local authority believes that a statutory nuisance exists, it is required to serve an abatement notice on the relevant person, requiring him to abate the nuisance.

A person served with an abatement notice can appeal to the magistrates court, or, in Scotland, the sheriff, within 21 days-s80(3).

It is an offence, without reasonable excuse, to fail to comply with abatement notice-s80(4).

Subject to certain exceptions, it is a defence to prove that the best practicable means were used to prevent or counteract the effects of the nuisance-s80(7).

A private individual may take proceedings in the magistrates court (or in Scotland, the sheriff court) to secure the abatement of a nuisance-s82.

Control of Pollution Act 1974: The Control of Pollution Act (COPA) gives a local authority power to deal with certain types of noise.

Noise from construction sites

Section 60 gives a local authorities both detailed and extensive powers to deal with noise from construction sites. Under s60(2) the local authority may serve a notice which imposes requirements as to the way in which works are being or are going to be carried out.

Appeals: Under s60(7) a person served with such a notice can appeal against the notice to a magistrates court or in Scotland, the sheriff, within twenty one days from the service of the notice.

Loudspeakers: Section 62 makes provision in relation to loudspeakers in streets.

Noise Act 1996: The Noise Act 1996 makes provision for the use of fixed standards to regulate night noise from premises. Under s2(1)(2) if a local authority receives a complaint from someone resident in a dwelling that excessive noise is being emitted from another dwelling (the 'offending dwelling') or any premises (the 'offending premises') in respect of which a premises licence or a temporary event notice has effect, the local authority may arrange for an officer of the authority to take reasonable steps to investigate the complaint.

If on investigation, the officer is satisfied that the noise is being emitted from the offending premises during night hours (ie between 2300hrs and 0700hrs in the following morning) and the noise, if measured from within the complainant's dwelling would exceed the permitted level (which is set by the Secretary of State) the officer may serve a warning notice under s3 of the Act-s2(4).

The warning notice is required to state that the relevant noise is being emitted from the offending dwelling or premises during night hours and that the noise either exceeds, or may exceed, the permitted level as measured from within the complainant's premises-s3(1). In the case of a complaint in respect of a dwelling the warning notice is required to state that the person who is responsible for the noise which is emitted from the offending dwelling in the period which is specified in the notice, may be guilty of an offence, and in the case of a complaint which relates to other premises, that the person responsible in relation to the other premises (eg licensee) may be guilty of an offence if the noise exceeds the permitted level (as measured from within the complainant's premises) in the period which is specified in the notice-s3(1).

The period which is specified in the notice must be a period which begins not less than 10 minutes after the time when the notice is served and must end within the following 0700hrs-s3(2).

If a warning notice has been served in relation to noise which exceeds the permitted level, any person who is responsible for the noise which is emitted from the dwelling during the period which is specified in the notice and which exceeds the permitted level, as measured from within the complainant's dwelling, is guilty of an offence-s4(1).

If a warning notice has been served in relation to other premises and noise is emitted from the premises in the period which is specified in the notice and the noise exceeds the permitted level, as measured from within the complainant's dwelling, the responsible person in relation to the offending premises, is guilty of an offence-s4A(1).

It is a defence for the person who is charged under s4(1) that there was a reasonable excuse for his contravening the notice-s4(2).

The Antisocial Behaviour etc (Scotland) Act 2004 makes similar provision to the Noise Act 1996 in relation to Scotland.

ECHR: Excessive noise may infringe the European Convention on Human Rights-Art 8(1) and Protocol No 1 which guarantees respect for family life as well as the right to the peaceful enjoyment of one's property and possessions.

The ECHR may be infringed either by a positive act of the State or by its failure to protect the citizen from excessive noise.

Permitting: Many industrial activities which generate noise require a permit, which is issued by either the Environment Agency or the Scottish Environment Protection Agency (SEPA) in Scotland, in order to operate. Invariably, the permit will contain conditions relating to acceptable noise levels from the premises. Complaints regarding such premises should, therefore, be directed to these agencies. In any case, the power of a local authority to deal with noise from such premises under the Environmental Protection Act 1990 is severely restricted.

Licensing: Premises which serve alcohol to the public, require a licence. Invariably, the licence will contain provisions which relate to the acceptable noise levels from the premises. Complaints about such premises should be directed to the relevant local authority.

Planning controls: In order to develop land, which includes the change of use of the premises, planning permission is required. Normally, if a planning authority grants planning permission for the development of land, the planning authority will attach conditions relating to noise to the permission. The relevant local authority can take enforcement action if such conditions are breached.

Websites

The following websites give free access to UK legislation:

www.bailii.org

www.legislation.gov

SUMMARY OF SOLUTIONS

General

Brexit gives the Government the opportunity to ditch EU tick-box exercises and concentrate resources on practical solutions for the UK.

Most of the solutions are not expensive. Moreover, the private sector as well as the Government, has a role in financing them.

In many cases it is cultural attitudes rather than finance that is holding back solutions.

Traffic Noise

Noise levels could be cut by 70% through the introduction of slower speeds, quieter road surfaces, noise barriers and quieter vehicles. Traffic reduction would be an added bonus.

Aircraft Noise

The noise climate would be improved by the introduction of less noisy planes and improved operational practices – particularly the provision of more respite for communities – but these gains could be lost if the number of planes increases significantly. In order to curb demand, a tax system should be introduced that is fair both to the industry and to passengers.

Community Noise

Use the planning system to control noisy premises. Use anti-social behavior laws and, where necessary, introduce by-laws to control noise on the street. Reduce the number and volume of announcements on the public transport system.

Neighbour Noise

Use the legislation that exists to get tough with noisy neighbours. Publicise the appeals procedures in the Anti-Social Behaviour, Crime and Policing Act 2014. If they prove insufficient, set up an Independent Appeals Panel to give noise sufferers the right to challenge some decisions of local authorities or the Police. Introduce a phased programme to improve the sound insulation of the UK's housing stock.

Piped Music

Regulate piped music and televisions in hospitals and nursing homes. Introduce legislation to protect workers' rights. Provide tax-breaks for muzac-free shopping malls.

Wind Farms

Introduce more accurate noise guidelines. No turbines to be built within at least one mile of residential properties. Close down turbines which cause disturbance.

Innovation

The new technology bursting out of a globalised and interconnected world has the potential to create solutions yet undreamt of.

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List of Contributors

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Francis McManus is the Emeritus Professor of Law at Edinburgh Napier University. He is a specialist in environmental law. He has published widely and has a particular interest in noise law.

Nigel Rodgers is the founder of Pipedown, the Campaign for Freedom for Piped Music, and a writer on history, art and philosophy. His books which include *The Bruegels* and *Philosophers Behaving Badly* have been translated into 14 languages.

Henry Thoresby is a retired barrister. He ran the environmental group at the London School of Economics and is a specialist in wind farm noise.

Val Weedon MBE is a leading campaigning journalist, author and lobbyist. She was awarded an MBE in 1997 for her campaigning work with the Right to Peace and Quiet Campaign, which she founded in 1991. She specializes in community and neighbour noise.

I've heard the future, and it's quiet

“Technology firms have long realised that bleeping and ringing are on the way out. Wearable technology — watches, bracelets, necklaces — vibrates against the skin to alert you to messages and phone calls. Wearable tech firms like the London start-up Vinaya already design minimalist rings, bracelets and pendants which connect to your smartphone and vibrate when you have a message. They can be programmed to alert you only to phone calls, freeing you from the tyrannous ping of messages and emails”. Laura Freeman the *Spectator* (17/9/16)

Consumers are going for quiet products in a way that hasn't happened before. New and more sophisticated noise cancelling devices are coming on the market. New technology will begin to ease or solve problems in ways that today's poor, benighted noise sufferer can't even dream of. And, in an increasingly networked world, this technology has the potential of spreading quickly across the globe.

There will still be disputes about what is noisy. There is still a need for measures to cut noise right now. And some of the new technology might create its own problems – for example, high-speed trains are much noisier than conventional rail – but, as we see a mushrooming of the free exchange of ideas and knowledge across the globe, it is not impossible to imagine a world that is both more prosperous.....and quieter.

An improvement, wouldn't you say, on the EU Noise Directive.