





Noise Nuisance

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What is Nuisance?

Definition of 'nuisance' and how it refers to noise
Statutory: Part III Environmental Protection Act 1990
Section 79 (1)(g) "noise emitted from premises so as to be prejudicial to health or a nuisance";
"prejudicial to health" means injurious, or likely to cause injury, to health;
Nuisance: "material interference with a persons use or enjoyment of their land or property" or more simply "interfering with a persons comfort or enjoyment"
Local authority has a duty to inspect for nuisance in its area;
If " satisfied S/N exists, or is likely to occur or recur the L/A shall serve an abatement notice"



Different Types of Noise

- 🔊 Pubs and Clubs
- Noise from Neighbours
- Transport Noise
- Industrial Noise
- Leisure Noise
- Construction Noise



Assessment Methods

Noise Act 1996
Noise Insulation Regulations 1975
Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996
BS4142:1997 Method of rating industrial noise affecting mixed residential and industrial areas
BS8233:1999 Sound insulation and noise reduction for buildings. Code of practice

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Proof of Nuisance

Who has to prove nuisance is occurring?
Statutory nuisance: "if local authority is satisfied" i.e independent assessment by environmental health officer. Subjective judgement (backed up by evidence of complaint)
Action? Must serve Abatement notices with/without requirements
Appeal: 21 days from service / notice usually suspended until hearing. Expert evidence almost always VITAL.
EPA 1990 Overlap with Noise Act 1996 ("night time noise" - 11pm-7am) different regime : Warning Notices/empirical assessment of noise BUT may still be statutory nuisance if noise within "permitted level."
Failure to comply; Fines: max "£5000 or £20,000 if on industrial, business or trade premises /Defences: Best practical means

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Examples

Mach 1 Couriers, Brownlow Mews, London
Mama Stone's Artists Development, Wellington

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Any Questions?

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