

NOISE

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BULLETIN

PLANNING

Noise sinks HMO in Egham

Another HMO has been refused at appeal due to potential noise from additional pedestrians.

Developers wanted to convert a semi detached house into an 11-unit house of multiple occupation. This prompted complaints from neighbours who feared intensification of use would create noise nuisance.

The case is typical of a growing number of applications for HMOs which are increasingly where noise is being flagged up as a material planning issue at appeal (*Noise Bulletin October p2*).

In this instance, concerns focused on the comings and goings of occupants on foot and

their impact on neighbours. Often it is vehicle access and door-slamming that can cause problems. The council initially said it “would result in unneighbourly development with harmful noise and disturbance which would significantly impact on neighbouring amenity”.

The appeal inspector agreed noting noise was one of two main issues especially with additional pedestrian movements along the boundary: “The cumulative effect of the five flats and three houses replacing the existing house in multiple occupation would result in significant additional noise and disturbance from occupants and

their visitors coming and going from the property. This would be substantially the same residential activity as the existing property.

“Nevertheless, the proximity to the neighbouring properties to either side and increase in occupancy that would result in an increased level of activity means that this would harm the living conditions of occupiers of those dwellings. For these reasons, I conclude that the proposed development would result in harm to the living conditions of occupiers of 7 and 8a Manorcrofts Road, by reason of noise and disturbance.”

● Appeal Ref: APP/Q3630/W/18/3215293

Alton Park ‘screams’ spectre threatens flats

Plans for old folks’ flats near Thorpe Park theme park are on hold due to concerns of screaming from roller coasters.

Roller coaster screams from Alton Towers theme park caused huge legal difficulties for operator Merlin in 2004. Merlin operates Thorpe Park and is putting in last minute legal objections to plans for a 56-room retirement village at Cemex’s former headquarters adjacent to the park.

Runnymede Council fears sanctions for breaching deadlines to approve the development – or being challenged by Cemex for not taking on its noise concerns.

Councillors were told: “Merlin had submitted a representation from their legal counsel suggesting that the consideration of noise implications, and associated balancing exercise in the conclusion to recommend the

grant of planning permission was flawed and that a judicial review would immediately be sought. Simultaneously the applicant has also written to advise that if a decision was not made by the end of February 2019 this would cause a contractual problem that would trigger an appeal against non-determination.”

Runnymede environmental health officers appear to believe permanently sealed up windows will provide a satisfactory internal noise environment but warn: “There is the potential for newly introduced residents to complain to this department about the external noise levels especially the screams generated from patrons on the rides. For internal noise levels then high performance windows and mechanical ventilation can ensure that the internal noise levels are achieved and hence residents protected inside. There

is an emerging trend that suggested that if a resident has an openable window then once permission is given and there is no control thereafter to the resident keeping the window closed or using the alternative mechanical ventilation system then the resident would simply be able to simply open and hence let the noise in and then complain about the noise.

“If permission is granted and residents move in and then complain to this department about noise from such things as screams on rides, which are in existence and which are/may to be built nearer to them then how would this department consider the key questions of ‘character of the area’ and the claims of “coming to a nuisance” be considered in the light of the Coventry Tigers v Lawrence judgment.”

● RU 18/0703 /Cemex House www.runnymede.gov.uk

IN BRIEF

Noisy fighter jets prompt judicial review

Noisy fighter jets could be too loud for a school and housing near the Lakenheath RAF base in Suffolk.

Lakenheath Parish Council has won the right for a Judicial Review of plans to build a school and housing in the area. High profile lawyer Richard Buxton is helping the council – as is Clarke Saunders.

Its report says: “External noise levels at the proposed school site would exceed design criteria by a huge margin. Guidance relating to 30 min average noise levels says that outdoor teaching and play areas for new schools should be less than 60db, generally 55db and with at least one area at 50db or less.

“The applicant’s own submissions show this value is up to 71db – subjectively four times as loud as is required in one area, and over 100 times the sound energy allowed. A margin of 20dB over the design goal in any context is a very dramatic excess.

“The external shelters proposed for the school would provide token mitigation at best. Barriers that interrupt the line of sight between noise source and listener provide around 5dB of screening (compared to the 20dB required).

“The assessments which describe average noise impact on residential amenity are not appropriate for this sort of noise source. Dwellings would experience SOAELs during flight operations. The justification of sporadic, unpredictable and surprising fast jet overflights on the basis of the same daily averaging process used for continuous motorway or commercial aviation activity is highly questionable.”

● DC/14/2096/HYB planning.westsuffolk.gov.uk

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IN BRIEF

Shooting okay

A landowner has successfully defended a nuisance action against noise from shooting.

William Tyrwhitt-Drake owns a large country house in East Meon, Hants, and runs shooting parties on his land. The neighbour objected to the noise claiming it was a nuisance.

The nobleman said he had “no choice” but to fight the private prosecution. He was supported by the Countryside Alliance, and noise experts such as Sustainable Acoustics acted as professional witnesses.

“I was extremely concerned as hundreds of drives all over the country are closer to neighbouring properties than was the case here,” he said.

The court heard that “persistent” shots recorded from the neighbour’s patio measured 71dBA, with the average range between 58 and 63, which he said disturbed the “tranquil South Downs”. “We are also very pleased that the Judge, having listened to a great deal of evidence very carefully, ruled in our favour.”

Leisure noise

Oadby & Wigston Borough Council has been criticised over failings in assessing a nuisance from a leisure centre. Increased use of loud music in the centre caused problems for neighbours.

The council confirmed the nuisance and gave the leisure centre seven days to reduce noise but then failed to follow up on this.

The council must apologise to the residents and pay £200. It must also arrange visits by a senior officer, or somebody independent from the council, to monitor the noise on a Saturday evening. The council should consider the repetitive beat which the residents find annoying, and whether it is a statutory nuisance. The council should visit on four consecutive Saturdays to witness the situation.”

Airport home too noisy in Leeds

A proposal for a home made out of shipping containers beneath the Leeds/Bradford runway has been rejected at appeal due to noise.

Developers wanted to convert the former reservoir into a home using recycled shipping containers. It just 228m from the end of the runway.

Published noise contours indicate that at present it lies on the 57dB LA_{eq} contour during the night and outside the 63dB LA_{eq} contour during the day/evening. The appellant’s noise report provided additional observations relating to the existing situation and concluded that the highest maximum noise level was 87dB LA_{F Max}, whilst the 8th highest maximum noise level was 68dB LA_{F Max}, and that the appeal site was subject to aircraft noise in short bursts.

Arguments inevitably turned to SOAELs and NOAELs: “There are no defined dBA thresholds for LOAEL and SOAEL. But as the 57dBA marks the onset of significant community annoyance it would be reasonable to equate 60dBA and above to SOAEL.

“The dwelling would be affected by noise above the 60 or 63dBA contours. Based on the above noise policy it would be reasonable to categorise the

residential development as falling into a SOAEL category.

“The NPSE clearly distinguishes between the two so it is not necessary for there to be significant adverse impacts on both. Within the SOAEL category noise is perceived as noticeable and disruptive. The PPG and NPSE advise that such situations should be avoided as an acceptable external noise environment would not be achieved.

“The external noise environment would have a significantly adverse impact on the quality of life of future residents. Whilst noting that an acceptable internal acoustic environment would technically be achievable, the proposed solution would further detract from future residents’ quality of life and weighs against permission. However, there is insufficient evidence to conclude that their health would be significantly affected.

“I have considered the appellant’s claim that people would know what they were buying. The noise environment would be one of the factors that would be weighed up alongside the advantages of living in the rural location that the appeal site occupies, but close to the

airport and the surrounding conurbations. However, this approach is contrary to the aims of the framework.

“I therefore conclude that the proposed dwelling would not provide acceptable living conditions for future occupants as a result of the exposure to aircraft noise. The proposal would be contrary to the UDP, which seeks to avoid loss of amenity in development proposals.

“Furthermore, the proposal would not be in accordance with the requirements of paragraph 117 of the framework which states that planning decisions should ensure safe and healthy living conditions, and contrary to paragraph 127 f) which seeks to create places that, amongst other things, promote health and wellbeing, with a high standard of amenity for existing and future users.

“Additionally, the scheme would not comply with paragraph 180 which requires development to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.”

● Appeal Ref: APP/N4720/W/18/3203717

LONDON

Night time noise omission

A plan to boost London’s night time economy does little for noise.

A new report by London’s night time commission focuses on how to increase activity at night. While it mentions noise, it does not predict any problems with increased night time activity.

Peter Rogers of consultant Sustainable Acoustics picked up this point: “There are many admirable aims, but one of the main challenges is that it appears to gloss over the impact of unwanted sound (or noise) on residents, focusing very much on the positives of a 24/7 city economy. There are some mentions of noise but it is left to the silver bullet of Agent of Change to add in mitigation to new developments over time, and not existing residential or

noise sources.

“Hand in hand with any vision to extend the vibrancy of cities into the night-time, there should be a clear strategy to deal with the impact of this on Londoners and visitors.

“We could call this the *Sound night-time strategy* and it should include:

- Urban sound planning – using soundscapes to zone and provide good data for developers, where residential is integrated into vibrant night time areas;
- Good acoustic design that sensitively responds to provide protection when it is needed, but allows connection when it is not;
- Tackling the unwanted noise of transportation (such as vehicles, trains and night tubes) – quietening the

infrastructure;

- Encouraging quiet night time deliveries near residential areas;
- Providing premises with guidance on managing to reduce their impact to acceptable levels, and using licensing controls to define what they are objectively can generate so that residents know what they can reasonably expect.”

Sustainable Acoustics hopes the London Mayor, and Night Czar take this on-board to make London a city that reverberates with the sound of a lively night time economy “in a way that allows people to get a decent night’s sleep too”.

● www.sustainableacoustics.co.uk and *Think Night: London’s Neighbourhoods from 6pm to 6am* is available here: www.london.gov.uk/think-night

PLANNING

Studio allowed at appeal

A recording studio in Nottingham initially refused on noise grounds has been allowed at appeal.

The studio is in a residential house along a busy road. It is just one metre from the residential neighbour leading to noise fears.

Nottingham City Council officers recommended approval subject to conditions but committee members disagreed arguing: "The proposed use is considered to be incompatible with the dwelling house and its suburban residential context. By virtue of the nature and intensity of the use, the proposal has significant potential to generate noise and disturbance, both from the use itself and the comings and goings from customers to and from the property, that would be detrimental to the amenities of neighbouring residents."

The appeal inspector disagreed: "The acoustic report

identifies that the maximum noise is likely to be 111dBA which means that the proposed mitigation of 76 dBA is required to meet the internal noise requirements in the neighbouring properties; and 61 dBA of mitigation to meet the external noise requirement in the gardens. I am satisfied that the report contains sufficient detail regarding the necessary specification required to mitigate any impact on the living conditions of adjoining occupiers."

On top of that the inspector awarded costs against the council: "No substantive evidence has been presented by the council to identify that either the acoustic report was deficient or that the noise mitigation measures would not be satisfactory. The alleged harm to the residential amenity of neighbouring occupants has not been substantiated other than by means of a vague

assertion about the noise being likely to be difficult to manage and control. In addition the council has failed to properly consider whether the development can be acceptable through the imposition of appropriate planning conditions.

"The council has failed to consider what alternative forms of planning condition could be utilised instead to protect residential amenity after the use has commenced. It is not unusual for planning permissions to contain suitably worded conditions relating to noise levels where there is potential for an impact on residential amenity to arise.

"I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified."

● Appeal Ref: APP/Q3060/W/17/3184718 can be viewed acp.planninginspectorate.gov.uk

AVIATION

European aviation expansion impacts set out

A huge 112-page report on European aviation reveals continuing growth of aviation traffic and noise.

The European Aviation Environmental Report 2019, published jointly by European Aviation Safety Agency (EASA), the European Environment Agency (EEA) and EUROCONTROL, provides an updated assessment of the environmental performance of the aviation sector in Europe.

New, quieter aircraft could help stabilise noise levels around major airports, but noise nuisance may spread to other airports

Average noise levels around airports are still close to what they were in 2005, but are on an upwards trend again since 2013. The total population residing inside the L_{den} 55dB and L_{night} 50dB contours of the 47 major European airports were 2.58 and 0.98 million people respectively in 2017. This is 12% and 13% more than in 2005 for L_{den} and L_{night} respectively, but 14% and 20%

more than in 2014. However, some airports within the 47 have seen their L_{den} and L_{night} contours reduced. The total noise energy in the EU28 and EFTA region follows flight counts closely but was 5% lower in 2017 than in 2005, indicating that noise technology has managed to compensate for the increase in average aircraft size. The average noise energy per flight indeed went down by 14% over this period.

The latest World Health Organisation Europe guidance recommends to assess aircraft noise annoyance above L_{den} 45dB and sleep disturbance above L_{night} 40dB. Using this guidance, it is estimated that around 3.2 million people were highly annoyed by aircraft noise, and 1.4 million suffered from high sleep disturbance in 2017 around the 47 major airports. The number of people exposed to more than 50 aircraft noise events exceeding 70dB per day was estimated to be 1 million in 2017 for the same airports; this is 60% more than in 2005.

If the latest aircraft types now entering the fleet deliver their expected noise benefits, the total population exposed to L_{den} 55dB and L_{night} 50dB noise levels around the 47 major airports could stabilise and even start to decrease by 2030. This forecast assumes that there will be no further airport expansion and no change in population around these airports. Furthermore, around 110 airports could handle more than 50,000 annual aircraft movements by 2040, compared to 82 airports in 2017, thereby affecting new populations.

The report states that the number of flights from European Commission (EU28) and European Free Trade Association (EFTA) countries increased by 8% between 2014 and 2017, and are expected to grow by 42% from 2017 to 2040. There has been an increase in overall noise and emissions since 2014, despite technological improvements and fleet renewal.

● The report can be viewed on www.easa.europa.eu/eaer

IN BRIEF

WHO upside down

In our report on WHO noise guidelines last month, we erroneously got the conclusions of Accon's study upside down.

Accon's survey found $LA_{eq,16hr}$ is 2.9dBA lower than the L_{den} not the other way round. The L_{den} is 2.9 dBA higher than the $LA_{eq,16hr}$. Sorry for our error.

Fan silenced

Licensing laws have been used to silence a fan at a noisy takeaway.

In recent months Chickadoo, in Rochdale Road Manchester, has been subject to complaints were made to the council about the noise created by the takeaway's extractor fan. However, upon investigation it emerged Chickadoo was frequently breaching its licencing conditions, operating well past its mandated closure time of midnight.

Residents reported the shop would remain open taking orders and carrying out deliveries until 4am on some weekends.

Exhaustive action was taken by the Licensing and Out of Hours Team to resolve the situation amicably, but, following continued breaches by the takeaway's owner it was recommended the council should revoke its licence.

Scottish guv

Steve Williamson was elected as the new chair of the Scottish Noise Advisory Group, to succeed Dr Bernadette McKell.

Williamson is currently regulatory operations manager at the City of Edinburgh Council. The group is keen to hear from people involved in the private sector/industry who would be interested to join SNAG.

Scotland noise

Transport Scotland is consulting on its latest five yearly draft action plan, which begins in 2019 and runs until 2023.

● *TNAP 2019-2023* consult. gov.scot/transport-scotland/transportation-noise-action-plan-2019-2023

IN BRIEF

Action week dates

Noise Action Week will return between 20th and 25th of May this year.

Noise Action Week is coordinated every year by Environmental Protection UK. The week is an opportunity to raise awareness of the cost of noise to the health and well being of communities and individuals.

Epub is looking for sponsors for NAW 2019 and asks to get in touch if firms can help.

Noise Action Week 2018 was supported by the Institute of Acoustics, Bruel & Kjaer, Cirrus Research, Defra, University Centre Weston and the Bristol Gloucestershire, Somerset & Wiltshire Environmental Protection Group.

● www.environmental-protection.org.uk

Scotland re-looks at firework nuisance

Scotland is consulting on the use of fireworks. It notes noise made by setting off fireworks can be a nuisance, and the disturbance can cause distress to both people and animals.

It says: "While much of the current legislation on fireworks is reserved to Westminster, the consultation will help to identify gaps, issues or unintended consequences with the current regulatory framework. We would like to hear any views you have on whether the regulations on how fireworks are used needs to be improved.

Questions include:

- Do you think there should be more controls over the sale of fireworks?;
- What are your views on banning the sale of fireworks to the public in Scotland?;
- Do you think there should be more controls on how fireworks can be used in Scotland?;
- Do you think that there should be more controls to make sure animals are not caused unnecessary suffering because of the use of fireworks?
- <https://consult.gov.scot/safer-communities/fireworks>

GOVERNANCE

Upstairs flat noise again

Another case has emerged with councils being criticised for handling of noise nuisance from upstairs flats with poor sound insulation.

Last month a high profile battle between flat owners led to £100,000 damages and an injunction to remove hardwood floors (*Noise Bulletin Jan/Feb p1*).

In this case in North London a flat dweller complained to the local authority ombudsman saying Harrow Council had failed to abate a nuisance from the upstairs neighbour's flat.

The resident filled in diary sheets and after some delay the council paid a visit and wrote a case note saying "excessive amount of bangs and thumps coming from the property above to the point of possible statutory nuisance".

He says he was told a young child lived there and the neighbours felt there was poor sound insulation between the flats. The council said in these circumstances it could not find noise to be a statutory nuisance, as 'everyday living noise' does not meet the legal threshold.

The Ombudsman explained: "The legislation considered during the inspection was the Housing Health and Safety Rating System (HHSRS) which aims to identify and reduce many different types of hazards and poor conditions in rented accommodation.

"Serious hazards are classified as 'Category 1' and less-serious hazards as 'Category 2'. Councils must act where they identify a Category 1 hazard, whereas there is

discretion on a Category 2 hazard.

"When the council inspected the resident's rented property, including the flat above, it identified a Category 1 hazard caused by inadequate sound insulation between the floors. The council says it wrote to the owner of the property to give 14 days' notice of its intention to issue an improvement notice. It did not need to serve an improvement notice because the owner's agent got in touch within two days and said they were willing to carry out the necessary work so formal action was not necessary."

The council was in contact with the agent from that point forward, asking for progress updates and technical specifications of the works that were going to be carried out. When there was some doubt the first proposal was not going to be enough, the council challenged the agent and secured a higher specification of insulation. The resident says she received no contact from the council during this time and so was unaware of what was happening. The council says it sent an email around two weeks after the inspection in February to explain the steps it was taking to deal with the problem.

The resident says she then received no further updates. She complained to the Ombudsman in March and then again in June as a result. The owner of the property carried out the work to install sound insulation in August 2018. The council says it is waiting to hear from the resident if the work has been

successful or not.

"Although I can see why it makes this point, I have no choice but to find the council's approach was fault. The law says what must be done and, in this case, it has exercised discretion by taking informal action in this case where the law gives it none. However, the eventual positive outcome has a direct effect on whether any injustice was caused to the resident as a result.

"I do not consider any obvious injustice was caused to the resident as a result of the council's decision to not pursue formal action. Even if an improvement notice had been issued I do not believe the remedial works would have been completed any sooner. There may be situations where that is not the case however and the council should review its application of the law in this area to be sure it is fulfilling its statutory obligations.

"Finally, I am not satisfied the council kept the resident sufficiently up to date while it was taking action under HHSRS.

"She says she did not know what was happening during this time and, although there is evidence the council told her about its plans at the start, I cannot see how it kept her updated. One or two more emails or telephone calls between March and August would probably have been enough but, in their absence, I find this was also fault."

● www.lgo.org.uk/decisions/environment-and-regulation/noise/17-016-564

PLANNING

Traffic and pedestrians sink 11 flats

Another planning appeal has reinforced that even small amounts of extra traffic and pedestrians can lead to planning refusal (*see also p1 story*).

Developers wanted to replace a large detached house in Chipping Norton with 11 dwellings. This was rejected by West Oxfordshire Council on noise and landscape grounds, and it was taken to appeal.

But the appeal inspector agreed, noting very low background noise in the

neighbouring dwellings and that the new access drive would run adjacent to their side elevations.

"The development is likely to lead to a level of comings and goings from vehicles and pedestrians that would be substantially higher than might be expected from the existing use.

"As such, the occupants of the properties either side of the proposed access drive are likely to experience materially higher levels of noise and disturbance

associated with vehicular and pedestrian movements passing in close proximity to their dwellings.

"In addition, the proximity of the access drive to their rear gardens would lead to a significant reduction in the level of tranquillity that these gardens currently enjoy and cause a harmful impact on their living conditions."

The appeal was thus rejected.

● Appeal Ref: APP/D3125/W/18/3208764

AGENT OF CHANGE

Covenant used to protect pub

A novel covenant for new residents near existing noisy venues may prevent future noise battles.

Pauline Forster, who runs *The George Tavern* in Stepney, has secured a Deed of Easement from the developers which claims to prevent noise complaints by future residents. Forster fought a bitter battle against other new flats near her pub fearing complaints (*Noise Bulletin July 2016 p4*).

This is only the second time a deed of easement has been used to protect an entertainment venue from the threat of noise complaints. The first such case centred around the Ministry of Sound nightclub in London (*NB March 2014 p5*).

Forster's lawyer, Tim Taylor, partner at Foot Anstey, said the innovative legal agreement reflected a commitment from the council to protect music establishments: "Music venues round the country are justifiably worried about being shut down because of noise complaints from new developments. Tower Hamlets has grasped the nettle here by insisting that this

essential legal mechanism goes hand-in-hand with the planning permission.

"The Deed of Easement we drafted and agreed with the council and the developer should now be considered by other local authorities, as it's the only way to fully safeguard local pubs and music venues, whilst still enabling much-needed housing to be built in urban areas. It's a win-win situation."

The deed protects the venue from losing its licence if residents complain about noise, as those residents will have legally accepted the noise levels from the venue when they bought their properties.

The landlady expressed her concern that noise complaints might have spelled disaster for the pub: "The worry of having neighbours close by who might make noise complaints was a real threat for *The George*. We could have lost our licence almost immediately. The security of the Deed of Easement is fantastic for us and for other pubs and venues, who stand to benefit from this as

well."

Taylor explains: "We first used this new deed of easement model with the Ministry of Sound, because the traditional methods of dealing with noise issues weren't robust enough to protect that venue's livelihood. Since then, we've seen a lot of interest in this new legal device from other venues worried about nearby residential developments.

"We've also had contact with local government and planning policy officials who are receptive to the idea as a way to balance the needs of well-established local businesses with the need to address lack of supply in the housing market."

The landlady has previously been involved in a disagreement with a separate developer over a plan to build a set of luxury flats near her pub.

She won her previous case in the Court of Appeal in 2016, following a successful campaign backed by several high profile celebrities, including Kate Moss and Amy Winehouse.

• www.footanste.com

IN BRIEF

Crawley fears Gatwick

Crawley Council has decided to oppose expansion at Gatwick. The airport is proposing to boost capacity by using an emergency runway (*Noise Bulletin November p4*).

The council argues: "We recognise the economic benefits of airport growth but raised significant concerns about the impacts, including noise, air quality, traffic congestion, land take and visual impact, it would have on the town of Crawley. The noise impact, for example, would be dramatic. The number of people "significantly affected" by the 57dB LA_{eq,16hr} contour increases from 3,400 to 15,400 by 2040. The increase in the 54dB contour is from 10,950 to 15,400 with similar percentage increases for the more damaging 60 and 63 dB contours.

Night contours have not been produced but it is likely the outer 48dB contour would cover a similar area to the 54dB contour. The noise from this, even though outside the 54dB contour will affect Bewbush and Broadfield as the individual events will be clearly audible and likely to disturb residents sleep at night."

environmental and sustainability commitments to be carried out during the planning and implementation of works along the Phase One route.

• www.gov.uk/transport/hs2

CONSTRUCTION

HS2 monitoring relies on NOAELs and SOAELs

Detailed monitoring is underway for noise impacts of HS2.

Various sites along the high speed line to Birmingham have started and part of the enabling legislation set up a detailed programme of noise monitoring based on SOAELs and NOAELs (*Noise Bulletin December 2013 p1*).

SOAELs and NOAELs are undefined by Government through the NPSE, NPPF and NPPG. The intention was to move away from numerical values that were contained in PPG24 to provide flexibility but inevitably to aid enforcement in projects such as HS2, numbers were agreed as the HS2 Bill passed through Parliament (*see table*).

Works has started at a number of sites prompting monitoring at Three Rivers, Birmingham, Camden and Ealing. Work had barely started in Three Rivers and was well

underway at sites in Camden eg Euston.

The report noted: "Over the reporting period the SOAEL was exceeded at a number of measurement locations in the vicinity of four worksites. These were caused by activities at Network Rail HS2 construction sites mainly during night-time periods and during weekend days.

"Outside of these times any exceedences of the SOAEL were caused by the underlying ambient noise levels or other construction activities not related to HS2, rather than being attributable to HS2 construction noise."

Some sites had up to eight SOAEL exceedences but there were no s61 consent exceedences. Four complaints were received – sometimes for when no work was going on.

HS2 Ltd and its contractors are required to undertake air

quality and dust monitoring, and produce monthly reports, to comply with the Code of Construction Practice (CoCP). The reports are specific to each local authority area along the Phase One route.

The CoCP forms part of the Environmental Minimum Requirements (EMRs). The EMRs set out high-level

Day	Time (hours)	Averaging Period T	Lowest Observed Adverse Effect Level L _{pAeq,T} (dB)	Significant Observed Adverse Effect Level L _{pAeq,T} (dB)
Mondays to Fridays	0700 - 0800	1 hour	60	70
	0800 - 1800	10 hours	65	75
	1800 - 1900	1 hour	60	70
	1900 - 2200	1 hour	55	65
Saturdays	0700 - 0800	1 hour	60	70
	0800 - 1300	5 hours	65	75
	1300 - 1400	1 hour	60	70
	1400 - 2200	1 hour	55	65
Sundays & Public Holidays	0700 - 2200	1 hour	55	65
Any night	2200 - 0700	1 hour	45	55

Turbine nuisance action succeeds

A long-running nuisance case against three 80m turbines has succeeded. The detailed judgment just released shows the terms of the injunction.

A long running battle against three noisy wind turbines has succeeded. Papers released earlier this month confirm details of noise-sufferer Rosie Milne’s win in her private nuisance action against Stuartfield Windpower which runs three turbines at West Knock Farm in Aberdeenshire.

She has also won her expenses back, a sign of a resounding, rather than marginal or pyrrhic, win. Milne lives 436m from the closest turbine and objected at the planning stage but they were approved by the council. Scottish Government frequently overturns decision by councils if they refuse permission for turbines.

Soon after the turbines were installed in 2011 they caused noise and complaints started. Endless surveys, court hearings and deferrals have taken all this time to get to the point in January when a final hearing was heard – with the judgment now released. An abatement notice released is couched entirely in operational terms rather than acoustical terms. It tells the operator that it must de-rate turbines if the wind is in a particular direction (*see box below*) – as opposed to setting acoustical limits, which are mired in pitfalls.

The case saw experts pitted against each other. Dick Bowdler worked for the Milnes (the plaintiffs) with Matthew Cand of Hoare Lea. The council has been criticised in the past for its reluctance to take action once the nuisance presented itself, it did eventually serve a notice but it failed reduce disturbance.

The Milne’s described the noise of the Enercon E48 80m turbines as like a

helicopter. As Aberdeenshire Council failed to enforce its notice, this left the Milnes no option but to pursue a private case.

Usually such private s82 cases are summary affairs in a Magistrates Court but given the technical nature of this battle and expert evidence, the case took five days. At that hearing it was quickly established that the threshold of nuisance had been proved (despite attempts to paint the Milnes as oversensitive and anti-wind), the issue what to do about the noise was less clear. A complete shutdown could be appealed as unreasonable, anything else could lead to continuation of the nuisance. Extra time was repeatedly granted in a bid to come up with a solution.

In the event, a compromise settlement was reached which has resulted in compulsory “trimming” of the blades of one of the three turbines when the wind blows in a certain directional range and within certain wind speed parameters (*see box below*).

The statement of claim for the legal arguments that commenced in earnest in 2017 (*Noise Bulletin Aug/Sept 2017*) lists the type of noise heard in detail, including normal whishing and more intrusive thumping (amplitude modulation). It notes: “The combined effect of the volume and character of the noise emitted by the turbines would not be tolerated by a reasonable person and is a statutory nuisance.”

It added: “The volume of the noise emitted has always complied with the limits imposed by planning condition 17 – but the condition only relates to the volume and not to the character of the noise emitted by the turbines.”

The judges ‘interlocutor’ produced by the court notes: “Evidence from skilled witnesses was detailed, complicated and

related to highly technical matter under reference to numerous technical reports, not all of which were considered in detail beyond their conclusions. A significant proportion of the technical evidence was also concerned with the examining differences of opinion within the field of acoustics as to the (apparently evolving) issue of how the impact of noise from wind turbines on individuals ought to be assessed.

“However it is clear to me that the technical evidence was ultimately of limited significance in the context of the fundamental issue which was before the court for determination (whether the turbines were a nuisance).

“I have come to the view that the non technical evidence given by the witnesses of fact is of greater significance in the context of these proceedings and that the case ultimately turns on the non-technical evidence.”

The court also noted that “no medical evidence was offered on any recognised medical condition or treatment arising from the turbine noise. Likewise there is no evidence by them of any specific identifiable impact of the turbine noise on their health beyond the general descriptions which they gave of the impact of noise on their general peace of mind and emotional wellbeing”.

Nevertheless the extended judgment did touch on technical matters that would be of wider interest eg correlation of amplitude modulation and nuisance: “Expert Mathew Cand said that he found a correlation between high levels of AM in noise from the turbines and diary entries made by Mrs Milne noting particularly loud turbine noise on 4, 9, 11, 13, 14 and 16 November 2016. On those dates at least, applying the approach recommended in the DBEIS report and attaching the appropriate

TERMS OF THE JUDGMENT

As this case will no doubt be used as a precedent for future actions, and the order itself used as a template for future injunctions, it is worth setting out in full:

“The court grants an Abatement Order under and for the purposes set out in section 82(2) of the Environmental Protection Act 1990 permitting the defender or those instructed by, or contracted to, the defender to continue generally to operate Turbine 1, currently installed at West Knock Farm, Stuartfield (“T1”); but requiring the defender or those instructed by, or contracted to, the defender, on all occasions during normal operation when the wind direction at T1, as measured at T1, is within the range 165 to 330 degrees of North, and the wind is blowing in the wind speed range of 5.3 to 10.6 metres per second as measured at hub height, to operate T1 only at an eight degree blade pitch angle or less and in a 600kW or lower power mode.”

The nearest turbine is 436m from the Milne’s home



penalties to recognise the level of AM present, he found that the noise levels would in fact have breached the planning conditions.”

“Matthew Cand further explained his conclusion that this particular review indicated that the volume of noise produced by the wind turbines probably did not exceed the level set in planning condition 17. However it did not follow that there was no nuisance arising from other features of the noise. Accordingly it was best not to focus further assessment too closely on simple compliance with the noise levels set out in planning condition 17. It was more worthwhile to focus on the potential for nuisance to arise from other features of the noise, including the potential impact of the AM component.

“It seems clear that, even for specialists in the field of acoustics, the application of the developing science in this field is not a straightforward matter. In my view the extent to which the technical evidence led by both sides at proof made the issues for decision by the court any clearer is open to question. Neither side’s skilled witnesses claimed to have a definitive analysis of the issues from a scientific perspective. Even though the balance of technical evidence indicated that AM is a feature of the noise emitted by the turbines, it is equally clear that it is accepted that all wind turbines produce some level of AM as a consequence of the rotation of their blades and that there are no recognised criteria as to any particular threshold or level of AM, of any type, which is recognised as being harmful to individuals who are exposed to it.

“The introduction of a dispute between members of the

acoustics profession in relation to the most appropriate means of identifying and assessing the impact of turbine noise did not serve to make the court’s task any more straightforward, particularly having regard to the limited reliance which was ultimately placed on the significance of AM by the applicants.

“In my view this case turns primarily on the non-technical evidence given by witnesses who have spent years living in the vicinity of the turbines.

“It appears to me that the applicants’ complaint is really based on the combined effect of a number of factors, namely: the volume of the turbine noise, even if it does comply with the noise limits set out in planning condition 17; the fact that it can continue at a significant, intrusive level for lengthy periods; the character of the noise, whether it takes the form of rhythmic, repetitive ‘blade swish’ or any of the other, apparently less well understood, forms of turbine noise; the unpredictable manner in which the volume and character of the noise emitted by the turbines can change, or the noise can cease altogether, only to resume again in an equally unpredictable manner; and the negative impact of the turbine noise on the pursuers’ ability to enjoy living in their home. Against this background it is in my view worth stressing that planning condition 17 appears to be concerned solely with the simple volume of the turbine noise.

“It does not seem to me that the pursuers are required to explain, by reference to the relevant science, precisely *how* and *why* the noise emitted by the turbines amounts to a nuisance. It may not be possible for them to do that. There was

evidence that the scientific knowledge of the properties and potential effects of AM as a component of turbine noise is very much a developing field. I can see no requirement in the 1990 Act upon the pursuers to identify the science behind their claim of nuisance.

“Their case was very much based upon the non-technical, factual descriptions of the volume and character of the turbine noise which were. It is essentially on the basis of that evidence that I am satisfied that the pursuers’ case has been established.

“One option open to the court would be to order the defender to decommission the closest turbine. However, it may be that an order to that effect would go beyond what is necessary to ensure that the nuisance is abated and does not recur, which is all that section 82(2) of the 1990 Act requires.

“Further, I am mindful of the observations of members of the Supreme Court in the case of *Lawrence v Fen Tigers* as to the potential relevance to the court’s choice of remedy of the fact that the activity which gives rise to a nuisance is the subject of planning consent. Having regard to those observations it appears to me that it is appropriate for the court to consider whether, as a matter of public interest, it is possible to identify some means of allowing the activity permitted by the planning authority, namely the operation of the defender’s turbines, to continue in a manner which does not perpetuate the nuisance which I have found to exist before concluding that an order requiring the decommissioning of turbine one is necessary in order to meet the objectives of section 82(2) of the Act.”

Consultant Dick Bowdler told *Noise Bulletin*: “Like all nuisance cases, this one hung on the evidence from lay witnesses – not the expert. So the judge finds it a nuisance based on the lay witness description, not on the experts’ decibel levels and AM penalties.

“That gives the court a problem in how to define any mitigation if you can’t use decibels. The courts usually do define it in decibels because that’s the easiest way, as we saw in the high profile Alton Towers case which set a decibel level.”

● <https://scotlandagainstspin.org>

IN BRIEF

Sensitivity matters

New Zealand researchers have compared aviation noise with noise sensitivity.

The aim of the study was to determine whether those who are noise sensitive are more adversely affected by airport noise than those who are not noise sensitive. They looked at two areas – one area was very close to Wellington International Airport and the other was distant from the airport and any other major sources of noise such as motorways and railways

The main finding was an interaction between the area of dwelling (airport or non-airport) and noise sensitivity grouping. “This shows that people who are noise sensitive but do not live near noise sources have similar health to people who are not noise sensitive. However, among those dwelling near the airport, greater noise sensitivity was associated with poorer health.”

Health-related quality of life is impacted by proximity to an airport in noise-sensitive people, David Welch et al, *Noise and Health*, 2018; Vol. 20:pp171-7

Greenwich prosecution

A resident who drove neighbours to despair by persistently playing excessively loud music has had to pay £750 following a successful prosecution by the Greenwich Council.

The Eltham resident had already had his audio equipment seized by the council after he ignored warnings to turn down his music. The resident failed to comply with the noise abatement notice and left the council little choice but to take legal action.

The resident, who represented himself at Bexley Magistrates Court, was found guilty of two charges of excessive noise in breach of a noise abatement notice. He was ordered to pay £750 towards the council’s costs of bringing the case and to forfeit his audio equipment which was seized by the council’s noise team earlier this year.

Knock Knock

The above case mirrors a similar case in Scotland in 2013 at *Knockglass Farm* in East Renfrewshire (easily confused with the above *West Knock Farm* case in Aberdeenshire).

The East Renfrewshire Knockglass Farm case involved Aileen Jackson who owns a rural smallholding troubled by noise from a small wind turbine. The machine, only some 20m in height, made a noise like a small helicopter at all hours of the day and night whenever the wind was from the South West. The local authority had given it planning permission, and was reluctant to then undermine their own decision by serving a noise abatement notice.

Jackson also used the private route with a s82 nuisance action. In the end the turbine was removed altogether (*Noise Bulletin Aug/Sept 2017 p6*).

Fracking noise: is it an issue?

Fracking is being opposed by local authorities despite central government backing. Noise and other environmental issues are in dispute, finds Lis Stedman

Ex-Conservative MP Heidi Allen, before moving on to become a member of the Independent Group, tabled a question on fracking for the Secretary of State for Business, Energy and Industrial Strategy on “whether he is taking steps to ensure that the level of regulation applied to fracking sites on the permanent monitoring of noise emissions applies also to (a) the wind industry, (b) wind turbines and (c) all wind farm sites”. It’s a good question.

Whether Allen’s South Cambridgeshire constituents are still twitchy about the incendiary turbine at the Ransonmoor wind farm last year, or she has other concerns, is not easy to determine as she is currently buried under the publicity around her recent move.

The government response to the above question was a bland “planning authorities are responsible for applying and enforcing any conditions attached to the planning permission for a fracking or wind turbine development, and this must be assessed on a case-by-case basis. This may include monitoring of noise levels.” (*Noise Bulletin Jan/Feb p4*) However, this does not address the disparity in the treatment of wind and fracking highlighted by Allen.

There has been much activity on the fracking front that is interesting to compare with the warmer attitude that some councils have taken with regard to wind farm noise. For example, the North Yorkshire County Council/City of York/North York Moors National Park Authority proposal for a separation distance of 500m between above-surface fracking developments and any home, which is predicated on the noise effects, and Lancashire County Council’s strong opposition to the Government proposal to make fracking “permitted development” and a “nationally significant infrastructure project” (*Noise Bulletin June 2018, August/September 2018*). Government is currently analysing feedback for the latter proposal and planning inspector Elizabeth Ord was still holding sessions in January in relation to the former.

Three of the major shale gas companies – Ineos, which has plans to drill under the North York Moors National Park, Cuadrilla (which is working the Preston New Road site near Blackpool) and Third Energy (hoping to develop Kirby Misperton) attended the latest hearings, submitting that the 500m buffer zone policy would “sterilise” 80% of the area of their gas exploration licences, and adding that the buffer zone was unjustified and the 500m figure arbitrary.

Campaigners rejected the claim, and the Mayor of Malton, Paul Andrews, went further, claiming the industry wanted to

build fracking sites “right up to the fences of anybody’s and everybody’s back yard” and that the buffer zone should be extended to a mile, citing an (unspecified) government paper as saying house prices would fall by 7% within a mile of an extraction site. Ord plans site visits before concluding the proposed minerals and waste plan, including to Cuadrilla’s active Preston New Road site, which is at an interesting stage (of which more later).

The 10 local authorities of Greater Manchester have also turned up the heat by putting planning measures into effect that create a “presumption” against fracking for shale gas, according to mayor Andy Burnham, as part of the area’s drive to be carbon neutral by 2038. London is reported to be in the final stages of a similar scheme.

This comes despite the government update on fracking guidance towards the end of last year, with a review from the Royal Academy of Engineering and Royal Society of the scientific and engineering evidence. The key finding was that the health, safety and environmental risks could be effectively managed in the UK.

More specific information on noise is sparse, though it observes that “robust monitoring is vital”; one aspect of noise, related to the magnitude of associated seismic events, is claimed to be equivalent to normal background noise such as wind and traffic. The paper suggests operators should review ground-borne noise and vibration impact assessments used in relevant industries, such as construction, quarrying and mining. It notes that “building damage criteria, structural damage criteria and human exposure to vibration should be reviewed to determine ground motion and vibration limits. A baseline of ground vibration and noise should also be established”. Echoing the above government response, it also says local planning conditions can address contributions to local noise, citing the massive Wytch Farm oilfield in Dorset as an example of best practice.

This optimism has to be set against the findings of a paper in *Science of the Total Environment* in 2017 (<https://www.sciencedirect.com/science/article/pii/S0048969716325724?via%3Dihub>) on public health implications of environmental noise associated with unconventional oil and gas development (fracking). This notes that such development often occurs close to human populations and that increased levels of ambient noise have been documented through some phases of development. While many studies have looked at air and water quality impacts and human exposure

pathways, few have evaluated potential health risks and impacts from environmental noise exposure.

The data on noise levels associated with fracking are limited, but the paper evaluated measurements in relation to the considerable epidemiology assessing non-auditory effects of environmental noise exposure and existing public health guidelines for community noise. It concluded that oil and gas activities produce noise at levels that may increase the risk of adverse health outcomes including annoyance, sleep disturbance and cardiovascular disease. More studies are needed, it concluded, alongside policies and mitigation that limit exposure to noise from these operations (*Noise Bulletin March 2017*).

As this all suggests, fracking remains as controversial as ever. Late last year, 20 environmental charities and campaigning groups, headed by CPRE, demanded that the government drop plans to “fast track fracking” (*Noise Bulletin November 2018*). In relation to the consultation on deregulating shale exploration, MPs have voiced concerns that government proposals to move decision-making on fracking to the national level would contradict localism principles and likely exacerbate mistrust between communities and the fracking industry (*Noise Bulletin August/September 2018*).

At around the same time, Cuadrilla received final hydraulic fracture consent from the Department for Business, Energy and Industrial Strategy (DBEIS) for its first horizontal shale gas exploration well at its Preston New Road site in Lancashire. The company has now reported early results which note that while the shale formation is “typical of an excellent shale gas reservoir”, the “internationally conservative” micro-seismic operating limit has severely constrained the volume of sand that could be injected into the shale (which keeps the fractures open and allows the gas to flow).

Because of the restrictions, just two of the proposed 41 stages installed fractured fully as designed. The issue is caused by the so-called “traffic light system” (TLS), which means that each time a seismic shock of, or exceeding 0.5, occurs work has to be suspended and the operator has to monitor seismicity and ground motion for further events before resuming, something Cuadrilla had to do several times. Cuadrilla has asked the Oil and Gas Authority (OGA) to urgently review the TLS to enable exploration wells to be properly tested and produced effectively. Such a cut-and-dried traffic light system would be unheard of for noise disturbance from wind

turbines.

The company has now shut the Preston New Road well and will monitor build-up as it continues to assess the results (which involves installing a flare, the subject of a recent parliamentary question which environment minister Thérèse Coffey's response was that the flaring noise was "not an issue" due to the flare design, site location and background noise).

Cuadrilla has again been refused planning permission for nearby Roseacre Wood, with a critical appeal being dismissed because the Secretary of State feels highway safety issues have not been satisfactorily addressed, and these are seen as determinative (which means other considerations such as noise need not be taken into account, hence the slightly strange wording of the response). As an aside, the night-time noise LOAEL was originally reduced from 42dB to 35dB, with the various proposed conditions in combination with a 37dB $L_{eq,1hr}$ free field limit sufficient to control adverse night-time noise impacts. This is below the WHO Night Noise Guidance LOAEL of 40dB, with the Secretary of State agreeing that factors in this particular case supported a lower threshold.

Simon Stephenson, the technical director of RPS Planning & Development, agrees that the limits are excessive. "The kind of limits and scrutiny you get for fracking is a lot more than there would be for a wind farm. The reason is that it is a lot more politically motivated." He also stresses that it's important not to call the micro-seismic events earthquakes because of the very low magnitude compared to an event that would typically cause damage. "Looking at the vibration levels for fracking and, for example piling for a new industrial complex, the impact of piling is at a much higher level. Quarry blasting has much higher levels of vibration."

While fracking may be relatively new, the drilling processes are very standard and have been used for many years by onshore oil and gas companies, he argues. "The PPG for minerals should be used – it is word for word the same as the previous NPS. Essentially these guidelines have always been used for oil and gas exploration sites, for decades, and should still be used. The guidance is already there."

He also believes that North Yorkshire's proposal for a 500m exclusion zone is unnecessary. "I have been involved on sites where there are houses at significantly less than that – a couple of hundred metres. The difference is that you have to increase the amount of mitigation." His company has worked intensively with a manufacturer testing a drilling rig that incorporates

significant mitigation. This now produces just 42dB at 120m from the site boundary, and he believes that potentially more noise reductions could be achieved if necessary – though the lower the requirement, the more complex and difficult the challenge.

Innovation is constantly reducing the amount of noise produced by the equipment required for fracking, he adds, though there can be trade-offs. Silencers on the exhausts of diesel generators, for example, create more back pressure and thus reduce efficiency. He predicts that much more can be achieved in terms of equipment noise as the industry matures in the UK. "A lot of equipment comes in from the US, where they are not particularly keen on reducing noise."

He also points out that the potential noise sources occur mainly during the early stages of the fracking process – the short period when the seismic survey truck is vibrating ground to determine the geology, a process that has a similar dispensation to quarrying, and the exploratory drilling, which takes an average of three months. The appraisal period, when gas has to be flared, can also create noise, he explains. "It is necessary to have a flare that can handle the widest possible range of scenarios. A shrouded ground flare is noisier than an enclosed ground flare, because it has to be able to handle all conditions and meet Environment Agency requirements for atmospheric emissions."

The Ellesmere Port public inquiry (for a proposed IGas site), which has just finished, focused on flaring as an example of potential noise. The Cheshire West and Chester Council expert argued that IGas should have considered collecting the gas rather than flaring it and Frack Free Ellesmere Port, one of the main anti-fracking protest groups, alleged that IGas had disregarded noise and air quality impacts of the well.

The potential for fracking to cause noise is mainly due to the fact these early stages do not use permanent noise mitigation installations, as the costs of installing such mitigation when the site might be unsuitable for development would be prohibitive and make the process uneconomic, Stephenson explains. When a permanent well is installed, which will be active for a period of 10 to 30 years, solid enclosures with full acoustic control are constructed.

Expanding on the skewed treatment that fracking receives, Stephenson cites a new geothermal well at Jubilee Pool, Penzance, in Cornwall. "Because it is not oil and gas but green energy, it is operating with significantly higher noise limits than would be allowed for an oil and gas drilling programme. The drilling rig used will be

the same process and noise sources as used for oil and gas drilling. It may well be exactly the same rig, although I don't know which rig is being proposed." Many of the oil and gas rigs are also used to drill for water, he notes.

In this case, the operators are proposing night time noise limits of 55dBA, compared to a maximum of 42dBA allowed under the PPG for Minerals. "I note that the baseline noise levels appear quite high (48dBA at night during the week) but even so, 55dBA is much higher than you would get away with for an oil and gas development."

Proof of that, he says, is the Ellesmere Port wellsite, which is next to a motorway and with baseline noise levels at the nearest properties of up to 61dB $L_{A,eq}$ at night. In that case, the MPA only reluctantly agreed to raising the noise limits from 42dB $L_{A,eq}$ to 45dB $L_{A,eq}$. Ellesmere Port is currently going through a public inquiry, as mentioned above, for which Stephenson prepared the evidence on noise. The closest property to the rig in Cornwall is 45m away, compared to the North Yorkshire plan's proposed 500m standoff for drilling of oil and gas wells due to noise.

Despite the ferocious opposition, there is still plenty of impetus in the sector. The well-known Third Energy site at Kirby Misperton in Yorkshire may be delayed pending government approvals, but an IGas Energy site in Doncaster has gained planning permission for exploration and an Angus Energy oil site in Brockham, Surrey, is moving forward quickly. Oil giant Ineos is pushing hard to exploit shale gas reserves across the country (for example, the controversial Sherwood Forest site and its extensive licence interests across North and South Yorkshire, the East Midlands and Cheshire).

However, fracking is still banned in Northern Ireland and Scotland and there is a moratorium in Wales. Compared to wind, or geothermal energy, fracking is struggling for acceptance not least because of the dread factor. This is despite the considerable neighbour noise misery sometimes inflicted by wind farms (as seen in the previous pages). Noise is just one of the objections raised to fracking however, which is blessed with a range of issues relating to carbon footprint, climate change, sustainability and (of course) vibration.

However, the industry is following closely in the footsteps of the accepted (and similarly not "green") onshore oil and gas, using pretty well identical equipment and techniques for which (certainly in terms of noise) mitigation is available. It would seem that being relatively new, and not "green", is sufficient to have caused the recent policy inconsistencies with wind.

The UK does not normally need to pay much heed to European guidance on rail track access charges for freight operators. We have very little rail freight and very little demand or indeed capacity to let others run freight trains on our tracks.

The European Commission has released a long and detailed consultation on the evaluation of noise differentiated track access charges.

Up front it says: "The prime objective of the implementing regulation is to contribute to the improvement of the well-being of the EU citizens; and reduce the risks to the competitiveness of the rail freight sector by incentivising retrofitting through reduced track access charges.

"Consultant Ricardo is supporting the Commission in its evaluation, and will be launching surveys for Railway Undertakings and Wagon Keepers/Wagon Owners, and will have a wider interview programme covering these stakeholders as well as infrastructure managers, national authorities, citizens' associations, and rail equipment manufacturers."

Unless we are missing something, this

level of concern for EU citizens seems to apply to rail but not road. We cannot recall any such consultations on the impact of eastern European hauliers with 1000 litre belly tanks of diesel (to avoid our high fuel charges) thundering around the UK undercutting UK hauliers. Nor indeed any examination of the sense of quite so much trans-European freight going by road across the Channel then deafening the good people of Kent and beyond who have the misfortune to live near a motorway.

UK road investment in the UK is driven by value for money and how many seconds can be shaved off journeys for "businessmen". The level of scrutiny afforded to European rail wagons does not appear to be applied to European (or domestic) trucking operations.

No matter – we'll be out of Europe within days and Gove's faux concern for the environment can slip. Or not – as the case might be!

Two turbines are being demolished in the US representing the end of a long fight. This comes as nuisance action appears

to have succeeded in Aberdeenshire (see page six).

Falmouth residents have long been vocal about two huge turbines that were put up near their homes. The Massachusetts residents complained of an unholy noise and have made repeated attempts to silence them.

They had little help from their local authority – because they were installed by the local authority as a showpiece green project. There was huge reluctance by the council to intervene – it even held a referendum which unsurprisingly found most wanted to keep the turbines.

Referendums are problematic as we in the UK have found out. But it defies principles of noise management to start to ask the population as a whole whether action should be taken to protect individual noise sufferers.

The whole saga started in 2010 and it has taken nine years to abate the nuisance despite clearly excessive noise. As in the UK, the subtleties of noise nuisance are that it is devilishly hard to get rid of a problem turbine once it starts operating.

COMING EVENTS 2019

2019

May 13th-14th

ACOUSTICS 2019

IoA two day conference to be held in Milton Keynes, details www.ioa.org.uk

May 20th – 25th

NOISE ACTION WEEK

www.noiseactionweek.org.uk

June 6th

ANC ANNUAL CONFERENCE AND AWARDS

Association of Noise Consultants conference and awards to be held at the Crowne Plaza in Manchester, www.association-of-noise-consultants.co.uk

June 16th – June 19th

INTERNOISE 2019

to be held in Madrid, <https://euracoustics.org/event>

June 12th – 14th

WIND TURBINE NOISE 2019

to be held in Lisbon. www.windturbinenoise.eu

June 15th – 18th

13TH ICBEN CONGRESS

(International Commission on Biological Effects of Noise ICBEN) to be held in Stockholm, more details, www.icben.org

June 25th

SOUNDSCAPE WORKSHOP

Overcoming traditional acoustic challenges to urban planning and development, IoA workshop to be held in London details www.ioa.org.uk

Aug 25th – August 29th

NOISECON 2019

to be held in San Diego USA, www.inceusa.org/conferences/noisecon-2019

September 8th – 13th

ICA 2019

23rd International Congress in Acoustics (ICA 2019) to be held in Aachen, Germany, more details <http://ica2019.org>

September 25th

CIEH NOISE CONTROL CONFERENCE

to be held in London www.cieh.org

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