
REPORT TO:	COMMUNITY SCRUTINY COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	8th May 2006	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	PETER MCEVOY (5830) JACK TWOMEY (5856)	DOC:
SUBJECT: WARD(S) AFFECTED:	LOW FREQUENCY NOISE ALL	REF: TERMS OF REFERENCE: Article 6 Overview and scrutiny committees - The Community Scrutiny Committee (g)

1.0 Purpose of Report

- 1.1 To advise members of the issues relating to of low frequency noise complaints in South Derbyshire, including a definition of low frequency noise, the number of complaints received, and how such complaints are dealt with by this Service.

2.0 Detail

- 2.1 Low frequency noise can causes distress to a relatively low number but wide range of people. Although numbers of complaints are low, those who are affected tend to suffer severe distress. In many cases (approx 80%), no environmental sound source that can account for the sufferer's reaction is ever established. It is a nationwide issue and is not something peculiar to this district alone (DEFRA 2005).
- 2.2 The noise levels are always of low volume, occurring in the region of the hearing threshold, where there are considerable individual differences in hearing response. Low frequency noise can be generally considered to be below a frequency of 150 Hz. Such noises can travel long distances and are difficult to insulate against. Low frequency noise complaints are often extremely complex issues to resolve because the source of the noise is not readily identifiable, due to the distances it can travel and masking effects of other noises. Insulating against the transmission of low frequency noise is also difficult as the noise will travel thorough typical sound absorbing materials.
- 2.3 The possible sources of low frequency noise are many and varied and can include pumps, fans, boilers, major road networks and electrical installations.
- 2.4 It is worth noting that individual sensitivity cannot be taken into account when assessing whether a noise amounts to a statutory nuisance under the Environmental Protection Act 1990. The local authority can only serve an abatement notice where a noise disturbance exists (and the source can be identified) which would disturb the typical person to such an extent that it would materially interfere with their enjoyment of their property.
- 2.5 Although thanks to an increasing number of documented cases, there is more appreciation of low frequency noise issues, and a better understanding of how such situations could occur, the causes of such suffering is still not fully understood, and many cases still go unexplained.

3.0 Low frequency noise complaints - procedure.

- 3.1 This authority currently has six reported cases of low frequency noise which are under investigation. As with all complaints these issues are usually investigated in line with our standard procedures. Upon receipt of a noise complaint both the complainant and person responsible for the noise (if this has been ascertained at this stage) will be contacted in writing. The complainant will be asked to supply written evidence in support of their case in the form of log sheets, which must include when the noise causes a problem, and how the noise affects them. If the person responsible for the noise is identified at the beginning of the investigation, they will be made aware of the alleged problem by the investigating Officer, and asked to take all reasonable steps to minimise any disturbance they may be causing.
- 3.2 Upon receipt of the written evidence from the complainant the investigating Officer will decide the most appropriate course of action. It may be decided at this stage that the written evidence indicates that the disturbances would not amount to a statutory nuisance, in such circumstances the case would be closed and the complainant informed of this decision. If the evidence received from the complainant suggests that the disturbances could amount to a statutory nuisance, then further evidence would be gathered. This usually involves the investigating Officer visiting the area with a second Officer, and often taking measurements using a sound level meter capable of frequency analysis, to verify whether a low frequency noise problem exists, and to aid in determining whether the noise amounts to a statutory nuisance.
- 3.3 In some cases the investigating Officer is unable to witness the noise complained of, even though the complainant insists that it is present at the time of the visit. This can be as a result of either of the following factors;
 - (a) The complainant having heightened sensitivity to the noise being complained of, or;
 - (b) The complainant may have a problem with their hearing mechanism (for example tinnitus), and the noise is not present in the general environment.
- 3.4 In (a) above, the local authority would be unable to serve an abatement notice as previously discussed in paragraph 2.4. However, where the noise does not amount to a statutory nuisance, the Officer will try and assist informally wherever possible if the noise source can be identified and easily remedied. If it is suspected that the reported noise problems have arisen due to problems with the complainants hearing, the investigating Officer will try to assess whether they may be suffering from a form of hearing damage, and may advise they seek professional medical examination including hearing tests.
- 3.5 If the investigating Officer determines that a noise nuisance is in existence, they **must** serve a notice upon the person responsible for the noise problem. This obviously relies upon the source of the nuisance being identified. The situation can arise whereby a nuisance exists, however all reasonable likely sources have been eliminated and the source has not be identified. In such situations enforcement action cannot proceed, and the complaint cannot be resolved. In such circumstances the complaint is logged in a low frequency noise database, and should other potential noise sources become apparent to the Authority, further investigations may be conducted.

4.0 Background Papers

- 4.1 Moorhouse, Dr A *et al* (2005) *Procedure for the assessment of low frequency noise complaints*. DEFRA NANR45 Publication. London.