

# NOISE

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BULLETIN

## POLICY

# Scots first with action plans

Scotland is the first administration in the UK to complete noise maps and consult on action planning.

It has launched a website with maps of environmental noise modelled down to a 10m by 10m grid fulfilling the requirements of the Environmental Noise Directive. England, Wales and Northern Ireland lag well behind, and will struggle to meet the end of year deadline for reporting to the European Commission the number of people affected by noise.

Launched last month by the Scottish Government (the rebadged Scottish Executive), the maps were coordinated by Bernadette McKell of Hamilton McGregor. Traffic modelling expertise was provided by MVA, and the Cadna map system used.

The maps have proved a technical challenge. As with the London maps completed three years ago, handling of two terabytes of data has proved tricky requiring significant amount of computing power

and storage.

Unlike the London road noise maps (produced by Atkins), the Scottish maps comprise road, rail, air and industrial noise. In England, while road mapping contracts were completed some time ago, the rest has lagged well behind and integrated maps have yet to appear (more detail on the Scottish maps, see p4).

While one noise map can appear to look like any other, of more interest at the recent launch of the noise maps was the Scottish Government's draft guidance on action planning.

In a move that echoes the structure for action on air quality that was set over ten years ago, Scottish Government is proposing that noise maps be used to prepare candidate noise management areas. These candidates would be scrutinised by a steering group formed of various stakeholders to produce final noise management areas, and then action plans to tackle the noise. Quiet areas would also be identified according to criteria developed by TRL (*NB*

*December 2006 p1*) in a bid to preserve tranquillity in those areas.

The maps and draft action planning appear to be genuinely welcomed by most in Scotland, although airport operator BAA had some concerns. BAA's Michael Dowd told the conference held to launch the maps: "There is a need for a clear strategic direction from Scottish Government. We would like to see a noise strategy as is being developed in England.

"Also we would like to see a concept of proportionality, it is important that actions take into account the proportionate size of the problem, and some further guidance on cost benefit analysis. We note that the Scottish Government is talking about noise management areas and quiet areas – we worry that this is gold plating and would prefer this to be held off until the second round. It needs to be made explicit that this is guidance."

• Maps can be viewed on [www.scottishnoisemapping.org](http://www.scottishnoisemapping.org)

## HEALTH EFFECTS

# Noise can help ADHD learning for children

Background noise can help the performance of children with ADHD (attention deficit hyperactivity disorder), Swedish researchers say.

Research on children with ADHD has shown that they are extremely sensitive to distraction from external stimuli that lead to poor cognitive performance. However the Swedish research suggests that cognitive performance can be

improved if this external stimulus is smooth and continuous (e.g. auditory white noise).

They add: "The discovery is surprising, since previous research has indicated that children with ADHD are easily disturbed in distracting environments."

A control group of children without ADHD nevertheless performed better in silence. A

follow-up study shows that the positive effects of noise are not limited to children with ADHD but also help normal schoolchildren who are somewhat below average. At the same time, this study showed that high-achievement children performed less well in the presence of noise.

• More details can be found on [www.diva-portal.org/su/abstract.xsql?dbid=7040](http://www.diva-portal.org/su/abstract.xsql?dbid=7040)

## IN BRIEF

### WHO: noise kills 3% ?

Noise could be responsible for killing 3% of those with weak hearts, the *New Scientist* has reported.

The magazine quotes University College London noise expert Professor Deepak Prasher, who is involved with WHO's expert working group on noise, saying that of 3% of the 100,000 yearly UK ischemic heart disease deaths may be caused by chronic noise exposure.

### 101 for London

London may trial use of the non-emergency 101 number for noise complaints.

Despite failing to get Home Office funding, the GLA is planning to pilot use of the single number for London to build on the *Report-it* system already used for many services, including noise nuisance.

TfL's 24 hour call centre would be used, with staff trained to deal with 101 calls including noise nuisance.

Some concerns have been raised that noise service levels are very variable across London – with 101 being 24hr, operators would need to tell callers of the realities of local service levels to avoid raising unrealistic expectations for people in areas with more limited services. However, some feel it might be attractive to boroughs which currently have very limited out-of-hours call-taking facilities.

### Anase: more waiting

The Government has been asked in Parliament when it expects to publish the results of the *Attitudes to noise from aviation sources in England* (Anase) study.

Minister Jim Fitzpatrick said: "Provisional findings have been submitted and are being subjected to independent review by experts. This review is not yet complete, but I anticipate that the results of this study will be available by the end of this year."

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## IN BRIEF

### Turbine disturbs

Ryedale Council has received noise complaints from neighbours living near a domestic wind turbine.

Ryedale's Tony Stuttard is seeking other authorities with similar experiences: "We have complaints from a Proven WT 2500 turbine.

Under certain wind conditions the swishing noise of the turbine blades is clearly audible in adjoining gardens at around 50 metres from the turbine and also in bedrooms facing the installation (with open windows) at a distance of 70 metres.

"I have discussed the complaints with Proven and also the equipment installer who has carried out a site visit and reports that the noise level is normal for this equipment. The manufacturer's literature suggests that "there will be no complaints where the turbine specific noise is 10dBA less than background and this happens at a distance of 15-30 metres depending on wind speed."

Stuttard added: "I would be pleased to hear from anybody who has experienced similar problems and whether enforcement action has been considered."

● [tony.stuttard@ryedale.gov.uk](mailto:tony.stuttard@ryedale.gov.uk)

### Louth turbine agreed

A domestic wind turbine has won planning permission on appeal.

A Louth woman was initially refused permission for an 8m high turbine by East Lindsey District Council. The inspector said he doubted whether any swishing sound would be greater than the existing background noise of passing traffic.

### Robust Details boosts web presence

Robust Details Ltd has revamped its website which now features up to date information about gaining credits under the Code for Sustainable Homes using Robust Details, in a move to make the scheme more accessible to a wider audience.

● [www.robustdetails.com](http://www.robustdetails.com)

## PLANNING

# Stone crusher fails at appeal

Protection of a tranquil area from noise has been instrumental in an appeal refusal for a stone crusher operation in Scotland.

Elgin firm Tennants appealed against Moray Council's refusal of planning permission for stone crushing operations at a site next to some well known local woods used for walking and recreation. Objectors commissioned Sanctum Consultants to refute the developer's assertion that a noise bund made from potato boxes and sawdust would avoid noise nuisance.

The appeal inspector said that noise experienced by residents and users of the woodlands was a material consideration: The "extensive and attractive"

network of public paths nearby has had much council and European money spent on it.

"A new industrial process so close to the woodland would be potentially very damaging to the tranquillity of the nearest woodland and its paths. The proposed crusher is very likely to displace walkers since one of their main motives for frequenting this area so close to town is bound to be its relative tranquillity."

He continued: "Recreational walkers resorting to this area surely count as the most sensitive receptors of all; this fact is not altered by the lack of any formal protective designation covering the woodland adjacent to the site. I have difficulty envisaging how

the tranquillity can be satisfactorily protected (through future nuisance action) despite the novel acoustic barrier which is proposed."

The inspector added: "I have concern over the particular quality of noise produced (irrespective of the reported volumes) – ie. over its varying, unique and intermittent nature.

"I remain unconvinced that BS 4142 offers the most appropriate guidance in this geographical situation where the ability of walkers to enjoy an extensive and relatively tranquil area of natural heritage interest is an important consideration. BS 4142 is after all entitled "method for rating industrial noise affecting mixed residential and industrial areas".

## RESEARCH

# Minister pressed to continue WHO research

UK Noise Campaigners have joined together to urge continued funding for World Health organisation research into noise and health.

NSCA, the UK Noise Association and the Noise Abatement Society have jointly written to health minister Dawn Primarolo expressing concern that WHO funding for noise research will run out in 2008.

"Over the coming year, noise specialists in the UK and Europe are working hard to fulfil the challenges set by Europe" said NSCA's Mary Stevens. "Under the Environmental Noise Directive, action plans must be in place by July 2008 to work towards

managing the noise impacts of major roads, railways and airports. It is crucial the WHO work continues to inform policies and actions to manage the impacts of noise on health and well being."

WHO has taken a leading role supporting work to manage the impacts of noise, providing guidelines for healthy noise levels and impacts. The groups add that if Europe is to continue to work to cut noise, it must have the evidence to show that action is cost effective.

### Commission urged

NSCA is also pushing the Royal Commission on Environmental Pollution (RCEP) to launch a

probe into noise. The Commission recently consulted on what topics it should cover (*Noise Bulletin March p1*).

NSCA said: "Noise is one environmental factor that has a very real impact on human health and wellbeing – research has shown it affects the learning of children and can affect mental and physical health. So, in studying noise RCEP would also be able to make a significant contribution to this area of work.

"Management of noise has long been a neglected and under resourced area, and there is increasing evidence that noise has a real and significant impact on health."

## WIND TURBINES

# NSCA manages microgeneration

NSCA has produced guidance on domestic wind turbines.

It says: "With grants available for microgeneration technologies and proposals to allow permitted development rights for domestic installation, uptake amongst householders is set to increase. This new leaflet is aimed at householders considering installation, and will prove a useful guide for use of local authority planning and environmental health officers faced with applications for installation.

"There is concern that poorly sited turbines can impact on local environmental quality (noise, vibration and flicker), and not fulfil their generation potential. A rush to ill-considered installation could undermine the credibility of micro wind turbines."

The group is organising a one day conference on the issue. It will be held in Manchester on 21st November.

● *Small scale wind turbines – a guide* is available from NSCA [www.nasca.org.uk](http://www.nasca.org.uk)

### NSCA Information:

## Small Scale Wind Turbines – a guide



nsca

## NEWS FROM INTERNOISE HELD IN ISTANBUL LAST MONTH

## WHO to agree 30dbA for night?

Dutch noise expert Martin van den Berg revealed early details of thinking behind the World Health Organisation's (WHO) proposed night noise guidelines. These will complement daytime guidelines set in 2000.

WHO has been keen to set night time noise guidelines and convened an expert group in 2003. This working group has prepared a draft report which was handed to WHO last year and since formed the basis of proposed night noise guidelines for Europe. It has yet to be publicly released.

Van den Berg told the Internoise conference held in Istanbul last month that studies on rat sleep deprivation have shown adverse health effects: "Under stressful circumstances the death rate of rats is increased when noise levels are increased from "ambient" to 69 dBA  $L_{eq}$ ."

"Are noise and sleep deprivation stressors that both lead to early death? Is the noise

effect due to sleep deprivation? A carefully planned study may sort this out. The question still remains, however, as to how far this is relevant to humans."

On WHO's guidelines, he concluded: "For the primary prevention of sub clinical adverse health effects in the population related to night noise, it is recommended that the population should not be exposed to night noise levels greater than 30 dB of  $L_{night, outside}$  during the night when most people are in bed.

"Therefore, an  $L_{night, outside}$  of 30 dB is the ultimate target of the Night Noise Guidelines (NNG), to protect the public, including the most vulnerable groups such as children, the chronically ill and the elderly, from the adverse health effects of night noise," said Van den Berg.

He continued: "Two interim targets are proposed for countries where the night noise guidelines cannot be achieved in the short term for various

reasons, and where policy-makers choose to adopt a stepwise approach at the local or national levels."

Interim target one (IT1) proposes an  $L_{night, outside}$  value of 55dB, with a second interim target (IT2) of 40dB.

"All countries are encouraged to reduce gradually the size of the population exposed to levels over the interim targets, 40 dB of  $L_{night, outside}$  (IT-I) and 55 dB of  $L_{night, outside}$  (IT-II), as effectively as possible.

"It is highly recommended to carry out risk assessment and management activities at national level targeting the exposed population, and aiming at reducing night noise to the level below IT-I and IT-II.

"IT-II can be used for health impact assessment of new projects (e.g. highways, railways, airports or new residential areas) even before the achievement of IT-I, as well as for the risk assessment of the whole population."

## TRAFFIC MANAGEMENT

## Variable speed yields minor benefits

The introduction of variable speed controls on the M42 motorway in the West Midlands has led to a minor, barely significant reduction in noise.

Variable speed controls are used to pack more vehicles onto motorways and smooth traffic flows aided by camera speed enforcement. When the M42 becomes clogged, lower speeds are introduced and traffic is directed to use the hard shoulder.

Use of the hard shoulder brings traffic closer to the receptors having the effect of

increasing noise, while lower speeds and smoother traffic during operation of the variable speed limits has the effect of reducing potential noise emissions.

Phil Abbott of TRL, speaking at the Istanbul Internoise conference, explained that results were skewed by a change in road surface that lead to a 1db increase in noise emissions. Abbott said: "The overall impact of active traffic management has shown average noise levels  $LA_{90, 18hr}$  dB have reduced by between 0.8-1.4dBA

which is borderline between a negligible/minor benefit for the purpose of environmental noise assessment. But taking into account the 1dBA worsening of the noise surfacing, this translates to a 1.8-2.4dBA improvement which can be considered to be a minor benefit for the purposes of noise assessment.

"It is estimated that that a reduction of 1.4dBA may be attributed to changes in driver behaviour due to active traffic management promoting a less aggressive style of driving."

## HEALTH EFFECTS

## Aircraft noise linked to mental health

Japanese researchers say that aircraft noise may be linked to mental health, especially during the evening period.

Speaking at the Istanbul Internoise conference, the researchers explained that 179 residents living underneath the flight path of Narita airport were compared to 113 living

elsewhere. Residents filled in health questionnaires.

"The analysis revealed that those that identified as sensitive showed a significant dose response relationship between psychiatric disorders and aircraft noise exposure.

"Disturbances between 18.00-23.00hrs are during the evening

which is usually intended for recreation and relaxation such as watching TV and reading, may cause adverse effects on mental health.

"Reduction in aircraft noise exposure during these hours would effectively mitigate the mental health effects observed in this area," they added.

## IN BRIEF

## York prioritises

York City Council has responded to the findings of the Rogers Review of Local Authority Regulatory Priorities during a meeting of its neighbourhood services panel.

The committee agreed to the five national priorities set out in the review (*Noise Bulletin April p2*) but have then added its own local priorities: contaminated land, noise, underage sales, support for business and promoting healthy lifestyles.

Environmental health officer Mike Southcombe told *NB*: "Air quality, which is on the national list, is definitely one of our priorities. And from within the local priority list we've included both noise and contaminated land.

"The heads of the environmental health and other departments met and whittled down what was a considerable number of local priorities to a shortlist. It's about the what the issues are locally, and this decision will affect resourcing – and like most local authorities resources are finite – so come budget time we'll be looking to prioritise resources according to this decision."

## Racing noise debated

Motor racing measurements are among topics to be discussed at the Institute of Acoustics Autumn conference organised by the noise and vibration engineering group.

Scott Wilson's Mike Fillery is presenting a paper telling of the experiences of transferring from manual monitoring of motor racing noise to automatic logging at Donnington Park.

As part of a review of the monitoring system, manual distance attenuation measurements were repeated using a pair of automatic meters. The paper reports successful comparison of manual and logged findings and concludes with some observations on the limitations and advantages of automatic systems.

● IoA autumn conference: *Advances in noise and vibration engineering* to be held in Oxford on 17-18 October, website [www.ioa.org.uk](http://www.ioa.org.uk)

# Scotland on the map

Scotland has worked hard to complete its mapping and is forming a view on what happens next. Jack Pease reports

Noise mapping provides a colourful simplification of the rather technical problem of estimating noise exposure. But maps are one thing, and action something entirely different.

Scotland has now mapped itself for road, rail, air and industrial noise, stealing a march on the rest of the UK which is well behind. Scotland at least should escape censure from Europe for breaching directive requirements. And as if these achievements are not enough, Scottish Government has now published draft guidance on noise action planning.

Scottish Environment minister Michael Russell told the recent conference held to launch the maps: "Noise is often described as the forgotten pollutant, but it is no longer a forgotten pollutant in this country. We have the strongest anti social behaviour regime in the UK and perhaps Europe, for instance we were the first to introduce intervention levels for noise nuisance.

"This mapping exercise has been the largest data manipulation exercise Scottish Government has been involved in, and given the contract was let only last Autumn, it has been an astonishing achievement to get it finished. We are the first in the UK to achieve full and comprehensive noise maps to comply with EU directives. We don't want to oversell what we've done – but we are proud of it."

Scotland may be pleased with its maps, but the significance of its draft action planning guidance should not be underestimated. England has dabbled with noise mapping for some years now. Birmingham's John Hinton has pioneered mapping in his area, and other local authorities such as Tower Hamlets and Merseyside have also produced maps.

Defra's troubled mapping exercise quickly yielded enormous maps for London, produced by Atkins at a cost of over half a million. But these are road-noise only and have sat in a rather forlornly on Defra's cobwebby mapping website.

Defra is carrying on with its mapping, consultants produced data for England over a year ago (but that was the last that was heard of them). As the European Environmental Noise Directive required maps to be produced this summer, England (and Wales and Northern Ireland) are now well behind and will struggle to meet the deadline of handing data to Europe by the end of the year.

With those administrations preoccupied on the nitty gritty of mapping, action planning is barely on the agenda. Any hopes that action planning may be set out in

England's long-promised noise strategy is being dashed by endless delays caused by budget cuts and ministerial indifference. In this context, the importance of what the Scots are doing can be appreciated – with England incapable of developing policy, Scottish policy could well find itself applied south of the border for want of anything better.

One of the areas most closely watched is who will do the work – will it be done nationally or locally? There are obvious savings if the process can be carried out nationally, coordinated by one consultant, and obvious advantages in terms of consistency. But you don't get a pollutant with impacts more local than noise – so if action is to be contemplated, local authorities should really be involved, if not in the mapping process itself, than certainly for action planning. So what is Scotland proposing?

Scottish Government's Linda Story explained: "We thought long and hard about the approach to take, and considered that air quality has many synergies with noise, indeed we are with noise where we were a decade ago with air.

"The process of estimating how many people are exposed to the various noise bands is key to working out the scale of the problem we face. We can use this information to inform candidate noise management areas. We are keen to avoid the term hotspots, but just as with air quality management areas, the places to start are those where there is the most concentration of people affected."

The similarities are stark – with air quality, the 1995 Environment Act imposed a regime of local authorities identifying air quality hotspots and declaring them as air quality management areas, and then working up action plans to tackle that noise. The Scots are proposing a similar system, although keen to avoid the term hotspots.

And instead of local authorities identifying areas and then declaring them, three new bodies will do the identifying headed up by a new Scottish Environmental Noise Steering Group (SENSG) (see right).

## The maps

Back in Autumn last year, Scottish Government commissioned Hamilton McGregor to produce maps

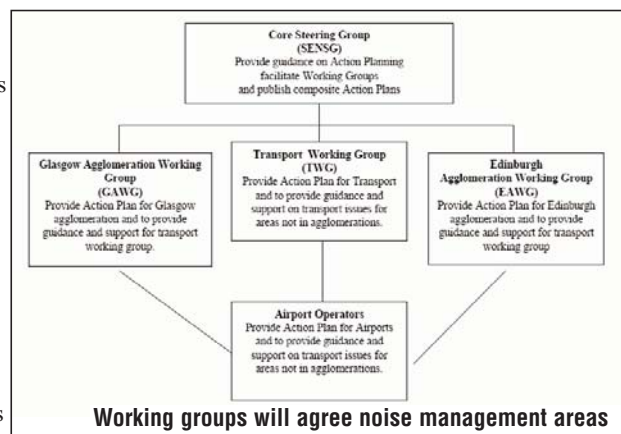
(NB October 2006 p1). Despite being over a year behind the English in the commissioning process, the firm has produced the maps in six months and ahead of England.

The maps, like their English counterparts, are strategic. That means they should not be used for planning purposes (eg determining NEC bands within PPG24 or the Scottish equivalent PAN56). They have been produced at a 10m grid resolution, using modelling rather than monitoring data to estimate noise at a height of 4m. This height is stipulated in the directive to represent the noise at a first floor bedroom window, thus will not be a fair reflection of noise experienced by a 1.5m tall person walking out of their front door.

The map produced includes roads within the Glasgow and Edinburgh agglomerations (being over 250,000 inhabitants) as well as key trunk roads (more than 6m vehicles a year), railways (more than 60,000 trains a year) and major airports (Glasgow, Edinburgh, Prestwick and Aberdeen). The maps are sensitive enough to be able to show different sound levels on different elevations of buildings (see screenshot, below right).

Data required to build the maps was huge. Hamilton & McGregor's Bernadette McKell said: "We've had to look at how we handle data and developed a technique that allows us to handle the data in less than a lifetime! The processing technique we've developed will be made public for the benefit of others."

Maps have been prepared in consultation with local authorities, but the process has not stopped there. The maps are publicly accessible on the web, but professional users (particularly local authorities) are to be given a password to allow them to access an automated feedback programme that allows them to click on the map, raise



a query about the sound levels at that point and send the query to the map administrators.

For instance, a council, using its local knowledge, may spot that a noise barrier, flyover or other important feature has been missed off the maps. It can point this out by logging the query, the query is then processed, and the progress of that query visible to the local authority. The public can also raise queries without being registered, however their queries will pass through a general portal rather than being fast-tracked.

As well as fine tuning the maps, Hamilton McGregor will use them to estimate population exposure to noise – the measure that must be reported to Europe by the end of the year.

**Noise management areas**

A prioritisation matrix will be used to draw up ‘candidate noise management areas (CNMAs). Scottish Government does not want these to be referred to as hotspots, but inevitably that tag will stick.

This matrix will take into account many factors including the level of noise, the relevant contributions from each of the different noise sources, the relative effects of different noise sources present, insofar as they are known or might be known to be different at similar sound levels, the number of people and properties exposed, population density, type of area, land use, any trigger or target levels contained with existing legislation/guidance, distance of properties from main transportation links and recommended target levels contained within existing legislation guidance.

This work will be done by the Scottish Environmental Noise Steering Group (SENSG) which comprises representatives from the Scottish Executive, local authorities, SEPA, BAA, Transport Scotland and Network Rail. The primary aim of SENSG is to provide a forum for all key

partners to review the development and progress of action plans and to determine the prioritisation of control measures.

The draft guidance says: “SENSG will act as the core group to oversee the consistent development and implementation of all action plans. SENSG will establish three working groups to assist in the preparation of Action Plans and these groups will feedback to the core group. There will be a Glasgow agglomeration working group, an Edinburgh agglomeration working group and a transportation action planning working group. All three groups will have representation on the core steering group.

“Airport operators have a key role to play in action planning and will be able to input to all working groups.” The airport operators will also be represented on the transportation working group. Noise data for Scottish airports was prepared by the Civil Aviation Authority (CAA) and consultant Bickerdike Allan. This data was then transferred to Hamilton McGregor who helped the airports produce the maps.

The guidance continues: “Before determining candidate noise management areas, the appropriate working group should consider all relevant information including:

- Local circumstances;
- Sensitivity of receptors;
- The nature, extent and duration of noise sources.

These locations will then be further assessed to determine whether or not they should be presented to the core steering group as a Noise Management Area (NMA). The appropriate working group will prepare a report on the CNMA detailing the reasons for their selection of the location.

The report is likely to include:

- A detailed map of the area;
- A description, including any measurements of noise source levels
- The reasons why the area was determined as a CNMA;
- A detailed list of proposed interventions.

To ensure that all factors have been consistently and fairly assessed, the core steering group will review the CNMA reports and provide feedback if required. The final

decision rests with the core steering group following discussions with the appropriate working groups. Once an area has been classified as an NMA, the Scottish Government will carry out a consultation with stakeholders and the public to inform them of the decision and the rationale for the determination.

**Action plans**

Guidance says: “Competent authorities and their key partners within the working groups will be required to develop sift criteria, and prioritisation matrix, for identifying areas of concern that need further detailed study, to determine whether practical and cost effective noise mitigation measures can be taken. In this way the budget can be allocated to permit such measures to be implemented where benefit is justified.

“It is likely that it will be appropriate to develop a five year plan of appropriate interventions to achieve the desired target levels of improvement. Useful criteria for consideration in developing any prioritisation matrix may include:

- Identifying the noisiest locations that affect the most people;
- Identifying the location of nearby sensitive buildings;
- Minimising whole life cost;
- Including interventions within existing maintenance and improvement programmes.

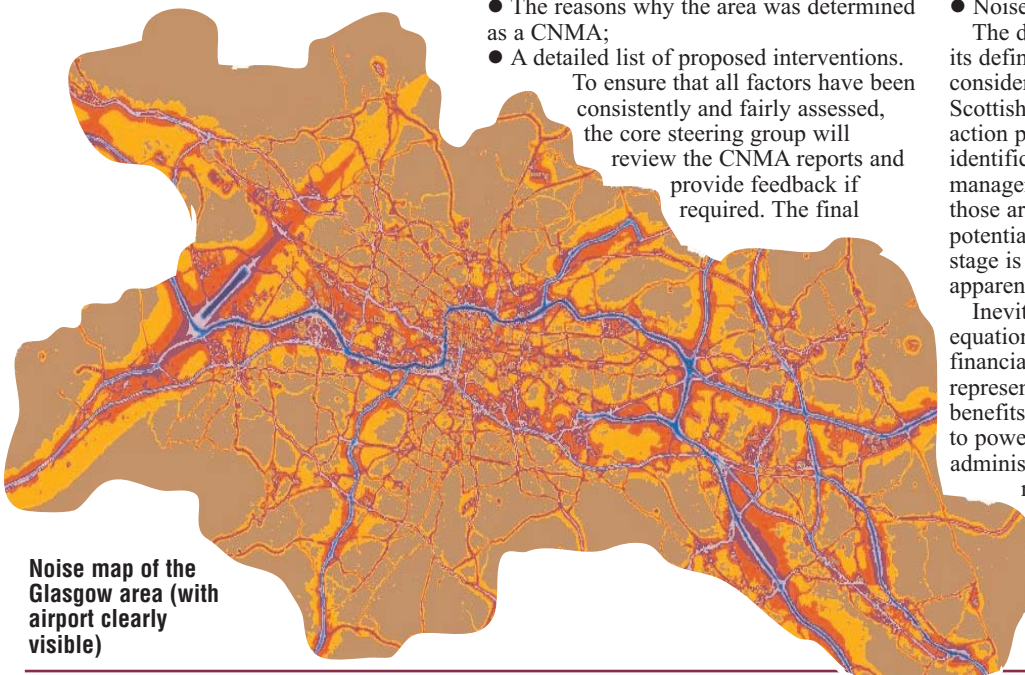
The interventions should identify the number of properties and people that would benefit, and the cost of the intervention. Possible intervention measures include:

- Speed reduction measures where practicable;
- Traffic flow relocation measures;
- Consideration of all reasonably practicable mitigation measures;
- Traffic volume optimisation measures;
- Improvements to running surface where practicable;
- Noise barriers where practicable.

The draft guidance is a little confusing in its definition of an action plan. Many may consider action to mean action – the Scottish Government definition says the action plan has discrete stages: the identification of candidate noise management areas, further investigation of those areas and then an evaluation of potential mitigation measures. Thus the last stage is outlining potential action – but not, apparently, actually committing to it.

Inevitably costs will come into the equation. The guidance notes that the financial impact of noise on society can represent 0.2%-2% of GDP, so there are benefits in cutting noise. The recent coming to power of the SNP in Scotland sees the administration keen to carve out a distinct niche for itself, and has pledged, among other things, a far ‘greener’ Scotland. Whether money will be made available for noise is another matter.

- Maps can be viewed on [www.scottishnoisemapping.org](http://www.scottishnoisemapping.org)



**Noise map of the Glasgow area (with airport clearly visible)**

# Best friend or biggest nuisance?

Barking dogs are a minor irritant for most. But if you happen to live next door to a dog that barks, it can be hell, finds Lis Stedman

**B**arking dogs are a perennial neighbour niggler, and if a recent Saga survey is anything to go by, people are itching for dog-owners and quite possibly their charges to be issued with anti social behaviour orders (ASBOs).

Despite this earnest desire from the grey brigade, dog-related ASBOs are few and far between. Most councils are relying squarely on the statutory nuisance catch-all of s80, Environment Protection Act 1990 (EPA).

However, even within this popular approach, details vary – and importantly, the idea of ASBOs does not appeal to everyone. Swansea's Carl Hobbs says definitively: "ASBOs are not the way forward. For something like this we serve section 80 notices under the EPA." For barking dogs, he estimates the council issues 40 to 50 a year.

The process used by Swansea is somewhat different to most councils – many issue complainants with diaries, standard statutory nuisance report sheets that have to be filled in with times and dates of noise occurrence over a two-week period. Swansea puts complainants on its call-out list. Hobbs says that many complaints are at weekends or nights, and when a dog is barking the team will go to the property to assess if there is a nuisance.

First step is a pre-notice letter to establish who is living in a property, then a standard noise abatement notice requiring the owner to "take all necessary steps to ensure" their dogs don't cause a noise nuisance, leaving a contact for discussion.

Following this, a formal caution will be issued if the noise continues, after an officer has witnessed the breach. If the notice is then not breached again, proceedings will be dropped – if it is, prosecution follows.

Hobbs notes: "Not many go to prosecution. Some people use spray or shock collars and one guy used a muzzle. What we are looking at is the noise, we are not animal welfare."

Perhaps uniquely, Swansea has actually confiscated a dog under the Noise Act. "Although we've not adopted it, part of the regulations says you can take it away. It was quite sad when it happened. The case went through the magistrates and Crown courts but in the end we had to do it. The owner was obviously not very happy, but the animals were re-homed."

Hobbs says the council tries to be reasonable – "control is what we're looking for. If a dog barks you attend it, you don't leave it to bark and bark. All we are looking to do is educate people. Most of the time when someone has been to court once it is normally sorted, whether the owner rehomes the dog or uses a collar."

Swansea only requires its EHOs to witness the problem once: "The Act says if you feel there is a statutory nuisance you issue a notice, you don't have to witness it three, four times. We don't get many complaints from the ombudsman."

He says the council used to have a diary system "but it creates more hassle. You send a diary, you send the alleged culprit a letter, they give you hell and three months down the line you start all over again. Now, if someone doesn't ring for three months we take them off the call-out list".

Rare though it may be, ASBOs have indeed been issued to owners of noisy dogs – one of the most recent being issued this month to a woman in the Forest of Dean District Council area. She was given a two-year post-conviction ASBO (often called a CRASBO) under the Crime and Disorder Act 1998 section 1C, after failing to comply with a noise abatement notice issued under the most commonly used legislation, S80 of the EPA 1990.

The woman in question kept up to 30 dogs bred to resemble wolves, which unsurprisingly indulged in excessive barking and communal howling. The prosecution followed five breaches of the notice, and allows the woman to keep no more than two dogs of the same sex in the council's area.

Forest of Dean's Matt Kirby says: "It was a long-running thing – in January 2006 we started getting complaints. The property was right at the bottom of a valley with a lot of properties in the village above it, which had an amphitheatre effect. There were 15 noise complaints and at first we had a pretty good dialogue – the noise would die down and then come back up, we kept giving warnings and at one point she shut her door and wouldn't talk to us."

Most of the dogs were left outside all night, and began howling and barking at daybreak, he adds. In early August the council's EHOs went down to the property and witnessed a statutory nuisance. Next step was a section 16 information notice under the Local Government Miscellaneous Provisions Act, which required information about the property owner. The woman didn't respond and was prosecuted for that.

An abatement notice was served at the end of August, at which point the owner was not on speaking terms with the council. A warning about breaching the final notice was therefore taped to her door. With matters not improving, the council went to court, but the woman didn't turn up and was convicted in her absence. She did, however, turn up for sentencing and her solicitor argued that the case should be reopened in the interests of fairness. "To our

outrage, it was allowed," Kirby says. "In the meantime we witnessed another four breaches of the abatement notice and at the full trial she agreed to plead guilty to three."

The case underlines the complexity of bringing such a charge, though. Kirby says that at one time ten people were filling in log sheets but one major problem was that a number of complainants couldn't actually see the dog so their evidence couldn't be used in court. However, there was a core of complainants that kept very good records, which enabled the case to succeed. In the bundle of evidence for the CRASBO there were also 15 witness statements used as supporting evidence.

The council did use noise monitoring equipment, but felt it couldn't be used as evidence in court, Kirby adds, as there were other dogs in the area despite the distinctive barking of the pack. "It's been a long ride," Kirby concludes. "But she's gone – we think to Wales. We did enquire whether we could spread the boundaries of the ASBO wider, but we were advised we couldn't do that."

However, he adds: "The precedent is set – you can do it. It is appropriate in some situations. This was pretty extreme."

Mansfield is one of the few other authorities to have issued an ASBO for dog noise, Southampton being the other.

Normally, Mansfield deals with dog noise with the usual EPA s80, though Mansfield's Sally Dilks notes that "you have to get a lot of evidence, it's quite hard to prove. Once we feel there is a problem we serve a legal notice and do a lot of monitoring, and if we feel that the notice has been breached we prosecute under the Act."

Owners usually work with the council, rather than go to prosecution, she adds – Mansfield issues spray collars which she says "have a limited effect. Sometimes they work, sometimes they don't."

Steve Skinner, of Mansfield's ASBO team, explains that the dog ASBO was a bit of a surprise. "We didn't really expect it. It was a single man in the middle of a set of terraced houses, who was walking his dog at 3am, got back at 5am, turned on the radio and encouraged the dog to bark. We put forward certain conditions and we were quite surprised when the judge included one about controlling barking."

The ASBO was more to do with the owner than the dog, he explains. "He was an obnoxious, horrible man – he didn't like his neighbours and he admitted it. It started as a complaint where an EHO was given the case and because of the behaviour and aggression it was passed to me and we took it jointly."

Part of the statement in support of the ASBO said that the man had encouraged the dog to bark, so the judge inserted the direction "off his own back", Skinner explains. This was also the longest ASBO the council had ever obtained, at five years.

Southampton's Ralph Walling explains that the council's post-conviction ASBO is currently under appeal, but relates to a man who owns a security company and a mix of dogs for work use and family pets.

He says the problem was "repetitive and persistent" dog barking, and that the council tried the traditional noise abatement notice route under the EPA s80 to no avail. Walling says that as the man was well-known to the council it was decided not to prosecute until there were several witnessed offences.

This process took from July 2005 to July 2006 and after a variety of adjournments and meetings the trial took place this April. The man was fined around £4000 and £3000 in costs, with the ASBO hearing adjourned to May so that a district judge could hear it. "It was a bit complex for magistrates," Walling notes. "Though it was heard in a magistrate's court it was sufficiently different and complicated for a district judge."

In the meantime, the council was granted a "pretty stringent" interim ASBO that covered many issues including odour, dogs escaping and the number of dogs allowed on the property. The hearing confirmed a slightly less stringent version of this but the man appealed against the conviction – this has just been heard at Crown Court and the verdict adjourned till the end of October.

Walling says the ASBO, which remains in force till the result of the appeal, has made a huge difference. "The process has been good – it's a shame it has taken a long time, but it's achieved the goal."

In perspective, the council had complaints about 445 premises over a two-year period – out of these just two cases were put forward for prosecution, both relating to the man now appealing the current case. The council writes to owners as soon as a complaint is received to offer advice, which in practically every case resolves the issue, Walling explains. "Enforcement action is easy but it relies on goodwill or fear of consequences."

In Northern Ireland the legislation is slightly different. North Down BC's Glen Thomas says that they deal with barking dogs under the Pollution Control and Local Government (Northern Ireland) legislation, which is unique to the province.

North Down's procedures kick in when the council receives a complaint. Thomas notes: "It's important that we remain impartial. We explain that in no uncertain terms." Within 24 hours, an officer will go to see the owner and ask if they believe the dog could be causing a nuisance.

Complainants are sent noise monitoring forms, and are told that the owner has been contacted. If there is no improvement, they fill in the forms, which the council uses to judge when would be the best time for an officer to attend and try to witness the

## Advice on barking dogs



Is your dog barking too much?

defra

### Defra advice on barking dogs

[www.canineconcepts.co.uk/ccp51/cc/dog-training/dog-barking.shtml](http://www.canineconcepts.co.uk/ccp51/cc/dog-training/dog-barking.shtml)

Spray collars can be bought from sites including [www.doggiesolutions.co.uk](http://www.doggiesolutions.co.uk)

The Kennel Club is campaigning to ban shock collars and recommends that they are not used as they cause pain.

Defra has a leaflet, *Is your dog barking too much?* available on [www.defra.gov.uk/environment/noise/pdf/barkingdog.pdf](http://www.defra.gov.uk/environment/noise/pdf/barkingdog.pdf)

It also has a report with more detailed advice for EHOs, available on [www.defra.gov.uk/environment/noise/research/barkingdogs/index.htm](http://www.defra.gov.uk/environment/noise/research/barkingdogs/index.htm)

There's also a useful page of advice at [www.direct.gov.uk/en/HomeAndCommunity/InYourHome/AnimalsAndPets/DG\\_10031394](http://www.direct.gov.uk/en/HomeAndCommunity/InYourHome/AnimalsAndPets/DG_10031394)

Other sites with advice include

problem. "Normally we schedule three calls and if we don't witness anything we go back and find another way, sit in the house or as a last resort use noise monitoring equipment. However, we've found magistrates are more amenable to people witnessing a nuisance rather than a whole load of statistics."

The officer needs to witness a nuisance on at least two occasions, and then would serve a noise abatement notice under the NI Act. Part of this requires disclosing details of the complainant, which has to be explained to the person making the complaint.

Thomas says: "A lot of people do not want to go that far. We will also say that if a notice is broken and court action is taken the main witness will be themselves and they have to give an undertaking to attend court."

Because of the amount of monitoring undertaken, the council has never had a magistrate allow an appeal against a notice, he notes. In court, it's for the judge to determine the outcome, most likely a fine and a direction, which could be, for instance, not to keep the dog in a garden or garage. "We've not had one yet where the dogs were directed to be removed," Thomas notes. "Usually once they've been through the courts, people take appropriate action."

Interestingly, and Thomas echoes other councils in this observation, North Down gets quite a high volume of complaints (it's a very urban area), but equally very few that reach the stage of a notice. "I like to think it's because of our informal approach at the beginning – we don't just go in hard, we work with the owner to try to resolve the problem and give advice on how to abate it."

He agrees that the procedure is "a bit drawn out" but adds that "we say by doing it this way and ensuring the evidence is collected fairly, generally by the time we get to court we have a solid case. In our experience judges like evidence from two or three witnesses and the role of the officer is pivotal." This weight of evidence is crucial because, he explains "we are on occasions a vehicle for other people's neighbour disputes." The province also has

the useful ability to issue a Dogs (Northern Ireland) Order, which allows councils to deal with many different problems via a fixed penalty notice, for instance £50 for fouling, £25 for not having a licence (mandatory in NI) and so on.

Graham Hearsom of Perth and Kinross says that the council takes what is the more-or-less standard procedure, beginning by asking complainants to fill in noise monitoring forms, which gives an idea of how long the noise continues for and the times when the dogs are barking. "We have got very few officers, so we have to work out a pattern of when to go, when the noise is worst. When we've got this we will sit and listen and judge if there is a statutory nuisance under the EPA."

However, if there is judged not to be a statutory nuisance, offending owners can still be prosecuted under the Civic Government (Scotland) Act 1982, s49, which deals with "dangerous and annoying creatures". Roughly the same approach would apply – the council would undertake monitoring and then apply to a district court for a hearing. Witnesses would be needed, but there would be no costs involved unless a participant particularly wanted a lawyer "which would be daft as it's a pretty informal hearing," Hearsom notes.

The council has to make its case to a JP, and the complainant also gets to put their side of the story. The JP will then decide whether or not to make an order to abate the nuisance and can give quite specific requirements, such as requiring an owner not to put their dog outside for more than ten minutes in any hour. But, Hearsom says, "long before that stage we have a word with the owner and that usually solves it. We give advice on things they can do, and there may be an underlying cause."

The important message, even from councils that have gone as far as ASBOs, is that there is a range of options that begins with conciliation. Very few start from confrontation, and there is a recognition that a chat and advice will solve many problems at an early stage. It is the few recalcitrants, cases where other problems such as owner violence or animosity exist, that reach the extreme lengths of serious prosecutions.

## SOUND BITES

Entertainment was not on the menu at the recent Scottish noise mapping launch in Edinburgh. But it came.

In what was expected to be a straightforward event, who was that long-bearded chap in the corner battling against rather slow Scottish Government IT equipment?

It proved to be Hamilton & McGregor resident boffin Dr David Palmer, who was eccentric even by 'acoustics' standards of normality! As Palmer admitted: "I'm not normally allowed out to see the public."

Palmer is undoubtedly a geek and proud of it, and clearly the one to thank for helping the firm knock out the noise maps in several months, some achievement.

Palmer started his talk inauspiciously, under the watchful eye of Bernadette McKell, who was doing her best to mouth advice and guidance to her techie protégé.

But as Palmer got on to the difficulties of modelling trains – all 1,978 combinations of them – he became more and more animated, with arms flailing with increasingly alarming velocity. Imagine David Bellamy talking about acoustics with added flourish, and you get the picture. Wouldn't have missed it for the world!

It's well known that Americans have a habit of using curious words. We've found an example at the Istanbul Internoise conference (with a quite unbelievable 600 speakers and presenters!).

Paul D. Schomer said: "Minnesota has an environmental law that protects quietude (sic). Heretofore (sic) this law has seen little application except in rural areas or wilderness areas – but more recently the airport has been accused of breaking quietude and taken to court."

Schomer helpfully defines quietude as "the absence of significant man made noise". In other words tranquil?

Dutch expert Martin van den Berg had many 'not many people know this' facts on sleep for the Istanbul audience.

He noted that most animals sleep (with cats seemingly sleeping most of the time). Many have dreams like humans, with some showing 'weird behaviour': "Dolphins and ducks sleep with only half their brain at a time".

Even flies sleep, it seems. Worryingly for those burning the midnight oil, studies on mutant fruit flies that get by on 30% less sleep than normal flies appear to show no adverse symptoms – except they die 30% earlier. Deprive a rat of sleep for 16-20 days and it dies too.

"Tampering with sleep is dangerous for survival" says van den Berg. All the more reason to get the WHO night time noise guidelines out then.

Talking of flies, every year flies congregate in the belfry near to *Noise Bulletin's* offices. They then perish leaving an inches-thick carpet of dead flies to contend with.

If flies don't like going without their beauty sleep, choosing to flock to a bell tower appears to be a fatal mistake. We trust the 'killer' church bells do not have similar effects on nearby residents.

It's good to see that London boroughs are cooperating with the new London Authorities Noise Action Forum (LANAF).

The good news is that this group met last month and discussed worthy things like mapping, action planning, codes of construction practice and a 101 number for London.

The bad news is that the London Mayor's press Stazi appear to consider LANAF's work to be top secret – with *Noise Bulletin* duly banned from attending its meetings. The Mayor is very quick to comment on oppressive regimes elsewhere in the world, but might well do to look a little closer to home.

## NOISE EVENTS 2007

### 1st-2nd October

#### RESEARCH AND STRATEGIES FOR LESS NOISE IN EUROPE

CALM conference to be held in Brussels, [www.calm-network.com](http://www.calm-network.com)

### 10th October

#### NOISE UPDATE

NSCA's noise update conference to be held in Birmingham contact NSCA, Lucy Salter 01273 878770

### 16th-17th October

#### PRINCIPLES OF ACOUSTICS

For those wishing to acquire basic understanding of acoustic and measurement principles to be held in Stevenage [www.bksv.co.uk/?ID=3506](http://www.bksv.co.uk/?ID=3506)

### 17-18 October

#### AUTUMN CONFERENCE 2007

Advances in Noise and Vibration Engineering to be held at The Oxford Hotel, Oxford, IoA Linda Canty, Tel: 01727 848195

### 22-24 October

#### NOISE-CON 07,

The 2007 National Conference on noise control engineering to be held in Nevada USA, [www.incusa.org](http://www.incusa.org)

### 21st November

#### MANAGING THE IMPACTS OF MICROGENERATION AND DEVELOPING

renewables conference to be held at the Museum of Science and Industry, Manchester contact NSCA, Lucy Salter 01273 878770

## 2008:

### 21-25 July 2008

#### 9TH INTERNATIONAL CONGRESS ON NOISE AS A PUBLIC HEALTH PROBLEM

The 9th International congress on noise as a public health problem, five yearly conference to be held in Connecticut. [www.icben.org/](http://www.icben.org/)

### 30th June-4th July

#### ACOUSTICS '08 PARIS INCORPORATING EURONOISE

155th Acoustical Society of America Meeting - 5th Forum Acusticum (EAA) - 9th Congrès Français d'Acoustique to be held in Paris. Website [www.acoustics08-paris.org](http://www.acoustics08-paris.org)

### 26 - 29 October

#### INTERNOISE 2008

to be held in Shanghai, China [www.internoise2008.org](http://www.internoise2008.org)

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*Jack Pease*