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GUIDANCE NOTE No GN.P95

NEIGHBOURHOOD NOISE HOW TO RESOLVE A NOISE NUISANCE

INTRODUCTION

With the increase in population and more densely populated residential areas there will inevitably be an increase in noise from our neighbours, it is therefore important that as well as being considerate to our neighbours, we are more tolerant to some degree of normal or everyday noise.

Excessive and unreasonable noise from neighbours can annoy, cause stress, and generally affect the quality of life.

In many situations the best way forward is to discuss the problem with your neighbour.

An investigation by the council can sometimes lead to a serious breakdown in communication between neighbours.

This Guidance Note will assist you in dealing with the initial problem yourself and advise where and when the council can intervene in cases of neighbour noise.

WHAT YOU CAN DO YOURSELF

If you are being affected by a noise, you may be able to resolve the problem yourself by taking the following steps:-

1. Talk to your neighbour about the problem. Explain to them as politely as you can about the effects upon you and/or your family of the noise that they are making. Invite them to come inside your dwelling while the noise is going on so that they know that you are not imagining the problem.
2. If requests to your neighbour are snubbed or you feel that they are taking no notice of your complaints, write to them, referring to the problem, and to the effect that the noise is having upon you, to the occasions on which you have spoken to them about it and to what, if anything, they agreed to do about it. Ask them again to stop making a noise nuisance.
3. At this stage you should keep a record of the times you have spoken to your neighbour and copies of any letters you may write.

4. Also keep a diary of the dates and times that the nuisance occurs, the length of time for which it lasts and the effect it has upon you. For example:-

Date	Time Start	Time Finished	Noise	Effect
21.03.87	12.05 a.m.	12.25 a.m.	Stereo Music	Woke me up, couldn't sleep until 1.30 a.m.
22.03.87	9.30 a.m.	12.30 p.m.	Dog Constantly Barking	Couldn't hear TV without turning it up

You can put this information on the form provided. Be careful to write up events as they happen and not some time later. Be as accurate as possible.

5. Speak to other neighbours to see if anyone else is troubled by the same noise and, if so, whether they are prepared to support you in taking action against the person responsible.

NOTE: the more people who are affected the more likely it is that a nuisance is being caused.

WHAT THE POLLUTION TEAM CAN DO

If all these steps have been taken without success, then the Pollution Team MAY be able to help. The Pollution Team will NOT involve itself with general disputes between neighbours.

The Pollution Team deals with complaints about 'statutory nuisance' which includes noise. A statutory nuisance is determined by a number of factors including, time of day, type of noise, frequency and duration, volume and the reasonableness of the noise. Simply hearing a noise does not make it a statutory nuisance.

Often noise investigations involve the completion of dairy sheets and a process of escalating enforcement, it is also necessary that officers visit the complainant's property to witness the noise for themselves if formal action is to be taken.

For major incidents of noise such as very loud music at night the Pollution Team provides a night duty noise service that can visit and investigate the noise without the necessity of completing a diary sheet.

NOTE: WHOEVER takes legal action, your evidence will have to be relied upon and you may well be required to appear in Court.

IF THE POLLUTION TEAM CANNOT HELP

Some types of noise such as; normal domestic activities including; children playing, people's footsteps, family 'rows' etc cannot be dealt with by the Pollution Team. Therefore if further action is required you may need to do this yourself. We will also refer the case on to others that may be able to help where we cannot.

If this proves to be the case, then further information will be provided detailing how you can take individual action under SECTION 80 OF THE ENVIRONMENTAL PROTECTION ACT 1990.