

Neighbour and Neighbourhood Noise – A Review of EU legislation and practices

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Bernard Berry
Berry Environmental Ltd
49 Squires Bridge Road
Shepperton
Surrey
TW17 0JZ
UK
Tel: +44 1932 702634
Fax: +44 1932 564372
bernard@bel-acoustics.co.uk

Steve Mitchell and Phillipa Reynolds
Environmental Resources Management Ltd
8 Cavendish Square,
London
W1G 0ER
UK
Tel: +44 20 7465 7200
Fax: +44 20 7465 7272
steve.mitchell@erm.com

ABSTRACT

Environmental Resources Management (ERM), assisted by Bernard Berry of Berry Environmental Ltd were commissioned by the UK Department for Environment, Food and Rural Affairs (DEFRA) to undertake a review of European legislation and practices relating to neighbour and neighbourhood noise. The main aim of this study has been to examine how other EU Member States legislate and act on neighbour and neighbourhood noise, in order to identify good practice for possible consideration in the UK.

The study concerns neighbour and neighbourhood noise, i.e. noise heard in the home. The distinction between these types of noise is of importance when considering how they are managed. We distinguish them apart as follows:

- neighbour noise - that produced by a person's neighbours; and
- neighbourhood noise - that produced in the neighbourhood such as noise from pubs, commercial or local industry and construction sites, but not from transportation;

This paper outlines the design of the study, the methodology employed, and the principal findings. It should be noted that the study was not intended to review, and report on, the systems in place in the UK for the management of neighbour and neighbourhood noise, although they are used as a benchmark for comparison. A full report [1] will be on the DEFRA website www.defra.gov.uk .

1. INTRODUCTION

Environmental Resources Management (ERM), assisted by Bernard Berry of Berry Environmental Ltd were commissioned by the UK Department for Environment, Food and Rural Affairs (DEFRA) to undertake a review of European legislation and practices relating to neighbour and neighbourhood noise. The main aim of this study has been to examine how other EU Member States legislate and act on neighbour and neighbourhood noise, in order to identify good practice for possible consideration in the UK.

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2. STUDY DESIGN

The study included four main stages:

1. Project Inception;
2. Research of Member State Practices;
3. Analysis; and
4. Reporting.

The methodology used in each of these is described below.

3. PROJECT INCEPTION

Stage 1 of the study included clarification of the study requirements through an inception meeting with DEFRA, making appropriate contacts in each country and the development of a protocol for use during data collection.

In order to gain an understanding of the way in which legislation is enforced on a day-to-day basis, close contact with the authorities that administer neighbour and neighbourhood noise legislation was required. This included at least two levels of telephone interviews, at national and regional/local authority level, using local language in order to help obtain full and unambiguous information. To further improve communications and understanding of the local setting, in nine cases, researchers native to the country carried out the interviews.

In some cases, more than one local authority was contacted. For example, in Belgium representatives from two regions, Wallonie and Flanders, were contacted. In Germany, different Länder were contacted in order to identify differences in enforcement practice in different regions. In several other cases more than one city was studied where it became apparent that noise management practices vary between cities.

4. RESEARCH OF MEMBER STATE PRACTICES

Each of the main contacts was interviewed following a standard interview protocol. The protocol ensured that all aspects of the Study Brief were addressed. Experience from other similar research studies showed that obtaining comparable information from different countries was not straight-forward. The protocol was developed with this in mind, in particular to form a fixed sequence of questioning.

5. ANALYSIS AND REPORTING

A substantial volume of information was collected and is reported in Annex C of the full report, which has a chapter on each country. This information is summarised in the main text of the report using two methods of analysis. Firstly a brief summary is given of legislation and enforcement practices, country by country. Then we compared across countries to contrast the methods adopted, and offer an analysis of their effectiveness, how they link to other government strategies, how cultural factors affect them, and elements that may be considered as best practice. In this analysis the UK system is used as a benchmark.

A Summary Comparison Matrix was produced to aid the analysis. The matrix comprised a column for each country with rows for each of the topics and the main sub-topics of the research protocol. It filled four A3 size pages and served two purposes; firstly, to facilitate a gap analysis of the information obtained during a first tranche of interviews; and secondly, to aid a comparison of the different topics across member states. Follow up enquiries were made to complete the matrix as far as possible.

The summary comparison matrix was subsequently broken down into a series of smaller tables, each covering one of the main topics in the protocol, e.g. Guidance and Education, Current Enforcement Practice etc. These are reproduced in the full final report. Some of the key findings are summarised below.

6. KEY FINDINGS

From the information obtained in this study, and from knowledge of the UK system, at first glance, the legislation and enforcement methods used for the management of neighbour and neighbourhood noise across Europe appear similar. Legislation is generally based on nuisance law. However, at closer inspection, there are numerous differences, some of which appear effective, at least in handling complaints, if not necessarily in finding easy solutions.

Neighbour noise in particular is an almost inevitable consequence of urban living and is highly dependent on standards of behaviour and personal consideration. Consequently it is found to cause problems everywhere, although it is likely that the size of the problem varies significantly

across Europe depending on local circumstances. In parts of northern Europe such as Scandinavia, for example, high standards of thermal insulation and noise insulation may partly account for an apparent lower level of concern with neighbour noise, particularly in terms of the administrative system which does not appear highly tuned to the issue. In southern countries, such as Spain, the Mediterranean lifestyle may have led to a greater tolerance of neighbour and neighbourhood noise, perhaps due to greater intrusion of noise from other sources, such as transportation, into homes through open windows and poorer insulation.

There is a variety of legislation used to address neighbour and neighbourhood noise in different countries. Few countries have a law specifically for neighbour noise whilst neighbourhood noise (produced locally, e.g. from pubs, commercial premises or local industry) is usually covered in planning legislation. Most countries devolve powers to local government which, to differing extents, draw up local laws on neighbour and neighbourhood noise. Regions within countries often vary in this respect. Germany for example, has national regulations on noise from lawnmowers, sports facilities, construction sites and certain fixed installations, whereas it also has regional (Länder) specific Noise Ordinances for private and commercial activities.

In some countries very strict local laws apply to the hours in which noisy activities can take place. Limitations on lawnmower use is probably the best example, but other activities are included in some countries, such as Do-It-Yourself work in Portugal, or even anything that could potentially cause noise disturbance.

Enforcement practices appear to vary considerably between Member States. In all cases enforcement is shared between police authorities (often more than one) and local environment authorities. However, different countries appear to apportion enforcement powers and the workload of investigating noise complaints differently between these two types of authorities. The structure of the various authorities, their titles and their overall remits, vary greatly, making any comparison specifically on the Neighbour and Neighbourhood noise management systems complex. However, it appears that, for certain types of noise complaint, the police authorities in other countries may play a larger role than in the UK. The use of the police for investigating complaints in the first instance can be seen as an efficient use of resources, because police authorities generally provide greater coverage of an area than environmental health authorities, and provide a framework for an out-of-hours service. However, in more complex cases, noise measurements and specialist acoustics knowledge may be needed, and these skills generally come from the environmental health authority. Hence there is generally a necessity for overlap and cooperation between the two.

Experience (e.g. in Amsterdam and in France) shows that integration of the efforts of the authorities appears to improve efficiency noticeably. For instance housing associations are usually involved where high proportions of the population live in rented or leased accommodation. In the Netherlands authority collaboration involves the police, environmental inspection services, housing associations, and health departments. In Denmark housing estates are obliged by law to operate a Council for Tenant Complaints.

Most, but not all countries have mediation services on offer, but some are not free and are seldom used for neighbour noise disputes. In most cases mediation is a fairly new idea. However, in Austria, Denmark, France and the Netherlands, in particular, mediation is seen as a common alternative to prosecution. The mediation system in Norway, although outside the EU, was identified as particularly effective.

The EC-sponsored SYLVIE project [Systematic Noise abatement in Inner City Residential Areas] in Vienna is investigating multi-stakeholder participation in developing quieter inner city environments. See www.sylvie.at .

France has carried out a review of enforcement practices in different cities that resulted in recommendations for best practice, including the need to share ideas across authorities and regions.

See <http://www.environnement.gouv.fr/dossiers/bruit/200009-hugel> .

Appeal processes against enforcing authorities judgements are available in almost every case. Information on success rates and timescales is sparse, but it appears that appeals can take several months or even years to be determined. This is clearly a common weakness that is no doubt very frustrating for some long-term noise sufferers.

Lack of resources is a common theme. It is interesting to note that when asked about the overall efficiency of the system, some officers suggested it was efficient in dealing with complaints, but not in providing resolutions, suggesting that noise problems between neighbours were inevitable. It is therefore perhaps surprising that few countries are attempting to educate their populations routinely into being less anti-social in terms of neighbour noise. There are cases of education programmes emerging (e.g. in Italy, the Netherlands and France), and annual noise awareness days are more commonly being taken as a first step. To date there is little evidence as to how education can prevent noisy anti-social behaviour in the community, but as these programmes mature the benefits may become clearer.

7. FURTHER WORK

The review showed that the UK has a well-established and sophisticated system for managing neighbour and neighbourhood noise, as do comparable European countries. Consequently, most of the elements of best practice identified across Europe within this report, already feature in the UK to some extent. However, some elements of best practice were identified as being worthy of further consideration when formulating future policies to effectively control noise nuisance within the UK. Part of this consideration may require further research into the finer details of how they are executed elsewhere, including formal costs, qualified benefits, and the identification of the potential pitfalls. Three areas in particular seem to warrant further study:

- Integration of local authority efforts – the Amsterdam example appears to offer benefits.
- Mediation – mediation in Norway is cited as a model service, achieving high levels of success.
- Education – further research into the effectiveness of education programmes, particularly in schools, taking into account experience in the UK with initiatives such as Hear This – a noise pollution teaching pack for primary schools [2].

8. ACKNOWLEDGEMENTS

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9. REFERENCES

1. Neighbour and Neighbourhood Noise – a Review of European Legislation and Practices. Environmental Resources Management Report on Research Contract EPG 1/2/36. 2002.
2. See website of the UK National Society for Clean Air and Environmental Protection www.nasca.org.uk .