

# THE BOTTOM *RUNG*

Issue 2

February 2014

## Welcome Back!

Welcome to the second edition of *The Bottom Rung*. We are pleased with the positive reaction to the first issue. This second one is being emailed to a wider circulation. *The Bottom Rung* is the new quarterly journal from the UK Noise Association. Since it will come out only four times a year it will only carry a few 'hard news' stories, concentrating instead on debates, discussions and talking points. What is frustrating for many working in the noise field is that for most of them problems identified there are solutions; they are simply not being implemented. There is no reason, for example, why our cities need be overrun by noisy, polluting traffic. Policies which encourage modal shift from cars to other transport modes would both cut the cost of congestion to the economy and improve people's quality of lives. Copenhagen and Amsterdam show it can be done. And Hamburg is now following the same path (see below). Which British city will be bold enough to follow?

### Auto Ban:

#### Hamburg aims to go car-free within 20 years

Germany's second city, Hamburg, wants to make its central area car-free by 2034. It would cover 40% of the entire city. Under an audacious urban development scheme named "Green Network", people will move about the port city, either via public transport or on foot or bicycle along a series of idyllic green thoroughfares which are now being painstakingly created.



#### Do professional lobby groups just speak for people like themselves?

Reactions to the Anti-Social Behaviour Bill, currently making its way through Parliament, have been instructive. The civil liberties lobby has raised concerns about the prospect of children playing in the street getting ASBOs. The wording of the Bill may need to be improved – and is being looked at – but many people living in areas where children are out of control long for this sort of legislation. Fashionable concerns about civil liberties come second to their peace of mind. A similar point is made by Sanctum Consultants in our exclusive interview on the inside pages: "Neighbourhood noise, the ordinary noise that can affect and blight millions of lives, is simply not headline-grabbing like HS2, motorways or airports." They don't argue that transport noise is not a problem; simply, that the concerns of ordinary working people can get overlooked. Eddie, a former Clydeside ship-worker, puts it forcefully in his opinion piece where he accuses large green NGOs of neglecting people like him. It is too sweeping to say that all NGOs simply reflect middle-class concerns but it is increasingly clear that some of their agendas work against the interests of many working people.

John Stewart (Editor)



## **A Revolution in Aircraft Noise Measurement?**

**Not the catchiest of headlines, but read on....**

The Airports Commission could be driving a quiet revolution in the way aircraft noise is measured. The Commission, under Sir Howard Davies, was set up by the Government to assess the need for more airport capacity. In its Interim Report, published in December, it argued that one new runway would be needed by 2030, somewhere in the South East. It has shortlisted Gatwick and Heathrow but hasn't altogether ruled out a new airport on the Isle of Grain. The Commission will now assess the shortlisted options. Its final report will be published in summer 2015.

**Using the current method, 4 hours worth of non-stop noise from Boeing 757s at a rate of one every 2 minutes is said to cause the same annoyance as one extremely loud Concorde followed by 3 hours 58 minutes of relief. Clearly not a reflection of reality!**

The revolution lies in the way it intends to measure the noise impacts of the proposals. It will not just rely on the much-criticised method, known as LAeq, which has been favoured by successive governments in the UK. LAeq averages out the noise over a 16 hour day, which is then usually averaged out over a year. Many argue that it does not accurately reflect the way people are disturbed by the noise as it includes the quiet periods of the day and the quiet days of the year. It has also been accused of giving too much weight to the noise of each individual aircraft (which has fallen over the years) and not enough weight to the number of planes overhead (which has increased dramatically in recent years). Using LAeq, four hours worth of non-stop noise from Boeing 757s at a rate of one every two minutes is said to cause the same annoyance as one extremely loud Concorde followed by 3 hours 58 minutes of relief. Clearly not a reflection of reality! There has also been criticism that the level at which noise annoyance sets in – 57 db LAeq – is unrealistically high.

**It will be difficult to revert to the old way of measuring annoyance post-Davies**



The Airports Commission will not ditch LAeq altogether but will also use the metric required by the European Commission – Lden - where noise is measured over a 12 hour day; a 4 hour evening; and an 8 hour night; with 5 and 10 decibels being added to the evening and night levels respectively to reflect the lower background noise levels at these times.

Heathrow campaigners argue that Lden much more accurately reflects the places where noise is a problem. Using 55 Lden, 725,000 people are impacted by noise from Heathrow; 57 db LAeq puts it at 245,000. The Commission will also use a 54 db LAeq metric. Additionally, it will employ a complementary

metric – N 70 – which measures the number of aircraft above 70 decibels passing over a property, providing the sort of understandable information local residents appreciate.

It will be very difficult for the Department for Transport or individual airports to revert to using only the 57 LAeq method of measuring noise annoyance post-Davies. Whatever comes of its runway proposals, the Airports Commission will have set in train a quiet revolution in measuring aircraft noise.

**“I get pretty peed off when I hear those Middle England voices around Stansted and Gatwick complaining about the impact of a new runway on their leafy villages.”**

**Read the Glasgow shipyard worker's take on things on page 7.**

## **Sanctum Consultants: Getting Things Done**

**In our last issue, Jack Craig argued that local authorities had much to learn from the private sector when it came to sorting out neighbour noise problems. John Stewart went to speak with the leading private firm in the area.....**

**Two things immediately strike you about Sanctum Consultants: their bustling energy and their enthusiasm to talk about noise.** I was in seventh heaven! But I had to remain objective. I was meeting the private sector firm which has a reputation for getting results but which has also made some enemies in the local authority world.

Sanctum Consultants was established in 2000 by a diverse group of practitioners with a background of working in local government, social housing and equalities. The founding principle of the consultancy was for practitioners to use their experience of local government functions and responsibilities “to assist a range of clients to access expert professional advice and assistance in a low-cost, effective and innovative way”. Noisedirect, a stand-alone arm of Sanctum, was set up in 2005 to provide noise advice. It was the first national noise advice service to provide a 24 hour service regardless of the geographical location. It remains the only national noise service where callers actually speak with experienced, skilled and qualified Environmental Health Practitioners and not just call handlers or call centre staff. Following the success of Noisedirect, in 2010 HouseLetDirect and Simple Advice Direct were launched, due to a significant demand for low-cost, fixed fee services from tenants, landlords, and social housing providers and consumers.

**I began by asking why they felt the need to set up a private sector organisation.**

“Many local authorities provide excellent services, but unfortunately the reality is that some don’t. For many councils noise and nuisance are not political or operational priorities. Sometimes councils will struggle to establish evidence of nuisance and will refuse to take action. In other instances, individuals find the whole process of dealing with councils time consuming, bureaucratic, or simply unfathomable. Noisedirect was established because of the huge volume of daily calls, where recipients of abatement notices or those suffering from noise problems would call our offices and ask for clarification on procedures, processes or even just for a non-technical and basic explanation of; ‘what is a noise nuisance?’

**One of the problems with local government is ineffective systems; change can simply take too long**

We found that callers wanted to speak with *actual* Environmental Health Practitioners in confidence to clarify questions and queries in

an environment of trust. Often the calls would last 20 - 30 minutes, with callers expressing relief at receiving an independent non-biased view of their case and not just receiving a standard letter or being asked to complete endless dairy sheets. One of the many problems with central and local government is that, where systems are not effective, change can simply take too long or in some cases never materialises. The advantage for smaller entities such as Sanctum is that you can respond quickly and positively to implement a service that your clients tell you they need, rather than just imposing a formula that you think works, even if the end consumer doesn’t. The formula for Noisedirect’s 30 minute fixed telephone consultation was established because of a clear demand for the service through an organic process, where we listened to what noise sufferers, businesses, landlords and other consumers wanted and needed: low-cost advice, when they want it; and not just 9am - 5 pm or between 10pm - 2am Thursday to Sunday. The service quickly expanded in other areas”.

**The private sector can provide low-cost advice, when people want it; and not just between 9am – 5pm or 10pm - 2am Thurs -Sun**

**I wanted to know how they operated differently from a local authority department and about the profit motive.**

“The main difference is that Noisedirect’s services are all customer led and driven. We provide a quality service at an accessible and affordable price. Like a supermarket we provide a basic service; £39 fixed-fee 30 minute Noisedirect consultation, which is heavily subsidised by the consultancy’s other work. We feel

**The main difference is that our services are all customer led and driven.**

it is important for everyone to have access to low-cost fixed-fee advice especially in the current climate of legal aid and public spending cuts. Noisedirect has operated a Noise Aid fund for many years, for those suffering extreme hardship. Noise Aid is reliant on the donation of free time by our network of associates, helping secure Noise Justice for disadvantaged and socially excluded noise sufferers. So, the key motivator is people and the desire to create healthy harmonious neighbourhoods. As public health professionals that is what we believe in, rather than a search for profits”.

**I had noted from their website that they had successes in cases where local authorities had failed. I wanted to know more.**

“Our website demonstrates that noise cases are generally not intractable and can be resolved. Even where a noise cannot be stopped altogether, it can be mitigated or reduced. Often the resolution can involve empowering an individual to make informed decisions about the outcomes that they want to achieve. At

**A recurring complaint we get is the refusal of local authorities to investigate noise complaints in their own properties**

Noisedirect we don't have any fixed agenda. We don't have any quotas to meet in terms of legal action or serving abatement notices. We don't coerce anyone to enter into mediation or do anything that they feel uncomfortable with.

Whether an individual instigates legal action or is successful or unsuccessful in their case, we do not have a vested interest in the outcome. We merely provide an independent view on whether the noise is, has been, or can amount to a nuisance or is harmful to health. We are patient and listen, but above all take time to explain the process and procedures involved including the Court processes and any evidential test that must be met for a prosecution. Most noise sufferers don't want to go to Court or prosecute their neighbour; they just want the noise to stop and would ideally prefer their local council to do this on their behalf. Callers turn to Noisedirect for a number of reasons. Younger groups and professionals are used to dealing with matters privately and simply don't want to engage with their councils; and are comfortable paying for a private service. One of the most common problems we get relates to noise from council-owned properties. The recurring complaint we receive is that council-employed Environmental Health Practitioners simply refuse to investigate such complaints or state that the noise could never amount to a nuisance. This simply leaves those affected by noise from council-owned properties with no redress. Councils need to manage such situations in a holistic and robust manner by working together with their various departments rather than perceiving the complainant as the 'problem'. Or by using the full force of their legal departments to challenge those who take civil action to abate noise from council-owned properties”.

**I wanted to know how, as a business, they deal with people who simply can't pay.**

“Noisedirect provides a low-cost fixed-fee service; the price of our 30 minute Noisedirect Consultation has remained unchanged for over 7 years. With many councils now introducing charges for non-emergency services we believe that Noisedirect continues to provide value for money. The overriding motivator for Sanctum has never been financial, but a key belief in safeguarding and protecting public health, helping

individuals to feel empowered through advice and education and the promotion of social justice”.

**Noise has been far down the agenda of successive governments. I asked Sanctum what they would like to see governments doing that would make it easier for noise problems to be resolved.**

“It is evident that there seems to be noise fatigue in the echelons of power but also in the voluntary sector. Noise is often referred to as the ‘Cinderella’ of pollution; but let's not forget Cinderella did go to the ball, marry Prince Charming and live happily ever after! There doesn't seem to be any such happy ending in sight for neighbourhood noise. Successive governments have been happy to fund large strategic noise mapping projects for Environmental Noise, whereas neighbourhood noise is seen as low priority. The ordinary noise that can affect and blight millions of lives is simply not headline grabbing, as HS2, motorways or airports. There is a wealth of data to support the impact to health and well-being from

**Neighbourhood noise, the ordinary noise that can affect and blight millions of lives, is simply not headline grabbing like HS2, motorways or airports**

noise. We know emphatically that prolonged exposure to noise can have a serious effect on sleep and health, can increase the risk of heart disease, raise blood pressure, and harm children's psychological and educational development. The anti-social, nuisance, and annoyance effects of noise can, in extreme cases, result in violence or injury and suicide or death. Rather than waiting for government to develop coherent and effective policies, perhaps the noise agenda needs to come of age. Noisedirect takes the view that, perhaps in the 21<sup>st</sup> century Cinderella doesn't need to wait for her fairy Godmother and Prince Charming to rescue her. Noisedirect also takes the view that if Government will not adequately

**If government will not take action, then power to resolve issues should be put in hands of individuals**

resource enforcement of neighbour and neighbourhood noise, then it should put the power to resolve issues in the hands of individuals. During 2010/11, only 2% of noise complaints to councils resulted in the service of an Abatement Notice. Quite simply it should be a case of; ‘use it or lose it’. If Councils will not use powers provided under the Environmental Protection Act 1990 in anticipation and prevention of noise nuisance, then make it easier for people to appoint their own Environmental Health Practitioners to take action on their behalf”.

**When I finished the interview, I was thinking of a title for the piece. It has to be ‘Getting things Done’. Their energy is infectious. Can that be said of all local authorities? I fear not. Noisedirect can be contacted on [www.noisedirect.co.uk](http://www.noisedirect.co.uk)**

# Wind Farm Noise: All Blown Over?

As the debate over wind farm noise rages acoustician Gwyn Mapp pinpoints problems with the law

## Introduction

There have been many news stories over the last few months involving wind turbines. New guidance has been met with outright hostility; Whitehall departments have all but declared open warfare and experts appear to be taking entrenched positions on the subject of wind farm noise. So, what's going on? The answer lies with how current Government guidance deals with the law.

**New guidance has been met with outright hostility**



## The Law

There are two elements to the law that applies to noise in the UK: civil law and criminal law. Under the civil system noise can be considered to be a Tort, i.e. a civil wrong, if it is considered to be a Private Nuisance. Under the criminal system noise can be considered to be a crime by two main routes. The first is for the noise to be considered a Public Nuisance; the second way would be for the noise to be considered a Statutory Nuisance as described by Part III of the Environmental Protection Act 1990 (as amended). Noise is considered a Statutory Nuisance if it is either Prejudicial to Health or a Nuisance.

The planning system, as provided by the Town and Country Planning Act 1990 (as amended), is frequently used proactively to manage noise. However it needs to avoid permitting criminal or civil offences that affect all neighbours at all times. This requirement cannot be over-ridden by the social or economic benefits of the development. The usual way for the planning system to protect all neighbours at all times would be to try and prevent complaints. However, for wind turbines it was deemed appropriate to allow more noise impact to enable development by applying the guidance document ETSU-R-97. This has led to neighbours of wind farms to be exposed to higher noise levels than would be expected for other noise sources, leading to a perception that the planning system is unbalanced in favour of wind farm developers.

**People close to wind farms can legally be exposed to higher levels of noise than those living near other sources of noise**

With other noise sources this would normally be the end of the story, but in 2008 the Planning Act was passed which allowed onshore wind farms over 50MW to be considered Nationally Significant Infrastructure alongside major roads and airports. Usually, in allowing these activities to create more noise impacts, compensation is payable to neighbours for their losses. Unfortunately, in setting noise limits for these bigger wind farms it was decided to apply ETSU-R-97, which are too low to allow adequate compensation to be paid. This has led, again, to a perception that the planning system is unbalanced in favour of wind farm developers, but also leads to a perception from developers that the noise limits are too strict for the larger developments.

## Conclusion

The law relating to Wind Farms is confused at the moment. In relying upon the noise limits in ETSU-R-97, smaller wind farms are not controlled enough and larger wind farms are too tightly controlled. Therefore, if ETSU-R-97 does not properly benefit either side, what is the purpose of persisting with it?

**•Gwyn Mapp is an independent acoustic consultant with more than a decade's experience in the field. He has his own consultancy, Amledd Consultancy.**

# When America went Silent on Noise Abatement

**America led the world in tackling noise until Ronald Reagan closed down the national noise abatement body and devolved responsibility to the under-funded states. At a time when the UK Government wants as many decisions to be taken at a local level, this timely article by Dr Arline Bronzaft warns that the US has never recovered from Reagan's decision.**

The United States passed the Noise Control Act in 1972 and, by setting up the Office of Noise and Abatement (ONAC) in the US Environmental Protection Agency (EPA), it embarked upon a program to educate people to the dangers of noise and to inform them of ways to reduce noise in their lives. ONAC also assisted state governments with their noise reduction efforts. While acknowledging that additional research was needed to strengthen the link between noise and health effects, the United States' position was reflected in the statement made by Dr. William H. Stewart, former Surgeon General, in his keynote address to the 1969 Conference on Noise as a Public Health Hazard: "Must we wait until we prove every link in the chain of causation? I stand firmly with Surgeon General Burney's statement of 10 years ago. In protecting health absolute proof comes late. To wait for it is to invite disaster or to prolong suffering unnecessarily." Russell Train, the administrator of EPA, in a 1976 talk on aircraft noise, stated: "It is time for all to come together, and to come to grips with the problem of aviation noise, and to build, at long last, an air transportation system that is safe, healthy, and quieter."



## 1981 All Change

When Ronald Reagan became President in 1981, he essentially closed down the Office of Noise Abatement and Control in US EPA. He declared that it was best to deal with noise issues at the state level, even though at that time many of the states depended on federal funding and direction for its anti-noise efforts. While the federal government still oversees noise abatement in some areas, e.g. noise in the workplace and aircraft noise, the agency deemed to oversee the Noise Control Act, the US EPA, has curtailed most of the 1970 activities. Today, there is a small educational noise section on the EPA website.

## Lagging Behind Europe today

Today the United States lags behind Europe. I'll use aircraft noise to illustrate the position. In a 2010 paper funded by the US Federal Aviation Administration Office of Environment and Energy entitled *A Review of the Literature Related to Potential Health Effects of Aircraft Noise*, Hales Swift, its author, states: "...there are also questions as to whether the results are directly transferable from a collection of European populations to an American one." This statement is repeated a second time. While I understand that studies have to be replicated, I don't believe that in our global society, we should wonder whether Americans respond to noise as do Europeans. We don't do this when we discuss disease causation and treatment for disease. Thus, with the United States hesitant to generalize noise impacts on health and well-being from European findings, this paper concludes as follows: "A great deal of research remains to be done in the field of health effects of noise." Without this research, the federal government can take it "slow" when it comes to noise abatement.

The American founding fathers placed dirt on the cobblestones outside Independence Hall in Philadelphia to quiet the passing horses and carts as they deliberated the writing of the US Constitution. Sadly, the individuals shaping American policy on noise today don't understand that sound mental and physical health demand a quieter environment.

• **Arline L. Bronzaft, Ph.D.** is a Professor Emerita of Lehman College, City University of New York. She has written widely on noise and was the author of the ground-breaking study in 1975 of the impact of noise on children's education: 'The effect of elevated train noise on reading ability'.

## Listen Out!

- the chance for you to sound off

### If Glasgow ruled the world.....

I'll admit it. I get pretty peed off when I hear those Middle England voices around Stansted and Gatwick complaining about the impact of a new runway on their leafy villages. Now, I'm not into the game of shoving my misery to somebody else but let's look at a few facts.

Number of people disturbed by aircraft noise:

Heathrow	725,000
Manchester	94,000
Glasgow	63,600
Birmingham	47,900

Those are the big four. A real jump to the next one, Aberdeen - 16,000 people. Gatwick is way down in 9<sup>th</sup> place with 11,900 and Stansted is 11<sup>th</sup> with 9,400. Both are below London City.

Now, I'm no aviation expert. And I don't know whether we need another runway. I suspect we do, though I get it we can't go mad on runways if we are not to mess up our planet. But surely the top choices for any new runway should be the places where it affects fewest people.

But that's not what Middle England wants. Nor, it appears, most of the environmental groups who seem to speak on their behalf. I heard one of their people the other day say that, instead of a new runway, aircraft should be shared around existing airports. Presumably to save the likes of Gatwick and Stansted. What they are actually saying is more flights over Drumchapel, one of the biggest housing estates in Western Europe; more flights over Clydebank, still recovering from the loss of the shipyards. No thanks, pal!

- *Listen Out!* is an opportunity for people with a strong opinion on a noise matter to have their say. Eddie is a former shipyard worker who has lived in Clydebank all his working life. Have your say!

### In the next issue:

**Fracking:** how does it rate in the noise stakes?

**Wetherspoons:** "the best invention of the last 20 years"

**The Victoria Line:** "Why I hate the Victoria Line more than any underground line in the whole world!"

*The Bottom Rung* is a quarterly journal, published online by the UK Noise Association. It is edited by John Stewart. We are always looking for contributions, be it letters, articles or opinion pieces. We are also looking for your suggestions on how it can be improved. We also want to hear from you if you are keen to advertise with us. John Stewart can be contacted at 13 Stockwell Road, London SW9 9AU. Tel 020 7737 6641. Email [johnstewart2@btconnect.com](mailto:johnstewart2@btconnect.com)

## Fancy a Quiet Coffee?

Off the booze after Xmas, I want caffeine and cakes.

### Try Kings Cross

Nip into the **British Library** on Euston Rd. Just 2 mins from Kings Cross/St Pancras. A cafe and restaurant upstairs. Good for a leisurely read of the papers or a small meeting. Food is pricey.

Pop across the road to **Friends Meeting House**. (Opposite Euston Station). Soft drinks and snacks.

### A Stroll in Soho

Try **Bar Bruno** 101 Wardour St. a great family-run, traditional cafe where you can enjoy a cheap meal or a coffee

Treat yourself to coffee and gateaux at **Patisserie Valerie** 44 Old Compton St

Another gateaux treat **Maison Bertaux** 28 Greek St

<http://www.bl.uk/>

<http://www.friendshouse.co.uk/>

<http://www.londontown.com/London-Information/Restaurant/Bar-Bruno/3710/>

<http://www.patisserie-valerie.co.uk/cafe-soho.aspx>

<http://www.maisonbertaux.com/maisonbertaux.com/Maison-Bertaux.html>

**Slurp**

## Advertisement



Packed with the latest news on noise  
+44 (0)1722 790622;  
+44 (0)7971 518976  
<http://www.empublishing.co.uk>