

**Nuisance Noise and Golf Clubs**  
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**Noise** is any sound. Nuisance noise is any unwanted sound; it does not have to be loud it simply has to exist. Nuisance noise can be quiet but continuous. It can be sudden, it can be unexpected, and it can be repetitive.

We have all at some time suffered nuisance noise. It may have been from neighbours partying; a nearby building site; a faulty car alarm; a barking dog; the bin men arriving early in the morning or someone talking loudly on their phone when you are on the train. Regardless of the source, the unwanted sound has the ability to impact on people's lives and is a major causal factor for stress.

If you are the source of an unwanted sound you could be considered to be generating a nuisance noise. I say could because we live in a noisy world, noise generated by modern life is regarded as a necessary evil. Much of how we live our lives generates noise, so much so that because of the common benefits it brings to all we have learned to live with the noise.

This means that whilst we are all generating noise, not all noise, even if unwanted, is considered nuisance noise. So how does noise become a nuisance? If everyone is

creating noise, how does society differentiate between nuisance noise and necessary noise?

That decision is made in a complicated way. The government has created legislation detailing the offence of nuisance noise, and the process for enforcing the legislation. It is the Environmental Protection Act of 1990 that states “noise prejudicial to health, or a nuisance noise prejudicial to health is a nuisance”, creating nuisance noise as a statutory offence. The enforcing body for this legislation is the local authority, with nuisance noise accounting for the majority of complaints received by local authorities from residents.

Most clubs and sports grounds have residential premises within a distance where the noise created by maintenance activities could enter the premise. It is when this happens that the resident of that property can decide if it is an unreasonable and significant nuisance that causes significant and unreasonable interference with the use and enjoyment of their premises, or if it is prejudicial to health.

At that point they can inform the local enforcing body who have a statutory duty to do all “reasonably practicable” to investigate the complaint. The local authority will work on the principle that for something to be a statutory nuisance it must be considered to be unreasonable to the “average person” and something that is more than an annoyance.



## **Actions**

The first step most councils follow is to ask the complainant to contact the source of the noise (the Club), requesting, on the grounds of good neighbourliness, that they take steps to reduce the noise. The council may provide a letter for the complainant to assist them in formatting the letter correctly. The council may also write to the club notifying them of the complaint. If, after a reasonable period of time the neighbour feels there has been no change, and continues to complain to the council, the council would assign an Environmental Health Officer (EHO) to the case who would commence an investigation.

The investigation would generally involve officers witnessing the problem themselves; witness statements from those who are affected; written nuisance records from people affected; the use of measuring devices, such as noise meters to create a noise log or noise diary; inspecting the premises of (the club) and talking to those that are the subject of complaint and identifying the source of the noise (the equipment).

Once the club is aware this is happening they should create their own noise log at the source of complaint to ensure that the noise log created by the complainant has not been contaminated with noises from another source, which could easily happen.

If the council is satisfied that noise being generated is a statutory nuisance and unreasonably and substantially interferes with the use or enjoyment of a home or other premises or could injure or be likely to injure health, they can serve a Noise Abatement Notice.

## **Fact**

- The circumstances vary from site to site so the content of the abatement order is subjective.
- It would be prosecuted if the local authority felt the order had not been complied with.

- On a prosecution for flouting the order fines can range from £50 to £50,000.

The notice may require that the noise is stopped altogether or limited to certain times of the day. The club then has 21 days to appeal the notice or to enact it. The appeal will be heard by a judge.

An appeal could take the form of “best practical means”, this being a defence available to operators of a trade or business premises when faced with a nuisance noise complaint.

Those responsible for the noise have to prove that they have used all reasonable means to reduce or control the effect of the noise. Those responsible being the board of directors, the committee or any other person purporting to act in such a capacity.

#### **The defence of best practicable means;**

- Having regard to the current state of technical knowledge Including the design, maintenance and periods of operation of plant and machinery
- The local conditions and circumstances
- The financial implications

#### **Advice for avoiding nuisance noise;**

- Be proactive. Know where noise is likely to be considered “a nuisance” and show consideration
- Plan work activities so that those areas identified are not exposed to noise until the latest practicable time
- Foster good relationships with your neighbours (your neighbour in law being anyone affected by your acts or omissions)
- Respond to any complaints by meeting the complainant on site and listening. Explain what you are doing and how you are planning your work to show them consideration. Try to reach a reasonable compromise

- Consider noise emissions when purchasing equipment. If the noise can be eliminated, and it is reasonably practicable to do so, it should be
- If noise cannot be eliminated in equipment, baffle the sound, if possible, to as low a level as is practicable
- If a complaint has been made, update your noise risk assessment and discuss how the findings of the risk assessment can be implemented with the club so that “best practicable means” is applied
- In the eventuality of a complaint, know your noise outputs and keep a detailed diary of what equipment is used and where. Create a noise log at the point of complaint of the total noise dose received by the complainant over a day, a week and a month.

**FACT** that receiving a complaint does not mean you are going to be served a noise abatement notice, and that if you are served one, it is not uncommon to have them overturned on appeal. Final say rests with the court, not the EHO!