

Noise Complaints Update

Executive Summary

The Overview and Scrutiny Committee considered a Notice of Motion at its meeting on 7 June 2021, whereby a decision was made to adopt changes to Environmental Health's reporting procedures regards to construction noise complaints and applications for Prior Consent Notices.

It was agreed that Ward Councillors would be consulted on applications for Prior Consent for noisy works outside of the permitted hours and that a quarterly report be prepared and submitted to the Overview and Scrutiny Committee providing details of noise complaints received.

This report sets out the number and nature of noise and dust complaints received by the Council's Environmental Health service in the last 9 months, since the last figures were reported on 11 July 2022. It also summarises the number of applications for Prior Consent Notices received and total consultations to have taken place with Ward Councillors within this time.

Recommendations

The Committee is requested to:

RESOLVE That

the report be noted.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers:	None.
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1.0 Introduction

- 1.1 On 11 February 2021 the Council referred a Notice of Motion submitted by Councillor Lyons, which dealt with the limitation on noise from construction sites to the Executive.
- 1.2 The Executive considered the Motion at its meeting on 25 March 2021 and recommended to Council that the Motion be not supported.
- 1.3 At Council on 8 April 2021, it was resolved that the Motion be deferred to enable it to be considered by the Overview and Scrutiny Committee at its meeting on 7 June and the Executive at its meeting on 17 June 2021 with a view to the matter being brought back to Council in July 2021.
- 1.4 The Overview and Scrutiny Committee considered the Motion at its meeting again on 7 June 2021. The views of the Committee were of such that the existing process is fit for purpose, but that additional steps could be taken by Environmental Health to consolidate existing arrangements; including consulting with Ward Councillors on new applications for Prior Consent, improving communication with residents and presenting a quarterly report to the Overview and Scrutiny Committee providing details of noise and dust complaints received. (On 21 March 2022 it was agreed that this monitoring update report be provided every 6 months rather than quarterly).
- 1.5 These recommendations were reported to the Executive on 17 June 2021 and 21 March 2022 and were approved.

2.0 Complaints Data

- 2.1 EH maintain a log of all noise and dust complaints from construction sites, which are broken down by quarter and complaint type. The data captured is a record of all complaints made under the banner of 'construction'/ 'plant'/ 'machinery' noise and comprises one-off complaints that have either not been substantiated or have not required any further investigation by Environmental Health, for instance emergency highways/ gas works, or cases where diary sheets have not been returned by the complainants. [Appendix 1]
- 2.2 In 2020 Environmental Health received 126 complaints of construction noise. 56 of these were residential / domestic complaints about household renovations. 41 related to various sites undergoing development in the Town Centre; from Poole Road, Victoria Way, Chertsey Road, Dukes Court, Goldsworth Road, Forge End, Heathside Car Park and Lockfield Drive. Only one complaint was received in relation to works where prior consent had been issued, and this was to Farrans for works on Chobham Road. The remaining 29 complaints relate to noise from construction outside of the town centre and comprise of noise from 4 separate housing developments, 2 food premises, 3 school renovations, 1 care home development and works at a Golf Club.
- 2.3 In 2021 Environmental Health received 102 complaints of construction noise. 31 were to do with residential /domestic house renovations, 25 related to noise from Town Centre works, 13 related to noise from other Council developments (namely Sheerwater (10), Wells Court and Hale End) and a further 10 were complaints about general noise from some of our 'light industrial' sites within the Borough. The remaining 33 complaints were from works carried out by other agencies or commercial companies (SCC, housing developments outside of the Town Centre, leisure and educational establishments undergoing works and suspected noise from works to the railway line, to name a few).
- 2.4 In comparison to the above data from the last two years, noise complaints appear to be declining and Environmental Health are receiving significantly less complaints about noise from town centre works.

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- 2.5 Since the last report there have been 25 noise complaints to Environmental Health in Q3 (July – September 2022) and only 4 complaints in Q4 (October – December 2022).
- 2.6 Environmental Health received 71 complaints of construction noise during 2022, showing a downward trend in complaints of 31 less than the previous year and 55 less than 2020. The majority of complaints received in 2022 (35) were complaints of residential/ domestic noise from housing renovations. This year there have been 13 complaints about noise from Town Centre works, all of which have been received at differing times throughout the year and have ranged from new shops being fitted, to emergency rail works. 6 complaints were made in total about works on Victoria Way, Commercial Way and works to remediate the cladding to The Hilton Hotel. In addition, there has been 1 complaint about noise from the build of the ice rink and 1 complaint where prior consent had been issued to Farrans again for out of hours work.
- 2.7 Since the last O&S report from 11 July 2022, there have been 29 complaints from the end of Q3 to the end of Q4 (July - December 2022). 22 of these were residential and the rest were either road works, site redevelopments or commercial establishments undergoing works. Two complaints were from town centre works (the Hilton Cladding and Ice Rink construction).
- 2.8 Investigations into all noise complaints were made and issues were addressed with the contractors concerned. Environmental Health held meetings with the complainant from The Marches and Sir Robert McAlpine to better understand their concerns and to explore further noise mitigation for essential out of hours working to replace the Hilton Hotel cladding. In addition, contractors were asked to ensure that all nearest sensitive receptors, including any new residents living in The Marches, are informed of future planned noisy works in Victoria Square, following a complaint about the construction and subsequent derig of the Ice Rink.
- 2.9 This year there has also been a noticeable reduction in the number of noise complaints about the Sheerwater regeneration. 6 complaints have been received in total throughout the year, 5 of which were made at the same time in August, when there appeared to be an increase in noise and dust complaints. Environmental Health approached the contractors and the issues were quickly rectified by additional suppression, bowsers and jet sprays being put into the site.
- 2.10 Only 1 complaint was made about the Days Aggregate Yard in 2022, but related to engine noise. Environmental Health have continued to work closely with the site management, by attending meetings with the Director, Site Manager and their Environmental Specialists to explore new working practices that would reduce the overall noise impact on neighbours and ensures Best Practicable Means are being applied at all times.
- 2.11 Dust complaints remain low, with a total of 12 complaints being made in 2020, 7 in 2021 and 9 in 2022. There are no significant sites or areas of concern to highlight.
- 2.12 A full breakdown of the complaints made to this service can be found attached with this report, including a list of all 13 complaints received in 2023 so far, up to 03 March 2023.

3.0 Prior Consent Notices

- 3.1 Appendix 1 also shows the total number of Prior Consent Notices that Environmental Health have issued for out of hours noisy works, granted to take place outside of the permitted hours of 8am – 6pm Mon to Fri and 8am – 1pm on Saturdays.
- 3.2 18 Prior Consent Notices and 2 section 60 Notices were served for breaches to these regulations in 2020. 19 Prior Consent Notices were issued and 4 section 60 Notices were served in 2021 and 17 Prior Consent Notices and 5 section 60 Notices were served in 2022.
- 3.3 In Q3 a Section 61/ Prior consent Notice was refused on the grounds of existing noise complaints and multiple objections from residents. The applicant was unable to provide a sufficient justification for the need to work weekends, other than a potential disruption to their

business. A further application was refused in Q4 for prior consent on Kingfield Road due to the operating hours of the shop/ businesses taking priority over late night noise disturbance to local residents, which EH felt was not justifiable in this instance.

- 3.4 In 2023 so far, up to 6 March, EH have received 7 applications for prior consent.
- 3.5 All applications have been shared with Councillors for comment. Councillors have also been notified of other emergency works and / or extensions to existing prior consent notices, to ensure the opportunity to comment is still provided.
- 3.6 Delegated Authority Forms are completed for all Notices issued to ensure the information is readily downloadable to the public via the Woking Borough Council website.

4.0 Corporate Strategy

- 4.1 The additional measures arising from this report will support delivery of the corporate plan objectives for sustainable development and a strong economy whilst increasing transparency for residents.
- 4.2 Other corporate priorities, as outlined in the Corporate Strategy, have been met through engagement and consultation improvements, by subsequently improving communication, rapport and the health and wellbeing of Borough residents.

5.0 Implications

Finance and Risk

- 5.1 There are no financial implications arising from this report.
- 5.2 There are no risk management issues arising from this report

Equalities and Human Resources

- 5.3 No human resource or training and development issues are arising from this paper.

Legal

- 5.4 Environmental Health have undertaken the necessary statutory, procedural and policy steps available to the Council and there are no legal implications which arise from this report.

6.0 Engagement and Consultation

- 6.1 The Council's Portfolio Holder, Councillor Liam Lyons, and professional environmental health bodies have been engaged in the preparation of this report.
- 6.2 The Chairman of the Overview and Scrutiny Committee was consulted in the preparation of this report.

REPORT ENDS