

Council's response (Environmental Health Department) to Noise and Nuisance Issues raised in Basement Force Representation, RBKC, April 2014

1.0 General comments

- 1.1 At 142(a), the response should refer to July 2010 and not July 2013.
- 1.2 At 142(d), the response does not make it clear that the 5,700 complaints relate to 8 months in 2013 rather than the three year period referred to above.

2.0 Number of complaints

- 2.1 The Noise and Nuisance Team feel it is highly important to address the comment at 144 – *‘the complaint figures from the Council's Noise and Nuisance Team do not seem unreasonably high and do not seem to support the basic assumption of the proposed policy that basement construction impact is unreasonably high’*.
- 2.2 The Noise and Nuisance Team exists to ensure that residents can enjoy reasonable living conditions and amenity in the Borough, by not only investigating complaints about noise and nuisance (on which we have a statutory duty EPA1990) but also by adopting a proactive strategic responsibility to manage construction projects and noise in the Borough generally.
- 2.3 Officers in the Team are instructed to reactively (in response to complaints) and proactively serve notices on all construction sites. Individual officers in the Team have responsibility for specific areas of the Borough. This responsibility includes regular proactive monitoring of streets by Officers in their designated area. The policy is for officers to ensure that a notice is served as soon as possible when a construction site comes into existence and has been identified.
- 2.4 This policy is there to ensure notices are served to control hours of work during which noisy work is permitted to be audible beyond the site boundary and to formalise the requirement that best practical means are used to minimise noise. This is part of a strategy to reduce the numbers of complaints coming into the Noise and Nuisance service. The number of complaints received are in excess of 10,000 a year.
- 2.5 This proactive way of working has seen a reduction in the number of complaints recorded against individual sites as residents have already been made aware of the fact that the site has been regulated by the Noise and Nuisance team. If a resident calls in they can be informed that a notice is in place and what the requirements of the notice are (as a minimum requirement this will restrict the hours of noisy work and the constructor must use best practicable means to reduce noise). This drives down the number of complaints as residents accept that nothing further can reasonably or practicably be done. Officers may receive further enquiries and be made aware of issues where, it is alleged, Best Practicable Means is not being used.

2.6 The ongoing reduction in Local Authority budgets has meant that policies to reduce the need for residents to use the Council's service are paramount. By implementing this policy the numbers of complaints into the service are reduced; however, it does not take into account the continuing daily impact on residents of the work that is on-going throughout basement construction process, even when the permitted hours and best practice are followed.

3.0 Basement Construction firms

3.1 Referring to 145(a) and (b), , it is our experience that the majority of contractors undertaking construction works in the Royal Borough are both experienced and well run companies, particularly with regard to basement construction. It is the duration and major upheaval of basement extension works that result in the negative impact on residents.

3.2 In 145, the comments about Construction Traffic Management Plans (CTMP) are not made in relation to the points in the Noise and Nuisance Team's submission. The CTMP is a Planning requirement and is enforced by the Planning Enforcement Team.

3.3 Concerning 147, the Noise and Nuisance Team contend that many of these comments, a to i, (most of them related to site traffic/vehicles) can be associated with any construction site in the Borough, whether it is considered to be a 'well run' site or not. Those comments may very well simply be a reflection of the frustration residents feel; this is touched on in our 6.2. It is inevitable that residents will be inconvenienced to a greater or lesser degree by any construction work carried out in the Borough.

4.0 Additional Environmental Health Comments on Responses

4.1 Although the Environmental Health (EH) department has some control on construction noise through the application of the Control of Pollution Act (COPA), this does not necessarily reduce the noise impact of basement extension works on neighbours. Through a Notice under the above Act the Environmental Health department can control hours of noisy work and also attach reasonable conditions to a Notice on how the works are to be done. Nevertheless the construction techniques normally used would to a large extent (these are generally limited to underpinning or for large extensions contiguous piling) constitute the best practicable means to carry out those works and forming the basement. These are inherently noisy; noise, vibration and other disturbance is, therefore, a daily reality for those residents closely affected by the works even though a COPA notice may be in force on the site. The Environmental Health department do what they can through the powers that they have under the Control of Pollution Act but this can never diminish the actual reality of daily noise and disturbance and inconvenience caused.

4.2 The Environmental Health controls that do exist to mitigate construction impact are used largely in response to complaints and problems when these have been experienced and notified to EH. Basement extension projects are significant

construction projects. These projects are not inherently well suited for control under the COPA which was not, we consider, drafted for this scale of next door neighbour project in mind. Sustainable development requires a balance to be struck between economic, social and environmental factors. The social role involves promoting healthy communities whilst the environmental role involves minimising pollution in all its forms. Both of these strands need to be taken into account and a suitable balance struck.

4.3 The basement extensions carried out in RBKC are for the most part in normally quiet residential roads. The impact, of what is in effect a major civil engineering project being carried out next door is often significant. This is often compounded by such projects following each other consecutively or being undertaken concurrently in the same road.

4.4 DIY or other refurbishment works by employed builders carried out by householders is a category of complaint that Environmental Health noise and nuisance teams are very familiar. However in terms of 'home improvements', or modest above ground extensions, basement extensions are on a different scale and constitute a major civil engineering construction on residents' doorsteps.

4.5 Limiting basement extensions to one floor should also have the affect of limiting the basement formation to relatively shallow underpinning only and help to ensure excavation by manual means. This will assist in limiting the duration of the construction phase and minimise the duration of the works and to a large extent ensure the basement construction methodology minimises noise and vibration. It will also limit the amount of spoil removal and therefore the number of trucks visiting the site to carry it away. These are all impacts that are currently experienced in tight knit residential streets which have a high population density.