Residential EH – Noise and Pollution Policy

November 2026

THREE RIVERS DISTRICT COUNCIL

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1. Introduction

1.1 Three Rivers District Council is committed to protecting and improving the environment and health of residents and businesses. The council recognises that nuisance and pollution can have a significant impact on individuals and communities.

1.2 This Policy sets out the council's approach to the investigation, management and enforcement of nuisance and pollution complaints.

1.3 The Environmental Protection Act 1990 (EPA 1990) provides local authorities with the power to address matters that are prejudicial to health or constitute a statutory nuisance.

1.4 Specialist areas such as noise from construction sites, Code of Practice (COP) for Concerts are contained within the Control of Pollution Act 1974 (COPA 1974).

2. Aims of the Policy

2.1 The Policy supports the council's vision of 'A great place to live, work and visit', specifically supporting our strategic theme of providing Healthy, Safe and Thriving Communities.

2.2 The purpose of this Policy is to ensure that nuisance and pollution complaints are handled effectively and consistently.

2.3 The council will use its statutory and enforcement powers to prevent, reduce or abate nuisance and pollution where informal measures have been unsuccessful or where the circumstances warrant formal action.

3. Statutory Nuisance

3.1 The Environment Protection Act 1990 constitutes the following as "statutory nuisances":

- Any premises in such a state as to be prejudicial to health or a nuisance;
- Smoke emitted from premises so as to be prejudicial to health or a nuisance;
- Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;
- Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
- Any accumulation or deposit which is prejudicial to health or a nuisance;
- Any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- Any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;

- Artificial light emitted from premises so as to be prejudicial to health or a nuisance;
- Noise emitted from premises so as to be prejudicial to health or a nuisance;
- Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street;
- Any other matter declared by any enactment to be a statutory nuisance.

3.2 There is no maximum noise level (decibel level) that automatically constitutes a statutory nuisance. Each complaint will be assessed on its individual merits. Factors taken into consideration will include:

- When the noise is occurring (noise can be a nuisance at any time of the day or night);
- The duration of the noise;
- How often the noise is occurring;
- The type of noise;
- Whether there is a social acceptance (for example, bonfire night); and
- The nature and character of the locality.

3.3 The factors listed above are not exhaustive and all relevant circumstances will be considered when determining whether a statutory nuisance exists. The decision will be based on the evidence available and the professional judgement of the investigating officer.

4. Matters Outside the council's remit

4.1 There are also types of complaints that the council cannot deal with because legislation relating to the issue refers to another body. These types of complaints are set out in Appendix Two.

4.2 Certain household noises are not considered to be statutory nuisances and will not be investigated. The list below is not exhaustive and each individual matter will be dealt with on a case-by-case basis

- The sound of footsteps
- Slamming doors or cupboards
- Dropping objects or moving furniture
- Children and babies crying
- Children playing (including playgrounds)
- Talking or laughing coming from inside a home or garden
- The reasonable use of noisy garden equipment such as lawnmowers or leaf blowers
- The reasonable use of washing machines, vacuum cleaners or kitchen appliances

5. Alleged Noise Nuisance from Animals

5.1 The council's Residential Environmental Health Team do not investigate alleged noise nuisance that originates from animals.

5.2 These investigations will be undertaken by the council's Animal Welfare and Licensing Inspector.

6. Construction Sites

6.1 The council acknowledge that construction and demolition activities can generate significant levels of noise which may adversely affect local residents.

6.2 In certain matters, the planning permission granted by the council for a development will restrict the working hours which noisy construction is allowed to take place.

6.3 These hours will be listed within the development Construction Management Program (or similar)

6.4 In addition, the council can impose further restrictions on working hours and types of machinery that can be used on construction sites under the COPA 1974.

6.5 In all cases, noisy works undertaken and demolition activities within the Three Rivers District must be limited to:

- 08:00 to 18:00 Monday to Friday
- 09:00 to 13:00 on Saturdays

6.6 No noisy construction work is allowed on Sundays or public holidays.

6.7 Residents undertaking domestic building works or DIY projects are encouraged to inform neighbouring occupiers in advance of any potentially noisy activities and to carry out such works at reasonable times in consideration of others.

6.8 Where complaints are received regarding construction noise, the council will investigate the matter and take appropriate action in accordance with relevant legislation, planning conditions and this Policy.

7. Making a Complaint

7.1 Before making a complaint, individuals affected by a nuisance are encouraged, where it is safe to do so, to discuss the issue directly with the person responsible. In many cases, the individual may be unaware that their activities are causing disturbance, and the matter can be resolved informally without the need for council intervention.

7.2 Where informal resolution has been unsuccessful, or where it is not

appropriate to do so, complaints may be reported to the council via our online platform or via email to the council's Residential Environmental Health team.

7.3 Following submission of a complaint of alleged nuisance, the council will require Nuisance Diary Sheets, or, in the case of the complaints of noise nuisance, recordings submitted via the council's Noise App portal.

7.4 Nuisance Diary Sheets and a link to the council's Noise App portal can be found on the council website.

7.5 No investigation into any potential statutory nuisance will be commenced until the council is provided with completed Nuisance Diary Sheets (within 21 days) or sufficient recordings logged on the council's Noise App portal.

7.6 Following receipt of Nuisance Diary Sheets or input on the Noise App the council will investigate a potential statutory nuisance. In relation to noise complaints, the council will only investigate noise that meet the legal test for a statutory nuisance, taking into account the factors listed in 3.2.

7.7 The council will not investigate complaints relating to one-off incidents of noise unless there are exceptional circumstances or another relevant statutory power applies.

7.8 The council will assess each complaint and determine whether further action is appropriate based on the evidence available.

7.9 All complaints will be treated confidentially and will not normally be disclosed to the subject of a complaint unless formal action is required and such disclosure is necessary to support legal proceedings.

7.10 The council will not investigate anonymous complaints as no formal action is able to be progressed.

8. Nuisance from tenants of Social Housing (Registered Providers)

8.1 The council recognises that nuisance complaints may involve tenants or leaseholders of social housing properties managed by Registered Providers.

8.2 These Registered Providers have a responsibility to investigate and address anti-social behaviour and breaches of tenancy conditions affecting their residents. The council, Registered Providers and Hertfordshire Constabulary will work collaboratively where appropriate to resolve nuisance issues.

8.3 Where a complaint relates to a social housing tenant, the council will determine whether the matter falls within its statutory nuisance powers or whether it is more appropriately addressed by the Provider through its

Anti-Social Behaviour (ASB) or tenancy management procedures.

9. Case Management

9.1 Each report of nuisance or pollution received by the council will be assessed and recorded according to the nature of the alleged issue.

9.2 Once satisfied that the essential criteria for statutory nuisance has been met, a letter will be sent to the subject, informing them that the council has received an alleged complaint and advice will be offered to resolve the problem.

9.3 Where appropriate, the council may seek to resolve issues through advice, education, mediation or informal intervention before considering formal enforcement action.

9.4 Where formal action is considered necessary, the council may require the complainant to act as a witness in Court and provide evidence in support of any legal proceedings.

9.5 Repeated reports relating to the same nuisance issue will be managed under the original complaint record to enable the council to assess the frequency, duration and impact of the alleged nuisance over time.

9.6 Where a complainant subsequently reports an additional and distinct nuisance arising from the same person, property or source, the additional issue will be recorded as a separate complaint if it requires a different assessment, investigation method or resolution.

9.7 Where multiple nuisance issues are reported from the same source, the council may consider the cumulative impact of those issues when assessing the overall effect on the complainant and determining whether further action is appropriate.

10. Investigation Process

10.1 Upon receipt of a complaint, the council will undertake an initial assessment to determine whether the matter falls within its powers and responsibilities.

10.2 The council will review the additional information provided from the complainant including Nuisance Diary Sheets and recordings on the Noise App to support the investigation.

10.3 Investigations may include Officer visits, monitoring, inspection of premises, review of evidence, use of noise monitoring equipment and liaison with other agencies.

10.4 In determining whether a statutory nuisance exists, the investigating officer will consider all relevant circumstances of the case, including factors listed within this Policy at Sections 3.2 and 3.3.

10.5 The decision as to whether a statutory nuisance exists rests with the investigating officer and will be based on the evidence available and the professional judgement of that officer.

10.6 Where a complaint relates to rented accommodation, the council may notify the landlord or managing agent and invite them to assist in resolving the matter where appropriate.

10.7 Where a visit is deemed appropriate, Officers will aim to undertake this visit within 10 working days of the receipt of the required Noise App submissions or Diary sheets.

10.8 If, at any time, the volume or nature of complaints received exceeds the operational capacity of the team, the council reserves the right to prioritise those matters requiring the most urgent intervention.

10.9 Prioritisation decisions will be made by authorised Officers based on the evidence and information available at the time of assessment. These decisions may be reviewed and revised where additional evidence is provided or subsequently identified.

10.10 Where complaints are subject to prioritisation, customers will be informed accordingly and provided with an indicative timeframe for response.

11. The Role of the Complainant

11.1 Complainants are expected to cooperate with investigations and provide accurate and truthful information. This may include completing Nuisance Diary Sheets, submitting records through the Noise App, providing witness statements and allowing access for monitoring equipment where appropriate.

11.2 Where formal action is considered necessary, the council may require the complainant to act as a witness in Court and provide evidence in support of any legal proceedings.

11.3 The complainant should notify the council if circumstances change or if the nuisance ceases.

12. Enforcement Outcomes

12.1 The council will seek to secure compliance and resolve nuisance and pollution issues in a proportionate and consistent manner. Enforcement action will be considered where there is sufficient evidence to demonstrate a statutory nuisance and where informal measures have failed to achieve an acceptable resolution.

12.2 The council will adopt a graduated approach to enforcement wherever appropriate, taking into account the severity of the issue, the impact on

those affected, the compliance history of the person responsible and any risks to public health or the environment.

12.3 Following investigation, the council may determine that no further action is required where:

- The complaint is not substantiated;
- There is insufficient evidence to support further action;
- The issue does not meet the legal test for a statutory nuisance;
- The nuisance has ceased and is unlikely to recur; or
- The matter falls outside the council's powers or responsibilities.

12.4 Where appropriate, the council may seek to resolve matters through informal action, including:

- Providing advice and guidance;
- Issuing warning letters;
- Facilitating communication between affected parties;
- Encouraging voluntary compliance; or
- Working with relevant partners to achieve a resolution.

12.5 Where informal action is unsuccessful or the circumstances warrant a more formal response, the council may take formal enforcement action in accordance with relevant legislation. Formal enforcement action may include, but is not limited to:

- The service of an Abatement Notice;
- Seizure of equipment (where statutory powers allow);
- Community Protection Warning/Community Protection Notice
- Prosecution proceedings; or
- Any other action available to the council under relevant legislation.

12.6 The council reserves the right to take immediate formal action without prior warning where the circumstances are serious, present a significant risk to health or the environment, or where legislation requires such action.

13. Mediation

13.1 The council recognises that some nuisance complaints, particularly neighbour disputes, may be resolved more effectively through mediation than through formal enforcement action.

13.2 Mediation is a voluntary process which enables those involved in a dispute to discuss concerns and work towards a mutually acceptable resolution with the assistance of an independent mediator.

13.3 The council may recommend mediation where it considers that the circumstances are appropriate and there is a reasonable prospect of resolving the matter without formal intervention.

13.4 Participation in mediation is entirely voluntary and requires the agreement of all parties.

13.5 The use of mediation does not prevent the council from exercising its statutory powers where a statutory nuisance is identified or where formal action is considered necessary.

14. Case Closure

14.1 The council will consider a complaint to have been fully investigated where:

- A statutory nuisance has not been established;
- The nuisance has ceased and is unlikely to recur;
- Sufficient evidence has not been provided to support further investigation;
- The matter falls outside of the council's powers;
- Informal or formal action has resolved the issue, or;
- All reasonable lines of enquiry have been exhausted.

14.2 The council will close a matter where the requested information, including Nuisance Diary Sheets or Noise App recordings, is not provided within the timescales specified by the investigating officer.

14.3 Where a matter has been closed and further reports are received relating to the same issue, the council will determine whether there is sufficient new evidence to justify reopening the investigation.

14.4 The council reserves the right to discontinue or suspend its responsive service where complaints are found to be malicious, unreasonable or unsupported by credible evidence.

15. Private Action

15.1 The council recognise that, despite reasonable investigation and evidence gathering, there may be occasions where a statutory nuisance cannot be established, or where the professional judgment of the investigating officer differs from the view of the complainant.

15.2 Under Section 82 of the EPA 1990, individuals affected by an alleged statutory nuisance have the right to bring proceedings directly before a Magistrates' Court.

15.3 The availability of a private action under Section 82 is independent of any investigation undertaken by the council and remains available whether or not the council takes formal enforcement action.

15.4 The council cannot provide legal advice or representation in relation to any private action undertaken or to be undertaken. Individuals

considering this course of action are encouraged to seek independent legal advice.

16. When to contact the Police

16.1 The council will not normally investigate criminal matters which should be reported directly to the Hertfordshire Constabulary.

16.2 Residents should contact Hertfordshire Constabulary where there are allegations involving:

- Violence, or threats of violence;
- Hate crime;
- Drug dealing, use or supply;
- Criminal damage;
- Public disorder;
- Immediate risk to life or property.

16.3 In an emergency, residents should call 999. Non-emergency matters should be reported via 101 or Hertfordshire Constabulary's online reporting service.

17. Review of Policy

17.1 This Policy will be reviewed in line with any significant change in legislation, guidance issued by the government or significant case law. In any case, it will be reviewed every three years.

18. Appendix One – Noise App/Collecting Evidence

18.1 Evidence may be collected using the Noise App, Nuisance Diary Sheets or a combination of both methods.

18.2 The Noise App allows complainants to record incidents of alleged noise nuisance and submit recordings directly to the council as supporting evidence. The Noise App can be downloaded from www.thenoiseapp.com

18.3 The council will also request completion of Nuisance Diary Sheets. Complainants must complete and return the Nuisance Diary Sheets within 21 days.

18.4 Nuisance Diary Sheets may be used as evidence during formal enforcement action or legal proceedings and should therefore be completed accurately and truthfully. A copy of the Nuisance Diary Sheets is available on the council website.

18.5 The information provided through the Noise App and/or Nuisance Diary Sheets will be reviewed by the investigating officer alongside any other evidence gathered during the investigation.

18.6 The submission of recordings on the Noise App and/or Nuisance Diary Sheets does not automatically mean that a statutory nuisance has been established

18.7 Failure to return requested Nuisance Diary Sheets or provide sufficient evidence through the Noise App in the designated time period (21 days) will result complaint being closed due to insufficient evidence.

18.8 Evidence submitted through the Noise App and Nuisance Diary Sheets will be handled in accordance with the council's Data Protection Policy.

18.9 Information provided to the council will be treated confidentially and will not normally be disclosed unless required for formal enforcement action or legal proceedings.

18.10 The decision as to whether a statutory nuisance exists rests with the investigating officer, who will consider all available evidence and circumstances of the case.

19. Appendix Two

19.1

Complaint	Who Could Assist	Contact
Aircraft noise	Civil Aviation Authority	UK Civil Aviation Authority
Anti-Social Behaviour from a neighbourhood event or activity, or a person's unreasonable behaviour	Council ASB or Community Safety teams	Antisocial behaviour | Three Rivers District Council
Bonfire smoke drifting across a road	Police	Contact us to report a crime, incident or suspicion | Hertfordshire Constabulary
Commercial or trade waste burning	This is only permitted if the operator holds a valid waste exemption certificate from the Environment Agency	Environment Agency - GOV.UK
Dark smoke from a chimney serving a furnace or boiler or industrial plant	Environment Agency	Environment Agency - GOV.UK
Defects in, or construction of, local roads	Hertfordshire County Council Highways	Report a street light, pothole or other problem |

		Hertfordshire County Council https://www.threerivers.gov.uk/services/transport-and-streets/road-pavement-maintenance
Noise from moving motorbikes and cars	Police	Contact us to report a crime, incident or suspicion | Hertfordshire Constabulary
Odours from domestic properties (such as from cooking smells or smoking)	Private matter	
Pollution of a canal	Canal and Rivers Trust	Canal & River Trust | Making life better by water
Pollution of a watercourse, a river or lake	Environment Agency	Environment Agency - GOV.UK
Traffic noise from motorways and major roads	Highways England	National Highways - National Highways
Unsightly or untidy homes	Planning Enforcement	Planning enforcement | Three Rivers District Council

19.2 A private matter is an issue that does not fall within the council's statutory functions or enforcement powers. Where this is the case, the council will not be able to take action and affected individuals may need to pursue the matter themselves, either through direct engagement or independent legal advice.

THREE RIVERS
DISTRICT COUNCIL