

Pollution Service Standards

(pa) Noise, Air Pollution and Other Nuisance Complaints Excluding Domestic Noise and Garden Bonfires

We will respond to complaints of Noise, Air Pollution and Other Nuisances (excluding Domestic Noise and Garden Bonfires) by:

1. Contacting the complainant, normally by telephone, advising on the legal position and discussing possible outcomes, ideally within 2 working days, but certainly within 7 working days.
2. If appropriate, a site visit will be made to assess the alleged nuisance at a time when it is occurring or likely to occur, ideally within 1 working day but certainly within 5 working days of (a). Where the alleged nuisance is intermittent we will ask the complainant to keep a "nuisance log", for a representative period of no longer than one month, showing the times and dates and nature of the incidents to enable us to decide when to monitor the alleged nuisance and we may not visit until this log has been submitted. Monitoring the alleged nuisance will be by an officer visiting at a time when the alleged nuisance is likely to occur, or, in the case of noise, may be by the use of calibrated sound recording equipment left at the complainants premises for them to operate when they are disturbed. If no nuisance is identified at the end of three officer visits or after three periods of the complainant having the use of calibrated sound recording equipment (for a total time of no more than three weeks) we will normally close the case and the complainant will be advised in writing that no further action can be taken.
3. Where sound recording equipment may be used we will inform the person allegedly responsible for a nuisance, at the outset, that we may use such equipment, to comply with Regulation of Investigatory Powers Act requirements, but we will not advise them when the monitoring is being carried out.
- 4.
5. Contact will be made with the person/organisation complained about. Rights, duties and expectations will be explained and their co-operation will be sought to resolve the matter amicably. We will provide advice on best practice but we will not provide consultancy services on abatement.
- 6.
7. Appropriate action will be considered in line with the Enforcement Policy. A statement confirming that they have been subjected to a nuisance may be requested from the complainant. Formal action is likely to depend upon such a statement.
- 8.
9. Where we await complainant evidence but nothing is heard from the complainant, we will contact them at the end of one month and review any evidence obtained. If there is insufficient evidence of nuisance, the situation will be reviewed after one further month and if there is still insufficient evidence, the complainant will be advised in writing that no further action can be taken. Alternatively, we may advise complainants at the outset that we will close the case after one month or other suitable time period unless we hear from them.
- 10.
11. Complaint investigation will be resumed at a later date if additional evidence of nuisance is received. Complaint investigation may not be resumed if we do not have evidence that the situation has materially changed.
- 12.
13. There will be an aim to resolve the complaint within 3 calendar months of first receipt, following which the complaint will be subject to a review process.

(pb) Domestic Noise

We will respond to domestic noise complaints (that is noise from a residential household), as follows:

1. Sending a standard advisory letter to the complainant and the person complained about, requesting that they resolve the matter amicably through discussion. Where the complaint is about an issue that appears unlikely to be classed as a nuisance we will phone the complainant to discuss the matter in the first instance. [within 2 working days].
2. If the matter is not resolved and a further complaint is made within six months, a second advisory letter will be sent to both parties explaining the legal action that can be taken. [within 2 working days]. If it is more than six months since the last contact from the complainant, a new complaint will be recorded.
3. If there is only one complainant and/or the complaint does not lend itself to further investigation, the complainant will be advised to take their own legal action if they wish to pursue the matter. Where there is more than one complainant, the complainants will be requested to keep a diary record of any disturbance for submission to us after a representative period of no longer than one month.
4. In exceptional circumstances, we may offer further assistance to single complainants if there is written evidence from an third party.
5. If the diary record provides evidence that there is a nuisance and this is confirmed by another household or third party and indicates a good chance of successful formal action, the service standards set out in (PA) above will apply.
6. Notwithstanding the above, if the noise is likely to result in a significant impact on local residents (usually when there have been at least 2 complaints from separate households in a 8 hour period) and is taking place at the time, or if the complaint relates to a vehicle alarm or premises alarm, we will endeavour to visit the same day.

(pc) Domestic Garden Bonfires

We will respond to complaints about smoke from domestic garden bonfires by:

1. If it appears that the bonfire was the burning of wood or plant matter, sending a standard advisory letter to the person complained about. Rights, duties and expectations will be explained and their co-operation will be sought to resolve the matter amicably. A standard advisory letter will also be sent to the complainant, ideally within 2 working days, but certainly within 7 working days.
2. The complainant will be requested to keep a diary record of any disturbance, for submission to us after a representative period of no longer than one month.
3. If bonfires are infrequent and the complaint does not lend itself to further investigation, the complainant will be advised to take their own legal action if they wish to pursue the matter.
4. If the diary record provides evidence for nuisance and indicates a good chance of successful formal action, the service standards set out in (PA) above will apply.
5. Notwithstanding the above, if there is evidence to suggest bonfires are to be burned for a continuous period of more than 1 day and/or materials other than wood or plant matter are being burned giving rise to dark smoke or offensive odours, we will endeavour to visit within 1 day.

(pd) Industrial Pollution Control Permits

We will deal with processes controlled by the Pollution Prevention and Control Act 1999 as follows: -

1. Discussing the process and application with the applicant and providing up to 7 hours free advice.
2. Considering new applications and issuing an Permit within the statutory time period, ideally within 2 calendar months, and certainly within the statutory time limit.
3. An initial draft of the Permit will be submitted to the applicant for comment before the Permit is issued.
4. Issuing Variation Notices ideally within 2 calendar months and certainly within the statutory time limit of receipt of a Notification of Variation . Where variations are minor and urgent, they will be considered ideally within 2 working days but certainly within 7 working days.
5. Inspecting premises on a risk basis but at a minimum in line with guidance.

6. Investigating complaints/breaches , ideally within 2 working days, but certainly within 7 working days, and taking action in line with the Enforcement Policy. If unauthorised processes come to our attention, we will request an application and evidence will be taken and considered in line with the Enforcement Policy.
7. Permits will be reviewed every 6 years

(pe) Clean Air Act 1993 Applications

1. We will consider applications under the Clean Air Act 1993 and issue approvals/rejections, ideally within 2 weeks, but certainly within 4 weeks.
2. If unapproved installations come to our attention, we will request an application for approval and evidence will be taken and considered in line with the Enforcement Policy.

(pf) Contaminated Land

1. We will maintain a list of sites in the District that have been subject to potentially contaminative use. We will implement our strategy to identify, risk assess and, if appropriate, require remediation of such sites as required by the Environmental Protection Act 1990 Part IIA.
2. We will provide comments and advice to the Planning Department on proposed development of any such site.