

## SPSO decision report

**Case:** 201704671, Glasgow City Council

**Sector:** local government

**Subject:** noise pollution

**Decision:** not upheld, no recommendations

### Summary

Mr C complained about construction site noise at a development near to his property. In particular, that there was a lack of notification about out-of-hours noisy works, the necessity of working so late and the lack of alternative/mitigating measures used by the developer, and noisy work being carried out before 8.00am or outwith recommended times at weekends. He also asked the council to consider his complaint within the context of the statutory noise nuisance legislation contained in the Environmental Protection Act (the EPA).

The council had stated that there was not a statutory obligation to notify residents of out-of-hours noisy work but that it was good practice for the developer to do this. They highlighted that they had asked the developer to provide notifications to Mr C's address after he originally did not receive one. The council also stated that they had provided consent for out-of-hours noisy work to take place. In addition to this, they discussed alternative/mitigating measures with the developer but it was decided that these would not be practical at this particular site. Finally, the council advised that the Control of Pollution Act 1974 (the COPA) applies to construction site noise and it is not appropriate to use provisions under the EPA in cases like this. Mr C was unhappy with this response and brought his complaint to us.

We found the council's explanation for why they did not consider the noise complaints under the EPA to be reasonable. We did not consider that the EPA could not apply to construction site noise but we accepted the council's reasoning for this. We also considered the actions taken by the council were reasonable and in line with their obligations. Therefore, we did not uphold Mr C's complaint.