

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES
BY DEPUTY M. TADIER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 20th OCTOBER 2015**

Question

Will the Minister outline what laws or other protections are in place to protect pre-existing residents from material changes to shops below, or otherwise adjoining, their properties which cause a nuisance and even disrupt sleep, such as noisy fridges? Similarly, are there laws or guidelines in place regarding the times at which deliveries can be made to such premises? If there are no such safeguards, will the Minister consider what might be done to remedy this?

Answer

Under the Statutory Nuisance (Jersey) Law 1999, the Minister for Health and Social Services has responsibility for investigating noise. Where evidence of a statutory nuisance exists, action can be taken against the person or business causing the nuisance. The noise must be audible to the average person and of a sufficient level, frequency and nature as to disturb that person within their own home.

Building bye-laws set standards to ensure any major changes to existing shop premises, such as works to materially alter or replace existing separating floors and walls, are done in a way that sound insulation is not compromised.

There are no specific rules that state what time a business can receive deliveries, provided those deliveries do not cause a statutory nuisance. When a business is starting up, and if planning permission is required, Environmental Health is consulted in this process and may make recommendations limiting potential noise nuisance. This can include recommended timings for deliveries. However, if delivery timings constitute a statutory nuisance, action can be taken under the Statutory Nuisance (Jersey) Law.

Because these safeguards exist, the Minister does not believe additional measures are required.