



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Environment & Operations
LEAD OFFICERS:	Strategic Director of Environment & Operations
DATE:	06 January 2023

PORTFOLIO/S AFFECTED: Environment and Operations

WARD/S AFFECTED: (All Wards);

SUBJECT: Traffic-induced noise and building vibration

1. EXECUTIVE SUMMARY

The Highway Authorities duty under Section 41 of The Highways Act 1980 is to maintain the highway so that it is free from danger to all users. The Council however has no duty to investigate traffic-induced noise and building vibration generated by road users. It is proposed that two documents (Road Vibration Rationalisation and Road Vibration Reporting Procedure) are used to set the process and limitations the Council will apply to reports of road vibrations.

2. RECOMMENDATIONS

That the Executive member for Growth and Development approves the proposed procedure and rationale:

3. BACKGROUND

Damage to properties is unlikely to occur as a result of vibrations caused by traffic. Research undertaken by the Transport Research Laboratory on the effects of ground-borne vibrations caused by road humps (TRL416), and traffic induced vibrations in buildings (Research Report 246) found that only in unusual circumstances is it likely that there will be a risk of superficial building damage. There is no evidence that more serious structural damage could occur.

The Highway Authorities duty under Section 41 of The Highways Act 1980 is to maintain the highway so that it is free from danger to all users. The Council however has no duty to investigate traffic-induced noise and building vibration generated by road users.

Many structural problems are not related to the public highway but instead caused by other factors.

Homeowners or their insurers must commission a structural survey of their property. Only on receipt of sufficient evidence from a trained and competent assessor will action be considered.

If action is deemed as necessary to prevent further damage to a property from traffic-induced vibration, the works will be limited to surfacing works and will be added into the maintenance programme pending funding availability. No compensation shall be paid for damage caused by traffic-

induced vibration, as the Council has no duty to protect properties from traffic-induced vibration. The duty is to keep the highway safe for highway users and this is dealt with by the Highway Safety Inspection Procedure.

It is recommended the engineering evidence provided follows the suggested format and includes content as given in Annex A (BS 6472-1:2008), or a template assessment report can be provided through contacting Highways@blackburn.gov.uk.

4. KEY ISSUES & RISKS

Failure to have a procedure may result in inconsistent outcomes for the public and could weaken the Council's insurance defence against insurance claims.

Publishing a procedure will set stakeholder expectations and allow the public to understand the Council's statutory duty.

5. POLICY IMPLICATIONS

This procedure aims to formalise existing practice and approach. No new policy implications.

6. FINANCIAL IMPLICATIONS

This procedure aims to formalise existing practice and approach. No new financial implications.

7. LEGAL IMPLICATIONS

The Council has a duty to maintain the highway under section 41 of the Highways Act 1980. A procedure is already well established to manage this duty however road vibrations are often wrongly attributed to the S41 duty. The proposed procedure clearly identifies road vibration as a separate issue and aims to formalise existing practice and approach.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 ☐ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Consultations have taken place with senior officers in highways and insurance.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Paul Withington
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DATE:	05/01/2023
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BACKGROUND PAPER:	Road Vibration Rationalisation Road Vibration Reporting Procedure
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