

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X431

Date of Decision: 30/06/2021

#### Party Details

Customer:

Company:

#### Complaint

The customer claims that following the company's repair work to its nearby REDACTED, the customer has been left with a residual low-frequency noise, which has caused a nuisance and led to inconvenience and distress. As a result, the customer is seeking the company to take responsibility for the noise and allow an independent noise specialist to investigate the site (as previously promised).

#### Response

The company says that following its investigations, it could find no noise emanating from its REDACTED, which exceeds acceptable levels and could cause the noise disturbance the customer has experienced. The company believes that based on its investigations, the lack of any other noise complaints from other residents, and the current evidential footage, there is no longer any basis for it to employ an independent noise specialist. The company has not made any further offers of settlement.

#### Findings

I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected concerning identifying any defects with the REDACTED, leading to noise exceeding acceptable levels. Furthermore, I am satisfied there have been no failings regarding customer service for which the customer has not already been adequately compensated. Consequently, the customer's claim does not succeed.

#### Outcome

The company needs to take no further action.

The customer must reply by 28/07/2021 to accept or reject this decision.

# ADJUDICATOR'S FINAL DECISION SUMMARY

**Adjudication Reference:** WAT-X431

**Date of Decision:** 30/06/2021

## Case Outline

### **The customer's complaint is that:**

• Following the company's repair work to its nearby REDACTED, the customer has been left with a residual low-frequency noise, which has caused a nuisance and led to inconvenience and distress. • The customer is seeking the company to take responsibility for the noise and allow an independent noise specialist to investigate the site as previously promised.

### **The company's response is that:**

• Following its investigations, it could find no noise emanating from its REDACTED, which exceeds acceptable levels and could cause the noise disturbance the customer has experienced. • The company believes that based on its investigations, the lack of any other noise complaints from other residents, and the current evidential footage, there is no longer any basis for it to employ an independent noise specialist.

## How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

- Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
- Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

I have carefully considered all of the evidence provided. If I have not referred to a particular document or matter specifically, this does not mean that I have not considered it in reaching my decision.

## How was this decision reached?

1. 1. The dispute centres on whether, following the company's repair work to its nearby REDACTED, a residual low-frequency noise from the company equipment has caused a nuisance and led to inconvenience and distress.
2. The company is required to meet the standards set out in the Water Industry Act 1991.
3. Furthermore, the company also has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and the company's Customer Commitment Scheme.
4. From the evidence put forward by the customer and the company, I understand the customer has experienced low-frequency noise coming from the company's REDACTED on multiple occasions, since October 2019. On 23 December 2019, the company contacted the customer to advise that following its investigations, the company was unable to identify any issues on its network and recommended that the customer should contact an electrician or his local Environmental Health Team about the noise disturbance he was experiencing. I understand that the company advised if the Environmental Health Team asked, it would investigate the matter further.
5. On 23 June 2020, the customer contacted the company to further complain about noise from the REDACTED, which was undergoing refurbishment works. I understand that the company did identify a noise from pumps at the site. However, the noise was not audible beyond the site, and a nearby nursing home was not experiencing any noise issues. Nevertheless, the company reiterated its advice of December 2019 and asked the customer to contact his local Environmental Health Team.
6. The evidence shows that the customer remained unhappy with the company's response and, on 10 September 2020, contacted CCW to help resolve the issue. On 1 October 2020, the company responded and advised that the noise disturbance the customer was experiencing was not associated with its pumps at the REDACTED.
7. I understand the customer remained unhappy with the company response and, after further discussions with CCW, investigated the matter further. On 5 November 2020, the company contacted the customer and apologised for any conflicting advice provided previously regarding noise from the pumps, and made a goodwill payment of £100 for this and its failure to call the customer back. In addition, the company advised that replacement of the pumps had been brought forward to January 2021 and to eliminate any other possible factors arranged for its night leakage team to attend to listen if there were any sounds from the mains network.

8. On 13 November 2020, the night leakage team had completed their investigations. The loggers installed had detected a sound of between 0 and 150hz, which appeared to be emanating from an electricity source, possibly present in the footpath alongside the company's mains water pipe. Whilst on-site, the company's team checked for sounds on its network, and none were found. The company's teams also spoke with other residents who said they weren't experiencing any noise issues.

9. The evidence shows that further discussion occurred between the customer and the company, resulting in the company on 30 November 2020 agreeing to provide some additional assistance and looking to employ a private noise specialist. However, before the private noise survey commenced, the works to replace the pumps was completed, and the company was able to confirm that the pumps were, in fact, silent whilst in operation, and there was no noise whilst they were in operation. Accordingly, the company was of the view that a noise survey was not necessary.

10. On 12 February 2021, the company advised the customer that as the pumps were now silent, it would not be proceeding with the independent noise survey, and the company attached a copy of the video footage taken, which confirmed the new pumps were in fact silent.

11. However, the evidence shows that the customer remained unhappy as he believed he had been left with a residual low-frequency noise despite the company's assertion that no noise was originating from the site. As a result, on 11 May 2021, the customer commenced the WATRS adjudication process.

12. Regarding whether the company has effectively carried out its duties at the REDACTED to prevent excess noise causing a nuisance. The customer states that he has experienced numerous noise incidents. On each occasion, it was found that no root cause of the noise could be found as either no sounds were present, and no defects found. I understand that the company undertook to replace the pumps at the site, which would help mitigate noise. The evidence shows that the customer was informed of solutions the company had put in place and completed in January 2021.

13. I note the various correspondence between the parties that the company has not been carrying out its duties effectively at the REDACTED to prevent noise, specifically low-frequency noise. However, as explained by the company, no excessive noises were found to be emanating from the site, and no defects were found.

14. On careful review of all the available evidence, including the various video

footage put forward by both parties, I am satisfied with the company's position that it has taken reasonable steps to reduce any nuisance by arranging new pumps and upgrading the site so that the pumping station continues to function correctly and quietly as possible. I cannot find any indication the company has been negligent concerning the low-frequency noise or its work on the REDACTED. As demonstrated by the correspondence within the CCW documents and in the company's response, the company investigated the cause of the noises experienced by the customer, and it took appropriate action if required.

15. I note that the company was able to confirm that the new pumps were, in fact, silent whilst in operation, before the private noise survey commenced. Accordingly, I find I am persuaded with the company's view that an independent noise survey was not necessary.

16. Whilst I appreciate the customer's position, after reviewing the various pieces of evidence and video footage, I believe the company investigated the noise as best it could and acted appropriately according to the results of its investigations. In light of the above, I find there are no grounds to conclude the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning the investigation of the noise at the customer's property. Accordingly, this aspect of the customer's claim fails.

17. The company has certain obligations in respect of its customer services. The company admits within its correspondence that some errors and delays incurred regarding upgrading the pumps and responding to the customer. The evidence shows that, where appropriate, the company has made goodwill payments totalling £100.00. After careful review of all the correspondence provided in evidence, I am satisfied that the company's payment was fair and reasonable in the circumstances to cover to recognise the customer service failings and disturbance. I am therefore satisfied there have been no failings concerning customer service, which the customer has not been already adequately compensated for.

18. In light of the above, I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected concerning identifying any defects with the REDACTED, leading to noise exceeding acceptable levels. Furthermore, I am satisfied there have been no failings regarding customer service for which the customer has not already been adequately compensated. Consequently, the customer's claim does not succeed.

## Outcome

1. The company does not need to take any further action.

## What happens next?

This adjudication decision is final and cannot be appealed or amended.

The customer must reply within 20 working days to accept or reject this final decision.

When you tell WATRS that you accept or reject the decision, the company will be notified of this. The case will then be closed.

If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision.

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**Mark Ledger**  
**Adjudicator**