

Proceedings of the Institute of Acoustics

OVERVIEW ON CODES OF PRACTICE

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1. INTRODUCTION

Any interested party can produce a code of practice. However Section 71 of the Control of Pollution Act 1974 (COPA) enables the Secretary of State to approve and prepare Codes of Practice and so give them official recognition. Although codes do not carry the force of law they may be taken into account by those involved in the assessment of a potential or actual statutory noise nuisance. This paper describes how Codes of Practice are intended to meet the needs of users- ie guide those engaged in noisy activities, those affected by noise, and those empowered to carry out any legal controls. It describes the legal status of Codes, provides details of four existing COPA approved Codes, and briefly describes some proposed Codes. Applications and common points between Codes are also discussed.

2. THE USE OF CODES

Codes of practice are not intended to be rigid, prescriptive documents which lay down absolute levels, distances, times and modes of operation etc which must not be exceeded.

Codes can be viewed as advisory documents which provide consistent guidance and information on reasonable control measures to reduce the incidence of disturbance. As such, a code should be as much use to those engaged in, or managing, noisy activities, as those affected by noise and any agency involved in noise assessment.

They provide all parties involved in noisy activities with a common ground, and allow decisions to be made reflecting local circumstance and specific factors.

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3. THE LEGAL STATUS OF CODES

Section 71 of the Control of Pollution Act 1974¹ states that:

'(1) For the purpose of giving guidance on appropriate methods (including the use of specified types of plant or machinery) for minimising noise, the Secretary of State may-

(a) prepare and approve and issue such codes of practice as in his opinion are suitable for the purpose; and

(b) approve such codes of practice issued or proposed to be issued otherwise than by the Secretary of State as in the opinion of the Secretary of State are suitable for the purpose.

(2) The Secretary of State shall under paragraph (a) or paragraph (b) of the preceding subsection approve a code of practice for the carrying out of works to which section 60 of this act applies.

(3) The powers conferred by this section on the Secretary of State shall be exercisable by order, and shall include power to vary or revoke a previous order under this section.'

It is interesting to note that the control of noise from construction sites is specifically identified in paragraph (2) above, and in section 60 of COPA (Control of noise on construction sites) it is stated that:

'...In acting under this section the local authority shall have regard -

(a) to the relevant provisions of any code of practice issued under this part of this Act;...'

Similarly in section 79 (9) of the Environmental Protection Act 1990, it is stated that:

'In this Part "best practicable means" is to be interpreted by reference to the following provisions-....

....and in circumstances where a code of practice under section 71 of the Control of Pollution Act 1974 (noise minimisation) is applicable, regard shall also be had to guidance given in it."

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4. EXISTING CODES

There are four Codes of Practice which have been approved under COPA. Three of the current approved Codes of Practice were approved in 1982. They cover three of the areas of concern raised by the Wilson Committee² in 1963, and subsequently by the Noise Advisory Council in a report 'Noise in public places'³ in 1974. The content of the Codes broadly follows that recommended by the Noise Advisory Council, albeit in a different format. The fourth code is a British Standard on noise control on construction and open sites, in four parts, three of which are approved.

Code: Noise from Audible Intruder Alarms 1982⁴

The aim of the code is to reduce the incidence of nuisance caused by unnecessary ringing of intruder alarms. It is targeted at people responsible for alarm systems and also police and local authorities.

The code recommends several ways to reduce noise nuisance, these fall into three main categories:

- i) Control of false alarms, through proper installation operation and maintenance.
- ii) The fitting of automatic cut-out devices.
- iii) Nomination of key-holders to the police, and a recommended key-holder response time.

This code has been used extensively, with the result that some installers of equipment send the required forms to the local authority as a matter of course.

Further to the code, section 23 of the London Local Authorities Act 1991 provides London Boroughs with the power to adopt a free-standing set of provisions, many of which mirror the Code of Practice. The Noise and Statutory Nuisance Act 1993⁵, replicates the provisions in the London Local Authorities Act with a few minor differences. However the relevant section and schedule will not come into force until such time as the Secretary of State lays an order and it is approved by Parliament.

Code: Noise from Ice Cream Van Chimes Etc. 1982⁶

The code is based on a code of practice produced by the Ice-Cream Alliance, a small manufacturers trade association.

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The aim of the code is to provide guidance on methods of minimising annoyance or disturbance from loudspeakers on ice cream vans or similar vehicles. It is mainly targeted at vendors of ice cream, (and other perishable commodities) and local authorities.

The code recommends three main ways to minimise noise nuisance:

- i) Specification of a maximum noise level (80dB(A) at 7.5m).
- ii) Control over length of time chiming occurs (4 seconds or less), the intervals between chimes (once on approach to a stopping place, never when the van is stationary and never at intervals of less than 3 minutes), and not more often than once every 2 hours in a particular length of street.
- iii) Restriction of use of chimes in sensitive areas.

Code: Noise from model aircraft 1982⁷

The code aims to provide guidance on methods of minimising noise from model aircraft. It is primarily aimed at model flying clubs, local authorities and magistrates courts.

The code recommends that disturbance from noise is minimised by:

- i) Use of a 'muffler' (silencer)
- ii) Specification of 82dB(A) at 7m.
- iii) Where there is no direct supervision (eg by clubs) a minimum separation distance is specified, which includes the recommendation that no flights should be closer than 200m to noise sensitive premises.
- iv) Times of operation are recognised as important. General recommendations state that flying should not be allowed outside the hours of 0900 and 1900hrs on weekdays and 1000 and 1900hrs on Sundays and Bank Holidays.

Anecdotal evidence from model aircraft enthusiasts and Environmental Health Officers suggests that the code is used to some effect, and plays a part in minimising noise nuisance. Of particular use is the noise specification and minimum distance recommended.

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British Standard 5228: Noise control on construction and open sites^{8,9,10}

BS 5228 consists of four parts. Parts 1,3 and 4 have been approved under COPA:

Part 1: Code of practice for basic information and procedures for noise control

Part 3: Code of practice for noise control applicable to surface coal extraction by opencast methods

Part 4: Code of practice applicable for noise control applicable to piling operations

The other part of the standard, Part 2, which is not approved under COPA, provides a guide to relevant noise control legislation.

The Standard refers to the need for the protection of persons living and working in the vicinity of construction and open sites. It aims to assist architects, contractors and site operatives, designers, developers, engineers, local authority environmental health officers and planners, regarding the control of noise.

The standard recommends procedures for noise control in respect of construction and open site operations, it provides guidance concerning methods of predicting and measuring noise and assessing its impact on those exposed to it. A number of recommendations are given on how the impact of noise from sites on people living nearby, and on site workers, can be minimised.

BS 5228 is widely used at all stages of the construction process, and is frequently referred to in court. In many cases it forms the basis of control of construction and open site noise, and has formed the basis of assessments of 'best practicable means'.

5. PROPOSED CODES

A number of codes have been, or are being, prepared by interested bodies. These are at various stages of completion. None of these have been approved under COPA, although they may be submitted for approval under COPA. These include:

Code: Power boat racing

A draft code was produced by the now defunct Water Amenity Commission. The aim of this code was to minimise disturbance from power boat racing.

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Code: Clay target shooting

A draft code of practice to provide guidance on methods of minimising noise disturbance from clay target shooting was produced by the Clay Pigeon Shooting Association (CPSA) and DOE in 1988¹¹. It is understood that the consultation exercise indicated that the code was unlikely to be universally accepted. Plans for this code to be approved under COPA were subsequently withdrawn, and the Institution of Environmental Health Officers in consultation with the CPSA and the British Shooting Sports Council, is currently producing a 'professional practice note'¹² based on work done by the Midlands Joint Advisory Council.

Code: Pop concerts

A Noise Council working group has produced a code¹³ to minimise disturbance caused by noise from pop concerts. The code has been out for public consultation and it is understood there are plans to publish in 1994.

Code: Audible bird scarers

A code has been produced by the NFU¹⁴ and is currently in use. This code has recently been under review and a revised code should be issued in the near future.

Code: Off-road motorcycles

The Noise Council has published a code of practice on the minimisation of noise from organised off road motorcycle sports¹⁵.

Code: Stock car racing

A draft code to minimise noise nuisance from stock car racing is currently being circulated by the NSCA for comment.

6. CONCLUSIONS

Codes of practice can play an important role in explaining the practical measures that are available to control noise, and so indicate what can reasonably be expected from noise makers. However, their effectiveness is not known as there have been no comprehensive national studies on their use.

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