

This leaflet has been produced by Buckfastleigh Town Council to help you understand what is happening at the quarry, the effects of noise and what you can do if it is having an adverse impact on you.

It gives you information, advice about your rights, the action you can take and what you can expect from local authorities. It is not an authoritative statement of legislation.

You needn't suffer in silence.

What is noise

Noise is unwanted sound. It could be too loud or just happen at the wrong time or without warning. It can impact on your ability to concentrate, take exercise outdoors, enjoy your garden, study, worship or sleep. Excessive noise can reduce your quality of life, change your behaviour and damage your health and the environment.

Disruptive noise should be prevented and is defined as when noise causes you to change your behaviour - such as turning up volume of television, speaking more loudly, having to close windows or doors because of noise, avoiding certain activities and sleep disturbance.

Sound is measured in Decibels (dB) but volume is not the only thing that can affect your response to noise. Unexpected or repetitive noises, screeches or whines, scraping or thuds can be just as annoying if not even more disturbing and disruptive.

What's going on

The site operator at Whitecleave Quarry has planning permission to remove rock from the quarry. This permitted ongoing development to 2042 is controlled by *Conditions* set by Devon County Council (DCC) in Feb 2002.

One of these *Conditions* limits noise levels and the times it is produced. Noise from Whitecleave is allowed 7am–7pm Mon – Fri and 8am – 1pm Sat but cannot exceed specific limits.

The Condition to control noise at Whitecleave Quarry was put in place when the site undertook extraction by blasting—a loud but very infrequent noise disruption.

The current operations involve removal of rock by hydraulic hammer and ripper, scraping the rock surface with hydraulic shovels, dropping large rock from height into lorries, then crushing the rock.

The operator anticipates hammering for 6 weeks (January through February) during this phase of works.

In addition, the area being quarried is high up, not down in the quarry void. It is in direct line of sound and sight to properties in town. Vegetation and trees that had previously blocked the view and some noise and dust from the town have been removed.

Noise can also adversely affect protected species, wildlife, farm animals and protected habitats. The law says that particular consideration should

be given to noisy development affecting *designated sites*. Whitecleave Quarry is such a site and includes the protected habitat of **Potters Woods SSSI** (Site of Special Scientific Interest).

Noise and vibration from hydraulic hammering is different from blasting and is of particular concern at this time of year when bats are hibernating.

Noise monitoring

In March 2015 DCC measured the levels of noise. Their sound expert reported the site operator exceeding the noise limit and DCC requested the operator to stop work.

The conclusion from that assessment says: ***“Due to the location of the excavation equipment needed to undertake the work and the layout of the nearby residential properties, it is likely that the site works will regularly surpass the limit set out in the planning Condition.”***

You can find DCC Noise Impact Assessment March 2015 on www.buckfastleigh.gov.uk

From March to December 2015 the site operator and DCC worked together to find a way of working without exceeding the noise limits. The operator employed their own consultant and a draft Environmental Noise Scheme was given to the Town Council on 27 November 2015.

On 1 December the Town Council was told noise trials would start 3 December 2015.

The Noise Scheme proposed the site operator hammer for 30 minutes in an hour only when the wind is of a certain strength and blowing from the west to enable them to stay within their noise limits. Noise trials in December tested this.

DCC accepted the results of the trials, and the Noise Scheme. The operator began works using this method on 4 January 2016.

The Noise Scheme permits the operator to self-police in terms of noise levels, wind speed/direction, monitor their own noise emissions and investigate complaints they view as substantiated.

Your rights & legislation

You have a legal right to be protected from excessive noise. You can take your own action through the Magistrates Court, or you can complain to your local authorities.

Local authorities have a wide range of legal powers to act against noise. They have a duty to deal with any noise they consider to be a 'statutory nuisance'. You have a right to request monitoring at your property or other location where noise affects you.

It is a council's duty to investigate complaints about noise coming from land, buildings, vehicles (excluding general traffic) or machinery/equipment in the street. This duty of care applies to both Devon County Council (DCC) and Teignbridge District Council (TDC).

There is no specific decibel level or limit to determine nuisance. If it is found to be 'statutory nuisance' the authority must serve an abatement

notice – which is an order to deal with the nuisance. This order may demand the noise stops altogether.

How to complain

If you are affected, you can complain to TDC Environmental Control Team by email to:

envc@teignbridge.gov.uk and
planning@devon.gov.uk and copy it to:
noise@buckfastleigh.gov.uk
quarrycomplaints@gmail.com

You can also write to: Teignbridge District Council, Forde House, Brunel Road, Newton Abbot TQ12 4XX or phone 01626 215064. If you chose to write or phone please keep a copy of your letter or details of your call and pass them to the Town Clerk at Buckfastleigh Town Hall.

If you prefer, complete the form enclosed and pass it to the Town Clerk who will forward your complaint. Whichever way, make it clear it is a complaint about Noise Nuisance, and include:

- * **Your name, address and phone number - your contact details are treated confidentially;**
- * **Description of the noise(s) and the source;**
- * **Dates, times, duration and frequency of noise;**
- * **Description of its impact on you. Did you close the windows or doors, go inside, turn up the TV, leave your home?**
- * **What you want done about it, e.g. come and hear the noise, provide you with sound monitoring, contact the operator, etc.**

Make sure you are given a **Reference Number** for your complaint, a **named contact** and a **date** you can expect to hear back from them.

If you prefer, complete this form and pass it to the **Town Clerk at Buckfastleigh Town Hall**, 34 Bossell Rd, Buckfastleigh TQ11 0DD, who will forward your concerns to TDC & DCC.

Name PRINT CLEARLY

Address

Contact number

Please don't pass my personal details to the authority

Noise from Whitecleave Quarry is causing disruption to my daily life; I was disturbed by noise on

_____ [days] at _____ & _____ [times]

Please send me a **Noise Diary** so I can keep track of dates, times and descriptions.

What should happen next?

TDC should investigate your complaint. If it is a statutory nuisance, they must take immediate action and serve an abatement notice within 7 days.

If you are unhappy with the way TDC handle your case, you can make a formal complaint using their procedure. You can write to the Chief Executive Officer of the local authority and talk to your local councillor.

You can email or write to the independent Local Government Ombudsman and your MP.

You don't have to complain to TDC first, you can take your noise complaint direct to a Magistrates Court. **Information about going to Magistrates Court can be found in the Government leaflet 'Bothered by Noise' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69455/pb12023-bothered-by-noise-060701.pdf**