



**APPENDIX 2**  
**EHO Comments 24 May 2024**



## **Environmental Health Consultee Comments for Planning**

Application Number: **UTT/23/2962/DFO**

### **Consultee**

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Date: 24 May 2024

### **Comments**

Following a review of the application in full including (UTT/22/3258/PINS) this department has some concerns regarding noise from the skatepark affecting the proposed dwellings. We are aware that this should have been picked up at an earlier stage and do apologise, however we felt it is prudent to raise the issues now to ensure the proposed development does not face significant adverse impacts as a result of the skatepark noise and that the continued use of the skatepark is not affected by the proposed dwellings.

I have reviewed the noise impact assessment by Noise Solutions LTD dated 24th February 2023 and raise the following concerns:

The report assesses noise from the skatepark using BS 4142 Method for Rating Industrial Noise. The standard is not intended to be applied to the rating and assessment of sound from recreational activities or entertainment as such this alone is not adequate to assess noise from the skatepark on the proposed dwellings. I understand no specific standards are currently in place that explicitly detail the methodology and approach to be undertaken when considering the potential and magnitude of noise impact from skate parks. Therefore, the skatepark must be assessed using the most appropriate approximations for suitable standards. I have reviewed the following noise assessments that have previously assessed noise from skateparks including:

Skatepark at Memorial Playing Fields, Steyning Noise Assessment, reference: 2011/Sept/07 dated 13<sup>th</sup> September 2011,

ETTINGTON COMMUNITY SKATE PARK Noise Impact Assessment, reference: RP 200206, 6<sup>th</sup> February 2020,

Hathersage Skate Park Noise Assessment, reference: AM20140414\_HSP, 14<sup>th</sup> April 2014

Between these assessments the following guidance has been considered/applied in the past:

- BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'
- BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings',
- The Chartered Institute of Environmental Health (CIEH) guidance document 'Clay Target Shooting: Guidance on the Control of Noise' (2003), which contains a method for assessing short high level impulsive sounds, which could apply to some of the noise characteristics experienced in a skate park.
- World Health Organisation - Guidelines for Community Noise 1999 (WHO)

Section 8.1 of the submitted NIA states 'The assessment has assumed the worst-case scenario in terms of the levels of noise produced.' I do not agree.

There are a number of different noise sources which can be associated with a skate park:

- Skateboards. This can be broken down into two types of noise.
  - 'Rolling noise', from the interaction of the wheels along the concrete surface. The rougher the surface of the concrete, the noisier the 'rolling'.
  - 'Impact noise', a short impulsive noise from the impact of the skateboard against the floor/ramp when the skateboarder jumps and fails to land/falls off (a successful landing is not as loud as a failed landing).
- People. Skateboarders and observers around the perimeter of the skating area, usually chatting in small groups for the majority of the time, but occasionally shouting to a friend or cheering, and very occasionally playing music at a low level.
- Roller blades and scooters. A similar level of rolling noise to skateboards, though the number of skaters is likely to be relatively few compared to skateboarders.
- BMX bikes. Usually, the quietest activity as the rolling noise is minimal due to tyres being made from rubber and the air absorbing impact when landing.

As you can see the noise from skateparks consists heavily of impact noise and this has not been appropriately assessed.

The assessment does not assess how the noise from the skatepark will impact external amenity areas.

Skatepark at Memorial Playing Fields, Steyning Noise Assessment, reference: 2011/Sept/07 dated 13th September 2011 states 'WHO guidelines state that for outdoor areas during a daytime period few people are highly annoyed at LAeq levels of below 55dB(A), and few people are moderately annoyed at LAeq levels of below 50dB(A). The guidelines also state that evening and night-time noise levels should be 5-10dB lower respectively. Daytime period is typically taken to be from 07:00 – 23:00 and night-time period as 23:00 –

07:00. Although not defined with the WHO guidelines evening period is typically taken to be 18:00 – 23:00.

These guidelines are typically adopted and applied to skate park noise with the criteria that noise levels at nearby noise sensitive receivers during the daytime (07:00 – 18:00) should not exceed 55dB(A), and during evening (18:00 – 23:00) should not exceed 50dB(A).'

The Skate Park Noise Survey was carried out between 13:31 to 14:33 2<sup>nd</sup> April 2022 and I do not believe this survey demonstrates a 'Worst Case Scenario' approach. The report does give a general overview of what was occurring at the skatepark during the survey, however it is unclear whether activities involving tricks and subsequently trick failures were occurring which typically generate significant noise and would be considered typical for an environment such as a skate park. With the above in mind, it may be considered a better approach to use appropriate source data.

The report also states assessment was carried out for 2 hours however Appendix C implies the survey was carried out for 1 hour and 2 minutes. It is also noted that as part of the BS4142 assessment in the report the skatepark noise level was corrected for an "on-time" of 92 seconds in a 1 hour period

The layout of the proposed development shows plot 1 as being the closest proposed NSR to the skate park approximately 51m away. This department has received complaints regarding the skate park in the past with the current closest NSR located approximately 100m away. Whilst a statutory nuisance has not been witnessed at this time, the proposed development is significantly closer to the skate park. I would also like to note whilst a nuisance has not been witnessed, it should be recognised the benchmark for land use planning is automatically below that of 'nuisance' and this proposed development is nearer and so subject to more noise. Whilst the presence of a nuisance would automatically trigger noise to constitute 'significant observed adverse effects' the opposite relationship should not be given weight.

The only mitigation proposed in the Noise Impact Assessment is for traffic noise and consists of double glazing and a mix of high performance and standard performance trickle vents depending on the location. I have concerns that this will not be suitable to mitigate noise from the skate park. Even if fixed shut windows, or expecting residents to close windows, were acceptable, closing windows has the effect of producing an artificially quiet internal acoustic environment limiting interaction with the outside world. The effect will also reduce other background and residual masking sounds but noise from the Skate Park could still be perceptible within the dwelling.

Based on the findings of other surveys of skateparks, it is likely that screening would be required, and effective screening would require that lines of sight to be broken between source and receiver locations. Due to the fact the bowls are sunken into the ground, bunds might be appropriate or a solid fence. Site layout changes may be required to allow sufficient space to construct adequate barriers.

The proposed layout for plots 1-4 shows that sensitive rooms particularly two of three bedrooms will be facing towards the skate park and the external amenity from plots 4-8 also faces the skate park. This does not demonstrate good acoustic design.

It is understood that the skatepark is open from 8 am to 10 pm daily and has flood lighting. We are concerned that there may be a significant impact on future residents from its use. Future occupiers of the proposed dwellings may make complaints about skate park noise which the council has a statutory duty to investigate under The Environmental Protection Act 1990. This could result in restrictions being placed on the skatepark and/or requirements for noise mitigation works at the skate park as a direct result of the proposed development.

The National Planning Policy Framework section 93 states:

**“193.** Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

Based on the above, I do not feel that noise from the skatepark has been assessed appropriately and in my opinion it is likely to have a significant impact upon the future users of the proposed development without the appropriate mitigation.

I would recommend that a further noise assessment is carried out prior to determining the application:

A noise impact assessment shall be conducted, and a scheme shall be submitted for approval in writing to demonstrate how noise from the skatepark shall be mitigated to protect the proposed nearby residential properties. This shall be prepared by an acoustically competent person using appropriate guidance’s and include mitigation of noise impacts from but not limited to:

- Skateboards.
  - Rolling noise
  - Impact noise
- Voices from users
- Roller blades and scooters
- BMX bikes

Note:

The noise impact assessment shall have regard to the following guidance ;

- a) The Chartered Institute of Environmental Health (CIEH) guidance document 'Clay Target Shooting: Guidance on the Control of Noise' (2003)
- b) World Health Organisation - Guidelines for Community Noise 1999 (WHO)

The noise assessment is required prior to determining the application because based on the submitted information it is not clear if noise mitigation measures such as barriers would be sufficient to achieve acceptable levels in amenity areas and within dwellings with the proposed layout and design.

If the Planning Committee is minded to approve the application without a robust assessment of the skatepark noise impacts a skate park noise assessment and mitigation scheme condition should be attached to any permission granted.