



**APPENDIX 4**  
**EHO Comments 14 June 2024**



## Christopher Tyler

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**Subject:** FW: [External] >> RE: UTT/23/2962/DFO - Land West of Thaxted Road  
**Attachments:** Ornuu-Ingredients-Judgment-1.pdf

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**From:** Jane Mann [REDACTED]  
**Sent:** 14 June 2024 12:31  
**Subject:** FW: [External] >> RE: UTT/23/2962/DFO - Land West of Thaxted Road

Hi Maria

I have the following comments on the Noise Solutions Ltd Technical Note dated 7<sup>th</sup> June 2024 (NSL) and the Cornerstone Barristers advice dated 10<sup>th</sup> June 2024.

The NSL suggests that the Chartered Institute of Environmental Health (CIEH) guidance document ‘Clay Target Shooting: Guidance on the Control of Noise’ (2003) is not an appropriate standard for assessing skatepark noise.

Skate park noise typically primarily consists of two types of noise; noise emanating from the interaction between the skateboards wheels and the skate park surface “rolling noise” this is typically experienced as a continuous rumbling type noise; and noise emanating from impacts of the skateboard wheels, or more commonly deck, against the skate park surface “impact noise” this is typically experienced as transient impulsive noises, and generally arises from the performance of tricks, whether successfully completed or failed. There may also be similar noise from scooters and BMX bike use. Other sources of noise emanating from skate parks typically include voices from the users of the facility and sometimes music or tannoy noise either from users or during events.

Currently, there are no UK standards or guidance dealing with noise arising from skateparks or similar activities. British Standard 4142:2014 ‘Methods for rating and assessing industrial and commercial sound’ is commonly used to assess the risk of adverse impact from noise on local residents. However, the Standard is intended for assessing industrial and/or commercial sounds and explicitly states its scope does not extend to recreational activities, such as a skatepark. Some aspects of BS 4142 might be relevant to the assessment, such as establishing a background sound level, impulsive penalties and contextual appraisals; however, a direct application of the Standard as the sole method of determining noise impacts on future residents is not appropriate. For example, the short duration high level impact noises from the performance of tricks is hugely underestimated using a BS4142 assessment because the measured noise from the skatepark has been corrected for an “on -time” of 92 seconds in the two hour monitoring period and this has reduced the noise level used to assess impacts at residential from a measured short term level (Sound Exposure Level) of 70.7 dB to 34.9 dBA Leq over a 1 hour period. Unfortunately the future residents will hear the short duration high level impact noises from the skatepark users performing tricks rather than the calculated average noise level in 1 hour from the combination of the skatepark noise and the gaps between skatepark activities.

In the absence of authoritative skatepark noise guidance, it is considered appropriate to base the assessment methodology against the guide values set out in the following guidance/standards:

- The World Health Organisation’s Guidelines for Community Noise (1999) and Environmental Noise Guidelines for the European Region (2018) provide guidance levels for steady-state noise inside and outside a dwelling.
- BS 8233:2014 ‘Guidance on sound insulation and noise reduction for buildings’, which provides similar guidance based on the aforementioned WHO documents.
- The ‘Guidelines for Environmental Noise Impact Assessment’ (2014) document produced by the Institute of Environment Management & Assessment (IEMA), which considers the impact of an increase/change in average ambient sound levels from the existing baseline.

- The Chartered Institute of Environmental Health (CIEH) guidance document ‘Clay Target Shooting: Guidance on the Control of Noise’ (2003) contains a method for assessing short, high-level impulsive sounds associated with clay target shooting – a sound source with similar impulsive characteristics to skateboarding impacts.

A noise impact assessment methodology that incorporates a mixture of the aforementioned guidelines aligns with the approach followed by other Acoustic Consultants for noise impact assessment reports for a significant number of skateparks in the UK. Example of some of the Acoustic Assessments that used this approach were already given in the Environmental Health Comments.

Turning to the legal advice I have the following comments.

- 1) I note that outline permission was given for up to 170 dwellings and all matters other than access were reserved and point 17 gives the following definitions for reserved matters
  - *“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;*
  - *“landscaping” , in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—*
    - (a) screening by fences, walls or other means;*
    - (b) the planting of trees, hedges, shrubs or grass;*
    - (c) the formation of banks, terraces or other earthworks;*
    - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
    - (e) the provision of other amenity features;*
  - *“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;*
  - *“scale” except in the term ‘identified scale’ , means the height, width and length of each building proposed within the development in relation to its surroundings*

I believe that appearance, landscaping, layout and scale are all relevant to noise impacts on future residents of the proposed development. In the process of good acoustic design there is a hierarchy approach to noise mitigation. The following are acoustically critical issues and part of a good acoustic design process site layout, building heights, materials, landform contouring, detailed design and landscaping, boundary treatments, amenity spaces. The professional practice guide on planning and noise 2017 states that planning applications must:

- .Check the feasibility of relocating, or reducing noise levels from relevant sources.
- Consider options for planning the site or building layout.
- Consider the orientation of proposed building(s).
- Select construction types and methods for meeting building performance requirements.
- Examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost, CDM (construction, design and management) etc.
- Assess the viability of alternative solutions.
- Assess external amenity area noise.

All of the above fall within the reserved matters details.

- 2) The advice states in point 29 that an acoustic bund or fence could not be provided under layout. Matters such as the orientation of dwellings in relation to the skatepark do fall within layout. However, fences and earthworks

(such as an acoustic bund) fall under the reserved matter of landscaping. The layout of dwellings and the scale and appearance may need to be revised as part of good acoustic design to minimise skatepark noise impacts on future residents and protect the existing skatepark community facility. There are many options to mitigate noise through building layout and design including orientating windows of habitable rooms away from the noise source. Placing amenity areas on the shielded sides, the use of garages as a noise barrier etc

- 3) With reference to point 31. I agree that the access point is fixed but there is a landscape buffer in the framework masterplan and design code along the entirety of the site boundary with the skatepark located between the site access road and the skatepark itself and therefore a landscaped bund is likely to be practicable. A noise barrier should either be close to the noise source or the receiver to be effective so there may be also options for barriers close to dwellings.
- 4) The layout has changed from the indicative layout at outline on which the noise impact assessment was based and there will be a requirement for a new assessment to demonstrate that noise standards can be met for road traffic noise even having regard to the (poorly worded) existing condition to inform the choice of glazing and ventilation to meet internal noise standards . It is noted that the original noise impact assessment submitted at outline has already been revised each time the layout changed. Usually revised NIA are submitted to support the Reserved Matters application.
- 5) 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.”**

The current proposals do not include any noise mitigation for skatepark noise and are likely to result in future residents making complaints about skatepark noise which we have a statutory duty to investigate under The Environmental Protection Act 1990. This may result in unreasonable restrictions being placed on the skatepark as a direct result of this development.

- 6) The advice refers to a number of cases. I have attached a high court judgement which might also be of relevance where Ornuia Ingredients Ltd, the owner of a cheese factory adjacent to a site with outline planning permission for 321 houses, has successfully argued that Herefordshire Council was wrong to issue an approval of reserved matters without considering Ornuia’s representations and acoustic report as to the effects of noise from the factory on the living conditions of the future residents. That information casted doubt on a conclusion previously reached by the Council that it would in principle be possible to produce an acceptable scheme for mitigation of noise emitted by the factory within the parameters of the proposed layout.

Finally I think it would be a serious mistake to not reconsider skatepark noise impacts as part of the reserved matters application and maintain the position that it must be properly considered before reserved matters permission is granted. There is insufficient information on the potential impacts of skatepark noise on future residents and the proposed appearance, landscaping, layout and scale of the development may need to be revised to mitigate noise impacts.

If you have any queries please contact me on the number below.

**Jane Mann**  
**Senior Environmental Health Officer**