



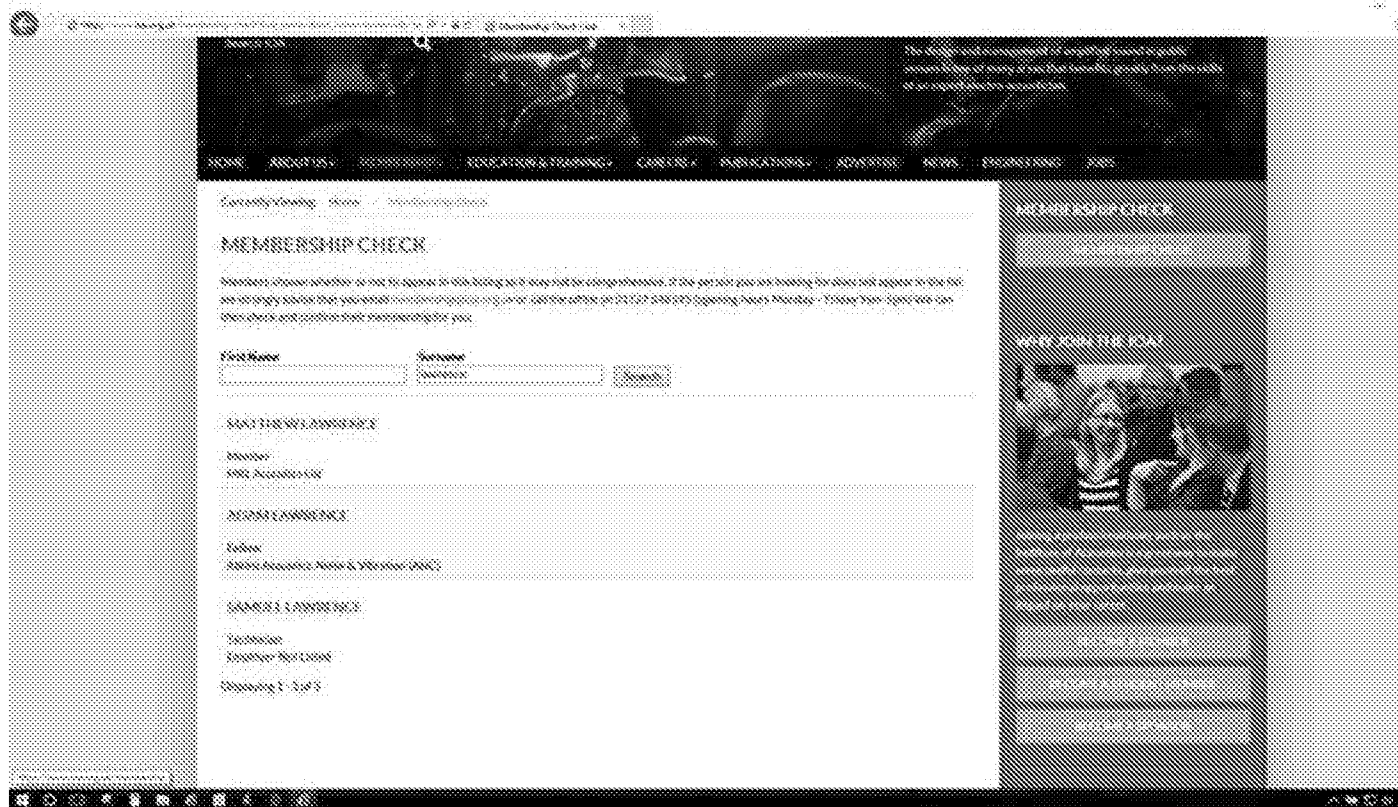
From: Simon Davis
Sent: 30 July 2018 14:22
To: Planning.Responses
Subject: FW: Noise Report for BN/25/18/PL
Importance: High

Further Environmental Health comments.

From: Christopher Davis
Sent: 26 July 2018 12:49
To: Simon Davis
Cc: Anna Appleton; Nat Slade
Subject: RE: Noise Report for BN/25/18/PL
Importance: High

Hi Simon

My first point of reference with any Acoustics report is to check membership with the Institute of Acoustics (IOA) and as you can see from the screen grab below neither of the two report authors, namely John Lawrence and Thomas Lawrence are members of the IOA. This instantly casts a shadow of doubt over the reports validity as membership to the IOA requires the IOA diploma in Acoustics and Noise Control as a minimum and recommends all members hold the Certificate of Competence in Environmental Noise Measurement too.



This being said, I read the report on its merits and would state the following:

It is noted that the noise measurements were taken on a Monday (9th July). Having spoken to the both complainants and Elaine Armstrong (Owner of Clix and Trix) the potentially worst day is a Thursday.

The noise report also only considers two one hour sessions run in the presence of Elaine Armstrong. As an competent and fully qualified acoustician myself I would have preferred to see as a minimum a 7 day unattended continuous monitoring (to include a weekend) as well as representative attended monitoring at times that show the worst case.

Discussions held with Mrs. Armstrong during the service of the section 80 'Abatement' Notice under the provisions of the Environmental Protection Act 1990 (by hand) on Friday 13th July 2018 shows that she is aware that the "worst noise" occurs during the times that she is not in control of her business; in that when she rents out the Dog Garden to Yappy Days Doggy Daycare and she is not onsite.

Having read the report in its entirety I note that the report does not contains sufficient information to assist decision makers and falls short of a robust assessment for multiple reasons.

Competence

The NPPF provides a Glossary with the following definition:

<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

Competent person (to prepare site investigation information)

"A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation"

None of the qualifications listed in the report are acoustics qualifications relevant to the application of assessment method.

I can see no overt evidence of experience in the field of acoustics and noise control for planning purposes.

While the individuals may be well qualified in other fields it is possible that neither of these persons meet the criteria for a competent person as outlined above.

The term 'Stage II' noise level readings is not explained (within the Executive Summary)
It is possible they mean Stage 2 from ProPG but further clarification may be required.

If it is indeed Stage 2 from ProPG the guidance document has this to say:

Stage 2 – a systematic consideration of four key elements.

2.4 The four key elements to be undertaken in parallel during Stage 2 of the recommended approach are:

- Element 1 – demonstrating a "Good Acoustic Design Process";
- Element 2 – observing internal "Noise Level Guidelines";
- Element 3 – undertaking an "External Amenity Area Noise Assessment"; and
- Element 4 – consideration of "Other Relevant Issues".

I'm not sure there is enough information present to demonstrate this and in any case ProPG is only guidance stating *"This Professional Practice Guidance does not constitute an official government code of practice and neither replaces nor provides an authoritative interpretation of the law or government policy on which users should take their own advice as appropriate."* **and further:** *"The scope of this ProPG is restricted to the consideration of new residential development that will be exposed predominantly (see Section 2) to airborne noise from transport sources (noting that good professional practice should have regard to any reasonably foreseeable changes in existing and/or new sources of noise)."*

(again within the Executive Summary)

The readings cannot be made both at the boundary and the source simultaneously (unless two sound level meters (SLM's) were in use and only one referenced). The source cannot also be the receptor - further clarification is required here.

"The secure and safe environment afforded to pet owners and dog handlers by Clix and Trix provides a valuable service to the local community. The area is strictly managed and controlled by rules placed upon those persons private and commercial who rent the garden"

This is not a valid noise issue and potentially indicates bias.

There is no such thing as a noise meter. It is a sound level meter, noise is a subjective term based on human response; sound is an objective quantity that can be measured. A competent person would be expected to know this.

$L_{A_{Max}}$ is measured using fast time weighting unless otherwise directed to do so by guidance (i.e. measurement of certain railway sound). There is no justification for using $L_{A_{Max} Slow}$. The ProPG guidance and BS 8233 consider individual events in terms of $L_{A_{Max} Fast}$.

Barks were made at 1m from the source, I am not sure it is ethical to encourage dogs to bark and it is unclear as to how many barks were measured from what breeds, and under what circumstances the bark was induced.

The report references the 'noise at work' actions levels (Health and Safety legislation). They are measured in terms of daily exposure LEP_d (an L_{eq} based value) and $L_{C_{Peak}}$ not $L_{A_{Max} slow}$ and in any case noise at work exposure action values are not a valid planning concern.

BS5228 is not an appropriate Standard to use for the assessment of this site; the scope of BS5228 is clear:

"This part of BS 5228 gives recommendations for basic methods of noise control relating to construction sites, including sites where demolition, remediation, ground treatment or related civil engineering works are being carried out, and open sites, where work activities/operations generate significant noise levels, including industry-specific guidance"

This site is not an 'open site' as defined by BS5228:

"3.11 open site:

Site where there is significant outdoor excavation, levelling or deposition of material

NOTE 1 - Examples include quarries, mineral extraction sites, an opencast coal site or other site where an operator is involved in the outdoor winning or working of minerals.

NOTE 2 - Waste disposal sites and long term construction projects can, in most cases, be treated as open sites."

It is further noted that no instance of either of the words "dog" and / or "dogs" are present anywhere in the 166 pages that form the BS 5228 guidance documentation.

The following text within the report is misleading; as the assessment approach is incorrect:

"In summary, the premises provides a key service to the local community ensuring the security and safety of owners pets in a controlled environment which is well managed and which poses negligible nuisance by way of noise to local residents in line with the standards and criteria set in the British Standard document BS 5228:1 Part 6."

There are no calibration certificates or any indication the equipment used was in calibration, no serial number has been provided nor any indication of field calibration taking place either before measurements commenced or after measurements were taken. A product brochure included with the report is not the same thing as valid calibration certificates. A "higher level educational establishment based in Hampshire" is not necessarily a recognised and accredited calibration laboratory such as UKAS. Therefore it is possible that this equipment was not within calibration - further clarification is required here.

Measurements made 1.2m from the ground may not have been 'free field'; as it is possible a boundary fence or similar was present.

The diagram included in the report is disproportionate; Receptor A (20m from the source) appears to be 4 times the distance of Receptor B which is stated as 10m from the source? - further clarification is required here.

Measurements taken every 15 minute interval for a period of 5 minutes may be a typographical error but may also be an indication of inadequate monitoring - further clarification is required here.

By way of an over simplified comparison, the WHO guidelines indicate 55dB as the level at which most people are seriously annoyed.

BS 5228 does not provide a framework for assessing nuisance and the foreword states :

"Compliance with a British Standard cannot confer immunity from legal obligations"

The Chartered Institute of Building (CIOB) Rules and regulations of professional competence and conduct (attached) state:

2. Members shall demonstrate a level of competence consistent with their class of membership.

5 Members shall discharge their duties with complete fidelity and probity. In particular they shall:

5.3 ensure, when providing an advisory service, that the advice given is fair and unbiased;

6 Members shall not undertake work for which they knowingly lack sufficient professional or technical competence, or the adequate resources to meet their obligations.

7 Members who are not competent to undertake part or all of a particular advisory service shall either decline to give advice or secure appropriate competent assistance.

13 Members shall keep themselves informed of current thinking and developments appropriate to the type and level of their responsibility. They should be able to provide evidence that they have undertaken sufficient study and

personal development to fulfil their professional obligations in accordance with the current guidelines for Continuing Professional Development (CPD).

It may be necessary to check qualifications. The usual term for someone with MCIOB is either Chartered Builder or Chartered Construction Manager not necessarily Chartered Member of the Chartered Institute of Building.

<http://www.ciob.org/grades/chartered-membership>

With all this said, I'm sure you can see that I don't consider this to be a acoustics report and therefore recommend that the report be redressed by means of a competent acoustician before resubmission

Kind Regards

Christopher Davis
Environmental Health Officer

Environmental Health Department
(01903) 737695 (direct line)

Arun Civic Centre | Maltravers Road | Littlehampton | BN17 5LF

www.arun.gov.uk/eh



From: Simon Davis
Sent: 16 July 2018 09:33
To: Christopher Davis
Subject: FW: Noise Report for BN/25/18/PL

Dear Chris,

Please see attached. Can you advise whether this alters the advice you have already given.

Cheers

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, [Arun District Council](http://www.arun.gov.uk) |
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Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: [REDACTED]
Sent: 13 July 2018 22:38
To: Simon Davis
Subject: Noise Report for BN/25/18/PL

Hi Simon,

Here is the noise report to add to my application.

Regards
Elaine Armstrong