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## Email Note

To: **Brenda Vandamme** From: **Rachel Canham**  
Company: - Date: **26 August 2016**  
Email: [Redacted] Ref: **4214**  
Copies to: [Redacted] Page: **1 of 5**  
Subject: **Swalcliffe Park Equestrian – Comments on application to amend condition 5 of the planning permission**

### Summary

Planning permission for Swalcliffe Park Equestrian was granted in May 2015 subject to conditions, one of which (5) relates to noise and set a limit of 45 dB  $L_{Aeq,15min}$  at adjacent dwellings to be demonstrated by monitoring.

An application was submitted in August 2016 to amend Condition 5, to increase the noise limit at the nearby dwellings from 45 dB  $L_{Aeq,15min}$  to 55 dB  $L_{Aeq,15min}$  and remove the requirement for noise monitoring at the dwellings. Acceptable noise levels for each individual loudspeakers of the PA system and items of plant are to be set for each event depending on their relative locations to the nearby dwellings using a design limit chart provided in the updated Noise Management Plan (NMP) dated August 2016.

The justification in the noise report prepared by Idibri (dated 01 August 2016) for the increase in noise limit from 45 to 55 dB  $L_{Aeq,15min}$  is flawed and is based on the incorrect and inappropriate use of WHO Guidelines for Community Noise and Noise Council “Code of practice on noise control at concerts”. The background and ambient levels referred to in the Idibri report on non-event days are all noticeably higher than baseline noise levels measured previously by WBM.

The proposal to change the monitoring protocol from measurements at the dwellings to sample readings at 1m from the PA loudspeakers and plant items raises concerns that the proposed approach would not adequately represent the cumulative level at the adjacent dwellings.

The revised Noise Management Plan (NMP) does not provide robust evidence that this approach would result in appropriate noise levels occurring at the adjacent dwellings. The proposed methodology of setting individual limits for each PA loudspeaker and plant item will require considerable input from the organiser, and does not take into account cumulative noise levels and meteorological corrections. There are no stated requirements for the measurements of each PA loudspeaker and plant items to be taken in the dominant noise direction or at an appropriate height, nor is there any minimum standard required for the instrumentation used to determine these limits, or the parameters that need to be recorded.

## Introduction

Planning permission for Swalcliffe Park Equestrian was granted in May 2015 subject to conditions, one of which relates to noise:

“5 *Equestrian events of greater than 50 competing horses taking place on site shall be in accordance with, the Noise Management Plan (NMP) dated 28th May 2015, ref. 'iD!BRi' detailing the methods to be employed to achieve compliance with a noise limit of at 45 dB LA eq (15mins), when measured free field at noise sensitive locations adjacent the residential properties of Partway House, Elm Farm, Swalcliffe House and Wykham, shown on the attached plan ref. CDC-01.*

*No operational changes shall be made in relation to noise management without prior written approval by the Local Planning Authority in which case a revised NMP shall be submitted approved through the submission of a further 'approval of details reserved by condition' application.*

*Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.”*

An application was submitted in August 2016 to amend Condition 5 due to the following reason:

*“Condition no. 5 provides that the development should be undertaken in accordance with a Noise Management Plan and subject to specific noise limits. For reasons set out within the supporting NOISE REPORT (Idibri 01/08/2016), it is considered that the noise limits are unreasonable and render the proposed development unworkable. It is considered that alternative wording and limits can achieve the level of noise control required to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and government guidance contained within NPPF.*

*The application therefore seeks the variation of the wording of condition no. 5 to include revised noise limits. The Council are also asked to approve a revised Noise Management Plan, which has consequentially been updated to include the revised noise limits.”*

The proposed amended wording of Condition 5 is as follows:

*“Equestrian events of greater than 50 competing horses taking place on site shall be undertaken in accordance with the Noise Management Plan prepared by Idibri and dated 1st August 2016 (NMP) (or such other NMP as may have been agreed in writing by the LPA).*

*In particular, events shall operate to ensure that :-*

*(a) event sound including public address systems and other temporary equipment is controlled to a limit of 55 dB LAeq, 15min;*

*(b) other sources of noise from events are controlled to best practicable means in accordance with the agreed NMP;*

*(c) noise monitoring is undertaken in accordance with the agreed NMP.”*

WBM has been retained by Mrs Vandamme on behalf of herself and other local residents to review and comment on the application to amend Condition 5.

The main differences of the proposed amendment to Condition 5 are summarised below:

- The noise limit at the nearby dwellings is to increase from 45 dB L<sub>Aeq,15min</sub> to 55 dB L<sub>Aeq,15min</sub>
- There is no requirement for noise monitoring at the dwellings

- Acceptable noise levels for each individual loudspeakers of the pa system and items of plant are to be set for each event depending on their relative locations to the nearby dwellings using a design limit chart provided in the updated Noise Management Plan (NMP) dated August 2016

### **Comment on the 55 dB $L_{Aeq,15min}$ Limit**

The Noise Report prepared by Idibri dated 01 August 2016 provides their justification for the increased limit from 45 to 55 dB  $L_{Aeq,15min}$ . The justification provided in the report is flawed and incorrect.

Idibri have referred to the World Health Organisation (WHO) “Guidelines for Community Noise” and also the Noise Council “Code of on practice on environmental noise control at concerts”

With regard to the WHO guidelines, section 4.3.1 of this document includes the text:

*“To protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55 dB LAeq for a steady, continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound pressure level should not exceed 50 dB LAeq...”*

This indicates that 55 dB  $L_{Aeq,T}$  is a limit in order to prevent people from being seriously annoyed during the day, whereas the lower level of 50 dB  $L_{Aeq,T}$  is to prevent people from being moderately annoyed.

The Idibri report considers (in paragraph 4.13) that 55 dB  $L_{Aeq,T}$  corresponds to events being “noticeable and not intrusive”, i.e. corresponding to “No Observed Adverse Effect” (see Appendix A of their report). However this is in conflict with selecting a limit that is to prevent people from seriously annoyed.

In addition, the WHO guidelines 55 / 50 dB external noise levels refer to steady, continuous (i.e. anonymous) noise. The noise output from equestrian events, especially due to operation of the PA, is intermittent and variable, which will make it more noticeable.

The Idibri report also refers to the Noise Council “Code of practice on noise control at concerts”. This is not strictly speaking applicable to this situation. However the document can be used for information. It advises that for 4 to 12 event days per year, the music noise level should not exceed the background noise by more than 15 dB over a 15 minute period. The Idibri report claims that for the Swalcliffe site, the background noise levels + 15 dB is approximately equal to the WHO noise level limit of 50 to 55 dB  $L_{Aeq,T}$ , however relevant background noise levels are not provided in the report to support this. However, WBM has carried out baseline measurements at the dwellings near the equestrian site on a day without an event. The background noise levels on that occasion were in the range 28-34 dB  $L_{A90,15min}$ . Using the Noise Council code of practice, this would relate to limits in the range 43 to 49 dB  $L_{Aeq,T}$ , i.e. well below the 50-55 dB  $L_{Aeq,T}$  claimed by Idibri.

It is also worth noting that the Noise Council code of practice refers to up to 12 days of events per year whereas the equestrian site has permission for up to 28 days.

The Idibri report also refers to some of their own data that shows that noise levels at nearby dwelling regularly exceed 45 dB  $L_{Aeq,15min}$  (the current limit) on non-event days. The data provided shows 24 samples, of which 13 are at or below 45 dB  $L_{Aeq,15min}$  and the remaining 11 samples are between 46 and 49 dB  $L_{Aeq,T}$  i.e. up to 4 dB higher.

Note that previously WBM baseline measurement on non-event days gave lower results in the range 37-47 dB  $L_{Aeq,15min}$  with the majority of the samples below 45 dB  $L_{Aeq,15min}$ .

### **Noise Monitoring at Dwellings / Setting Limits for Individual PA Loudspeakers and Items of Plant**

The proposed amendment to Condition 5 removes the requirement for noise monitoring at dwellings. Instead the proposal appears to be to setting appropriate limits for PA loudspeakers and items of plant, depending on their relative distance from the dwellings using a chart provided in Appendix B the revised Noise Management Plan (NMP) prepared by Idibri and dated August 2016. These limits are to be checked by measurements at 1m from the items.

This is a significant change to the noise monitoring strategy and raises concerns that the proposed approach would not adequately represent the cumulative level at the adjacent dwellings.

The revised NMP does not provide robust evidence that this approach would result in appropriate noise levels occurring at the adjacent dwellings.

Appendix B of the revised NMP provides a chart of noise levels against distance. The chart is intended to result in a level of 40 dB  $L_{Aeq,T}$  at the relevant distance, which at first glance would appear to result in a better situation than the current 45 dB  $L_{Aeq,15min}$  limit at the dwellings.

However, I am concerned that the implementation of this chart will require considerable input from the organiser and also that the approach does not take into account cumulative noise levels, meteorological corrections.

It is noted that the chart provided in Appendix B of the revised NMP appears to include an allowance for attenuation in addition to that due to distance, possibly due to air and/or soft ground, but has not included any allowance for meteorological effects i.e. is the wind is blowing towards the dwelling from the site. ISO 9613-2 indicates that (for distances of around 500m) meteorological corrections could be up to 5 dB, although values in excess of 2 dB are exceptional.

Cumulative effects of multiple sources are also mentioned in Appendix B but are dismissed as insignificant on the basis that sound sources are located "suitably far apart" although this distance is not defined. There are no stated requirements for PA loudspeakers or other sources to be spaced "suitable far apart" and in addition, even if these sources were spaced apart from each other, they could still be equidistant from a dwelling meaning that multiple noise sources could contribute to the overall noise level.

There are no stated requirements for the noise measurements of the PA loudspeakers and plant items to be in the dominant noise direction or at an appropriate height to be representative of the source output. Without these, the revised wording of the Noise Management Plan could mean that the measurements are open to abuse, as noise levels could be measured in any direction and at a lower height than the source output. This could result in higher than expected levels occurring at the dwellings. In addition, there does not appear to be any minimum standard required for the instrumentation used to determine these limits, nor the parameters that need to be recorded.

Furthermore, the implementation of this chart will require considerable input from the organiser. The organiser will need to check the distance of every PA loudspeaker and item of plant from each dwelling. Using these distances, the organiser would then need to read off the appropriate noise limit at 1m for each loudspeaker and item of plant from the chart. The chart is presented with a logarithmic range for the distance which is not necessarily easy to read. The noise level generated by each loudspeaker and item of plant will then need to be checked against the pre-determined limits by noise measurement. Note my comments above about the measurement direction, height and instrumentation requirements of these readings.

As the layout of each event is variable with loudspeakers and plant items at different locations, this will need to be repeated for each scenario. It is realistic to expect that the organiser will complete this detailed assessment for every loudspeaker and plant item position for each event?

Section 2.5 of the revised NMP makes reference to noise monitoring at the site boundary providing the specific noise (PA loudspeaker or plant) is at least 10 dB above the existing ambient noise level. It is assumed that this is so that the noise monitoring obtains a clear indication of the specific noise level without any influence from the residual noise occurring at that time. However, it does not go on to indicate what would be an appropriate noise level at the boundary in relation to the dwellings, nor how the reading could be used to indicate compliance.

**Rachel Canham**  
Partner

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