

## Laura Crawford

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**From:** Gemma Jobling [REDACTED]  
**Sent:** 22 June 2023 09:46  
**To:** Planning; Joy McIntyre  
**Cc:** Jennifer Lundy; Denise Dickson; Norman Menary  
**Subject:** Fwd: Review of Noise Report - LA01/2021/1131/F- Bubble Domes at Cromore House  
**Attachments:** P704-1 NIA Review, Cromore House.pdf

Good morning Joy,

We write in relation to the planning application LA01/2021/1131/F for the bubble domes, which is located adjacent to our client's property, Mr Menary. We have previously submitted objections on behalf of our client. We met with Jenny Lundy and Denise Dickson and raised significant concerns regarding the potential impact on residential amenity and impact on the historic building of Cromore House.

In respect of the amenity issues we identified noise sources that had not been considered within the submitted noise report, which was limited to plant and construction noise. It was agreed at the meeting that this would be reviewed and referred to Environmental Health. We note from the portal there is no evidence that this has taken place. Accordingly we attach a consideration of this by our acoustic consultant. This is a material consideration and should be taken into account in advance of any decision being made. We note that in the case of other planning applications, the Council has taken the decision that where additional technical information is submitted it has not moved that application forward until the requisite consultee is given time to review this. Accordingly we ask that this document is referred to Environmental Health for comment in advance of any decision being made.

My client has also raised concerns regarding security and safety of his property as there is no indication how visitors from the proposed holiday park will be prevented from entering his property or how the holiday park will be signposted as the applicant does not have any legal rights to erect signage at the entrance or along the laneway. Accordingly there is a risk of visitors entering our clients property and affecting his privacy and enjoyment of his property.

In respect to the impact on the listed building, it was agreed that a meeting would be arranged with Mr Andrew Gault of NIEA-HED however at the last minute he was unable to attend the meeting and instead his colleague Dermot Madden attended. However during the meeting Mr Madden advised that he could not comment on the matters that Andrew would have covered and offered very little in terms of reasoning for the HED response. It was agreed that the Council would review this and contact Mr Gault. No further information appears to have been provided or considered.

Finally, my client also raises concerns regarding land ownership and rights of access. While the applicant does have a right of way he does not have legal consent to alter the laneway or verge that is within our clients control. Therefore the means of access as indicated cannot be achieved.

My client has previously advised the Council of his intention to pursue legal action against any decision if the above matters are not duly considered.

Please ensure this attached review of the noise impacts is uploaded to the planning portal and referred to Environmental Health for comment.

Regards

Gemma



**John Lavery BSc (Hons) MEnvSc**

Principal Environmental Scientist

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18<sup>th</sup> April 2023  
Our Ref: P704/1

**Gemma Jobling**  
**JPE Planning**  
Unit 1 Nixon Building  
LEDCOM, Bank Road  
Larne  
BT40 3AW

Dear Gemma,

**LA01/2021/1131/F – 5NO. BUBBLE DOMES FOR HOLIDAY USE, INCLUDING ASSOCIATED RECEPTION UNIT, ACCESS, GUEST AND STAFF PARKING AND LANDSCAPING (AMENDED DESCRIPTION AND PLANS)**

We have now reviewed all the supporting information which has been submitted in relation to the planning application for 5No. bubble domes for holiday use at Cromore House (LA01/2021/1131/F). The site incorporates lands 20m southwest of 58 Cromore Road and lands 50m southeast of 58 Cromore Road, North Ballyleese Townland, Portstewart. In particular, we have reviewed all supporting information regarding potential noise impact as a result of the development, and as such we can make the following comments.

**Review of NIA report**

A review of the submitted Noise Impact Assessment (NIA) report was undertaken, which was prepared by Parker Jones Acoustics (12<sup>th</sup> December 2022). Critically, the NIA report was developed in accordance with BS4142:2014, which would be applicable to commercial and industrial noise sources. However, the assessment has not followed through on the guidance and therefore inadequately assesses potential noise impacts on local receptors. To summarise, the following omissions or errors have been identified within the report:

***No Background Noise Surveys***

No baseline noise surveys were carried out for the site, and no background levels have been presented within the NIA report. This is absolutely critical for the NIA report to be relevant to the site development proposals, especially given the nature of objections and concerns raised, and forms the basis for noise to be assessed against BS4142:2014. The report states in Section 4.3 that a baseline survey has not been undertaken, but yet assumes values and presents them on the basis of context. It is imperative that background noise monitoring be carried out for the site and local receptors, as impacts cannot be ruled out without this information. It should be noted that background monitoring has been required for every noise related project undertaken by Layde Consulting, and for virtually every planning application relating to potential noise impacts.

***No Penalties or Corrections Applied***

In Section 4.2 of the NIA report, the author states that no rating penalties have been added as the specific noise level is low enough for any characteristics to be inaudible. This statement relies on the authors assumptions that background levels are higher than the noise generated within the site, although without having ever undertaken any background noise surveys within the site. As such this statement cannot be relied upon as fact. In addition, the author is incorrect in stating that no noise penalties apply (as prescribed in BS4142:2014), as air compressor pumps typically generate a tonal component which would attract +6dB penalty in accordance with BS4142:2014. The author has made no attempt to present tonal information relating to the pumps, or to indicate otherwise. Therefore, in the absence of this information a tonal penalty is applicable. The pumps are likely to be intermittent in nature, topping up compressed air in the event of minor leakages, to maintain pressure, and also for maintenance etc. Therefore, an additional penalty of ~3dB would be applicable in accordance with BS4142:2014.

On the basis of applying the corrections and penalties which would be applicable under BS4142:2014, then it is likely that the overall rating noise level of the pumping equipment could be above the stated (assumed) background level.

#### *Incorrect Receptor Location*

The NIA report relies primarily on the prediction of noise at the receptors dwelling. However, predicted noise levels should have been assessed at the receptors land boundary which immediately adjoins the site, as the receptor should be able to enjoy the amenity of their property at any given position. This has been applied to virtually all noise impact assessments within the planning system, and would also certainly be applicable in this case, especially given the nature of complaints and objections raised in connection with this application, i.e. sensitive to noise impacts.

No noise values have been presented for the receptors boundary position, therefore it cannot be said that no noise impact will occur. In fact, when considering Figure D.2 of the report, it is likely that noise impact would become an issue, and more so when the applicable penalties have been taken into consideration.

#### *BS8233:2014 – Patronage Noise*

The NIA report utilises BS8233:2014 as a means of assessing noise, in addition to BS4142:2014. However, patronage noise is beyond the scope of BS4142:2014. Although there are no specific standards in assessing noise from patrons using the site, patronage noise is typically assessed using BS8233:2014 as a means of determining the likelihood of noise impact from a range of human vocal efforts to include shouting and loud talking. No attempt has been made to model patronage noise either along the access routes, or at any of the bubble dome locations. Typically a number of point sources would be simulated within the noise model over a range of vocal efforts (generally up to 86dB for shouting, although this can be louder), and would be simulated simultaneously at each bubble dome location for the maximum number of occupants likely to use each unit.

Without fully assessing patronage noise, then the author cannot say for certain that noise impact will not occur in accordance with BS8233:2014. Therefore the NIA report and model should be revised to take into consideration patronage noise.

#### *BS4142:2014 – HGV, light goods and passenger vehicles*

Section 1.3 of BS4142:2014 states that it beyond the scope of the document to assess vehicle noise on public roads, however, in accordance with BS4142:2014, noise from vehicles within the site should have been assessed cumulatively to all other sources in order to determine the overall impact. HGV and passenger vehicles are routinely included within NIA reports for planning, and commonly form a major component of the consultation responses received back from Environmental Health departments. Noise from passenger and HGV vehicles should be assessed at the boundary of local receptors lands, and should employ the maximum permissible UK noise criteria for each type of vehicle. In this case, the maximum permissible UK regulation for passenger vehicle noise equates to 100dBA, and 104dBA for HGV vehicles. The predicted number of vehicles for any given hour during the daytime should be modelled, and for any given 15 minute period during night-time hours. The results should be presented for representative positions along the receptor boundary, and should be assessed in cumulative with all other noise sources against the measured background levels.

Although traffic will be restricted to certain portions of the site, nevertheless this needs to be included within the noise model, and assessed for potential impacts in accordance with BS4142:2014.

*Noise Management Plan*

A Noise Management Plan was submitted in support of the application in 14<sup>th</sup> November 2022. However, the following points are noted which prevent the Noise Management Plan being effective:

- The plan inherently acknowledges potential noise from patrons, as limitations are suggested. Patronage noise has not been included within the assessment, and cannot be regulated in terms of vocal outputs;
- Noise cannot be restricted in terms of times for human talking / shouting / laughing etc, as this cannot be enforced;
- The plan indicates that noise will be kept to a minimum during night-time hours, however does not state to what level, nor provides any basis on why this restriction should be in place, i.e. it is a generic statement with little effect or regulation;
- The plan states that there will be no speakers within the dome site, however it is common for patrons to bring portable speaker units within holiday destinations such as caravan and camping sites. Again this point cannot be regulated or enforced;
- The plan indicates that wattle fence will be installed around the domes to enhance screening. It is taken that this point refers to acoustic screening, given that it appears within a Noise Management Plan. However, wattle fencing is unlikely to provide any degree of acoustic screening, as it will provide neither the overall mass or gapless structure required to constitute acoustic fencing.

In summary this letter draws on a number of concerns relating to potential noise impacts, and the fact that no baseline noise monitoring has been undertaken for the site. As such the application has not been assessed in accordance with BS4142:2014, nor has it been assessed against the criteria in BS8233:2014. The author makes a number of estimates and assumptions throughout the process, and which alarmingly has not been picked up by planning or environmental health responses. No attempt has been made to assess the site against the effects of HGV or passenger vehicles, and no patronage noise has been taken into consideration. In terms of noise rating levels, these too have not been determined correctly. Finally, it is essential that the noise impact assessment takes into consideration predicted noise at the boundary position between the development site and the receptors land, rather than relying on the position of the receptors dwelling.

It is hoped that this letter provides a reasonable overview of the submitted NIA report and Noise Management Plan prepared for the site, however should you have any further queries then please do not hesitate to let me know.

Yours Sincerely,

**John Lavery BSc(Hons) MIEEnvSc**  
**Principal Environmental Scientist**  
Layde Consulting