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Proposal:	Details of method statement for measurement and calculation of noise levels submitted pursuant to condition 2 of planning permission TM/04/04376FL: Application under Section 73 for removal of condition 14 of planning permission TM/96/00238FL (seven industrial units) to allow the 24 hour movement of heavy goods vehicles
Location:	Land At Priory Park Ditton Court Quarry Mills Road Quarry Wood Industrial Estate Aylesford Kent
Applicant:	Indigo Planning Ltd

1. Description:

- 1.1 Members will recall that planning permission was recently granted (TM/04/04376/FL) for the removal of the restriction on night-time lorry movements at this industrial development. In lieu of the restriction on the number of HGV movements, noise control limitations were imposed. Condition 2 of planning permission TM/04/04376/FL requires the submission of a method statement indicating the methodology for measurement and calculation of noise levels on the site as these can be compared to the approved noise levels.
- 1.2 The method statement sets out the detailed methodology for measuring and calculating noise emissions from HGVs. It also sets out monitoring positions around the boundary of the industrial estate to enable calculation of the noise levels that residential properties are being exposed to. All monitoring positions have suitable public access to enable monitoring to take place without the need to gain consent from private landowners.

2. The Site:

- 2.1 The application site is in the former Ragstone quarry at the south western end of the Quarry Wood industrial estate. The 1996 permission for construction of the industrial development has been part implemented with construction not started on some of the units permitted.

3. Planning History:

There have been numerous applications on the site, the most relevant of which is as follows:

- 3.1 TM/04/04376/FL Approved 23.09.2005
Application under Section 73 for removal of condition 14 of planning permission TM/96/00238/FL (seven industrial units) to allow the 24 hour movement of heavy goods vehicles.

4. Consultees:

4.1 Ditton PC: Objected to the original application but as it has now been approved no further objection subject to the noise survey being acceptable to the Borough Council. Comments awaited on revised methodology.

4.2 DHH: The proposed Method Statement, reference 0201 051221 MS1 Rev C, provides a detailed methodology for the evaluation of noise from HGV's using the Priory Park development at positions that are representative of residential noise exposure. I am satisfied that the methodology provides a practicable and robust means of "testing" compliance with the terms of Condition 2 of Planning Permission, reference TM/04/04376/FL, and with the calculation procedure set out in the "Secondary Method" presented in Annex A. There are some reservations with regard to some of the textual detail. I accept that the 'final' noise climate in the locality of Priory Park may not be established until the completion of the development, but it is my understanding that the noise limit condition will become 'live' as soon as the permission is implemented. I see no technical reason why any approved methodology should not be applied in a 'formal' sense from that date.

4.3 Private Reps: 120/0X/3R/0S

- Concerns regarding technical nature of report and that it should be presented in plain and simple terms.
- Lack of clarity on what is covered by HGV noise.
- No reference to monitoring and control procedures.
- No mention of who collects data and whether it will be available for public comment.
- Monitoring positions are compromised.
- Lack of consultation between residents and the occupants of the site.
- Residents not involved in producing the methodology.

Comments awaited on revised methodology.

5. Determining Issues:

5.1 The principal considerations with this application are whether the method statement would enable the measurement and calculation of HGV noise in compliance with those levels set under planning permission TM/04/04376/FL.

- 5.2 In light of DHH's technical advice it is considered that the methodology provides a practicable and robust means of 'testing' compliance with the terms of the condition. It would measure all noise from HGVs, including reversing alarms, refrigeration units etc., associated with the vehicles' operation and movement.
- 5.3 The monitoring positions are in locations with public access. This means that all parties can, should they wish, measure and verify compliance with the condition.
- 5.4 In light of DHH's concerns that the text of the document provided by the acoustic specialist suggests that the methodology would be applied only on completion of the overall development, I have sought further comment from the applicant's agent. The applicant has confirmed what was previously felt to be the case, that the methodology can and will be used immediately that the permission is implemented. This deals with DHH concerns.
- 5.5 With regard to the concerns raised by local residents, the methodology has to be of a highly technical nature to set out exactly how noise levels can be checked. If a breach of planning permission is found this could result in the Council taking enforcement action for non-compliance with the condition attached to planning permission TM/04/04376/FL. The methodology has been designed in such a way as to enable any interested party to undertake noise monitoring and the release of that information would be up to that party, although specialist knowledge would be required given the technical procedures involved in the actual measurement and also in the statistical analysis and assessment of the resultant figures. Should a complaint of excessive noise be received by the Council this would be investigated and any findings would be reported to the complainant, and pursued with the site operators should this prove necessary.
- 5.6 The agents acting on behalf of the applicant have advised that they are in the initial stages of setting up dialogue with the local residents. The method statement has been the subject of full public consultation since its formal submission to the Council, as requested by residents, and this report follows that consultation.
- 5.7 The details are considered to be acceptable.

6. Recommendation:

6.1 Approve Details.

Contact: Robin Gilbert