BROODBAKKER
ACOUSTIC CONSULTANTS LIMITED

Noise impact assessment and consideration of context

[Permit No. EPR/WE1242AA]

Assessment of noise from metal recycling operations at EMR Silvertown applying BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound

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1.0 Summary findings

1.1 Broodbakker Acoustic Consultants Limited were commissioned by European Metal Recycling Ltd to undertake a survey of industrial/commercial sound emanating from EMR Silvertown operating at Unit 6, Factory Road Silvertown, London E16 2EJ. The site operates under an environment permit (ref WE1242AA/T003) regulated by the Environment Agency.

1.2 The site has historical use for industrial/commercial uses since around 1979/1980. The site also has established use for metal recycling (historic planning classification *sui generis*) since 2011. A retrospective planning application was submitted for metal recycling by the operator in 2011 which was approved by the Local Planning Authority in 2012. A variation application to extend metal recycling operational hours from 7am until 1pm on Saturday to 7am to 6pm on Saturday was approved by the Local Planning Authority in 2015. European Metal Recycling Limited have adopted the existing hours of operation BUT only operate until 1pm on Saturday providing guaranteed respite from noise generated by metal recycling activity.

1.3 The Environmental permit was transferred from LCM Scrap Company Ltd to European Metal Recycling Limited on 29/09/2022 with site renovation and construction works ongoing in January/February 2023. The permit and EMR's Environmental Management Plan seek to control emissions of pollution (harm) that may be perceived by an authorised officer of the Environment Agency outside of the site boundary.

1.4 Conditions of an environmental permit typically seek to control emissions of noise and vibration from the site and require the application of BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound as the appropriate 'standard or method' to demonstrate compliance. It is understood the requirement for noise monitoring and a noise impact assessment arises due to the Environment Agency considering the site may have a 'potential' noise impact on one or more receptors.

1.5 Simultaneous measurements of industrial/commercial sound were undertaken on 06/01/2023 both within the EMR site with a clear line of site to the shear and within the community (Fernhill Street / Winifred Street).

1.6 The acoustic environment adjacent the closest residential dwellings on Fernhill Street and Winifred Street was dominated by road traffic on the A112 Albert Road, Factory Road and Docklands Light Railway trains emerging and disappearing underground between Albert Road and Factory Road located between EMR Silvertown and the closest noise sensitive receptors to the north on Winifred Street. Industrial/commercial sound from metal recycling associated with The Metal Recycling Group to the east of EMR Silvertown was also present during the attended noise monitoring.

1.7 Industrial/commercial sound from metal handling and recycling is an established feature of the acoustic environment within this locale. The noise monitoring demonstrates this is an area where there are mixed sources of environmental and neighbourhood noise including road traffic, aircraft taking off from residential, regular tube trains, as well as industrial/commercial sources including metal recycling and a local bus depot.

1.8 The site is currently under construction with a new non-ferrous building partially complete to the front of the site. However, the shear and general metal handling including sorting, tipping and loading was operational throughout the noise monitoring to provide a typical worst case.

1.9 A detailed analysis of specific periods during metal recycling is provided within this report. The application of the BS 4142:2014+A1:2019 methodology indicates an initial estimate of 'significant adverse impact' at noise sensitive receptors at 1 Fernhill Street. All initial estimates of impact should be adjusted for 'context'. A thorough assessment and application of context is required in this case. This is provided within this report and is particularly necessary as given the locale as a dockside and principal employment area within close proximity of the City of London airport.

1.10 A preliminary consideration of noise impact at 6-8 Winifred Street indicates 'low impact' due to a combination of screening within the EMR site and screening provided by the built form of the Elizabeth Line, walls around gardens and fencing. The low measured sound levels and observations of noise impact adjacent the closest amenity areas at 6-8 Winifred Street indicates a low perceptibility of metal handling noise. It was considered unnecessary to provide a detailed analysis as the specific sound levels were below typical worst case background sound levels of 55dB LA90,15min.

1.11 The metals recycling site is one of several industrial/commercial uses within the industrial estate. It should be recognised as a locale producing higher noise than commonly experienced, particularly where its industrial/commercial activities have been established for several years. The site has undertaken metal recycling and associated activity for over 10 years prior to site acquisition by EMR. Any assessment of noise should be considered in this context.

1.12 When a consideration of context is applied, the level of noise impact when applying BS 4142:2014+A1:2019 is considered low to adverse. This finding is based on receiver conditions including the orientation of noise sensitive facades, so they do not have a clear line of acoustic sight to metal recycling activity and adjustments for context. Applying the EA's online guidance, the locale is considered one of 'low sensitivity' due to the presence of several industrial/commercial sites and designation as a 'principal employment area' by the local planning authority. Even without further adjustment, a finding of +10dB and significant adverse impact would likely be considered acceptable within this central London locale when a full consideration of context is applied i.e. dock side area, close to the City of London airport, affected by regular tube movements, four lanes of road traffic and extensive designation of industrial/commercial uses along the north of the River Thames etc.

1.13 BAC recommend a further assessment is undertaken post completion of construction works to determine whether additional mitigation measures are necessary. Feedback regarding the necessity for further monitoring is required from the EA.

2.0 Introduction

2.1 Broodbakker Acoustic Consultants Limited (BAC) were commissioned by Nick White – SHE Technical Manager at European Metal Recycling Ltd (EMR) to undertake an independent survey to assess noise from metal recycling operations affecting nearby residential receptors.

2.2 EMR undertake metal recycling operations at Unit 6, Factory Road Silvertown, London, E16 2EJ. The site has been used for metal recycling and associated activity since 2011. EMR took over the site in 2022 and, as the site requires an environmental permit regulated by the Environment Agency (EA) under the Environmental Permitting Regulations, requires a noise impact assessment. The EA considered the site may have a 'potential' noise impact on one or more receptors.

2.3 At short notice, the EA required an assessment to determine the level of noise impact at the closest noise sensitive receptors. It is understood there have been no noise complaints since the site opened and began operating as a metal recycling facility by EMR. In response to the EA's concerns, noise monitoring was undertaken at short notice on Friday 06/01/2023.

2.4 BAC were asked by EMR to independently undertake noise monitoring within the community during the loading of the shear and during associated metal handling activities. This is recognised by the site operator as the noisiest operation. This report describes noise monitoring undertaken on 06/01/2023 including the survey methodology, community monitoring location selection, presents the noise data and level of noise impact at the closest noise sensitive dwellings.

2.5 As an established metal recycling facility within a designated industrial/commercial area adjacent docks and busy airport adjacent commercial receptors were considered to have a low sensitivity to noise. The focus of this assessment is on residential dwellings. The local planning authority consider the locale a 'Principal Employment Area' and encourage new commercial/industrial uses within the locale. A new metal recycling facility (operated by the Metal Recycling Group) was granted planning permission approximately 100m to the east of the EMR site. The grant of planning permission for additional metal recycling indicates the local planning authority

consider noise from metal recycling is acceptable and compatible within this locale.

2.6 At the time of the survey, the site was still under construction with further works anticipated including the removal and replacement of boundary screening, the implementation of new internal screening between the shear and closest residential dwellings to the north and completion of the non-ferrous building. The non-ferrous building provides significant screening increasing the 'path difference' between noisier operations within the site and the closest noise sensitive receptors to the north.

2.7 Noise measurements were undertaken simultaneously within the EMR site with a clear line of acoustic sight to the shear and at two dwellings to the north of the site on Winifred Street and Fernhill Street. Representative ambient and background sound levels were recorded for use in an assessment applying BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound (BS 4142:2014). The assessment of noise impact applying BS 4142:2014 requires a detailed consideration of context.

2.8 The focus of this assessment is on objective measurements of noise currently generated by the site and affecting the closets noise sensitive residential receptors during metal handling, loading of the shear and intermittent handling, tipping and lorry loading within the site.

2.9 This report provides information arising from noise monitoring and observing noise adjacent the closest residential receptors. Feedback and the extent of agreement as to the findings of this report is requested from the EA. BAC recommend further monitoring and assessment is undertaken following the completion of construction works and implementation of new internal and boundary screening to determine whether any additional measures could be implemented to reduce noise emission from the site.

3.0 Noise policy and guidance

3.1 Noise policy statement for England 2010

3.1.1 The aims of the NPSE are to:

- avoid significant adverse impacts on health and quality of life from noise,
- mitigate and minimise adverse impacts on health and quality of life from noise and;
- where possible contribute to the improvement of health and quality of life.[1]

3.1.2 The noise policy aims should be applied through the effective management and control of environmental (transportation), neighbour and neighbourhood (e.g. industrial/commercial) noise in the context of government policy on sustainable development.

3.1.3 The final aim of the NPSE seeks to positively improve health and quality of life through the pro-active management of noise whilst also considering the guiding principles of sustainable development. This aim, generally, seeks to deliver potential benefits to society from the reduction of noise.

3.1.4 There is no duty to apply the NPSE to assessments of industrial noise. However, the NPSE provides useful national policy objectives and guidance regarding reducing noise, overall, within the environment whilst allowing sustainable development. The toxicological approach towards noise exposure (NOEL, LOAEL and SOAEL) derived from research into 'steady continuous' and ‘continuous’ transportation noise (mainly road and air traffic) has yet to be established for industrial noise where impact does not relate to critical health effects in the same way.[2] Therefore, in each case of industrial noise a quantitative and qualitative assessment is required.

1 DEFRA, 2010. Noise Policy Statement for England (NPSE). London: Department for Environment, Food and Rural Affairs.
[2] “No observed effect level”, “Lowest observed adverse effect level” and “Significant observed adverse effect level”.

3.2 EA regulation of noise in England

3.2.1 The EA began to regulate noise from industrial processes under the IPPC directive to a greater extent from the year 2000. The EA implement the regulatory system to control environmental emissions arising from certain defined industrial activities and determining appropriate controls. Operators effectively apply for an environmental permit and demonstrate the application of Best Available Techniques (BAT) to industrial process releases. This includes noise. Typically, an environmental permit contains conditions that should be complied with.

3.2.2 More recently, the regulation of certain defined industrial emissions, including noise, was harmonised within the European Union (EU) via directive 2010/75/EU.[3,4] This was effectively to align environmental performance requirements for industrial installations across the EU.

3.2.3 In England and Wales, the EA is responsible for the regulation of noise from processes falling under the Environmental Permitting (England and Wales) Regulation 2016 i.e. provide “a level playing field” for business and ensure integrated pollution prevention was implemented consistently across the EU.

3.2.4 I understand the Environment Agency (EA) consider the NPSE consistent with the fundamental principles of BAT and what would be considered ‘appropriate measures’. To ‘promote good health and good quality of life’ the vision expresses this to be a long-term desired policy outcome but uses language such as “promote” and “good” as it recognises that it is not possible to have a single objective noise-based measure that is mandatory and applicable to all sources of noise in all situations. Therefore, it appears through regulation the EA seek the implementation of all three NPSE aims to satisfy the requirements of BAT/appropriate measures.

3.2.5 Note, despite the clear necessity for updated guidance in relation to the regulation of industrial noise through the introduction of the NPSE in 2010, the EA have provided no guidance for operators or those commissioned to

3 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control. Official Journal of the European Union L334/17 dated 17/12/2010. Available at https://eippcb.jrc.ec.europa.eu/reference/ accessed 04/12/20.
4 Directive 96/61/EC was withdrawn in 2008 and replaced with Directive 2008/1/EC which was itself withdrawn in 2014.

undertake assessments of noise impact on their behalf in the intervening period. The most recent technical guidance in relation to noise was published by them in September 2002.[5] Thus there has been a period of around 18 years since the EA issued any specific technical guidance for the assessment of noise.

3.2.6 The NPSE was published in 2010 around 10 years ago and substantial changes to the guidance for assessing industrial/commercial sound were made in 2014 around 6 years ago. The EA recognise how various noise standards are misapplied to the assessment of noise in the UK. The EA also recognise they are in receipt of numerous reports from operators and consultants where significant errors and bad practices have been carried out through the application of international and British standards. There is a clear need to develop a more consistent and objective way of assessing noise, including the application of appropriate guidance, and the effects of the noise. It is unclear why the EA have not produced updated guidance describing noise policy, the application of guidance, legislation and their interaction in the regulation of noise and how the NPSE tessellates with the principles of BAT/appropriate measures.

3.2.7 In summary there is no sector specific guidance published by the EA to assist operators how to reduce noise from metals recycling or what approach should be adopted to defining acceptability in a locality or set of circumstances.

3.3 Pollution and BAT/appropriate measures

3.3.1 Pollution is defined within Article 3 of the IED as:

(2) 'pollution' means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment;

5 Environment Agency, 2002. Integrated Pollution Prevention and Control (IPPC). Horizontal Guidance for Noise. Part 2 – Noise Assessment and Control. Bristol: EA.

3.3.2 Transposed into UK legislation, pollution in relation to noise is defined as:

"pollution", other than in relation to a water discharge activity or groundwater activity, means any emission as a result of human activity which may—

(a) be harmful to human health or the quality of the environment,

(b) cause offence to a human sense,

(c) result in damage to material property, or

(d) impair or interfere with amenities or other legitimate uses of the environment;"[6]

3.3.3 No further guidance is provided on what constitutes 'harmful to human health', 'quality of the environment', 'offence to human sense' or what is meant by 'impair or interfere' with amenities and other legitimate uses of the environment.

3.3.4 Article 3 'definitions' of the IED defines BAT as:

(10) 'best available techniques' means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole:

(a) 'techniques' includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

(b) 'available techniques' means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator;

6 The Environmental Permitting (England and Wales) Regulations 2016. Part 1, Regulation 2(1).

(c) 'best' means most effective in achieving a high general level of protection of the environment as a whole;

3.3.5 It is understood, when transposed into UK legislation, the above definitions in relation to 'best available techniques' has the same meaning as within Article 3(10) of the IED.[7]

3.3.6 In short, it is necessary to consider the entire installation in terms of layout and the potential effectiveness of the implementation of engineering measures e.g. screening. It is also necessary to implement operational techniques that minimise emissions of noise outside of the installation boundary.

3.3.7 Note, there are no specific best available technique reference documents (BREFs) for the handling or processing of metals for recycling.

3.4 IPPC Horizontal Guidance Note for Noise Assessment and Control

3.4.1 Historically, EA guidance relating to noise was found within the IPPC Horizontal Guidance Note (H3) for Noise Assessment and Control, which consists of Part 1 and Part 2. This guidance has now been withdrawn. This guidance was commonly applied across the EA. H3 Part 1 primarily focused on the legislative implications and requirements issues relating to noise. H3 Part 2 was mainly a background reference document into the science of noise.

3.4.2 H3 Part 1 formed part of the withdrawn guidance on the arrangements for dealing with permitting of noise and vibration under the Pollution Prevention & Control (England & Wales) Regulations 2000. These regulations were replaced by the Environmental Permitting Regulations 2010. There is no EA guidance presently on metals handling to assist in this case.

3.4.3 H3 Part 2 described the principles of noise measurement and prediction and the control of noise by design, by operational and management techniques and abatement technologies. It included sections on noise measurement and principles applicable to noise control. H3 Part 2 Appendix 4 Noise Management Plan (NMP) gave a brief outline of the information that should be contained within an NMP.

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7 The Environmental Permitting (England and Wales) Regulations 2016. Schedule 7 Part A installations: Industrial Emissions Directive 6(2).

3.4.4 H3 was withdrawn and replaced by online government guidance. This is considered below.

3.5 Gov.uk Noise and Vibration Guidance

3.5.1 The EA's H3 guidance was replaced by online guidance on 23/07/2021.[8] The guidance was updated on 31/01/2022.[9] The new online Guidance on Noise and vibration management: environmental permits (EA NVM) are split into several sections covering aspects of noise impact assessment, how the context affects an assessment, monitoring and provides a suggested structure for noise impact assessments. The guidance now considers the importance of noise character and, crucially, how the context affects perception and reaction to noise at the individual level.

3.5.2 The EA NVM provides guidance on how context affects an assessment of noise impact from sources of industrial/commercial sound. The EA NVM recognises the context in which a noise occurs is critical to assessing the severity of the pollution and states:

"Not every receptor will have the same response to the same noise pollution. In a particularly sensitive situation, the pollution may result in a 'significant adverse impact'. Whereas it would be an 'adverse impact' in another less sensitive situation."[10]

3.5.3 Importantly, the EA NVM recognises different elements of context as well as the noise source under consideration may affect the assessment. Examples include:

- Time of day – a noise occurring during night time affecting sleep may be considered to have a greater impact than an equivalent noise occurring only during the day.

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[8] Gov.uk, 2021. Guidance Noise and vibration management: environmental permits. Updated 31/01/2022. Accessed at https://www.gov.uk/government/publications/noise-and-vibration-management-environmental-permits/noise-and-vibration-management-environmental-permits on 30/01/2023.
[9] See https://www.gov.uk/government/publications/noise-and-vibration-management-environmental-permits accessed on 30/01/2023.
[10] See https://www.gov.uk/government/publications/noise-and-vibration-management-environmental-permits/noise-and-vibration-management-environmental-permits#how-the-context-affects-an-assessment accessed 30/01/2023.

- Message imparted by the sound e.g. is it pleasant and meaningful or unpleasant carrying a message (noise from an abattoir)

- Any association between the source and receptor e.g. dock workers living adjacent a busy and noisy dock will perceive noise positively as there is a direct positive economic relationship (busy dock = employment)

- Residual acoustic environment – is the noise congruent or incongruent with other sources of sound?

3.5.4 The EA NVM identifies further elements of context that are likely to make a situation more or less sensitive. These are summarised in Table 1 below:

Table 1. Examples of context adjusting sensitivity of noise receiver

More sensitive	Less sensitive
more houses in the location	more industry in the location
noise during antisocial hours	noise only between 9am to 5pm
noise at weekends	noise on weekdays only
a well-used amenity area	a rarely used amenity area
private rear gardens	open front yards
the natural soundscape	a polluted landscape
a new industry	bland sound
a highly sensitive receptor	long-standing industry
	a less sensitive receptor

3.5.5 Examples of how the context could affect an assessment are provided within the EA NVM. Several of the examples are directly relevant to the assessment of industrial/commercial sound in this case. These specific examples are considered within Table 2 overleaf.

3.5.6 Importantly, the EA NVM identifies there are no strict rules on what elements could make a context more or less sensitive. This is logical as the circumstances of noise impact will vary in each case. In each case it is necessary to modify the assessment outcomes and fully justify any

adjustments of sensitivity. For noise impact at EMR Silvertown, relevant factors are considered in the table above.

Table 2. Context adjusting sensitivity to industrial/commercial sound at EMR Silvertown

EA NVM example	Adjustment to sensitivity at EMR Silvertown
an isolated industry affecting many residences may be considered more sensitive	The locale is affected by several sources of environmental and neighbourhood sounds. This includes regular tube traffic on the Elizabeth line as trains emerge / disappear from the surface at the closest noise sensitive receptors on Winifred Street. Regular take offs from the City of London airport. Regular traffic movements on Albert Road included buses as well as regular traffic movement on Factory Road with a higher proportion of larger vehicles. Several industrial commercial sites within close proximity including the Tate and Lyle sugar refinery (one of the largest sugar refineries in the world) as well as other metal recycling sites, bus depot and numerous industrial/commercial sites to the north of the River Thames forming a unique locale i.e. concentrated dockside/port, transportation and industrial/commercial infrastructure adjacent the River Thames to south, residential uses towards the centre and London City Airport and Royal Albert Dock to the north of Silvertown. Indicates less sensitive.
the animal noises from an abattoir may be considered more sensitive	Metal recycling noise not considered particularly sensitive and is established within the locale. Indicates less sensitive.
industrial noise affecting what would otherwise be a very tranquil village could be considered more sensitive	Heavily industrialised central London location adjacent docks/port, ferry terminal, airport and variety of industrial/commercial premises. Indicates less sensitive.
a busy industrialised port with historically associated housing may be considered less sensitive	As above. Indicates less sensitive.
if the noise from an industry is almost indistinguishable from the commonly prevailing road noise, it could be considered less sensitive	Industrial/commercial sound from metal recycling measurable at facade of noise sensitive receptors. However, closest facades at 1.5m above ground level are either screened or do not contain windows e.g. gable end. Indicates less sensitive.
bland, outdoor noise in the dead of night may be considered less sensitive	N/A. Noise from metal recycling contains noise character but is an established feature of the acoustic environment in this locale.
façade sound levels at an unused attic window could be considered less sensitive	Measured sound level at a façade that does not include windows indicates less sensitive.

3.6 Metal recycling sites must be close to where recycled metals are generated e.g. close to communities and construction/demolition projects. Without recycling facilities, we cannot address such materials to reduce overall carbon emissions. How this context aspect affects acceptability, and the definition of 'pollution' and 'harm' is difficult to evaluate or quantify but is nevertheless an important aspect of modern society that cannot be ignored.

3.7 Other context factors include the regularity and duration of activity as well as the number of days increased noise levels affect noise sensitive dwellings. In this case impact is typically limited between 7am and 6pm Monday to Friday and 7am and 1pm on Saturday. There is no activity on Saturday afternoon, Sunday or Bank Holidays. Thus in comparison to many industrial and commercial sites which can operated 24 hours each day, affect sleep and weekend respite the impact from this site, is, in context, substantially less.

3.8 Importantly, there are guaranteed periods of respite outside of site operational hours including after 6pm daily, Saturday afternoon, Sundays and Bank Holidays. Guaranteed respite is important particularly where it coincides with periods residents will expect freedom from noise e.g. evenings, Sundays and Bank Holidays.

3.9 BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound

3.9.1 The British Standard, BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound (BS 4142:2014), considers the assessment of sound of an industrial or commercial nature measured outdoors to assess the effects on people who might be inside or outside a dwelling. The standard is applicable to the determination of the specific sound level, rating levels (specific sound plus penalties), residual and background sound levels.[11]

3.9.2 The standard is directly applicable and applied to assess measured sound levels from metals recycling affecting residential dwellings on Winifred Street and Fernhill Road.

3.9.3 The standard determines impact on residential uses of buildings including external areas based on the assessment of the noise in the external areas.

[11] Definitions of these acoustic terms are provided within the **Error! Reference source not found.**.

BS 4142:2014 applies a long-established principle that the intrusiveness of noise relates to how well or poorly it is masked by background sound levels and how characteristics present in the noise increases intrusiveness i.e. that can undermine masking. The standard considers residual sound levels and context relevant aspects.

3.9.4 In summary, the standard:

- Provides a method to determine the specific sound contribution from a sources of industrial/commercial sound and the 'typical' background sound level.
- Compares the specific sound averaged over the reference time internal against the background sound level in the area.
- Identifies the excess of sound level compared with background sound levels as a recognised way of evaluating intrusive sound.
- Applies decibel penalties to sound which has inherent acoustic features/characteristics supporting the importance of character in the assessment of noise perceptibility and intrusiveness. A range of penalties may apply.

3.9.5 BS 4142:2014 identifies at the initial assessment stage that a positive indication of an adverse impact is likely when the rating sound level exceeds the background sound level by around 5dB, depending on context. The level of adverse impact then increases relative to the increase in excess of the rating level over the background sound level.

3.9.6 As shown in Table 3 overleaf, where the difference between the rating level and background sound level is around +10dB this is an indication of significant adverse impact and where the difference is around +5dB this is an indication of adverse impact. The initial estimate of impact should then consider an adjustment for context.

Table 3. Initial estimate of impact

Rating level minus background sound level	Initial estimate of impact
Difference of around +10dB or more	Indication of significant adverse impact, depending on context
Difference of around +5dB	Indication of an adverse impact, depending on context

3.9.7 The following points are also relevant:

- Advises an initial estimate of impact would be modified in certain circumstances due to the context and should take all pertinent factors into consideration including the absolute level of sound, character and level of the residual sound compared to the character and level of the specific sound and consider the sensitivity of the receptor and the incorporation of design measures that secure good internal and/or outdoor conditions. These adjustments apply where "*the initial estimate of the impact needs to be modified due to the context*".

- The lower the rating level relative to the measured background sound level, the less likely the specific source will have a significant adverse or adverse impact.

- A rating level below the background sound level indicates low impact. Again, the initial estimate of impact requires adjustment due to the context within which impact occurs.

- Identifies at initial assessment that a positive indication of 'adverse impact' is likely when the rating sound level exceeds the background sound level by around +5dB, depending on context.

- Identifies at initial assessment that a positive indication of 'significant adverse impact' is likely when the rating sound level exceeds the background sound level by around +10dB, depending on context.

3.9.8 Table 4 below provides an overview of the possible acoustic penalties that could be applied (arithmetically) to the specific sound level where certain acoustic features are present or likely to be present. The values relate to the

perceptibility and measurability of the acoustic features within the sound under the rating and assessment methodology.

Table 4. Acoustic feature corrections

Acoustic features	Perception of audibility			Correction to be applied (dB)
	Just (dB)	Clearly (dB)	Highly (dB)	
Impulsivity	+3	+6	+9	0, +3, +6 or +9
Tonality	+2	+4	+6	0, +2, +4 or +6
Other sound characteristics	+3			0 or +3
Intermittency	+3			0 or +3

3.9.9 Penalties for impulsivity and/or tonality may be applied to the specific sound level. Where the specific sound also, or alternatively, contains other attention drawing character such as intermittency and modulations additional penalties may be applied.

3.9.10 The relevant penalties will vary in each case depending on the prominence of the acoustic features present within the sound. The inclusion or exclusion of penalties should be justified.

3.9.11 Objective methods to determine penalties for impulsive and tonal characteristics are provided in annex E and annex C of BS 4142:2014. The consideration of penalties for metal recycling indicates a total penalty of +3dB is appropriate in this case i.e. 3dB for impulsivity. Tonal sound was not present, and the activities undertaken were continuous indicating a penalty for intermittency was unnecessary. The assessment of larger peaks within the noise graphs shown in section 6.0 Analysis of data demonstrates a Ki of up to 3.4dB indicating a penalty of 3dB is appropriate.

3.9.12 Following the application of adjustments for acoustic features (penalties) and determination of the initial estimate of impact it is necessary for the assessment to consider context to determine how this may affect the initial estimate of impact.

3.10 Context

3.10.1 In most cases the initial estimate of impact would be modified due to the context. Clause 11 of BS 4142:2014 suggests the assessor '*…take all pertinent factors into consideration…*'. This includes consideration of the absolute level of (residual) sound, character and level of residual sound compared to the character and level of the specific sound and the sensitivity of the receptor. Use of "includes" confirms a wider range of context issues should be considered. These aspects are discussed below.

3.10.2 The absolute level of sound

3.10.3 This aspect of context relates to the physical and objectively measurable level of sound and its impact. It also relates to the residual sound level and BS 4142:2014 suggests the overall impact may be greater where the residual sound level is high.

3.10.4 High levels of environmental noise (road/rail/aircraft) follow a dose-response curve relationship i.e. increasing levels of environmental noise have been shown to lead to increase the likelihood of adverse impact. In such circumstances smaller increases in the commercial noise can have disproportionately greater effect. This should not be confused with comparing the specific sound or rating levels with guideline values within guidance for intrusive environmental noise e.g. BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

3.10.5 Where rating and background sound levels are low the absolute level of noise might be more relevant. This is logical as there may be low rating and background sound levels but other sources within the acoustic environment that cause adverse and significant adverse impact e.g. aircraft overflights, trains passing, etc. generating high noise levels. Again, the absolute level of such events considered cumulatively with or without impact from the industrial/commercial source may indicate adverse and/or significant adverse impact.

3.10.6 Finally, where residual levels are very high the residual sound itself might result in adverse impacts or significant adverse impacts. Any margin by which the rating level exceeds the background might be an indication of the extent to which the specific sound source is likely to make those impacts worse. In other

words, very high levels of residual sound may be present at the receiver location from environmental noise that exceed LAeq,T or Lden criteria for the onset of critical health effects (e.g. for transportation noise). The high residual sound levels may mean the excess over background is low in relative decibel terms, but the absolute level of sound is already likely to cause adverse health effects to which the industrial source cumulatively adds an effect. Equally within a sound environment with several continuous sources that result in high sound energy, added industrial sources may have very limited effect as they are just one source with character among many.

3.10.7 The character and level of the residual sound compared to the character and level of the specific sound

3.10.8 This aspect of context seeks a comparison of the residual/ambient sound with the specific sound. This could include a comparison of the frequency spectrum and temporal variation of the specific sound to the ambient/residual sound i.e. whether it is distinguishable and represents an incongruous sound. This should reflect periods during which those affected by industrial/commercial sound perceive and react to it.

3.10.9 Sensitivity of receptor

3.10.10 The sensitivity of the receptor and whether dwellings or other premises used for residential purposes will already incorporate design measures that secure good internal and/or outdoor acoustic conditions, reducing impacts are important such as:

- Façade insulation treatment
- Ventilation and/or cooling that will reduce the need to have windows open so as to provide rapid or purge ventilation; and
- Acoustic screening

3.10.11 The sensitivity of the receptor could relate to the time at which the industrial/commercial sound occurs (day or night) or the type of receptor. In context, a residential care home will contain vulnerable population groups including the elderly who may spend a high proportion of time indoors. A lack of escape from within the dwelling will increase the duration of exposure which may increase noise sensitivity at the individual level. In contrast, a person of

working age may rarely be exposed to daytime industrial/commercial sound if at work during the time at which the specific sound source would be operating.

3.10.12 It is also necessary to consider facade insulation treatment, acoustic screening and existing ventilation and/or cooling and whether good internal and/or outdoor acoustic conditions are secured. No definition is given for what constitutes 'good internal and/or outdoor acoustic conditions' but the inference appears to relate to the ambient sound environment rather than the specific sound. Regrettably, this aspect of BS 4142:2014 is open to a wide range of interpretations, some applied seek to use façade insulation treatment relying on residents closing windows to mitigate noise impact where the noise is shown to cause adverse and significant adverse impact. In practice, BS 4142:2014 is making the point if there is already mitigation to secure good internal conditions from intrusive environmental noise (road/rail/air) this may offset the impact of industrial/commercial sound (neighbourhood noise) to a limited extent, for example as more commonly windows would be closed to exclude the other sources of noise so the industrial / commercial noise will impact less.

3.10.13 BS 4142:2014 covers a wide and diverse range of environments along with a wide range of noise source types. As a context issue it is logical that an area of natural sounds and low background sound energy will find increases of industrial sound more intrusive than in a mixed transportation and commercial/industrialised area where residual or background sound levels are higher.

3.10.14 The effect of context in this case is further considered in section 3.5, section 0, section 4.0 and Appendix D - BS 4142:2014+A1:2019 information to be reported.

4.0 Silvertown locale and site operations

4.1 Locale and planning history

4.2 An assessment of industrial/commercial sound applying BS 4142:2014 requires consideration of 'context'. However, regarding ‘context’ the standard is limited to three examples that consider the absolute noise level, comparison with residual sound environment and receptor conditions. Several additional factors should be considered when determining the acceptability of noise at a governmental level i.e. by the EA or local authority. Further advice on ‘context’ is provided within the EA NVM (see previous section of report).

4.3 In any assessment of noise it is necessary to consider the wider context including the character of the area in which the noise occurs which in turn informs expectation of noise and/or expectation of freedom from noise. For example, persons living near established industrial/commercial premises must expect periods of higher noise in the same way city centre dwellers in some locations will expect late night revellers and smells from food establishments.

4.4 I understand the Factory Road site has been used for industrial/commercial uses since at least 1979/1980. I understand metal recycling has been undertaken at the site since 2010. Retrospective planning permission was granted to London City Metals Ltd by the Local Planning Authority (LPA) on 28/09/2011.[12] It is, therefore, an established industrial/commercial site undertaking metal recycling and associated activity for over a decade.

4.5 Further information regarding the historic use of the site is provided within London Newham’s case officers report to planning. This document is reproduced with the decision notice in Appendix B - Planning history documentation. This information demonstrates London City Metals required site relocation due to expansion. The relocation of London City Metals was considered acceptable to the LPA within a ‘Principal Employment Area’ and the use was considered compatible with the role and function of the area.

[12] Newham London. Full Planning Permission Approval ref 11/01084/FUL dated 28/09/2011. Proposal: Retention of use of site as a scrap yard, allowing storage of scrap, processing and transportation. Location: Units 6 Standard Industrial Estate Factory Road North Woolwich London E16 2EJ.

Furthermore, the LPA recognised the recycling of metals as a 'green industry' and the development and use for metals recycling was supported by the LPA.[13]

4.6 The Case Officer's report describes the area as 'characterised by industrial development with warehouse development located to the west of the site and the large wholesale Chinese supermarket located to the east of the site'. It goes on to identify '…to the north of the site and separated by the railway line is the residential accommodation located along Albert Road. The nearest residential unit is approximately 50m away'. These properties remain the closest and most sensitive noise receptors.

4.7 Importantly, the Case Officer's report at 2.5 identifies 'The site is identified in the London Plan as being within a Strategic Industrial Location and a Preferred Industrial Location. These locations are particularly suitable for general industrial, storage and distribution, waste management, recycling, some transport related functions, utilities, wholesale markets and other industrial related activities. Within the Unitary Development Plan the site is designated as a Principal Employment Area.' Therefore, it appears industrial/commercial uses have been actively encouraged to develop within this area at a strategic level within government. The aim being to provide new employment and diversification and strengthening of the local economy. Within the application, the LPA's in-house noise specialist raised no objection subject to conditional controls.

4.8 In 2015, a variation application was submitted and approved by the LPA to relax Saturday opening hours for metal recycling from 7am to 1pm Saturday to 7am to 6pm. The LPA recommended the grant of planning permission which was approved on 15/04/2015 subject to conditions. The impact of noise from metal recycling, extending into Saturday afternoon, was considered acceptable. The decision notice and officer's report from 2015 is reproduced in Appendix B - Planning history documentation. However, EMR do not operate after 1pm on a Saturday providing further respite for residents who may be affected by noise from metal recycling.

4.9 In 2021, planning permission was granted for a change of use to a metal recycling facility with associated buildings, walls and fencing at the London

[13] See Case Officers report 'Synopsis'.

Teleport Site, Pier Road, E16 2JJ. This site is located to the east of EMR Silvertown on the other side of the bus depot on Pier Road. The LPA have considered a new metal recycling site as being compatible within the existing locale. Therefore, metal recycling is an established feature of the acoustic environment present for over a decade at this site and it is considered acceptable to the LPA to locate new sources of metal recycle within the immediate locale.

4.10 Metal recycling

4.11 The purpose of the site is to process metal waste, which is nationally important in terms of reducing carbon emissions and recycling. It also provides a local processing site thereby reducing road transportation of waste. This operation includes buying in, collection, grading, sorting and volume reduction of metal waste with reloading for despatch onto lorries for further processing and recycling. Local facilities of this type need to be maintained which is a further aspect of the context of this case.

4.12 A dock/port, generally and as recognised by the EA, should be considered a special case due to the unique circumstances in which associated activities occur. The locale is specially designated area for industrial/commercial uses meaning it is important for employment, trade and industry. This is recognised within the land use planning documentation provided in Appendix B - Planning history documentation. Generally, those living nearby should have a lower expectation of freedom from pollution including noise associated within or close to the dock and airport.

4.13 The tipping, sorting, processing and reloading of ferrous metals occurs to the rear of the site. This includes the shearing of metals within a screened location towards the south western boundary. To the north of the site is the non-ferrous compound which is currently under construction. The handling of ferrous metals (sorting, tidying, unloading and reloading using a mechanical grab) generates sound typically considered to be unwanted when received at noise sensitive properties.[14] It is important to note there is no way to handle loose metals without generating bursts of sound that contain a range of distinctive

[14] General statement relating to the psycho acoustical properties of metal impact sounds.

features including clangs and bangs (impulse content). The generation of high sound levels within the site is inescapable.

4.14 In summary, activity is provided below:

- Unloading and tipping of metals
- Sorting and separating metals using mobile machinery (mechanised grab)
- Shearing of metals (size reduction) using fixed plant (shear)
- Reloading of processed and/or graded metal onto lorries
- The movement of mobile machinery and articulated lorries
- Site cleaning including sweeping using the mechanised grab and road sweeping vehicle to prevent excess dust accumulation and its escape
- End of life vehicle station de-polluting vehicles, removing tyres, airbags and decanting oil, brake fluid etc.

4.15 Metal size reduction (e.g. operation of the shear machinery) is in relative terms quiet compared to the impact sounds from metals handling from loading the shear hopper. However, the hydraulic pumps and cooling fans do also generate continuous noise with low frequency content. The shear is currently powered using a diesel generator. This is a temporary arrangement awaiting the installation of electrical power towards the rear of the site. The handling and loading of processed and unprocessed metals are often at elevated locations reducing the effectiveness of screening. In turn this typically leads to the need for higher screening to break the acoustic line of sight from source to receiver.

5.0 Sound survey

5.1 Methodology and locations

5.2 A survey was undertaken on Friday 06/01/2023. Monitoring was undertaken at three locations including within the EMR Silvertown site (on-site), 1m from the facade of 1 Fernhill Street and 1m from the rear garden wall of 6-8 Winifred Street (off-site).

5.3 Specific meteorological conditions were chosen to ensure a positive wind vector from the shear (as well as the rest of the site) towards a northerly direction including Fernhill Street and Winifred Street i.e. wind with a southerly component increasing the propagation of sound northwards to the off-site SLM.

5.4 The weather conditions were cool with light winds. There was zero cloud cover at the start of monitoring around 7:21am increasing in coverage at the cessation of monitoring around 1:15pm. The BBC weather website reported a 'gentle breeze from the south west', temperatures around 7-10 degrees through the morning between 7am and 1pm. Weather conditions off-site were noted as emanating from a south westerly direction.

5.5 This is shown in Figure 1 and Figure 2 overleaf. Both figures show a 'screengrab' of conditions when present and monitoring within the community.

Figure 1. BBC weather forecast 06/01/2023 (9am and 10am)

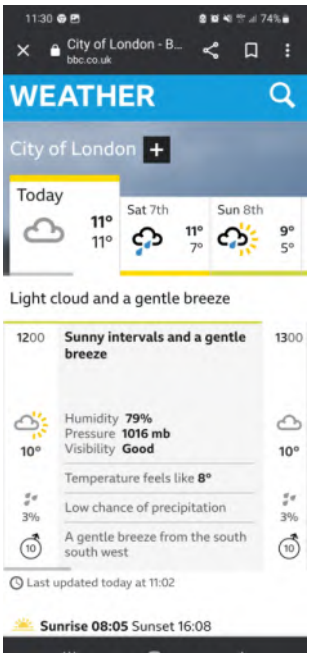

Figure 2. BBC weather forecast 06/01/2023 (12pm and 1pm)

5.6 The weather conditions experienced within the community were consistent with those reported and forecast by the BBC weather website on 06/01/2023.

5.7 An indicative location plan is shown in Figure 3 overleaf. The figure shows a google earth satellite aerial photograph. The EMR site is outlined in blue towards the centre. The internal layout of EMR site should be ignored as the photograph is not up to date but is considered useful for illustrative purposes to show the location of EMR, the bus depot and new metal recycling site operated by MRG. The figure highlights key references from this report including the Elizabeth line (shown in purple). The eastern end of the purple line represents the point at which tube trains emerge and enter underground tunnels. Factory Road and Albert Road are also shown.

5.8 The shear is located towards the south western boundary of the site and highlighted with the small orange rectangle. The on-site SLM is shown by the red star towards the south of the site. The off-site SLM locations at 6-8 Winifred Street and 1m from the façade of 1 Fernhill Street are shown by the yellow star icon.

Figure 3. Site plan showing location of on-site and off-site SLMs and shear

5.9 Both SLMs were time synchronised to allow a direct comparison of the on-site and off-site sound levels. Both SLMs were also calibrated before and after noise monitoring to 113.8dB.[15] No significant drift was recorded (i.e. drift less than +/-0.5dB). The SLMs were set to a reference time interval of 15 minutes with sound levels recorded eight times per second (125 millisecond data). Audio was recorded to assist post processing of the data and analysis.

5.10 The EMR site is surrounded on the western, southern and eastern boundaries by existing industrial/commercial uses. Factory Road is located along the northern boundary which runs parallel with the A112 Albert Road. The Elizabeth underground railway line runs west to east and runs parallel between Factory Road and the A112 Albert Road. Albert Road and Factory Road are relatively busy with traffic. The construction of the Elizabeth Line provides acoustic screening close to the rear gardens of 2-20 Winifred Street.

[15] On-site SLM Norsonic 140 s/n 140 4139 and off-site SLM Norsonic 140 s/n 140 4900. A Larson Davis calibrator was used to calibrate both SLMs.

5.11 Several industrial/commercial uses are located to the west, south and east. None are considered particularly noise sensitive and should be designed to operate within an industrial/commercial area e.g. the television studios to the south are most likely designed to reduce the passage of sound that might affect the recording of programmes etc.

5.12 On-site measurements

5.13 The on-site monitoring was undertaken within EMR Silvertown in a location providing a clear line of acoustic sight between the SLM and shear loading. Preparatory handling and loading the shear hopper represents the highest and sustained noise generating on-site sources of noise within the site. BAC confirmed there were sufficient metals to ensure continuous loading of the shear throughout the noise survey.

5.14 A series of photographs showing the location of the on-site SLM are shown below. The photograph shown in Figure 4 shows the SLM positioned with a clear line of acoustic sight to the shear hopper in a free field location. The photograph shows a view from the SLM in a north westerly direction. The microphone was positioned between 1.2-1.5m above ground level. This provides a safe location for the SLM to prevent inadvertent collisions with workplace transport and provides a clear line of acoustic sight for the purpose of measuring sound levels from shear loading and preparatory handling.

5.15 The microphone was positioned to directly face the shear and associated tipping and preparatory metals handling.

Figure 4. On-site SLM, shear and mobile grab (1)

5.16 The photographs shown in Figure 5 and Figure 6 show a similar view towards the shear and mobile grab. The SLM was positioned 3.5m from the eastern metal wall, 14m from the southern metal wall and 33m from the shear hopper. Measurements were made using a digital measurement device.

Figure 5. On-site SLM, shear and mobile grab (2)

Figure 6. On-site SLM, shear and mobile grab (3)

5.17 Results

5.18 The on-site monitoring was undertaken with a clear line of acoustic sight to the highest and most continuous source of noise within the EMR site. Tipping events generate high peaks of noise but loading of the shear occurs above ground level and may occur over several hours increasing the likelihood of

measurable sound levels at the off-site location. In comparison, tipping events may occur for a few seconds and lorry loading between 10 to 20 minutes.

5.19 A summary of the noise monitoring results is shown in Table 5 below. Looking at the table, the first column represents the period start time and the second column represents the duration. The third column represents the LAeq,T and the fourth column represents the LA90,T. (see glossary). The final column presents the highest measured LAFmax during each period.

Table 5. On-site sound monitoring results

Time	Duration	LAeq,period	LA90,period	LAFmax,period
07:21:15	00:08:44	78	74	98
07:30:01	00:14:58	79	74	97
07:45:01	00:14:58	81	74	102
08:00:01	00:14:58	81	75	98
08:15:02	00:14:57	79	74	95
08:30:01	00:14:58	79	74	98
08:45:02	00:14:57	79	74	102
09:00:01	00:14:58	82	74	101
09:15:02	00:14:57	80	74	100
09:30:02	00:14:57	82	78	98
09:45:01	00:14:58	80	78	101
10:00:02	00:14:57	84	79	101
10:15:01	00:14:58	83	79	105
10:30:02	00:14:57	82	76	96
10:45:01	00:14:58	78	74	92
11:00:01	00:14:58	81	76	96
11:15:02	00:14:57	84	76	105
11:30:02	00:14:57	81	75	100
11:45:01	00:14:58	81	75	101
12:00:02	*00:14:57*	*72*	*52*	*92*
12:15:01	*00:14:58*	*81*	*66*	*98*
12:30:02	*00:14:57*	*78*	*67*	*97*
12:45:02	*00:14:57*	*74*	*55*	*96*
13:00:01	00:14:58	79	70	96
13:15:02	00:01:22	76	75	83

5.20 Looking at the table, the 15-minute period data is presented. During normal operation including use of the diesel generator to power the shear, shear hopper loading, preparatory handling as well as intermittent tipping and lorry loading, noise levels were consistently between 78dB and 84dB LAeq,15min within the EMR site. Background sound levels did not, typically, fall below74dB LA90,15min. The highest measured LAFmax for each 15-minute period varied between 83dB and 105dB. The highest LAFmax for each period was typically around 92dB and above. The table shows relatively high and sustained levels of noise throughout the noise monitoring.

5.21 Prior to monitoring, BAC requested EMR suppress activity within the site between 12pm and 12:30pm to acquire a typical background sound level in the absence of higher and sustained levels of noise within the EMR site. This period extended to 1pm. It should be noted that due to the specific operations, it is not practical to stop every third-party movement within the site that are outside the control of EMR. The shear diesel generator was switched off, there was no loading or preparatory handling. These sustained activities are more likely to affect the LA90,T period data if present off-site compared to transient activity e.g. tipping. The period data during the suppression of activity is shown by the italicised text measured between 12pm and 1pm.

5.22 The monitoring shows consistently high sound levels generated within the EMR site during the loading of the shear using the static crane and associated activity e.g. mobile grab moving metals and tipper wagons depositing materials within the site.

5.23 Off-site community measurements

5.24 Following the installation of monitoring equipment within the EMR site, a second SLM was set up off-site at two community locations. The first location was 1m from the façade of 1 Fernhill Street and the second location 1m from the garden wall of 6-8 Winifred Street. The location of the off-site monitoring are shown by the yellow stars within the site location plan (Figure 3).

5.25 The off-site monitoring was undertaken at 1m from the façade of 1 Fernhill Street. Noise monitoring at this location is shown in Figure 7 bellow.

Figure 7. View west from off-site SLM 1m from building façade of 1 Fernhill Street

5.26 The photograph shows the off-site SLM positioned 1m from the southern façade of 1 Fernhill Street. The SLM was mounted on a tripod with the microphone positioned at a height between 1.2-1.5m above ground level. The photograph shows a view facing in a westerly direction and shows the EMR non-ferrous building under partial construction. The photograph shows the SLM positioned within a grassed area adjacent a pathway within an area of public open space. The eastern façade of a dwelling on Winifred Street is shown in the background with the fence to the rear garden of 1 Fernhill Street shown to the right of the photograph.

5.27 The location for the off-site monitoring was considered appropriate due to its separation distance from the EMR site, separation distance from the main road reducing extraneous noise and reduced level of screening. This is considered a typical worst-case location.

5.28 The photograph shown in Figure 8 below shows a second view of the off-site SLM facing in a southerly direction towards the EMR site. This photograph shows a wider view of the northern boundary of the EMR site including a building under partial construction and the top of a mobile grab arm.

Figure 8. View south showing off-site SLM facing towards northern boundary of EMR site

5.29 The photographs shown in Figure 9 and Figure 10 show the off-site SLM positioned 1m from the garden wall of 6-8 Winifred Street. The first photograph overleaf shows a view west along the A112 Albert Road and the sugar refinery to the left. The rear facades of dwellings on Winifred Street are shown to the right of the photograph.

Figure 9. View west along A112 showing SLM 1m from rear gardens on Winifred Street

5.30 The second photograph shown in Figure 10 shows a view east along the A112 Albert Road, a bush covering part of the garden walls to dwellings on Winifred Street and high walls associated with the Elizabeth Line infrastructure.

Figure 10. View east along A112 showing SLM 1m from rear gardens on Winifred Street

5.31 The final photograph shown in Figure 11 overleaf shows a view from the noise monitoring location towards the EMR site. This is the point tube trains operating on the Elizabeth Line either; emerge from the tunnel when travelling east to west or disappear into the tunnel when travelling west to east. It should be noted on the date of monitoring there were national rail strikes with a reduced service albeit there were regular train movements either emerging from or disappearing into the tunnel at this point.

Figure 11. View towards EMR site showing large walls either side of Elizabeth tube line

5.32 Results

5.33 The off-site noise monitoring was undertaken between 7:45am and 12:30pm. The off-site monitoring results are shown in Table 6 below. Looking at the table, the first column identifies the location of noise monitoring. The second column represents the period start time and the third column represents the duration. The fourth column represents the LAeq,T and the fifth column represents the LA90,T (background sound level). The final column presents the LAFmax for each period.

Table 6. Off-site monitoring results at Fernhill Street and Winifred Street

Location	Time	Duration	LAeq,period	LA90,period	LAFmax,period
1 Fernhill Street	07:43:21	00:01:38	65	59	76
1 Fernhill Street	07:45:01	00:14:58	65	59	78
1 Fernhill Street	08:00:01	00:14:58	63	59	79
1 Fernhill Street	08:15:02	00:14:57	63	58	77
1 Fernhill Street	08:30:02	00:14:57	64	59	81
1 Fernhill Street	08:45:01	00:14:58	64	58	77
1 Fernhill Street	09:00:02	00:14:57	65	59	84
1 Fernhill Street	09:15:01	00:14:58	65	60	80
1 Fernhill Street	09:30:01	00:14:58	64	60	80
1 Fernhill Street	09:45:02	00:14:57	64	58	77
1 Fernhill Street	10:00:01	00:14:58	65	60	78
1 Fernhill Street	10:15:03	00:00:06	62	60	66
6-8 Winifred Street	10:19:41	00:10:18	69	55	87
6-8 Winifred Street	10:30:02	00:14:57	68	56	85
6-8 Winifred Street	10:45:02	00:14:57	68	55	85
6-8 Winifred Street	11:00:01	00:14:58	68	56	87
6-8 Winifred Street	11:15:01	00:14:58	67	56	84
6-8 Winifred Street	11:30:02	00:11:55	68	56	83
1 Fernhill Street	11:44:05	00:00:54	64	59	75
1 Fernhill Street	11:45:01	00:14:58	64	59	78
1 Fernhill Street	12:00:02	00:14:57	62	55	79
1 Fernhill Street	12:15:01	00:14:58	61	55	71
1 Fernhill Street	12:30:02	00:00:08	64	61	67

5.34 Looking at Table 6, noise monitoring was undertaken during three specific time periods. The periods are outlined as follows:

- 7:45am to 10:15am – 1 Fernhill Street (specific sound levels)
- 10:19am to 11:42am – 6-8 Winifred Street (specific sound levels)
- 11:45am to 12:30am – 1 Fernhill Street (one 15-minute period of specific sound and two 15-minute periods during suppressed activity at EMR)

5.35 The measured sound levels at 1 Fernhill Street varied between 63-65dB LAeq,15min and 58-60dB LA90,15min. When converted to an hourly LAeq, the levels between 8am and 9am and 9am and 10am were both 64dB LAeq,1hr. The LAFmax events were typically in the high 70s and low 80s. During the period of suppressed activity between 12pm and 12:30pm, the LAeq,T reduced to around 62dB and the LA90,T background sound level to 55dB.

5.36 The measured sound levels at 6-8 Winifred Street varied between 67-69dB LAeq,15min. Converting the 15-minute period data measured between 10:30am and 11:30am gives a LAeq,1hr of 68dB.

5.37 The monitoring shows consistent sound levels measured within the community during the continuous operation of higher noise generating activities within the EMR site i.e. tipping and loading of the shear generating on-site levels between 78dB and 84dB LAeq,15min. Measured sound levels within the community were also relatively loud varying between 63-65dB LAeq,15min at 1 Fernhill Road and 67-69dB LAeq,15min at 6-8 Winifred Street.

6.0 Analysis of data

6.1 Global data

6.2 The global noise data is presented below. The two graphs shown in Figure 12 and Figure 13 show the global measured noise data. Looking at the first graph, the X axis represents time, and the Y axis represents dB level. The graph shows two different traces. The red trace plots the LAeq,T measured within EMR Silvertown (on-site), and the blue trace plots the LA90,T measured within EMR Silverton (off-site). The graph plots 15-minute period data.

6.3 The graph in Figure 12 shows high measured sound levels within the EMR site. There was a clear reduction in sound levels around midday when the loading of the shear and shearing of metals ceased. The cessation of the operation of the shear including the temporary diesel generator used to power the shear, is reflected within the LAeq,T which reduces from 81dB to 72dB and within the LA90,T which reduces from around 75dB LA90,T during the operation of the shear and generator to around 52dB LA90,T following the cessation of the shear and generator.

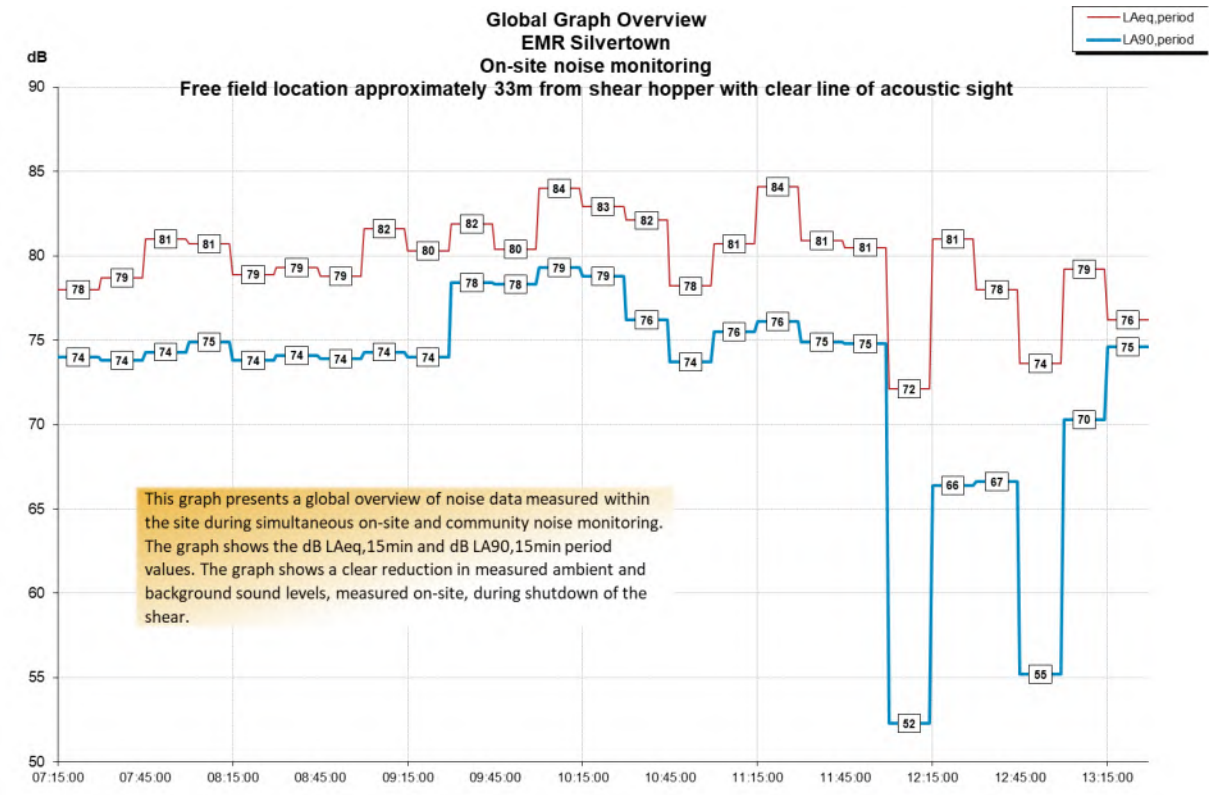

Figure 12. Global overview of on-site noise data

6.4 The graph in Figure 13 below shows measured sound levels adjacent residential dwellings on Fernhill Street and Winifred Street. The measured sound levels at Fernhill Street were consistent around 63dB and 65dB LAeq,15min but were slightly higher around 67-68dB at the garden wall façade of 6-8 Winifred Street. The background sound levels varied between 58 and 60dB LA90,T at Fernhill Street and varied between 55-56dB LA90,T at the garden wall façade of 6-8 Winifred Street.

6.5 With activity suppressed at EMR from around 12pm, background sound levels reduced to 55dB LA90,T over two consecutive 15-minute periods. This is considered a typical worst case as background sound levels are likely to be lower around lunch time when there are lower traffic flows, and surrounding activities may cease for lunch.

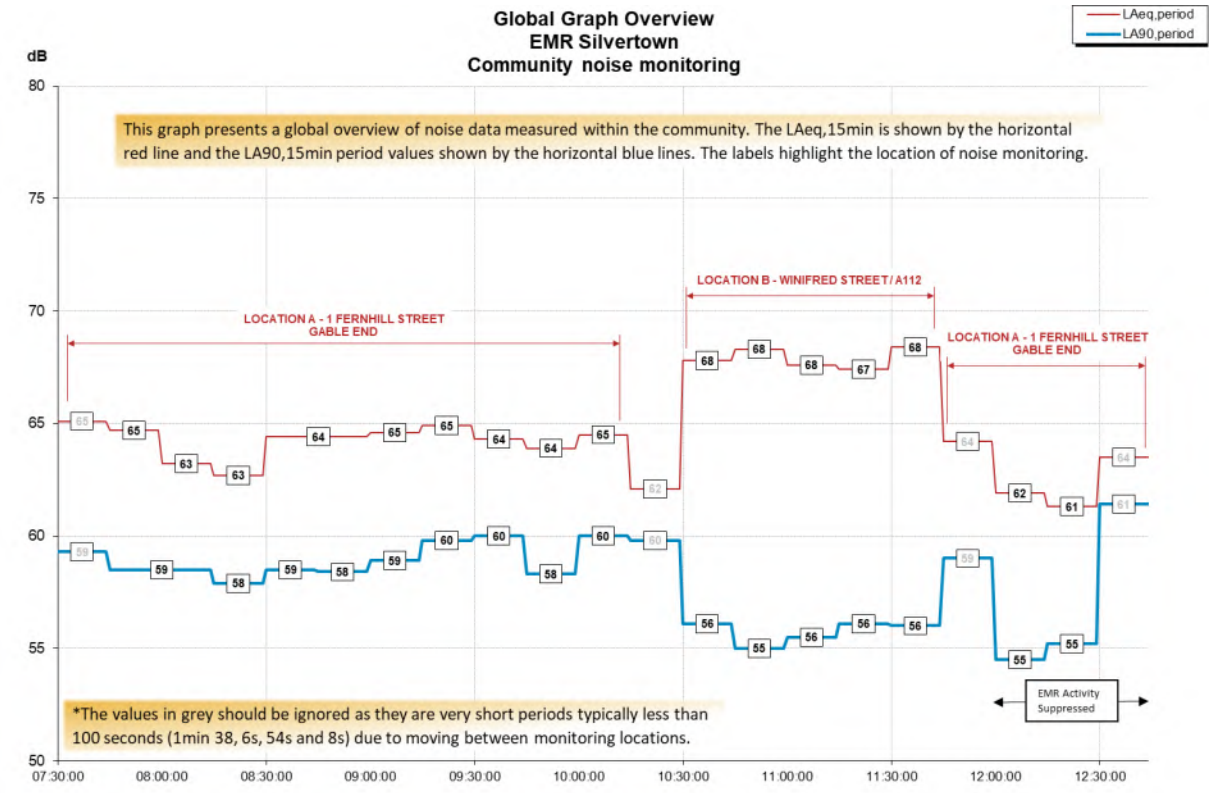

Figure 13. Global overview of off-site noise data

6.6 Noise graphs

6.7 A series of graphs showing specific periods of monitoring are presented below. The graphs show typical noise levels from industrial/commercial sound measured within the EMR site and off-site within the community.

6.8 Graph showing typical on-site activity

6.9 The graph shown in Figure 14 below shows on-site measured sound levels between 9am and 9:15am. Looking at the graph, the X axis represents time, and the Y axis represents dB level. The black trace plots the LAeq,125ms measured within the EMR site (on-site). The horizontal red line represents the period LAeq, and the horizontal blue line represents the period LA90.

6.10 The graph shows high peaks of industrial/commercial sound from the handling of metals associated with loading the shear. The peaks of events are labelled within the graph. The period LAeq was 82dB and the period LA90 was 74dB indicating high and sustained levels of noise. The highest peaks of noise were over 100dB LAeq,125ms which is typical within metal recycling sites. The peaks of events are labelled and arise from metal impacts towards the central and western area of the site adjacent the shear. The graph provides an example of typical sound levels measured within the EMR site confirming the primary sources of industrial/commercial sound present.

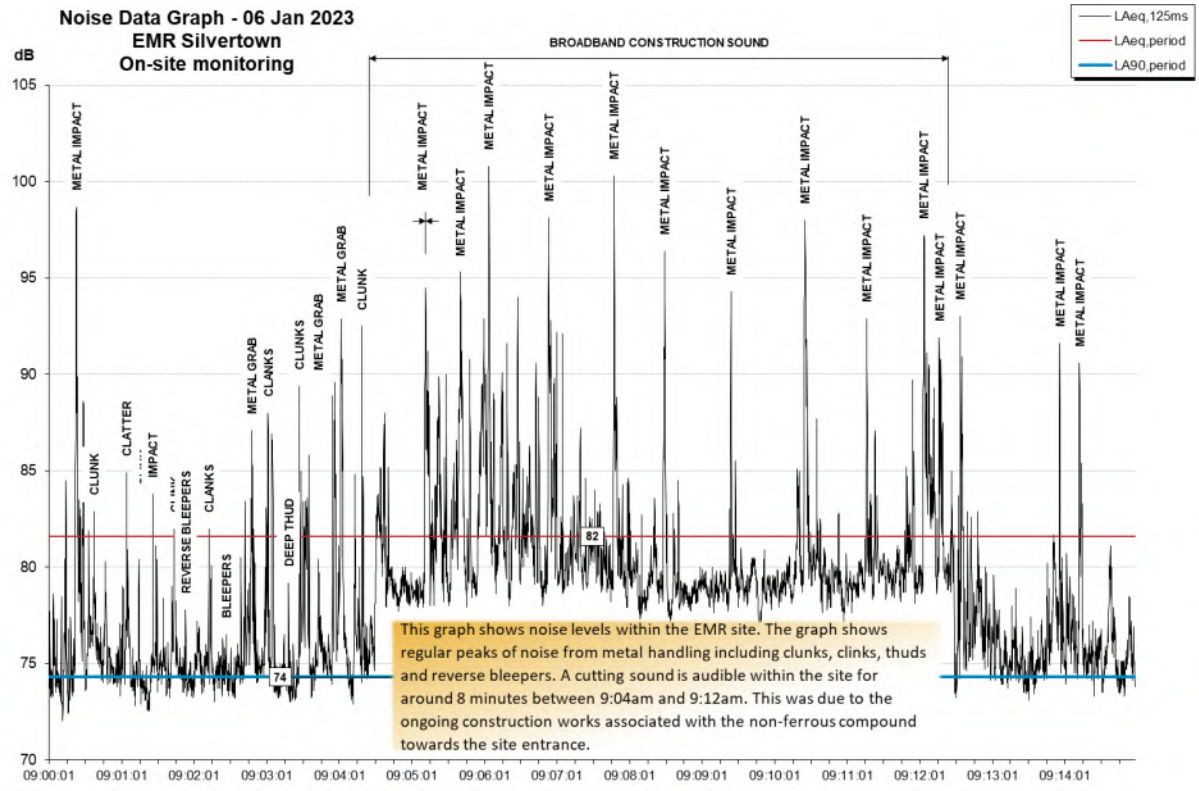

Figure 14. Measured on-site sound levels between 9am and 9:15am

6.11 Off-site at 1 Fernhill Road

6.12 A series of four graphs are presented within the four figures overleaf. The four graphs represent a total of one hour monitoring data between 9am and 10am at 1m from the façade of 1 Fernhill Street. Each graph represents a period of 15 minutes and was used to analyse and determine the specific sound level contribution from EMR at the off-site monitoring location. This period between 9am and 10am was chosen as the period containing typically high industrial sound levels measured within the site and community.

6.13 Four graphs are presented in the figures two pages overleaf. Looking at the first noise graph, the x axis represents time, and the y axis represents decibel level (dBA). The black trace represents the LAeq,125ms noise levels measured within the community. The blue horizontal line shows the measured LA90,T.

6.14 In relation to noise measurements at the façade of 1 Fernhill Street, a summary of what the graphs show explained below:

- The graph shown in Figure 15 shows a period of 15 minutes between 9am and 9:15am. The noise levels in the community were 65dB LAeq,15min and the specific sound contribution from EMR determined to be 62dB LAeq,15min.

- The graph shown in Figure 16 shows a period of 15 minutes between 9:15am and 9:30am. The noise levels in the community were 65dB LAeq,15min and the specific sound contribution from EMR determined to be 62dB LAeq,15min.

- The graph shown in Figure 17 shows a period of 15 minutes between 9:30am and 9:45am. The noise levels in the community were 64dB LAeq,15min and the specific sound contribution from EMR determined to be 61dB LAeq,15min.

- The graph shown in Figure 18 shows a period of 15 minutes between 9:45am and 10am. The noise levels in the community were 64dB LAeq,15min and the specific sound contribution from EMR determined to be 59dB LAeq,15min.

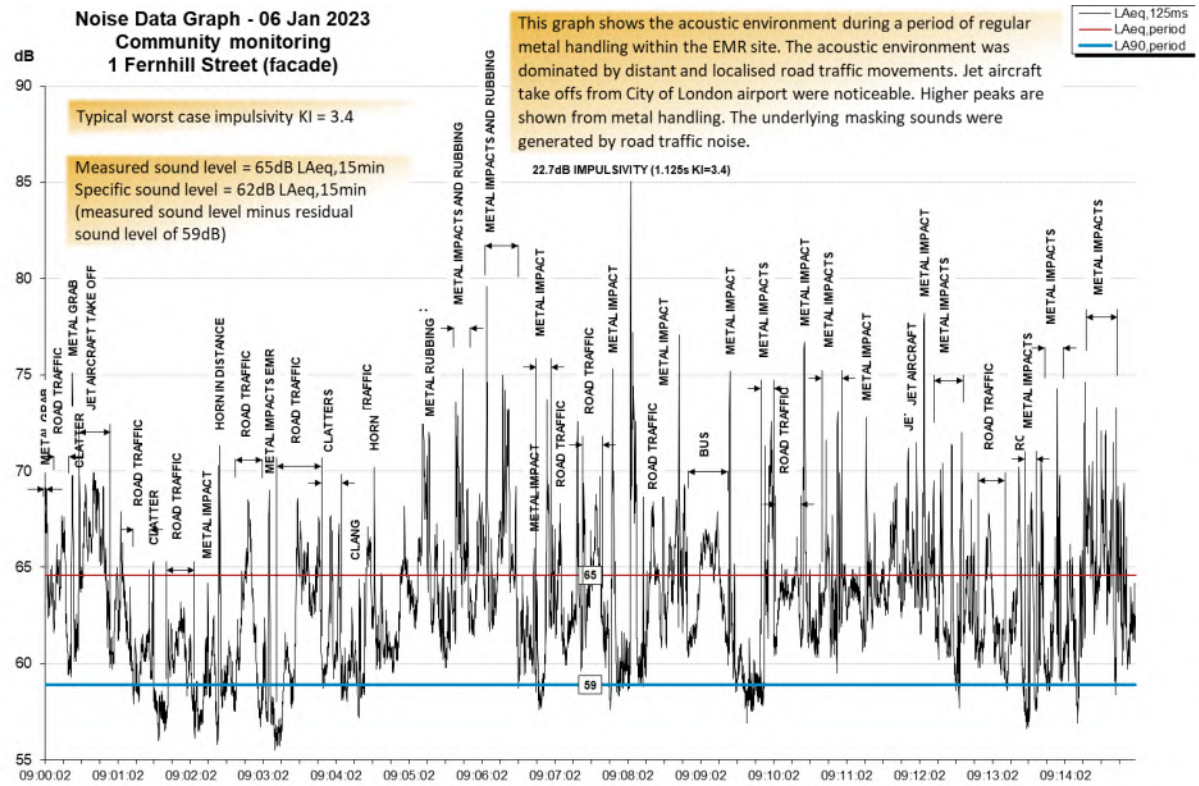

Figure 15. Measured sound levels 1 Fernhill Street (9am to 9:15am)

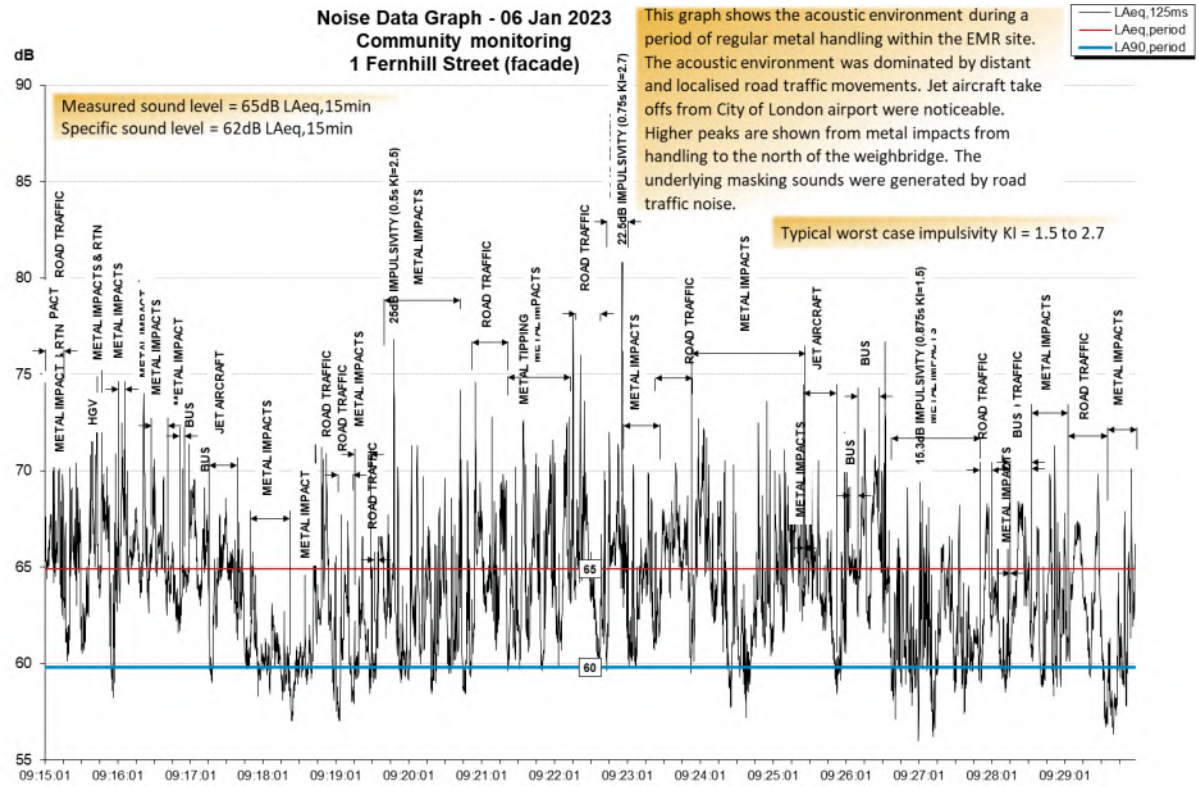

Figure 16. Measured sound levels 1 Fernhill Street (9:15am to 9:30am)

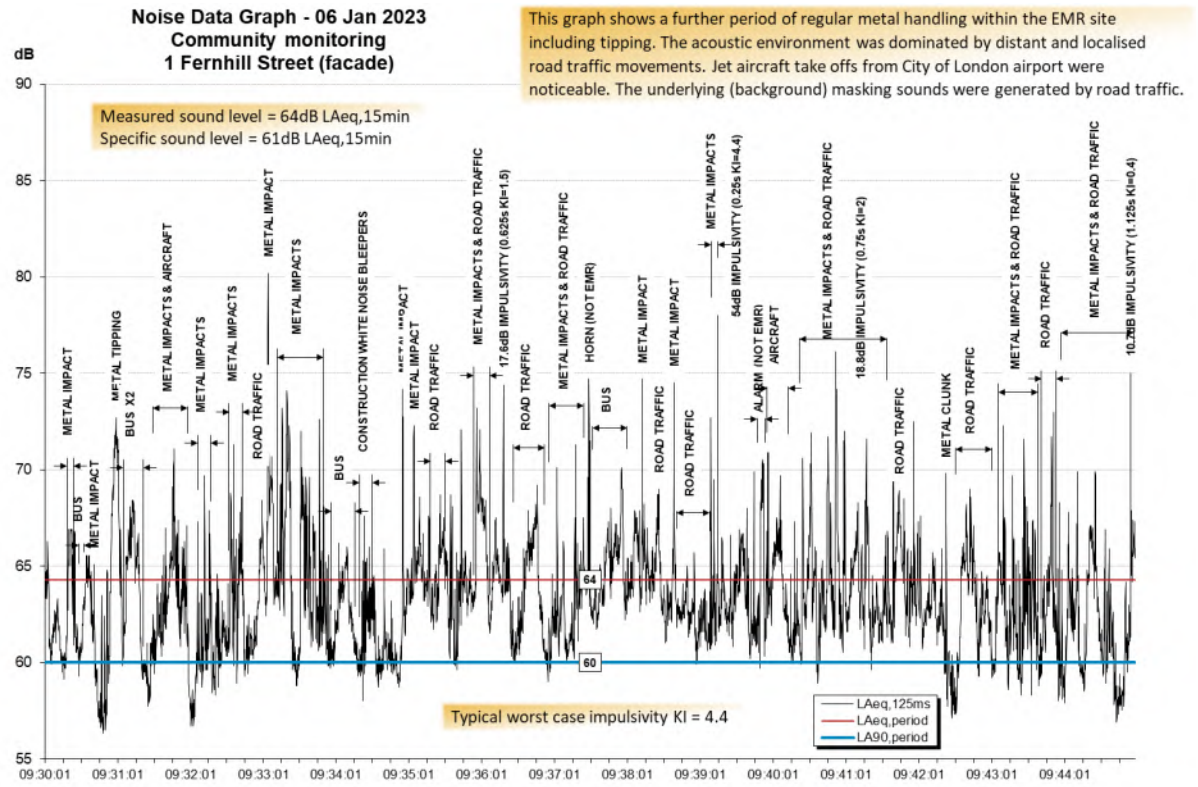

Figure 17. Measured sound levels 1 Fernhill Street (9:30am to 9:45am)

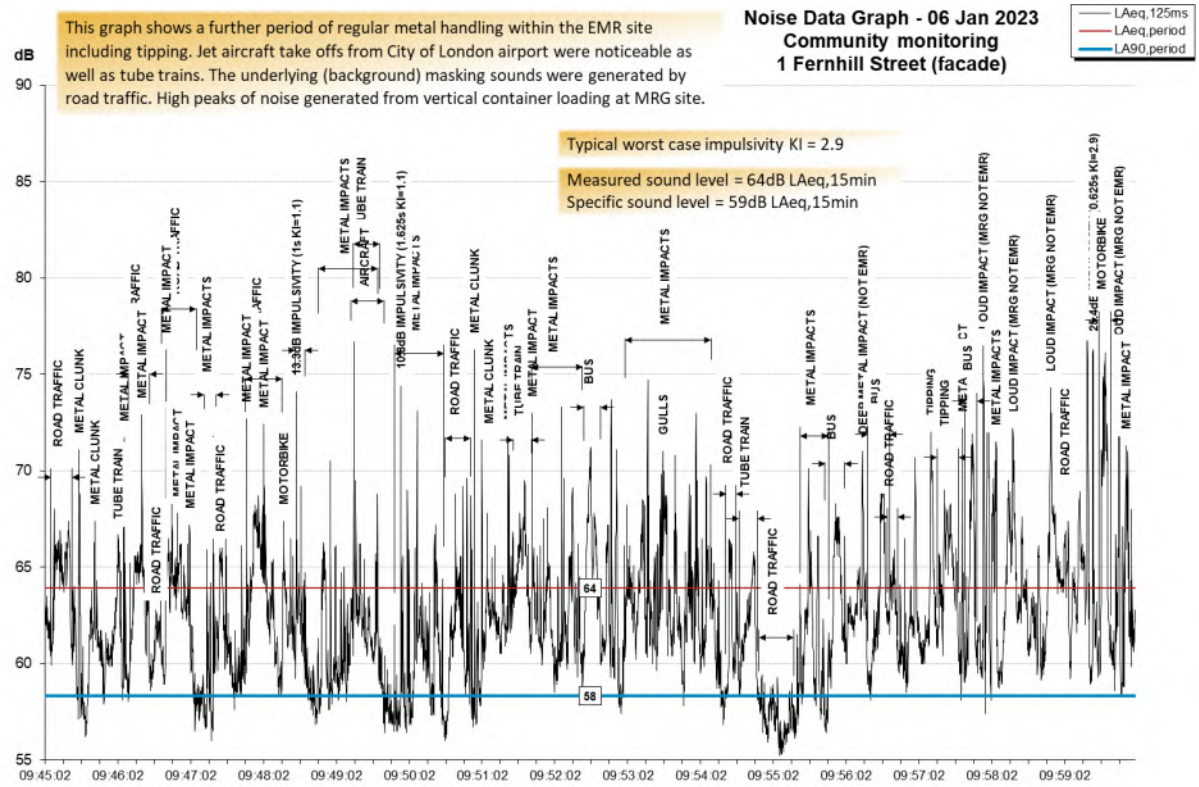

Figure 18. Measured sound levels 1 Fernhill Street (9:45am to 10am)

6.15 Specific sound level

6.16 To calculate the specific contribution from EMR within the community, monitoring periods covering 1 hour between 9am and 10am, as shown in Figure 15, Figure 16, Figure 17 and Figure 18, have been analysed. The analysis includes the derivation of specific sound levels that are directly attributable to noise emanating from the EMR site i.e. directly from the measured sound levels. Using this methodology provides an hourly LAeq of 61dB.[16]

6.17 The derivation of the specific sound level and calculations are shown in Appendix C - Specific sound level calculations. The determination of the specific sound level of 61dB LAeq,1hr assumes all noise during the identified peaks of noise arise solely from EMR with no corrections for extraneous or residual sound.[17] It would not be unreasonable to make an adjustment for the residual sound i.e. undertake a logarithmic subtraction of the residual sound from the specific sound.

6.18 Calculation of acoustic penalty

6.19 The measurements of industrial/commercial sound from EMR shown within the previous four figures demonstrate high peaks of sound from metal recycling that could be considered impulsive to the listener. It was appropriate to apply the objective method for measuring the prominence of impulsive sounds and for adjustment of LAeq provided in annex E of BS 4142:2014+A1:2019.

6.20 The assessment of larger peaks within the figures demonstrates an adjustment to the LAeq (Ki) of 4.4dB is appropriate. Therefore, a penalty of 4dB has been applied for impulsive acoustic features within the assessment.[18]

6.21 Background sound level

The off-site monitoring demonstrates background sound levels were determined by road traffic noise. Continuous noise was also audible from

[16] Derived from the four 15 minutes LAeq value of 62, 62, 61 and 59dB.
[17] An adjustment has been made to the measured level of 65dB from the first graph. A residual sound level of 59dB, equivalent to the background sound level, was subtracted from the measured sound level of 65dB to give a specific sound level of 62dB LAeq,1hr.
[18] See Figure 17. Measured sound levels 1 Fernhill Street (9:30am to 9:45am).

different directions from existing industrial/commercial uses, but specific sources could not be determined. The area, generally, is 'noisy' due to combination of industrial/commercial, road traffic, air and rail. Background sound levels were measured over two consecutive 15-minute periods between 12pm and 12:30pm to be 55dB LA90,T. The monitoring was undertaken during a period of suppressed activity with the shear switched off and no associated handling activity. The monitoring demonstrates background sound levels were consistent and not influenced by peaks of noise from EMR.

6.22 BAC requested EMR provide this period of half an hour during which use of the shear ceased. However, peaks of noise are not continuous meaning the influence from EMR (peaks of noise from metal impacts and clatters) do not contribute to the LA90,T. The underlying masking sounds were from the presence of continuous road traffic noise both distant and far and generally high levels of ambient sound within the acoustic environment from a variety of sources.

6.23 As the site is now open a statistical analysis of the background sound level data could not be completed. However, a typical worst case background sound level of 55dB LA90,15min has been applied. It is unlikely background sound levels will fall below this value as the background sound levels were measured over dinner time and during a period when traffic flows were likely to be their lowest through the day e.g. half an hour during periods of typically low traffic flows (between 10am and 2pm). The background sound level of 55dB LA90,15minute is considered a conservative value for use within the assessment.

6.24 Off-site at 6-8 Winifred Street

6.25 A graph showing a typical period of noise monitoring between 10:30am and 10:45am is shown in Figure 19 overleaf. The graph represents a period of 15 minutes during continuous handling within the EMR site. However, the acoustic environment was dominated by high peaks of noise from road traffic passing. Background sound levels were 56dB LA90,15min.

6.26 Measured peaks of noise from metal handling at EMR were relatively low at 1m from the garden wall façade of 6-8 Winifred Street. Observations of noise at this location identified peaks of noise from metal handling that were of a lower perceptibility due to screening by buildings and structures within the

EMR site as well as the high screening either side of the Elizabeth Line. The Elizabeth Line screening provides a significant screen for garden areas facing towards the EMR site. Given the dominance of road traffic noise and low-level impact from peaks of noise from metal handling, it was considered unnecessary to undertake a detailed analysis of the specific sound levels as it would likely indicate 'low impact' i.e. the specific sound level derived over the period of 1 hour during daytime would be below the background sound levels of 55-56dB LA90,15min measured at this location.[19]

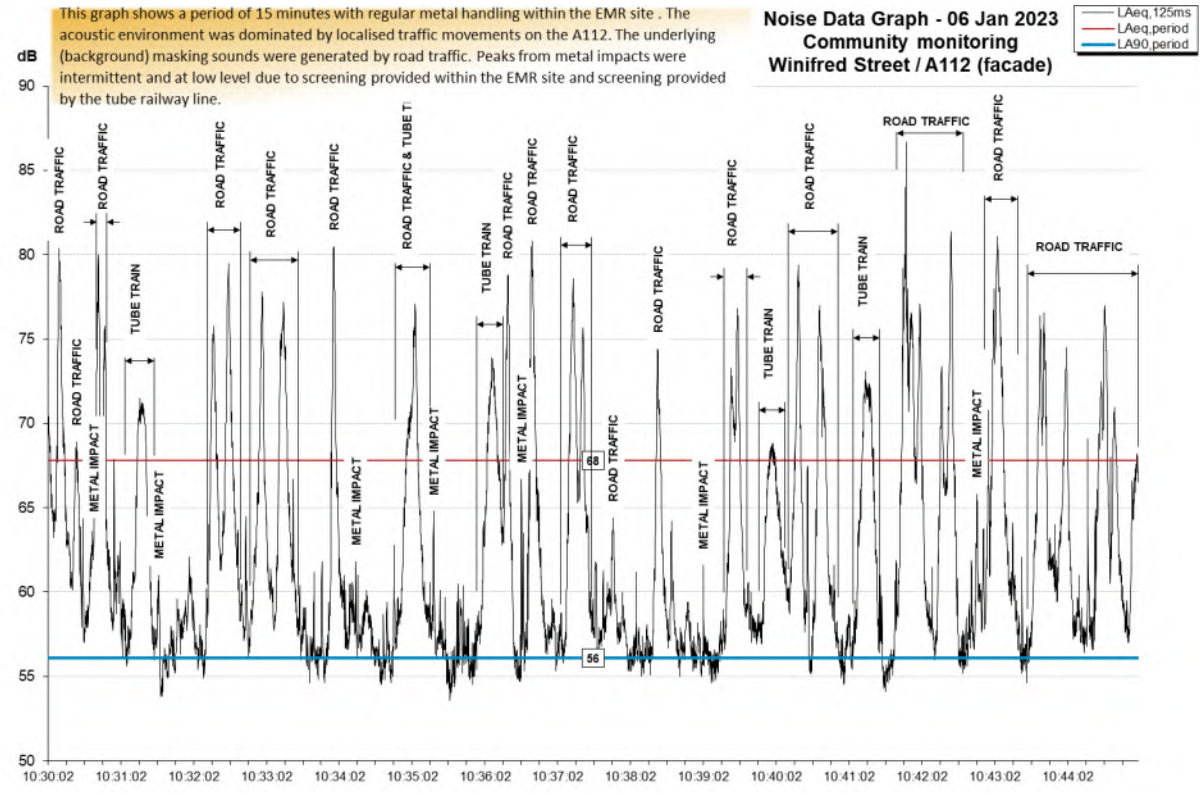

Figure 19. Measured sound levels 6-8 Winifred Street (10:30am to 10:45am)

[19] In short, the occasional perceptible peaks of noise from metal recycling are likely to give a specific sound level of less than 55/56dB LAeq,1hr and most likely, due to the relative on-time, of around 45dB to 50dB LAeq,1hr. Therefore, it is likely the specific sound level determined over a period of 1 hour, even with a 3dB penalty for impulsivity, would be below the background sound level measured both at 6-8 Winnifred Street and 1 Fernhill Street during a period of suppressed activity at EMR.

7.0 Assessment applying BS 4142:2104 at 1 Fernhill Street

7.1 Simultaneous noise monitoring was undertaken both within the EMR site and at two residential locations during the handling and processing of metals. Meteorological conditions included steady southerly wind vector increasing the propagation of sound in a northerly direction. This is considered a typical worst case set of circumstances under which to assess the specific sound from the EMR site.

7.2 A full assessment applying all clauses of BS 4142:2014+A1:2019 is provided in Appendix D - BS 4142:2014+A1:2019 information to be reported. A summary assessment applying BS 4142:2013+A1:2019 is provided in Table 7 below:

Table 7. Summary assessment applying BS 4142:2014+A1:2019

BS 4142:2014 requirement	BS 4142:2014 derived value
Specific sound level	61dB LAeq,1hr
Acoustic feature correction	+4dB for impulsivity
Rating level	65dB LAr,Tr
Background sound level	55dB LA90,15min
Excess of rating over background	[61 + 4 = 65dB] 65 - 55 = +10dB

7.3 Looking at the table, the specific sound level was determined to be 61dB LAeq,1hr and an acoustic feature correction/character correction of +4dB was considered appropriate applying Annex E of BS 4142:2014+A1:2019. The rating level was determined to be 65dB LAR, Tr and the background sound level applied was 55dB LA90,15min. This provides an excess of rating level over background sound level of +10dB.

7.4 The initial estimate of impact is, therefore, +10dB above a point indicating ‘low impact’ (0dB), +5dB above a point that could be considered ‘adverse impact’ (+5dB) and is equal to the point of ‘significant adverse impact’ (+10dB). The rating level exceeds the background sound level by 10dB. The specific sound level is 6dB higher than a typical lowest (worst case) background sound level of 55dB LA90,T. The initial estimate of impact of +10dB, is 5dB above a point considered to constitute ‘adverse’ impact and meets the point considered to constitute ‘significant adverse’ impact.

7.5 BS 4142:2014+A1:2019 advises the initial estimate of impact should consider 'context' including the absolute level of sound, the character and level of the residual sound compared to the specific sound and the sensitivity of receptor and mitigation. As identified, this is a noisy area with an expectation of significant transportation and industrial/commercial noise which is reflected within the noise monitoring data and graphs. The EMR site forms part of a wider dock side, airport and area with a concentration of industrial/commercial uses designated as a 'principal employment area' by the LPA.

7.6 There is a high contribution of noise from road traffic noise. The residual and background sound environment consists of localised road traffic noise, tube trains, aircraft and industrial/commercial sound. There will be an expectation of metals handling noise impact in this area given the locale, historic use of the site, fixed shear plant as well as the central London location. There is a general absence of natural sounds, for example birdsong, indicating the absence of tranquillity. The acoustic environment was dominated by manmade sounds.

7.7 Typical background sound levels identified during the suppression of activity at the EMR site were consistently 55dB LA90,15min over two consecutive periods. Thus, the assessment applies a typical worst case (lowest) background sound level of 55dB LA90,15min to provide an initial estimate of impact that was indicative of significant adverse impact.

7.8 The assessment also applies a typical worst case considering metal handling including continuous loading and operation of the shear as well as metal handling towards the north of the weighbridge. This location does not benefit from screening either from the partially construction non-ferrous building or screening further within the site.

7.9 The initial estimate of impact is numerical and does not consider context but allows the level of impact to be considered in the circumstances of the assessment in this case. The numerical assessment does, however, consider a typical worst case applying typical worst case and continuous on-site handling activity and typical worst case (lowest) background sound level.

7.10 In context, as shown by the photographs in Figure 7 and Figure 8, the southern façade of 1 Fernhill Street does not contain any doors or windows to internal room uses. There is a partially screened window facing south that appears to serve a small kitchen. The living room is located within the eastern façade.

There is a 1.8m to 2m high fence along the southern boundary of the garden. Therefore, the garden area is screened, and the rear façade does not have a direct line of acoustic sight to metal handling activity within the EMR site. Further reductions are likely to sound incident within the garden of 5-10dB as well as sound waves that must diffract around the building to affect rooms of amenity use on the western and eastern facades. Therefore, the true level of impact affecting amenity uses of 1 Fernhill Street are likely, in practice, to provide an initial estimate of impact of 0-5dB i.e. 'low' to 'adverse' impact.

7.11 During the survey, I spoke to the lady living at 1 Fernhill Street to provide her subjective view of noise from metal recycling affecting her within her property. I was advised she did not consider the noise to be a problem as "It is not audible over the TV within the living room". Whilst audibility over the TV is not a scientific confirmation of noise acceptability, it does indicate that the perceptibility of noise from metal recycling at 1 Fernhill Street is sufficient to constitute 'low impact'. No reference to other rooms affected by noise from metal recycling was provided.

7.12 In context, the site and area are one where there is an expectation of noise from both road traffic and industrial/commercial sources. This is discussed in section 0, Table 1 and Table 2. This application of context when applying guidance from the EA indicates the sensitivity of the area to industrial/commercial sound is low.

7.13 BS 4142:2014+A1:2019 requires the consideration of the sensitivity of the receptor including the incorporation of design measures that secure good internal and/or outdoor acoustic conditions such as façade insulation treatment, ventilation and/or cooling and acoustic screening. It was assumed windows are opening and that there are no alternative means of ventilating properties.

7.14 The application of context and consideration of the likely noise impact in practice (e.g. screening provided by fencing and building orientation) alters the findings of this assessment from 'significant adverse impact' to 'low' to 'adverse impact'. Although unlikely, lower background sound levels and higher specific sound levels affecting amenity facades would be necessary to demonstrate significant adverse impact.

7.15 In any assessment of noise, it is necessary to consider the wider context including the character of the area in which the noise occurs which in turn informs expectation. Logically, people living close to an industrial estate, dock, airport particularly within a central London location must expect periods of higher noise and noise with industrial/commercial character and its continuance in the same way city centre dwellers in some localities must expect late night revellers and smells from food establishments. It is an expected, common and inevitable element of the area.

7.16 Industrial estates provide areas for manufacturing, recycling, car repairs, centres for transportation of goods and materials etc which are a necessity for modern living. How this context aspect affects acceptability, the definition of ‘pollution’ and ‘harm’ as applied by the EA is difficult to evaluate or quantify.

8.0 Conclusions

8.1 BAC were commissioned by EMR to independently undertake a noise survey and assessment of noise impact from the EMR Silvertown site. The site handles and processes ferrous metals and currently remains under construction. The requirement for the assessment is based on noise being of 'potential concern' by the local EA officer. The requirement for a noise impact assessment does not arise due a complaint.

8.2 This report presents the independent findings of BAC following noise monitoring in 2023. The focus of the report was on existing noise impact at closest noise sensitive properties. As the site is under construction, it was considered appropriate to report the current level of noise impact applying BS 4142:2014. BAC recommend further monitoring and modelling to determine whether any additional reductions in noise are possible post construction of the non-ferrous building, replacement of boundary screening and additional internal screening between the shear and non-ferrous building.

8.3 Noise monitoring was undertaken under specific conditions to provide a worst-case scenario for metal handling, shear processing and general site activity at 1 Fernhill Street and 6-8 Winifred Street. This includes the continuous on and off cycling of the shear and metals handling in areas of reduced screening under appropriate propagation conditions.

8.4 This report provides a full assessment applying BS 4142:2014. For EMR at the most affected residential façade in a publicly accessible location, a worst-case assessment provides an initial estimate of impact of 10dB as a rating of the noise over the background sound level. This is 10dB above the point of 'low impact', +5dB above the point at which 'adverse impact' is predicted and is equivalent to the point at which significant adverse impacts are predicted to arise when context is disregarded. This also includes a decibel penalty adjustment for impulse content.

8.5 A detailed consideration of context has been provided within this report applying guidance provided by the EA. This indicates the general noise sensitivity of the area to sources of industrial/commercial sound is 'low'. The noise from metal recycling is generated within an established industrial/commercial area within a site that has been undertaking metal recycling and processing activity since 2011 i.e. over 10 years. The site

operates between 7am and 4pm and typically at times when most residents are at work or school etc. Metal recycling activity occurs during typical work hours and on a Saturday morning. There is no operation during evening or night time, Saturday afternoon, Sundays or on bank holidays.

8.6 In practice, the numerical finding of '+10dB' indicating significant adverse impact' only arises on the assumption facades contain noise sensitive uses directly facing the EMR site. In reality, the most affected façade of 1 Fernhill Street does not contain windows meaning there is not a direct transmission path within the façade. It would not be unreasonable to apply a further adjustment of -5dB to -10dB to account for screening and orientation of the building and windows facing in a westerly and easterly direction. There are no windows directly facing the EMR site indicating the actual level of impact is lower. Adjustment for context in terms of the industrial/commercial (principal employment) character of the area would result in adjustment towards 'low impact' and 'adverse impact'. This is consistent with the subjective observations of one resident at 1 Fernhill Street and one resident at Winifred Street who consider noise from metal recycling operations at EMR to be acceptable.

8.7 BAC recommend a further assessment is undertaken following the replacement of boundary screening and implementation of additional internal screening which is likely to further reduce noise levels within the community. However, existing levels of noise impact at the closest noise sensitive receptors is considered to generate low to adverse impact which is acceptable.

8.8 When applying a numerical assessment using BS 4142:2014 the assessment indicates unacceptable noise from the metal processing. However, the application of context both in terms of receiver conditions and low noise sensitivity of the area including higher tolerance of metal handling the level of noise impact is considered acceptable.

Report by
Daniel Baker - Director **Dated: 06/02/2023**
Broodbakker Acoustic Consultants Limited

Glossary

Term	Definition / explanation
Acoustic environment	Sound at the receiver from all sounds as modified by the environment. The acoustic environment can be the actual environment or simulated, outdoors or inside, as experienced or in memory. *Reference BS ISO 12913-1 2014 Part 1*
Ambient sound	Totally encompassing sound in a given situation at a given time usually comprising sound from sources near and far. The ambient sound comprises the residual sound and the specific sound when present. *Reference BS 4142:2014+A1:2019*
Ambient sound level ($L_a = L_{Aeq,T}$)	Equivalent continuous A-weighted sound pressure level of the totally encompassing sound in a given situation at a given time usually composed of sound from sources both near and far at the assessment location over a given time interval, T. *Reference BS 4142:2014+A1:2019*
Background sound level ($L_{A90,T}$)	The A-weighted sound pressure level that is exceeded by the residual sound at the assessment location for 90% of a given time interval, T, measured using time weighting F and quoted to the nearest number of decibels. *Reference BS 4142:2014+A1:2019*
Break-in	Noise transmission into a structure from outside *Reference BS 8233:2014*
Break-out	Noise transmission from inside a structure to the outside *Reference BS 8233:2014*
Day Evening Night Level L_{den}	The day evening night level is the average A-weighted sound level over a 24-hour period, determined from the L_{day} ($L_{Aeq,12hr}$ between 7am-7pm), $L_{evening}$ ($L_{Aeq,4hr}$ between 7pm-11pm) and L_{night} (LAeq,8hr between 11pm-7am), with a 5 dB penalty added to the $L_{evening}$ and a 10 dB penalty added to the L_{night}.
Environmental noise	Includes noise from transportation sources *Noise Policy Statement for England 2010 Explanatory Note*
Equivalent continuous A-weighted sound pressure level ($L_{Aeq,T}$)	The sound level of a notionally steady sound having the same energy as a fluctuating sound over a specified measurement period. It is the sound pressure level of a hypothetical constant sound containing the same energy as the actual sound whose level may vary over the measurement period. It can be helpful to think of it as an average level (although this is not quite correct). The measurement period, T, must be stated. *See clause 3.5 of BS 4142:2014+A1:2019 and BS 7445-1:2003*
Façade level	Sound pressure level 1m in front of the façade. Façade level measurements are typically 1 to 2dB higher than corresponding free-field measurements because of the reflection from the façade. *Reference BS 8233:2014*

Free-field level	Sound pressure level away from reflecting surfaces. These are typically measurements made between 1.2 to 1.5m above the ground and at least 3.5m away from other reflecting surfaces. To minimize the effect of reflections the measuring position has to be at least 3.5m to the side of the reflecting surface (not 3.5m from the reflecting surface in the direction of the source). *Reference BS 8233:2014*
Ground borne noise	Audible noise caused by the vibration of elements of a structure, for which the vibration propagation past from the source is partially or wholly through the ground (typical sources include railways and heaving construction work on adjacent construction sites). *Reference BS 8233:2014*
Maximum sound level (A weighted) (L_{Amax})	The highest value A-weighted sound level with a specified time weighting that occurs during a given event. The time weighting should state either Fast (f) or slow (s). *Reference BS 5228-1:2009+A1:2014*
Neighbour	Includes noise from inside and outside people's homes *Noise Policy Statement for England 2010 Explanatory Note*
Neighbourhood	Includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street *Noise Policy Statement for England 2010 Explanatory Note*
Noise	Unwanted sound. All noise is sound but not all sound is noise.
Noise rating (NR)	Graphical method for rating a noise by comparing the noise spectrum with a family of noise rating curves. *Reference BS 8233:2014*
Octave band	Band of frequencies in which the upper limit of the band is twice the frequency of the lower limit. *Reference BS 8233:2014*
Rating level (L_{Ar,T_r})	The specific sound level of a source plus any adjustment for the characteristic features of the sound. *Reference BS 4142:2014+A1:2019*
Reference time interval (T_r)	Specific interval over which the specific sound is determined. *Reference BS 4142:2014+A1:2019*
Residual sound level	Equivalent continuous A-weighted sound pressure level of the residual sound at the assessment location over a given time interval, T. *Reference BS 4142:2014+A1:2019*
Soundscape	The acoustic environment as perceived or experienced and/or understood by a person or people, in context. This relates to people's perceptions or experiences and/or understanding of an acoustic environment. The measurement, assessment or evaluation of soundscape is through the human perception of the acoustic environment. *Reference BS ISO 12913-1 2014 Part 1*

Specific sound level ($L_s = L_{Aeq,}T_r$) -	The equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given time interval, T. *Reference BS 4142:2014+A1:2019*
Specific source	The sound source under assessment *Reference BS 4142:2014+A1:2019*
Statistical parameters	
L_{A01}	$L_{A01,T}$ is the 'A'-weighted level exceeded for 1% of the time interval, T, and provides an indication of the upper maximum level of a fluctuating noise signal.
L_{A10}	$L_{A10,T}$ is the 'A'-weighted level exceeded for 10% of the time interval, T, and can describe road traffic noise. It gives an indication of the upper level of a fluctuating noise signal. For high volumes of continuous traffic, the LA10,T unit is typically 2–3 dB(A) above the LAeq,T value over the same period.
L_{A90}	L_{A90},T is the 'A'-weighted level exceeded for 90% of the time interval, T, and provides a description of the underlying background noise level.
Structure-borne noise	Audible noise caused by the vibration of elements of a structure, the source of which is within a building or structure with common elements *Reference BS 8233:2014*

Appendix A - Summary of qualifications and experience

A.1 I am a fully qualified Chartered Environmental Health Practitioner with additional qualifications in acoustics and noise. I have an MSc in Applied Acoustics and over 20 years' experience in this field. I have assessed a significant number of potential nuisance cases including industrial/commercial, entertainment and domestic noise in person and using specialist recording equipment.

A.2 I have a BSc (Hons) Environmental Health Degree and have undertaken a range of investigations professionally for local authorities since 2004 initially as an Environmental Protection Officer and fully qualified as an Environmental Health Officer (EHO) in 2006. I registered with the Environmental Health Registration Board in 2006. In 2017, I became a chartered member (CEnvH) of the Chartered Institute of Environmental Health (CIEH).

A.3 In addition to my Environmental/Public Health qualifications, I hold the Institute of Acoustics' (IoA) Diploma in Acoustics and Noise Control including specific modules in law & administration and Noise Control Engineering (obtained 2008). I am a full member of the IoA. I completed a Master of Science degree (MSc) in Applied Acoustics in 2013 (merit).

A.4 During my local government career between 2004 and 2010, I worked for two different local authorities. Throughout that time, I was heavily involved with and primarily specialised in nuisance issues, the use of statutory provisions and planning with associated noise issues. For 18 months around 2009 I was dually responsible for a small team of technical officers responsible for investigating complaints of domestic noise e.g., neighbour on neighbour impact.

A.5 I was employed by MAS Environmental Ltd (MAS) as a Senior Environmental Health Practitioner between July 2010 and July 2021 providing consultancy advice to local authorities, private individuals, and noise producers on a range of planning, nuisance, and noise related issues. In 2017, working as part of the small consultancy team, MAS were recognised within the Parliamentary Review for providing industry best practice.[20]

[20] www.theparliamentaryreview.co.uk. Accessed at https://www.theparliamentaryreview.co.uk/editions/2017/environment/2016-17-environment on 17/12/2021. Page 31-33.

A.6 In June 2021 I set up my own acoustic consultancy Broodbakker Acoustic Consultants Limited. I am currently undertaking a mixture of projects including local authority contract work and consultancy. I am involved with the determination of statutory nuisance and whether a noise abatement notice should be served on behalf of the council.

A.7 Noise character is an area of my research. In February 2015 I published elements of that research within a technical note in a peer reviewed Journal titled “Application of noise guidance to the assessment of industrial noise with character on residential dwellings in the UK” for which I received a research award from the CIEH in October 2015. Comments were received on the technical note and a response was published in the Journal of Applied Acoustics in February 2019.

A.8 In November 2015 I provided training to Environmental Health Professionals on the importance of noise character in noise assessment. In February 2016 I gave a presentation on noise assessment, with an emphasis on the importance of noise character, to planning professionals from the London Boroughs at Transport for London (TfL). In February 2019 I gave a presentation on noise impact assessment and mitigation to planning professionals from the London Boroughs at an Urban Design Ltd (UDL) event.

A.9 In August 2016 I presented a conference paper at Inter noise 2016 in Hamburg. The paper was based on my research on the ‘relevance of the equal energy principle’ to sources of neighbourhood noise. The research considers how guidelines such as the WHO 1999 (and Lden) do not characterise sources of neighbourhood noise as applied frequently to assessments of noise in the UK.

A.10 In 2017 I wrote a research paper for Inter noise 2017 in Hong Kong. The paper was entitled “Preliminary evaluation of the relative importance of acoustic, non-acoustic and context related factors in reactions to noise at the individual level”. The focus of the paper was on specific factors that influence how individuals, in the context of a home environment, react to sound with characteristics from non-transportation noise e.g., recreational and industrial/commercial noise.

A.11 In Autumn 2019 I began representing the CIEH as a British Standards Institution (BSi) committee member on EH/001/03 Residential and industrial noise. The committee is responsible for standardisation in the field of

residential and industrial noise. This includes standardised methods for rating and assessing industrial and commercial sound (BS 4142) and measurement and description of environmental noise (BS 7445 parts 1 to 3). I am also currently a member of the BSi subcommittee responsible for revisions and updates to noise reduction and sound insulation for buildings (BS 8233).[21,22]

A.12 I co-authored a research article (technical contribution) that was published in the January/February 2020 issue of 'Acoustics Bulletin'. This is a bi-monthly magazine published by the IoA. The article considers the assessment of potentially actionable noise and the influence of non-acoustic factors and context.

A.13 I have presented expert evidence at/in:

- planning hearings
- planning inquiries
- Magistrates Court for obtaining warrants, prosecutions for breach of noise abatement notices and appeals against abatement notices
- Crown Court in relation to an appeal against a prosecution for a breach of abatement notice
- County Court in relation to anti-social behaviour and associated noise impact and related issues
- High Court in relation to private nuisance (civil) action

[21] Committee EH/001/03 Residential and industrial noise committee member.
[22] Committee B/564/0-/01 BS 8233 Revision Panel committee member.

Appendix B - Planning history documentation

Newham London

FULL PLANNING PERMISSION APPROVAL

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2010

Please see notes at the end of this notice

Applicant

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Silvertown
London
E16 2EJ

Part I - Particulars of Application

Date of Application: 25th July 2011 Application No: 11/01084/FUL

Proposal: Retention of use of site as a scrap yard, allowing storage of scrap, processing and transportation.

Location: Units 6 Standard Industrial Estate Factory Road North Woolwich London E16 2EJ

Part II - Particulars of Decision

In pursuance of the powers under the above Act and Order the London Borough of Newham hereby gives notice that **PLANNING PERMISSION HAS BEEN APPROVED** for the carrying out of the development referred to in Part I hereof and as described and shown on the application and plan(s) submitted, subject to the following conditions and notes:

1. **APPROVED PLAN(S): All works are to be completed in accordance with drawing number(s) as described. No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.**
   General
   Plan Ref: LCM/S01/U6, Received:

Reasons: To ensure that the development is undertaken in accordance with the approved drawing(s) thereby meeting design quality benchmarks that ensure it will contribute positively to the Council's vision for the area, in line with Policies 7.5 and 7.6 of The London Plan (adopted July 2011) and Policies S1, SP1 and SP3 of the Newham Core Strategy (approved

by Council for adoption on 26th January 2012). The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

2. The uses operating from the development including lorry movement hereby permitted shall not be operate outside the following times:

   07:00 to 18:00 Monday to Friday
   07:00 to 13:00 on Saturdays

   No variation to these hours will be permitted unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To safeguard the amenity of neighbouring residents in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001)saved in accordance with the direction given by the Secretary of State from 27th September 2007.

3. Within 3 months from the date of this decision the following details of a site remediation to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

   a) A preliminary risk assessment which has identified:

   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination a the site.

   b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

   c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

   d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

   e) The approved scheme shall be implemented within 1 month of the details being approved and shall be maintained in perpetuity thereafter without the prior written consent from the Local Planning Authority.

   Any changes to these components require the express consent of the Local Planning Authority.

   Reason: To ensure protection of controlled waters in accordance with Policies 5.13 of the London Plan, Policy EQ45 of the Unitary Development Plan and Policies SC1 and SC3 of the draft Core Strategy, March 2011.

4. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

   The development shall be carried out in accordance with the approval details.

   Reason: To ensure protection of controlled waters in accordance with Policies 5.13 and of the London Plan, Policy EQ45 of the Unitary Development Plan and Policies SC1 and SC3 of the draft Core Strategy.

5. Within three months from the date of this permission full detail of site screening and external site storage shall be submitted to and approved in writing by the Local Planning Authority. This shall include the details of any storage silos and the height of the open storage and details of boundary treatment screening. The approved details shall be implemented within 2 month of the details being approved and shall be maintained in perpetuity.

   Reason: To ensure that the development can be successfully accommodated within the context of the area and ensure that appropriate mitigation measures are employed in allowing the site to be compatible with the character and appearance of the location. In accordance with Policies EQ19 and EQ45 the London Borough of Newham Unitary Development Plan (adopted June 2001) saved in accordance with the direction given by the Secretary of State from 27th September 2007and Policies SP1 and SP6 of the Newham Proposed Submission Draft Core Strategy (approved by Mayor in consultation with cabinet on 27th January 2011).

6. The open storage of scrap metal on site shall not exceed 5m in height above ground level without the prior written consent of the Local Planning Authority.

   Reason: To ensure that the development can be successfully accommodated within the context of the area and ensure that appropriate mitigation measures are employed in allowing the site to be compatible with the character and appearance of the location. In accordance with Policies EQ19 and EQ45 the London Borough of Newham Unitary Development Plan (adopted June 2001) saved in accordance with the direction given by the Secretary of State from 27th September 2007and Policies SP1 and SP6 of the Newham Proposed Submission Draft Core Strategy (approved by Mayor in consultation with cabinet on 27th January 2011).

7. Within 3 months from the date of the permission a transport routing plan shall be submitted to and approved in writing by the Local Planning Authority. The routing plan shall detail the route in which London City Metal Vehicles shall gain access to the Strategic Road Network and shall avoid residential areas. Once approved the use shall operate in full accordance with the transport routing plan.

   Reason: To ensure an appropriate route for large vehicles is provided to allow the safe and efficient operation of the use. In accordance with Policies T1, T3 and T14 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved in accordance with the direction given by the Secretary of State from 27th September 2007.

8. Within 3 months from the date of this approval an acoustic report shall be submitted to and approved by the Local Planning Authority. The report shall detail the steps to be taken to minimise noise. Plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst effected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum.

   The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

   Reason: To ensure that the development can be successfully accommodated within the context of the area and ensure that appropriate mitigation measures are employed in allowing the site to be compatible with the character and appearance of the location. In accordance with Policies EQ19 and EQ45 the London Borough of Newham Unitary Development Plan (adopted June 2001) saved in accordance with the direction given by the Secretary of State from 27th September 2007and Policies SP1 and SP6 of the Newham Proposed Submission Draft Core Strategy (approved by Mayor in consultation with cabinet on 27th January 2011).

9. Within 3 months from the date of this permission, an Environmental Code shall be submitted to and be approved by the Local Planning Authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers during operations. Details should include noise, dust, smoke, road cleaning, wheel washing and any other matters relevant to this particular site. Once approved the site shall operate in full accordance with the environmental code..

   Reasons: To ensure that the construction does not prejudice the ability of neighbouring occupiers reasonable enjoyment of their properties and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted 2001, saved in accordance with the direction given by the Secretary of State for London on 27th September 2007)

Summary of Policies and Reasons:

The Councils decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Councils adopted development plan and of all other relevant material considerations. In deciding to grant permission in this instance, the Council found the proposal to be acceptable in the context of the development plan and all other relevant material considerations. Of particular relevance to this decision were the following policies:

The Newham Submission Draft Core Strategy was approved by Mayor in Consultation with Cabinet and full Council on 28th March 2011 and was submitted to the Secretary of State on 31st March:

S1	Spatial Strategy
S2	Stratford and West Ham
S6	Urban Newham
SP1	Borough-wide Place-making
SP2	Healthy neighbourhoods
SP3	Quality Urban Design within Places
J1	Investment in the New Economy

J2 Providing for Effective Use of Employment Land
J3 Skills and Access to Employment
INF9 Infrastructure Delivery
SC1 Climate Change
SC3 Flood Risk

Newham Unitary Development Plan (Adopted June 2001, Saved from 27 September 2007 in accordance with the direction from the Secretary of State):

S1 Community Safety
S3 Quality of Development
S4 Sustainable Development
S24 Employment: Meeting the Council's Regeneration Objectives
EQ19 Urban Design Considerations
EQ20 Design Considerations: Residential Areas
EQ25 Access
EQ26 Safety
EQ45 Pollution
EMP1 Employment Growth
EMP2 Small Businesses
EMP4 Principal Employment Areas
EMP6 Diversification and Strengthening of Economy
T1 Environmental Impact of Traffic Generated by New Development
T3 New Development: Highway Capacity
T5 Preferred Modes of Transport
T10 Road Hierarchy: Relation to Development Proposals
T14 Design to Minimise Road Accidents in New Development
T19 Improvement of Conditions for Pedestrians

The London Plan, July 2011

2.1 London and the wider metropolitan area
2.3 Growth areas and co-ordinated corridors
2.9 Inner London
2.17 Strategic industrial locations
4.1 Developing London's economy
4.10 New and emerging economic sectors
5.1 Climate change mitigation
5.13 Sustainable drainage
5.17 Waste capacity
5.19 Hazardous waste
6.1 Strategic approach
6.3 Assessing effects of development on transport capacity
7.4 Local character
7.5 Public realm
7.14 Improving air quality
7.15 Reducing noise and enhancing sound-scapes

Reason: It is concluded that the use of the site for scrap metal processing, storage and transportation is compliant with the development plan, continues to provide valuable employment within a Principle Employment Area and subject to the imposition of planning conditions controlling the impacts arising the use will not result in the significant loss of amenity to neighbouring residents.

Dated this: 28th day of September 2011

DIRECTOR OF REGENERATION, PLANNING & PROPERTY

London Borough of Newham

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

* If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

* If you want to appeal then you must do so within SIX months of the date of this notice, using a form, which is available from the Planning Inspectorate, (a copy of which must be sent to Newham Council) or complete an application online.
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (e-mail: enquiries@pins.gsi.gov.uk) or (Tel: 0117 372 8000).
To make an appeal online, please use www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet. This may include copies of documentation from the original planning application and relevant supporting documents supplied to the local authority, and or information, including personal information belonging to you that you are happy will be made available in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

* The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

* The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

* In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notice

* If either the Local Planning Authority or the Office of the Deputy Prime Minister refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

* In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

LONDON BOROUGH OF NEWHAM

LOCAL DEVELOPMENT COMMITTEE

26 September 2011

Application Number:	11/01084/FUL
Validation date:	25th July 2011
Location:	Unit 6, Standard Industrial Estate, Factory Road, North Woolwich, London E16 2EJ
Ward:	Royal Docks
Applicant:	London City Metals Ltd

Purpose of Report / Proposal

Retention of use of the site as a scrap yard, a sui generis use, including sorting ferrous scrap, processing and transportation to and from the site.

Recommendations

The Strategic Development Committee is asked to approve planning permission subject to conditions and for the reasons identified below;

1. All works are to be completed in accordance with drawing number LCM/S01/U6, unless otherwise specified by a condition. No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

   Reasons: To ensure that the development is undertaken in accordance with the approved drawings, and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved in accordance with the direction given by the Secretary of State from 27th September 2007. The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

2. The uses operating from the development including lorry movement hereby permitted shall not be operate outside the following times:

   07:00 to 18:00 Monday to Friday
   08:00 to 13:00 on Saturdays

No variation to these hours will be permitted unless otherwise agreed in writing by the Local Planning
Authority.

Reason: To safeguard the amenity of neighbouring residents in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001)saved in accordance with the direction given by the Secretary of State from 27th September 2007.

3. Within 3 months from the date of this decision the following details of a site remediation to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination a the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

e) The approved scheme shall be implemented within 1 month of the details being approved and shall be maintained in perpetuity thereafter without the prior written consent from the Local Planning Authority.

Any changes to these components require the express consent of the Local Planning Authority.

Reason: To ensure protection of controlled waters in accordance with Policies 5.13 of the London Plan, Policy EQ45 of the Unitary Development Plan and Policies SC1 and SC3 of the draft Core Strategy, March 2011.

4. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

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Reason: To ensure that the development can be successfully accommodated within the context of the area and ensure that appropriate mitigation measures are employed in allowing the site to be compatible with the character and appearance of the location. In accordance with Policies EQ19 and EQ45 the London Borough of Newham Unitary Development Plan (adopted June 2001) saved in accordance with the direction given by the Secretary of State from 27th September 2007and Policies SP1 and SP6 of the Newham Proposed Submission Draft Core Strategy (approved by Mayor in consultation with cabinet on 27th January 2011).

6. The open storage of scrap metal on site shall not exceed 3m in height above ground level without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development can be successfully accommodated within the context of the area and ensure that appropriate mitigation measures are employed in allowing the site to be compatible with the character and appearance of the location. In accordance with Policies EQ19 and EQ45 the London Borough of Newham Unitary Development Plan (adopted June 2001) saved in accordance with the direction given by the Secretary of State from 27th September 2007and Policies SP1 and SP6 of the Newham Proposed Submission Draft Core Strategy (approved by Mayor in consultation with cabinet on 27th January 2011).

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Reason: To ensure an appropriate route for large vehicles is provided to allow the safe and efficient operation of the use. In accordance with Policies T1, T3 and T14 of the London Borough of Newham Unitary Development Plan (adopted June 2001) saved in accordance with the direction given by the Secretary of State from 27th September 2007.

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or worst effected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum.

The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

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Reasons: To ensure that the construction does not prejudice the ability of neighbouring occupiers reasonable enjoyment of their properties and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted 2001, saved in accordance with the direction given by the Secretary of State for London on 27th September 2007)

Reason for Approval

It is concluded that the use of the site for scrap metal processing, storage and transportation is compliant with the development plan, continues to provide valuable employment within a Principle Employment Area and subject to the imposition of planning conditions controlling the impacts arising the use will not result in the significant loss of amenity to neighbouring residents. It recommended that planning permission is granted.

LEAD OFFICER: Clive Dutton
POSITION: Executive Director Regeneration, Planning and Property

Originator of report: Oliver Gibbins
Tel no: 020303737812
E-mail address: oliver.gibbins@newham.gov.uk

Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equalities Act.

For the purposes of this application there are no adverse equalities issues.

Local Government (Access to Information) Act 1985
Background papers used in preparing this report:

- Local Government (Access to Information) Act 1985
- Background Papers Used in Preparing this Report
- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- London Plan
- UDP, SPGs
- Draft Core Strategy
- Other relevant guidance

List of enclosures / Appendices:

- Appendix 1 – Site Plan
- Appendix 2 – Layout Plan
- Appendix 3 –Photographs

Report

1. Synopsis

1.1 The applicant seeks retrospective planning permission to retain the use of the site for the storage, processing and transportation of non ferrous scrap metal.

1.2 The application has been made by London City Metals Ltd, an established company that have been in the metal recycling industry since the 1950s. The company previously traded from Caxton Street but have relocated due to expansion. London City Metals are a well known local company and employ 20 people from both unit 7 and unit 6.

1.3 The site is located in a Principal Employment Area and the use is considered to be compatible with the role and function of this area. The recycling of metals is a green industry and as such is supported by the Council. Any impacts arising from the operation of the site can be ameliorated by condition.

1.4 London City Metals is registered with the Environment Agency as a waste carrier and with the Environmental Health Service of the London Borough of Newham under the Scrap Metal Dealers Act, and is a member of the British Metal Recycling Association.

1.5 It is concluded that the use of the site for scrap metal processing, storage and transportation is compliant with the development plan, continues to provide valuable employment within a Principle Employment Area and subject to the imposition of planning conditions controlling the impacts arising the use will not result in the significant loss of amenity to neighbouring residents. It is recommended that planning permission is granted.

2. Site and the Surroundings

2.1 The application site (Unit 6) is located to the south of Factory Road in North Woolwich within the Thames Side East Industrial Estate and is the premises to the from of the industrial estate in fron of unit 7. The site is rectangular in shape and provides an office, warehouse and open storage yard. It is understood that the site was previously used as a haulage depot which would have been a B8 use.

2.2 The site is currently occupied by London City Metals Ltd, who occupied the site in February 2010.

2.3 Access to the site is provided from Factory Road and the boundary of the site is formed of palisade style fencing.

2.4 The area is characterised by industrial development with warehouse development located to the west of the site and the large wholesale Chinese supermarket located to the east of the site. These are typically B1 and B8 type