

Acoustics Reports the Environment Agency Receives

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Uncertainty in Acoustics Reports the Environment Agency Receives

- ➡ How well is uncertainty dealt with in acoustics reports :
 - ➡ Uncertainty almost NEVER mentioned
 - ➡ Uncertainty is usually unacceptably high
 - ➡ Very few attempt to reduce uncertainty
 - ➡ More correct to say there is a high degree of certainty that the noise assessment is wrong

Uncertainty in Acoustics Reports the Environment Agency Receives

- ➡ How well is uncertainty dealt with in acoustics reports :
 - ➡ The few that do mention uncertainty mainly only identify uncertainty of the meter.
 - ➡ Meter error is probably the smallest uncertainty there is in the data as a whole.

Uncertainty in Acoustics Reports the Environment Agency Receives

- ➔ How well is uncertainty dealt with in acoustics reports :
 - ➔ High proportion of acoustics reports based on a very small amount of monitoring data.
 - ➔ With no consideration for effect of this on the uncertainty.
 - ➔ Very commonly significantly different wind directions for the background and for sound source on.
 - ➔ Most reports deal poorly with background
 - ➔ Meters out of calibration (different meter in report)

Uncertainty in Acoustics Reports the Environment Agency Receives

➡ Reports often not fit for purpose

- ➡ Reports often do not deal with the issue
- ➡ Many use wrong standard
- ➡ Some use no standard
- ➡ Some use superseded versions of standards
- ➡ Many reports aimed at disguising the extent of the noise impact of the operation
- ➡ Some just as delaying tactics for enforcement action

Uncertainty in Acoustics Reports the Environment Agency Receives

- ➔ Reports often not fit for purpose
 - ➔ Often do not deal with the issue and are not specifically targeted at the issue
 - ➔ Because of this acoustics reports often recommend no improvement work
 - ➔ And in some cases the wrong improvement work
 - ➔ There are numerous examples where the noise pollution has been made worse by implementing the acousticians recommendations

Uncertainty in Acoustics Reports the Environment Agency Receives

- ➡ Reports often not fit for purpose
 - ➡ 90% of acoustics reports we receive have such fundamental errors or unknowns about the monitoring data that there is NO DATA in them that we can use at all for the purpose the report was requested.

Uncertainty in Acoustics Reports the Environment Agency Receives

- ➔ Reports often not fit for purpose
 - ➔ Fundamentally flawed monitoring data or Sound Power Level is often used as data input to models.
 - ➔ Modelling is often of a low standard
 - ➔ Detailed assessments from flawed data input are useless
 - ➔ Commonly sound source height poorly considered.
 - ➔ Modelling is often used to hide the fact that there is a significant issue when it is monitored at the receptor

Uncertainty in Acoustics Reports the Environment Agency Receives

- ➡ Reports often not fit for purpose
 - ➡ Most do not use or not even mention the Noise Policy Statement for England
 - ➡ Those that do mention NPSE NEVER address the third main aim.
 - ➡ Most do not demonstrate having considered the SECOND main aim.
 - ➡ The majority at best are only considering the FIRST Main aim

Uncertainty in Acoustics Reports the Environment Agency Receives

- ➡ Reports often not fit for purpose
 - ➡ Some acoustics reports do not mention or consider the 3 main aims of NPSE but just cherry pick paragraph 2.7 from the explanatory notes
 - ➡ In addition, the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.

Uncertainty in Acoustics Reports the Environment Agency Receives

- ➡ Reports often not fit for purpose
 - ➡ Almost nobody mentions BREF documents.
 - ➡ Noise is not very well covered in BREF documents, BUT they should be a consideration for PPC and IED processes. These processes are listed in schedule 1 of the regulations

Environmental Permits

➡ Standard Condition 3.4 Noise and Vibration

- ➡ Condition is in two halves

- ➡ First Half

- ➡ Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site as perceived by an authorised officer of the Environment Agency,

- ➡ Most acoustics reports focus on this part of the condition.

Environmental Permits

➡ Standard Condition 3.4 Noise and Vibration

➡ Second Half

➡ unless the operator has used appropriate measures, including but not limited to, those in any approved noise management plan.

➡ Appropriate measures = BAT for all practical purposes for Noise

➡ This is generally where the focus should be

Environmental Permits

- ➔ Purpose of Acoustics reports being submitted to the Environment Agency
 - ➔ Application for a permit
 - ➔ Application for a variation
 - ➔ Application for an exemption
 - ➔ Demonstration of compliance with a permit
 - ➔ Noise complaint assessments on behalf of operator

Environmental Permits

➡ Applications for a permit

- ➡ It takes huge amounts of resource and time to deal with a noise impact assessment for a permit application determination, mainly due to the very poor quality of noise impact assessments in applications
- ➡ Repeated attempts to get good quality noise impact assessments from the operator and the consultant

Offences under the Environmental Permitting Regulations

- ➡ 38-4 It is an offence for a person
 - ➡ (b) to make a statement which the person knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made for a list of reasons.
 - ➡ This is for all of the reasons which an acoustics report would be submitted to the Environment Agency

Offences under the Environmental Permitting Regulations

➡ 38-

- ➡ (6) If an offence committed by a person under this regulation is due to the act or default of some other person, that other person is also guilty of the offence and liable to be proceeded against and punished accordingly, whether or not proceedings for the offence are taken against the first mentioned person.
- ➡ This paragraph puts the acoustics report and the work firmly into potential offences.

Environmental Permits

- ➡ Purpose of Acoustics reports being submitted to the Environment Agency potential Penalties
 - ➡ Fine in all cases and/or imprisonment
 - ➡ False or misleading information (Max 2 years)
 - ➡ Application for a Permit, or variation (Max 2 years)
 - ➡ Application for an Exemption (Max 2 years)
 - ➡ Demonstration of compliance with a permit condition (Max 5 years)

Questions and Over to JON

QUESTIONS

AND

OVER TO JON