

From: [Will Spencer](#)
To: ["anna.borzyszkowska@environment-agency.gov.uk"](mailto:anna.borzyszkowska@environment-agency.gov.uk)
Cc: [Bischer, Melanie](#)
Subject: North London Heat and Power Project
Date: 29 June 2015 14:23:10

Anna

We spoke last week regarding some case law referred to by the applicant regarding their proposed noise assessment methodology. I have sought advice from a colleague who has advised as follows:

Have had a look for recent case law on Noise (particularly in relation to noise assessment) and can find only one case, where noise was an issue – a CoA judgment [\[2015\] EWCA Civ 314, Gilbert v SoSCLG and ORS](#) (which agreed with the HC judgment) relating to a site at Bruntingthorpe Proving Ground (BPG) in Leics, where an Enforcement Notice was served and appealed, the appeal was allowed and granted the use of vehicles for various purposes on the former airfield (now a vehicle proving and testing ground). Following the successful appeal, a local resident applied to the HC to quash the permission on the grounds of increase in noise. The arguments surrounded the noise monitoring and assessment submitted as part of the application and a screening direction issued by the SoS relating to the Env effects of noise from the increase in activities and the difficulties arising from the distinction in noise levels attributable to the existing activities (from the 2009 temporary permission) as opposed to the pre-existing activities. Both Judgments found that there would not be unacceptable increase in noise and dismissed the challenge.

This may not be the case being referred to by the applicant, however it appears to be the main candidate based on the information provided. I would be grateful if you could update me on this following your meeting with the applicant on 1 July.

Regards

Will

Will Spencer
EIA & Land Rights Advisor
Major Applications and Plans, The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Direct Line: 0303 444 5048

Helpline: 0303 444 5000

Email: will.spencer@pins.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate.