

LAND AT CRAIG YR HESG QUARRY, BERW ROAD, PONTYPRIDD, CF37 3BG

Technical Objections for Amenity (noise)

Wardell Armstrong
Matt Wilson, Associate Director

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Introduction

1. Wardell Armstrong have been invited by *Rhondda Cynon Taf* to review the information supplied by the appellant in relation to the effect of noise. The reason for refusal on the grounds of detriment of the amenity and well-being of residents, is supported, based on the information supplied prior to 29th March 2022.
2. The main deficiencies in the information supplied as part of environmental statements dated 2014 and 2021 are: unreliable baseline noise data; unexplained use of one data set in favour of another; and inappropriate methodology to derive a noise limit at a residential receptor *Cefn Heulog*.
3. On 29th March 2022, further information was supplied, in the form of new noise data which had been undertaken with appropriate methodology. This data was considered sufficient to provide evidence of a representative baseline at the identified receptors and supported the proposed criteria in the application.
4. As such it was reasonable to refuse the application on technical noise grounds based on the data supplied in the ES 2014 and ES 2021, but subsequent to March 2022 data a refusal based on technical noise matters would not be justified and thus we are no longer pursuing a technical objection on noise. Any non-technical amenity considerations relating to noise are a separate matter for the LPA to address.

Unreliable Baseline Noise Data

5. Policy AW10 requires that development is not permitted where it cannot demonstrate that there will be no unacceptable harm to health and local amenity due to noise pollution. In this case, an aggregate quarry development must derive working noise limits following Minerals Technical Advice Note (Wales) 1: Aggregates (MTAN1) guidance which requires baseline noise data.

6. Baseline noise data gathered in support of ES 2015 and ES 2021 was done so at times when the extant quarry operations were ongoing. Regardless of its auditability at any of the receptors visited, it is not appropriate to describe the data as being representative of the ambient or background noise levels in the absence of existing quarry activity.
7. It is therefore reasonable to conclude that the baseline data from which working limits are derived is unreliable and the appellant is unable to demonstrate there will be no unacceptable harm to health and local amenity due to noise pollution. The requirement of Policy AW10 had not been met.

Use of 2009 data rather than 2014 data

8. ES 2015 reviews data measured in 2013 and 2014. When the data set is chosen to best represent the receptors at Conway Close and Pen y Bryn, an additional data set from 2009 is presented as more representative. The reasons for using different data is discussed in Section 10.6 of ES2015, however apart from saying the levels are higher in 2009 which in turn are lower than ROMP monitoring, no real explanation is given as to why one set of data is more suitable than another.
9. At the time of the submission of ES 2015, the 2009 data is over 6 years old and it is not appropriate to describe the data as being representative of the ambient or background noise levels in the area. Without more discussion on the reasoning, it is not possible for the LPA to determine that the appellant is able to demonstrate there will be no unacceptable harm to health and local amenity due to noise pollution. The requirement of Policy AW10 had not been met.

2015 Noise Limit at Cefn Heulog

10. ES 2015 determines that a representative background noise level at *Cefn Heulog* is 31dB $L_{A90,T}$. Following methodology in MTAN1, the working noise limit should be set at 41dB $L_{Aeq,1h}$ (baseline $L_{A90,T} + 10dB$). The appellant argues that a working noise limit of 45dB would be more appropriate.
11. The argument to support this uplift of 4dB is that 41dB would be below the night-time working limit of 42dB. At this stage there is no night-time working limit at *Cefn Heulog* as it is not listed in current planning conditions for the site by decision notice ref: 08/1380/10, dated 24.04.2013, which include Condition 18 which defines the noise sensitive properties.
12. Paragraph 88 of MTAN1 states that:

...Night-time working noise limits should not exceed 42dB(A) at noise sensitive properties...

i.e. where possible the limit should be below 42dB $L_{Aeq,1h}$, which should be considered as a ceiling. In the event that a night-time limit be imposed at *Cefn Heulog*, there is no guarantee that the level of 42dB $L_{Aeq,1h}$ would be imposed or indeed suitable.

13. There is no provision in Paragraph 88 of MTAN1 that allows a criteria based on background noise plus 10dB, to be relaxed in the event that such a level would impose unreasonable restrictions on the mineral operator.
14. Planning Policy Wales (Edition 11, S6.7.3) requires that the planning system must protect amenity and preserve soundscape quality where it is good. Lower levels of noise from a new source can be annoying or disruptive and impact on amenity if it may result in a change in behaviour, such as no longer using a garden or closing windows when relaxing. Imposing a criteria of 45dB at a property with an existing background below 35dB as has been determined by ES2014, would risk an unacceptable impact on amenity. The requirement of Policy AW10 had therefore not been met.

Introduction of 2022 data

15. Data supplied by Rachel Canham on behalf of WBM included a review of noise monitoring data undertaken on Thursday 17th March 2022.
16. We are satisfied that this data is suitable for the purpose of providing a representative background noise level that can be relied upon for the purpose of determining the working noise limits at nearby sensitive receptors.
17. The data removes the technical noise shortcomings presented by information available prior to 29th March 2022 in that the methodology is appropriate with no noise from the quarry, it is recent and can be reliably taken to represent the existing baseline and does not rely on an inappropriate methodology to derive a noise limit at *Cefn Heulog*.

Conclusion

18. Considering the information prior to March 2022, refusal of the application based on amenity (noise) grounds was appropriate, however subsequent to receipt of updated baseline information we are no longer pursuing a technical objection on noise. Any non-technical amenity considerations relating to noise are a separate matter for the LPA to address.