Application Number PL/0232/21

Land at Hatfield Aerodrome

[Draft] Noise Statement of Common Ground: Hertfordshire County Council & Brett Aggregates

THE PROPOSED DEVELOPMENT

1. A full planning application (reference PL/0232/21) (the 'application') was submitted by SLR Consulting Ltd. ('SLR') on 3 September 2021 (validated 12 October 2021) on behalf of Brett Aggregates Limited (the 'Appellant') for:

   "the establishment of a new quarry on land at the former Hatfield Aerodrome, including new access onto the A1057, aggregate processing plant and other ancillary facilities, together with the importation of inert fill material to restore the mineral workings".

2. The application is substantially similar to the one which was the subject of a planning application in 2016 followed by an inquiry in 2021 with an appeal decision in 2022, but is materially different in a number of important aspects, including:

- The Concrete Batching Plant has been omitted;
- The access road from the quarry entrance has been relocated 5m to the east to allow additional acoustic screening on western boundary of the Appeal Site to be provided;
- Screening bunds and advanced planting has been extended around Popefield Farm Listed Building and the separation distance from its boundary to the mineral extraction area increased.

3. The application was refused on the 12th of January 2024. With regards to noise, it is understood that the third reason for refusal is relevant. This reason is copied below.

   "The proposal does not provide an adequate buffer distance and landscape planting to protect the residential amenities of the occupiers of Popefield Farm. The proposal is thereby contrary to the requirements of Minerals Policy Minerals 18 (vii) (Operational Criteria for the Control of Mineral Development) and the site-specific considerations for Preferred Area 1 of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007".

RELEVANT DEVELOPMENT PLAN POLICY

4. Minerals Policy Minerals 18 (vii) (Operational Criteria for the Control of Mineral Development) provides:

   "All proposals for mineral extraction and related development shall, where appropriate…viii) demonstrate that no significant noise intrusion will arise from the development; …".

ASSESSMENTS UNDERTAKEN AND RELEVANT GUIDANCE

5. With regards to noise the submitted documents were:

   - Chapter 10 of the Environmental Statement. Dated 2021. Hereafter referred to CDxx.

- Submission Pursuant to Regulation 25 of Town and Country (Environmental Impact Assessment Regulations 2017 Appendix 05: Updated Noise Impact Assessment. Dated 2022. Hereafter referred to as CDxx.

6. The second document did not replace or update the first, rather it addressed potential impacts on Popefield Farm that were referenced by the Planning Inspector.

7. The guidance referred to in each assessment is presented in Table 4-1.

Table 4:1 Guidance Used in Each Assessment

2021 ES Assessment	2022 Update Assessment
The assessment was completed with reference to the "*Minerals*" section of the "*Planning Practice Guidance*"[1] (MPG) with calculations undertaken in accordance with BS 5228-1:2009+A1:2014 "*Code of practice for noise and vibration control on construction and open sites – Part 1: Noise*".	The assessment was completed with reference to the "*Minerals*" section of the "*Planning Practice Guidance*"[2] (MPG) with calculations undertaken in accordance with BS 5228-1:2009+A1:2014 "*Code of practice for noise and vibration control on construction and open sites – Part 1: Noise*".
	A Supplementary assessment was completed to assess maximum noise levels with reference to noise limits recommended by the World Health Organisation (WHO). This was outside the scope of the MPG, but it was included as its application would not result in an assessment of the $L_{Aeq,T}$ that differed from the correct approach for the assessment of the $L_{Aeq,T}$ as required by the MPG.

8. It is understood that the Council accept that the impact on Popefield Farm has been adequately assessed. The assessment completed was a worst case with fixed plant positioned at the Plant Processing Area, and mobile plant operating in Phase F at its closest approach to Popefield Farm. It is understood that the Council agree that a $L_{Aeq,1hour}$ dB(A) Site noise limit of 55dB(A) is appropriate. This is in accordance with paragraph 021 of the MPG.

9. WHDC initially provided a response from MAS Environmental, but as an objection on noise grounds didn't then feature in subsequent representations, it is understood by HCC and the Appellant that WHDC do not raise an objection on noise grounds.

10. The Appellant and HCC agree that BS5228:2009:A1:2014 is the appropriate standard for a mineral application as the written Scope in BS5228 explicitly includes mineral sites at Section 1 and 3-11 where it states:

    Section 1

    "This part of BS 5228 gives recommendations for basic methods of noise control relating to construction sites, including sites where demolition, remediation, ground treatment or related civil engineering works are being carried out, and open sites, where work activities/operations generate significant noise levels, including industry-specific guidance".

    Section 3-11

    "Open Site: Site where there is significant outdoor excavation, levelling, or deposition of material.

[1] https://www.gov.uk/guidance/minerals

[2] https://www.gov.uk/guidance/minerals

NOTE 1 Examples include quarries, mineral extraction sites, an opencast coal site or other site where an operator is involved in the outdoor winning or working of minerals".

When determining noise limits from mineral sites BS5228 states in Note 3 on page 15 that:

> *"Specific limits for noise from surface mineral extraction and production for England are detailed in the Technical Guidance to the National Planning Policy Framework". This Technical Guidance is "Minerals" section of the "Planning Practice Guidance".*

11. BS5228 is appropriate as the sole means of the assessment of the proposed development.

12. BS 4142:2014+A1:2019 (BS4142) is not relevant to the Application as the *"Scope"* section of BS4142 states, at Section 1.3-point h) that *"The standard is not intended to be applied to the rating and assessment from… other sources falling within the scopes of other standards or guidance".*

OFFICERS REPORT TO COMMITTEE

13. The Committee Report (CDxx) states at 9.104 that:

> *"Subject to the mitigation measures being implemented prior to the extraction and processing of minerals an acceptable noise environment should be maintained. The proposals, with appropriate planning conditions, are considered to have no significant noise intrusion will arise from the development. The proposal complies with Policy 18 (Operational criteria for the control of mineral development) of the adopted Hertfordshire Minerals Local Plan".*

14. Based on the above, and as stated previously, it is therefore understood that the Council accept that the impact on Popefield Farm has been adequately assessed. The assessment completed was a worst case with fixed plant positioned at the Plant Processing Area, and mobile plant operating in Phase F at its closest approach to Popefield Farm. It is understood that the Council agree that a LAeq,1hour dB(A) Site noise limit of 55dB(A) is appropriate. This is in accordance with paragraph 021 of the MPG.

MITIGATION / CONDITIONS

15. When reviewing the 2021 ES Assessment, which assessed the Site in accordance with the PPG, the Inspector stated:

> *"I find that the appeal scheme, subject to appropriate planning conditions, would not be likely to result in any significant adverse health effects for those residing near or visiting the area".*

16. When reviewing the 2022 Updated Assessment, which further assessed Popefield Farm in accordance with the PPG, and made reference to maximum noise levels, the Planning Officer stated in paragraph 9.104 of the Committee Report dated 31 October 2023 state that:

> *"Subject to the mitigation measures being implemented prior to the extraction and processing of minerals an acceptable noise environment should be maintained".*

17. The results presented in the 2021 ES Assessment are agreed for the following Receptors:

- Number 402 Saint Albans Road West.

- The Lodge.
- Number 616 Hatfield Road.
- Pasture View.
- Radio Nursery.
- Walker Grove.
- Nimrod Drive.
- Jove Gardens.

18. The results presented in the 2022 Updated Assessment are agreed for Popefield Farm.

19. Noise limits in accordance with guidance on noise from mineral working can be regulated by planning conditions. There is no reason to believe that noise limits in accordance with guidance on noise from mineral working could not continue be regulated by planning conditions in accordance with the identified guidance on noise.

20. The conditions proposed in the Planning Officer's Report are agreed and are copied below.

Condition 35:

"Prior to the commencement of mineral extraction, and subsequently prior to mineral extraction in each phase of development, a noise management strategy shall be submitted to and approved in writing by the MPA.

The strategy shall indicate locations for noise monitoring equipment on the site boundary nearest to sensitive receptors and include mitigation measures such as soil bunds and acoustic barriers as may be necessary to ensure compliance with maximum noise limits set out in Condition 50. The strategies shall be implemented in full as approved for the lifetime of the development. Reason: to ensure compliance with accepted noise standards".

Condition 49:

"During temporary operations, such as soil stripping and bund creation, the LAeq,1hour noise level from the temporary operations should not exceed 70dB(A) at the nearest Noise Sensitive Receptors (NSRs) to the site.

During normal operations the LAeq,1hour noise level from the site should not exceed the baseline background (LA90,T) noise level by more than 10dB(A) with an upper limit of 55dB(A) at the NSRs. The permitted noise limits of normal operations at the site at the following NSRs are as follows:

Popefield Farm 55dB(A)

The Lodge 55dB(A)

No 616 Hatfield Road 55dB(A)

Pastures View 53dB(A)

Radio Nursery 53dB(A)

Walker Grove 42dB(A)

Nimrod Drive 43dB(A)

Jove Gardens 54dB(A)

Noise level should be measured in a free field position at a publicly accessible location representative of the façade of the NSR facing the application site.

Reason: in the interests of residential amenity in line with Policy 70 of the St. Albans District Local Plan Review 1994; to comply with maximum noise levels specified in the National Planning Policy Guidance".

MATTERS IN DISPUTE

AGREED BY

Michelle Dawson (MSc., Pgcert., BSc., MIOA)
Technical Director On behalf of SLR Consulting Limited, (17th May 2024).

M DAWSON 19TH NOVEMBER 2024

XXXX
On behalf of XXXX Council, (date .....)

Brian Owen
19th November 2024

Update note to Statement of Common Ground

The County Council has withdrawn the 8 reasons for refusal as set out in the decision notice.
The County Council has also submitted updated conditions dated 31/10/2024 CD 14.19
The County Council in its statement of case set out that it considered a pre-commencement planning condition requiring the submission of an updated deed of variation should be imposed. This is not covered by the conditions draft as above.
The S106 Agreement has now been signed though not engrossed