

**Appeal by Breedon Trading Limited against Denbighshire
County Council's refusal of planning permission at
Denbigh Quarry, Plas Chambers Road, LL16 5US**

Planning Application No.: 01/2022/0523

PEDW ref: CAS-03423-V9Z8M3

Proof of Evidence on Operational Noise

Alasdair Baxter

SLR Consulting Limited

July 2025

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1. Introduction and Personal Details

- 1.1 My name is Alasdair Baxter. I hold a BSc (Hons) degree in Natural Sciences, a MSc. in Environmental Management and the Institute of Acoustics diploma in Noise and Vibration Control.
- 1.2 I am a Member of the Institute of Acoustics. I am a Technical Director with SLR Consulting with whom I have been employed for five years.
- 1.3 I regularly assess the noise impacts of proposed and existing developments and have given evidence at five planning appeals and examinations.
- 1.4 The evidence which I have prepared and provide for this Appeal is true to the best of my knowledge and belief. I confirm that the opinions expressed are my true and complete professional opinions in the matters to which they refer.

2. Scope of Evidence

- 2.1 On 23 January 2024, Denbighshire County Council (DCC) refused an application made by Breedon Trading Limited seeking planning permission for: *Consolidating application for the extension of winning and working of limestone, importation of inert waste and restoration to amenity land at Denbigh Quarry, Plas Chambres Road, LL16 5US.*
- 2.2 Reason for Refusal 3 states: *'It is the opinion of the Local Planning Authority that the proposed lateral extension to the quarry would have a negative impact on the amenity and well-being of local residents. The proposal is therefore considered to be contrary to Local Development Plan Policies PSE 16 'Buffer Zones', PSE 17 'Future Mineral Extraction' and advice contained in Minerals Technical Advice Note 1 'Aggregates', Technical Advice Note 21 'Waste', the Development Management Manual and Planning Policy Wales 11 (Including updated Chapter 6).'*
- 2.3 My evidence deals specifically with the operational noise impacts associated with the application. I shall describe the assessment work carried out, review relevant national and local policies, review relevant submitted representations, and then provide a discussion and my conclusions.
- 2.4 Documents referred to in this Proof:
 - Environmental Statement (ES) (CD1.22)
 - ES Appendix 2 – Scoping Opinion (CD1.23)
 - Addendum to the Noise Assessment SLR Consulting Limited, 2 August 2023 (CD3.01)
 - Environmental Public Health Service Wales 2 (CD4.06)

- Enzygo Environmental Consultants Noise and Vibration Assessment Review (CD4.08)
- Enzygo Environmental Consultants Noise and Vibration Assessment Review 2 (CD4.10)
- DCC Decision Notice (CD5.01)
- DCC Committee Report (CD5.02)
- Denbighshire Local Development Plan (CD6.01)
- Planning Policy Wales Edition 12 (CD6.06)
- Development Management Manual (CD6.07)
- Mineral Technical Advice Note 1 (MTAN1) Aggregates (CD6.15)

2.5 The key document referred to in this Proof is the Addendum to the Noise Assessment (CD3.01) and the reader of this Proof is directed to read this Assessment.

3. Assessment work carried out

- 3.1 A noise and vibration assessment was carried out as part of the Environmental Statement Volume 2 by Pleydell Smithyman Limited (CD1.22) which accompanied the application. The chapter considered the potential impacts from noise and vibration operations associated with blasting, large plant machinery processing rock, and HGVs carrying aggregate within the site, upon the closest residential noise sensitive receptors.
- 3.2 The noise and vibration impact of off-site traffic was screened out of the assessment, as associated vehicle movements are not proposed to change from current permitted levels. This was agreed by DCC in their scoping opinion (CD1.23).
- 3.3 *Planning Policy Wales* (PPW) sets out the land use planning policies of the Welsh Government and is supplemented by a series of Technical Advice Notes (TANs). *Minerals Technical Advice Notes (Wales) 1: Aggregates (MTAN1)* (CD6.15) provides guidance on noise emissions and noise level limits within Paragraph 88:

“Noise limits – noise limits should relate to the background noise levels, subject to a maximum daytime noise limit of 55 dB(A) where background noise levels exceed 45 dB(A). 55 dB(A) is the lower limit of the daytime noise levels where serious annoyance is caused. Where background noise is less than 45 dB(A), noise limits should be defined as background noise levels plus 10 dB(A). Night-time working limits should not exceed 42 dB(A) at noise sensitive properties. Daytime working is defined as 0700-1900 hours and night-time as 1900-0700

hours. Noise limits should be set in terms of $L_{Aeq,T}$ over a 1-hour measuring period. L_{Aeq} is the noise index used to describe the "average" level of noise that varies with time (T) and should be measured "free-field" that is, at least 3.5 metres away from a façade to prevent reflection of noise by any façade that faces the noise source. During temporary and short-term operations higher levels may be reasonable but should not exceed 67dB(A) for periods of up to 8 weeks in a year at specified noise sensitive properties. "

- 3.4 In accordance with MTAN1 guidance, noise level limits were determined from measured baseline sound levels, with impacts considered at human receptors up to 900m from the quarry.
- 3.5 The assessment presented in the chapter concluded that noise from the proposed quarry extension would be within derived limits. It was therefore considered that noise would have a minor adverse impact and was therefore not significant.
- 3.6 DCC employed independent consultants (Enzygo Environmental Consultants) to review the chapter who raised concerns relating to the baseline noise survey and the limited detail for plant and equipment operations on site (CD4.08).
- 3.7 In 2023, the applicant commissioned SLR Consulting Ltd to undertake a new operational noise assessment to address the concerns raised (CD3.01).
- 3.8 The updated assessment carried out by SLR included an updated baseline noise survey and an assessment of operational noise from extraction activities upon the previously assessed existing noise sensitive receptors.
- 3.9 The residential receptors assessed aligned with those in Environmental Statement Volume 2 by Pleydell Smithyman Limited (CD1.22).
- 3.10 In accordance with MTAN1, noise limits were determined using the baseline noise survey data. Baseline noise levels were monitored at six locations representative of the closest receptors. The monitoring was undertaken over 5 days, including a weekend period.
- 3.11 The weekend daytime noise levels were used to determine noise limits. Due to the lower background noise levels associated with the weekend period, the noise limits assessed represented a robust, worst-case approach.
- 3.12 A complete list of operational plant currently used at the Site, and to be used for subsequent phases, was utilised for the assessment of the Proposed Development, where it was assumed that all plant would be operating simultaneously.
- 3.13 For noise associated with temporary operations, the report concluded that predicted noise emissions would not exceed the recommended 67dB limit outlined in MTAN1.

- 3.14 For noise associated with proposed extraction and restoration operations, and cumulative operations, the report concluded that predicted noise emissions would not exceed the recommended noise limits at all receptors, with the exception of Bryn Neffyd, where a +1.3dB difference was predicted during Phase 1.
- 3.15 The report concluded that an exceedance of 1dB would not cause audible change and that the minimum decibel change to the human ear is +/- 3dB.
- 3.16 The predicted noise emissions for Phase 1 were based on all equipment operating at the surface throughout the Phase. In practice, as extraction progresses, a “working face” would be created, with equipment lowering into the quarry and benefitting from attenuation provided by the working face. The predictions for Phase 1 therefore represent a robust overestimate of operational noise.
- 3.17 Reasonable mitigation measures were included by the Applicant in the form of perimeter earth bunding to create acoustic screening and following best practice measures.
- 3.18 The report concluded that in the absence of additional mitigation, the impact at all receptors, with the exception of Bryn Neffyd during Phase 1, was predicted to be none with no effect and not significant. The impact at Bryn Neffyd during Phase 1 was predicted to be minor with no effect and not significant.
- 3.19 Enzygo carried out a review of the SLR noise assessment (CD4.10) and concluded ‘*.. the assessment methodology is accepted. As ambient noise levels at Location 1, Bryn Neffyd, are significantly higher than those predicted, the conclusions of the new, additional assessment are also accepted. However, this is subject to the implementation of best practice noise control measures at the site throughout its working life. It is suggested that a planning condition requiring day to day, normal operations, meet the guidance value of 10dB above the prevailing background noise levels, subject to a maximum limit of 55dB(A) $L_{Aeq,1hr}$, at all receptors is included in any planning consent. It is also suggested that periodic noise monitoring is undertaken to ensure that the permitted limits above are met.*
- 3.20 It is clear from the comments made by the noise specialists working on behalf of DCC that the consultants agreed with SLR that potential noise impacts are capable of being dealt with by way of condition which would allow development to proceed.

4. Consideration of Relevant National and Local Policies

- 4.1 Minerals Technical Advice Note 1: 'Aggregates' (MTAN1) seeks to protect amenity by providing guidance on noise emissions and noise level limits. Paragraph 85 also states '*where the effects cannot be adequately controlled or mitigated, planning permission should be refused.*' As detailed in Paragraph 3.18, it was agreed with consultants acting on behalf of DCC that noise impacts are capable of being adequately controlled by way of condition.
- 4.2 Policy PSE16 – '*Mineral buffer zones*' of the Denbighshire Local Development Plan (CD6.01) prevents sensitive development within buffer zones and advises that extensions to quarries will only be permitted where a suitable buffer can be retained and where it can be demonstrated that there is no unacceptable impact on the environment or human health.
- 4.3 Policy PSE17 – '*Future mineral extraction*' restricts mineral extraction within AONB and where need can be demonstrated and requires inclusion of an appropriate buffer and must include measures to ensure noise is kept to an acceptable level.
- 4.4 In terms of Policies PSE16 and PSE17 of the Denbighshire Local Development Plan, the extension is located within the buffer zone of the existing quarry and the effect of granting permission would be to extend the buffer zone out to the west. As stated in the DCC committee report (CD5.02) '*the proposed extension would not bring the development closer to the nearest sensitive property, and it would not change the way in which the quarry operates*'. The extension is therefore not in conflict with these Policies.
- 4.5 With reference to noise, the Development Management Manual (CD6.07) outlines the requirements for information required to accompany a planning application for working of minerals, which includes a noise assessment. Figure 8 details environmental considerations, which includes details of any measures proposed for the suppression of noise. The assessment (CD3.01) provided complies with this manual.
- 4.6 With reference to noise Planning Policy Wales 11 (including updated Chapter 6) (CD6.06), the document refers to the need to assess the impact of noise on health, well-being and amenity. The noise assessment complies with this requirement. Additionally, the document also states '*the presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.*'

5. Review of Relevant Submitted Representations

DENBIGHSHIRE COUNTY COUNCIL – Environmental Public Health Service Wales (EPHS)

- 5.1 EPHS provided comments relating to SLR's additional noise assessment and stated *'in view of the proximity of the nearest residents, the Regulator should satisfy themselves that defined noise controls are adequate to ensure the site does not give rise to nuisance at residential receptor locations, and that any complaints are investigated and where necessary remedial actions are taken.'*
- 5.2 As confirmed in the DCC committee report (CD5.02) *'no noise complaints have been received in association with the existing quarrying operations (other than noise generated from blasting) by the Local Authority, the North Wales Minerals and Waste Planning Service, or the quarry.'* The appellant has confirmed that this is still the case.

DENBIGHSHIRE COUNTY COUNCIL - Public Protection Officer

- 5.3 As described in Section 3 - Enzygo were commissioned to assess the noise assessment. Following the initial consideration, Enzygo recommended further noise monitoring and assessment was undertaken.
- 5.4 On receipt of the further noise assessment, Enzygo has confirmed acceptance of the baseline data and methodology used. A further recommendation was made for a planning condition to ensure that noise limits are not exceeded, and periodic noise monitoring be undertaken to confirm this.

3rd Party (neighbour) representations

- 5.5 There are a number (approximately 14) of third party objections listing noise as a cause for concern, many of which are concerned with noise during blasting (beyond the technical scope of this document), as well as noise from the operation of extraction machinery and the movement of HGVs on the local road network.
- 5.6 The additional noise impact assessment, accepted and agreed with DCC, addressed operational noise from extraction machinery and concluded that no significant impacts were expected from on-site operations.
- 5.7 The Draft SoCG details three proposed planning conditions relating to noise management, mitigation and monitoring which control operational noise.
- 5.8 Noise from road traffic movements, including HGV movements, was scoped out of consideration in the original and additional Noise Impact Assessments, on the basis that there would be no increase in vehicle movements and no significant impacts were, therefore, anticipated.

6. Conclusions

6.1 A noise impact assessment has been undertaken in support of a proposed consolidating application at Denbigh Quarry, which includes an extension to the winning and working of limestone. Operational phase road traffic noise emissions were screened out of the assessment as the development would not result in additional HGV movements.

6.2 The assessment completed has accounted for comments received during critical appraisal of the noise assessment ES chapter which was submitted to support the 2022 planning application. It has been undertaken in line with appropriate national and local guidance for noise from minerals extraction and has considered the potential significance of effects of noise as a result of operations within the existing and proposed Site.

6.3 The proposed extension area would not be any closer to residential properties than existing operations and there is no history of noise complaint from operational noise (excluding blasting) associated with the current site.

6.4 The assessment has concluded that the effect from operational noise is considered to be 'not significant'.

6.5 The content and conclusions to the submitted Noise Impact Assessment were reviewed and accepted by DCC's independent consultant. The committee report (CD 5.02) indicates there is no objection in relation to operational noise and states that the application has demonstrated that the operations would take place without causing unacceptable impacts on amenity subject to the implementation of best practical means noise control measures throughout the site provided by means of planning condition requiring an agreed noise management plan and monitoring strategy.

6.6 This is followed through in the Draft SoCG, in which three conditions have been agreed between Breedon Trading Ltd and DCC requiring the preparation and approval of a Noise Management and Monitoring Action Plan and the imposition of noise limits which result in agreement that there are no unacceptable impacts from operational noise.