

MEMORANDUM



From: Ian Jones
Public Protection Service Manager

To: David Fitzsimon
Chief Officer Economy and Planning

Our Ref:

Your Ref: P/2023/0318

Date: 06-07-2023

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2023/0318, Bersham Bank Colliery Tip, Colliery Road, Rhostyllen, Wrexham, LL14 4EG

RHYDDHAU AMOD 6 (CYNLLUN GWEITHIO), 14 (SWN) , 16 (AROLWG ECOLEGOL) A 23 (DATGANIAD O DDULLIAU COEDYDDIAETH) CANIATAD CYNLLUNIO P/2015/0337 / DISCHARGE OF CONDITIONS 6 (WORKING PLAN), 14 (NOISE), 16 (ECOLOGICAL SURVEY) AND 23 (ABORICULTURAL METHOD STATEMENT) OF PLANNING PERMISSION P/2015/0337

RPT1 - REPORT REVIEW –

Noise assessment

The noise management plan detailed in Appendix 8 of document BERSHAM (GLENSIDE) LIMITED, THE BERSHAM COLLIERY TIP, RHOSTYLLEN, WREXHAM, NORTH WALES, THE WORKING PLAN, HEALTH, SAFETY & ENVIRONMENTAL (HSE) PLAN. Dated May 2023 (v3). Is not accepted as discussed below:

- 1) The proposed noise limits appear to have been taken from MTAN 1 (Aggregates) however, there is no reference to background noise level requirements within this document:

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 LAeq,T over a 1-hour measuring period. LAeq,T 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.

The applicant should confirm that the above will be adopted and whether night time work is anticipated and if so, the above requirements will be met.

- 2) The plan states that a noise assessment will take place at the start of each phase, without detailing how long each phase is expected to last. Given the proximity of sensitive receptors a defined time interval should be stated in the plan. This time interval should be frequent enough to give confidence that the results are an up to date assessment of site based activities.
- 3) There is no provision within the plan for responses to complaints, A robust mechanism for responding to noise complaints should be incorporated into the plan.

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Head of Service Public Protection