

Rivenhall Integrated Waste Management Facility (IWWMF)

Relevant Representation

19 February 2023

Introduction

Essex County Council (ECC) along with Braintree District Council (BDC), as both the County and the Local Planning Authorities within which this DCO proposal sits, have been engaged with the scheme prior to submission, hence are automatically registered as interested Parties in the Rivenhall NSIP submission to the Planning Inspectorate (PINS) under section 102(1)(c) of the Planning Act 2008. Therefore, ECC's comments will be a material consideration in the consideration of the Development Consent Order (DCO) submission.

Essex County Council has recently published its Policy on how it will engage on NSIP projects to provide clarity and certainty about ECC's position in relation to NSIPs. This sets out when and how we will engage in the development consent process, to ensure that decisions made on DCO's fully considers the impacts, both positive and negative, to the local economy, environment and health and wellbeing of communities across Essex.

As statutory consultees ECC, together with BDC, have important parts to play in shaping these proposals and will continue to engage throughout the DCO process including the forthcoming Hearing in Public and beyond, should ultimately Consent be granted by the Secretary of State for the Department for Energy Security and Net Zero (DESNZ).

With the application site being within a former quarry, and with the development having at least in part permission for an Integrated Waste Management Facility (IWWMF) granted by ECC as the Minerals and Waste Authority, it has a long and complex planning history which ECC consider are material in considering this Consent submission. ECC will comment on this in depth within its Local Impact Report (LiR).

Engagement on this DCO submission has been proactive and positive, made so by the applicant entering into a Planning Performance Agreement for both pre and post submission work, with post submission discussions on going. This has enabled us to properly engage with the applicants Team and move forward to look to produce a comprehensive Statement of Common Ground with the applicant at this time.

It is here noted that this submission stands alone, providing a brief summary of the views of ECC on the submission and we will provide the Examining Authority (ExA) with a LiR to explain the issues and concerns further in more detail.

Essex County Council's Relevant Representation

The Rivenhall Integrated Waste Management Facility (IWWMF) DCO scheme proposes, in the applicants' words, works to the steam inlet control valves of the EfW plant to enable the generating capacity to exceed 49.9MW, through one of two work options, to enable the increased power generation depending on the stage of construction at the time if the DCO is

granted. Each option would enable the EfW plant to generate over 50 MW of electricity through increasing the maximum amount of steam which reaches consented steam turbine, increasing the generating capacity to between 60 and 65 MW making this specific proposal a DCO.

The applicants are currently focusing development of the IWMF on the EfW plant alone with works to implement the same being visible on site, with other aspects of the consented scheme not being implemented by the applicants due to changes, as they state, in the waste market since the original consideration of the IWMF.

The proposals to be considered by way of this DCO mean that waste input to the EfW would remain the same as currently permitted at 595,000tpa. The proposal as submitted also does not seek to change the permitted vehicle numbers which visit the site, the building envelope of the IWMF facility, or stack heights of the IWMF.

Waste

As a Waste related project ECC continues, as the Minerals and Waste Planning Authority for the area, to review the DCO application documents in their entirety. In addition, we will continue to discuss the scheme with the applicants and request additional information and clarification where we see the DCO benefiting from this.

From a waste perspective ECC broadly agrees in balance with the aims and objectives of the project. However, when ECC as the Minerals and Waste planning authority, considered the in principle merits of the IWMF when this was submitted, it was on the basis of an integrated facility being created with a direct use of heat and steam, which delivered sustainable development.

Therefore, we do have concerns and in general we will raise the same throughout the DCO and at Hearings. At this time and without the necessary justification from the applicant, we consider that the IWMF as permitted is not what is being built on site, with it changing to an Energy from Waste (EfW) facility. These concerns should not come as any surprise to the applicant as they have been a common thread through responses made to all statutory and non-statutory consultations. Our concerns are, in summary, as follows:

Climate Change and Greenhouse Gases

ECC acknowledges that there is demand for renewable energy generation and recognises the legal obligation to achieve net zero emissions by 2050. In addition, it acknowledges the Government's stated position that the UK's economic recovery from the COVID-19 pandemic should prioritise the delivery of low carbon projects.

ECC is committed to taking action on climate change and as part of this supports proposals that seek to increase the amount of renewable energy generated in Essex and reduce carbon emissions from the electricity grid subject to other planning considerations such as landscape, visual impact and impact on local communities, provided there are no significant adverse environmental impacts that cannot be managed and/or mitigated.

ECC has set up the Essex Climate Action Commission to advise us about tackling climate change. It was launched in May 2020 for an initial term of two years and has since been extended for a further three years. The commission will run until 2025.

The Planning Inspectorate will be all too aware of the abundance of energy proposals within Essex and the wider East Anglian Region, which will be a prime location and crucial for meeting Government's targets for net zero. The initial purpose of the Essex Climate Action Commission was to set out recommendations on tackling the climate crisis. This included devising a roadmap to get Essex to net zero by 2050.

These recommendations were set out in the commission's report Net Zero: Making Essex Carbon Neutral report, published in July 2021. The report put forwards a comprehensive plan to:

- Reduce the country's greenhouse gas emissions to net zero by 2050, in line with the UK statutory commitments.
- Make Essex more resilient to climate impacts such as flooding, water shortages and overheating.

The recommendations of the commission were accepted in full by Essex County Council. They form the basis of our Climate Action Plan, produced in November 2021.

The current role of the commission is to monitor and drive implementation of these recommendations across greater Essex by:

- Advising on priorities for direction.
- Reviewing and evaluating progress towards net zero.
- Supporting the adoption of climate positive policies and practices at all levels of local authorities in the region.
- Facilitating collective action across the county.
- Encouraging public engagement with residents, businesses, schools, communities, third sector organisations and other institutions of Essex.

In addition, it is recommended that the opportunity to deliver other climate-related cobenefits of the project should be explored in order to make best use of the development as here proposed. For example, educational benefits could be delivered in terms of education

information boards at suitable locations, and school workshops etc, explaining the role of the project in delivering a decarbonised national grid, UK energy security, strategy and tackling climate change.

ECC internally will look to respond in full to the climate change implications of the DCO within its LiR. In summary ECC will look to ensure that the DCO application should summarise the carbon emission figures, to demonstrate the positive carbon impact on the environment. If the DCO were to be granted that carbon emissions should be recorded and published, to show the positive impact even if small.

Noise and Vibration

To respond on this matter, and noting it is Scoped into the DCO, ECC used an external source to consider the implications of this submission and to respond to the statutory consultation into this DCO.

The report, by Mr R Mansfield, a Senior Associate Director at Jacobs who specialises in acoustics, is attached to this response at Appendix 1 in the interest of clarity and to inform the Planning Inspectorate.

The following points are highlighted:

- The submitted PEIR did not provide a response to the comments raised by the MWPA on the Scoping Report with respect to noise.
- The Scoping Report proposed no new baseline data was needed to be gathered as the existing conditions of the existing permission for the IWMF form the baseline. The WPA wholly supports the acoustic specialist view that a new noise assessment is required, and the new noise assessment is undertaken in accordance with BS4142:2014 +1:2019, appropriate for the noise effects of industrial facility on residential properties. The EfW should also be considered as a specific sound source, not the additional component, as BS4142:2014 +A1:2019 is clear that residual and background sound sources/levels should not include any contribution from the specific sound source. It is noted an assessment in accordance with BS4142:2014 +1:2019 has not been carried out as part of the DCO application.
- It should be noted there are no specific noise limits within the Environmental Agency's (EA) Environmental Permit.
- It should also be noted that mineral operations are now located more distant to the IWMF than at the time of the assessment in 2005 and 2015. Extraction operations are now complete on land adjacent to the IWMF, with restoration works largely anticipated to be completed within the next 2 years by 2025, prior to operation of the EfW plant. The mineral processing plant area lies approximately 1.3 km to the north and extraction operations in site A7 lie approximately 1.2 km to the east northeast of the Application Site.

The quarry haul road will in 2025 be the closet element of the quarry to the IWMF at 600m. It is considered that this supports that the noise assessment should be on the basis of an industrial facility as quarrying does now form part of the noise environment.

- When considering evening and nighttime operations the noise assessment should consider the Dry Silo Mortar plant and the bagging plant at Bradwell Quarry processing area which are both permitted to operate in the evenings (18:30 to 22:00) Mondays to Fridays.

Other Wider Concerns

From a wider perspective discussion on a number of topics are ongoing but at this time the following are raised:

- ECC would like to reiterate that the current development is permitted as an Integrated Waste Management Facility and there is no reference to “Energy Centre” in the currently approved description of development and reference to such should be removed.
- ECC remains unclear why the whole of the built development element of the IWMF forms the planning application boundary for the DCO, as the CHP element of the IWMF is only a small section of the IWMF built element of the site.
- ECC remains concerned that development of a CHP/EfW plant standing alone is not consented by the existing planning permission. Thus, the wording of the DCO is not considered acceptable in this respect. The DCO should make clear that energy generation can only take place if the EfW is part of an Integrated Waste Management Facility as permitted or a separate planning permission is gained for a standalone EfW plant.
- The IWMF included a market de ink paper plant (MDIP), using heat and steam to reprocess recovered paper. It was anticipated in 2015 that approximately half the heat and steam from the CHP would be used in the MDIP. Therefore, the proposals to increase the power output of the facility arises partly from the current intention by the developer not to build the MDIP.

Contact us: Mark
Woodger



Principal Planning Officer
Sustainable Growth

Essex County Council
County Hall, Chelmsford
Essex, CM1 1QH

The information contained in this document can be translated, and/or made available in alternative formats, on request.

Appendix 1

Rivenhall IWMF DCO Preliminary Environmental Information Report Noise response

Consultation Request Details

DCO Case Reference	EN010138
Site	Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF
Proposal	Rivenhall Integrated Waste Management Facility and Energy Centre.
Case Officer	Claire Tomalin
Date of request from ECC	27/07/23
Date of response	09/08/23
Jacobs Ref	B3553P13/93
Jacobs Consultee	Robert Mansfield
Information reviewed	EIA Scoping Report, Rivenhall IWMF Development Consent Order Project. Quod, April 2023. Scoping Opinion: Proposed Rivenhall IWMF and Energy Centre. PINS, 6 June 2023 Rivenhall IWMF Development Consent Order Preliminary Environmental Information Report Volume I – Chapters, June 2023. Preliminary Environmental Information Report Volume II Appendices June, 2023.

Site History and Existing Consent Conditions

Current site use	Consent for IWMF generating less than 49.9MW granted in 2016. Excavation and enabling works underway in April 2023.
Consent number	ESS/34/15/BTE
Consent date	26 February 2016

	Condition Number	Summary
Temporary operations	42	Noise limit of 70dB LAeq 1hr for upto 8 weeks in any 12 month period. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, or as agreed with the WPA.

Normal operations	38	<p>Freefield daytime (0700-1900hrs) LAeq 1hr noise limits:</p> <ul style="list-style-type: none"> • Herring's Farm 45 • Deeks Cottage 45 • Haywards 45 • Allshot's Farm 47 • The Lodge 49
		<ul style="list-style-type: none"> • Sheepcotes Farm 45 • Greenpastures Bungalow 45 • Goslings Cottage 47 • Goslings Farm 47 • Goslings Barn 47 • Bumby Hall 45 • Parkgate Farm Cottages 45 <p>It should be noted, that with the exception of the last two locations, these noise limits mirror those within the consent for normal mineral extraction operations at Bradwell Quarry (ESS/12/20/BTE).</p>
	39	Freefield evening (1900-2300hrs) noise limit of 42 dB LAeq 1hr at all noise sensitive properties.
	40	Freefield night-time (2300-0700hrs) noise limit of 40 dB LAeq 5 min at 1m from the façade facing the site of all noise sensitive properties.
Monitoring requirements	41	Quarterly noise monitoring at up to 5 locations to be agreed with WPA. 2 No. 15 min daytime (0700-1830hrs) periods, and 2 No. evening/nighttime (1830-0700hrs) periods.
Operational hours	34	<p>Mineral Extraction:</p> <p>0700-1830 hrs weekday</p> <p>0700-1300 hrs Saturday</p>

	35	Construction: 0700-1900 hrs Monday to Sunday, but not Bank Holidays.
	36	Importation and export of materials during IWMF operation: 0700-1830 hrs weekdays 0700-1300 hrs Saturdays 1000-1600 hrs Sundays and Bank Holidays as required by WDA and agreed with WPA.
HGV movements	3	Limits for mineral extraction and IWMF operations: 404 HGV movements per weekday. 202 movements on Saturdays. Sundays and Bank holidays as agreed by WDA and WPA.
	4	Limits for IWMF construction: 404 HGV movements Monday to Sunday
Other noise related conditions	19	Process layout and configuration details to be agreed by WPA.
	69	Noise assessment to be updated once layout and configuration agreed under C19. Compliance with C38 to be demonstrated and agreed by WPA.
Historic site uses	WWII airfield and Bradwell Quarry	

The original consent ESS/34/15/BTE has been subject to a number of applications for discharges of conditions and non-material amendments including:

- NMA6 – changes to working hours May-December 2023 to allow concrete pours. Noise mitigation considered.

No submissions have been identified from the Essex County Council's (ECC) planning portal website regarding C41 (Noise monitoring), C19 (process layout details) or C69 (updated noise assessment).

Summary of Noise/vibration Related Aspects of the Proposals

On-site activities (construction, operation, restoration)	<p>Increase in the generating capacity of the Energy from Waste (EfW) process to over 50MW (approx. 65MW) via modification of governor valves to increase steam capacity or installation of unrestricted governor valves. These works will take 1-2 weeks.</p> <p>No change to building envelope, quantity of waste.</p> <p>Scoping opinion requires additional justification to scope out vibration effects.</p> <p>Scoping Opinion requires identification of noise and vibration impacts arising from increased volume of steam sent to turbine.</p> <p>Scoping Opinion does not agree to scope out all construction effects and, requests clarification of whether existing Environmental Permit will apply to the Proposed DCO development.</p>
Site access	No change – via Bradwell Quarry access to A120
Road traffic	No change to HGV numbers. Scoping Opinion confirmed road traffic noise as scoped out.
Operational hours	No change.

Noise/Vibration Sensitive Receptors

The Scoping Opinion requires that all noise sensitive receptors are identified, and justification provided for any that are excluded from assessment.

From an examination of the application information submitted and publicly available Ordnance Survey mapping and aerial photography (www.maps.google.com, www.bing.com/maps, www.magic.gov.uk), potential noise sensitive receptors may include (but not be limited to):

Receptor	Approximate Distance from site	Direction	Comments
Residential (including hotels etc)	425m	East	The Lodge, Woodhouse Lane (as per Scoping Report 8.5.7)
	660m	West	Sheepcotes Farm (as per Scoping Report 8.5.7)
	745m	North	Heron's Farm, Cut Hedge Lane (as per Scoping Report 8.5.7).
	750m	West	Brick House (as per Scoping report 2.1.9)
	1km	North west	Gosling's Farm, Sheepcotes Lane (as per Scoping Report 8.5.7)
Receptor	Approximate Distance from site	Direction	Comments

	1km	South and south west	Jewitt Way, Silver End – ECC response to scoping report identifies these new receptors under construction and some occupation. Silver End and Park Gate Road identified by Braintree District Council response to Scoping Report.
	No other residential properties within 1km according to Scoping report 2.1.9. Scoping opinion has confirmed human health impacts are scoped out.		
Schools			
Hospitals/Healthcare			
Offices/commercial property	400m	South East	Industrial estate at Allshots Farm.
Community facilities (including Places of Worship)	-	-	-
Ecologically designated sites	290m	South	Storey's Wood Local Wildlife Site (Scoping Opinion requires its consideration).
	900m	South east	Upney Wood (Scoping Opinion requires its consideration).
	Note that although ecological effects have been agreed by the Scoping Opinion as scoped out, it does require these to be considered as potential receptors for noise and justification be provided for their exclusion.		
Heritage assets	Archaeological and cultural heritage agreed by Scoping Opinion as scoped out.		

Scope of Assessment

The Scoping Report proposes that no new baseline data needs to be gathered as the existing consent noise limits form the basis of the baseline. It is also noted at 8.3.6 that operations at Bradwell Quarry may potentially influence the daytime baseline noise levels, but that evening, weekend and night-time periods would not be influenced. This has failed to acknowledge the consented operations of the Dry Silo Mortar Plant from 0600-0700 and 1900-2200hrs.

The ECC response to the Scoping Report has identified that the primary guidance to be used for operational noise impact assessment should be BS4142:2014 +A1:2019. It also notes that there are no specific noise limits set by the existing Environmental Permit. Additional background noise monitoring was not considered as necessary, except for the new receptors identified on Jewitt Way, Silver End.

The Braintree District Council (BDC) response to the Scoping Report warns against the use of the existing planning condition noise limits to assess the likelihood of residential effects. That is, correlation between planning condition compliance and residential effects should not be used by the ES. It is noted that compliance with planning limits would involve the specific noise levels only, and not the rating noise levels (which would include any appropriate penalties related to the characteristics of the noise). An updated survey is requested, with the lower of historic and new data being suggested as a basis for setting thresholds. An assessment of rating levels compared with background levels is recommended in accordance with BS4142:2014 +A1:2019.

It is noted that the Scoping Opinion requires due consideration to the potential impacts on ecological receptors. Typically, this would be contained within the Ecology chapter of an ES; however, it is noted that ecological effects have been agreed by the Scoping Opinion as scoped out. Therefore, it will be necessary for this element to be considered within the Noise and Vibration Chapter.

PEIR Review

Chapter 8 of the PEIR relates to noise and vibration. Comments are provided on relevant chapter sections below in the order they are contained within the document:

8.2 Legislation, Planning Policy and Guidance

The chapter references the majority of the documents expected and largely represent the current framework for noise assessment of this nature. However, we would expect reference to be made to Planning Practice Guidance – Noise, which provides guidance on matters of planning in considering and managing noise from new developments.

It shall be noted that reference is made to BS 4142:2014+A1:2019 within this section, which is appropriate given the nature of the application, i.e. the potential noise effects from an industrial facility on residential receptor. However, no further consideration is made within the chapter to this Standard. Further comment is provided on this below.

8.3 Consultation

Table 8.1 summarises “key comments raised by consultees of relevance to this assessment during the EIA Scoping study and how the assessment responded to them.” Responses are provided to comments raised by the Planning Inspectorate and BDC. Responses are not provided to the comments raised by ECC (see ‘Scope of Assessment’ above), which given the relevance of these comments and the planning history of the site, would be expected.

With regard to the comments responded to, we note the following response to the Planning Inspector’s question relating to whether there will be an increase in turbine rotations and the consequential effect in terms of noise and vibration: “The total amount of steam generated by the Consented Scheme will not be changed by the Proposed Development. The increased volume of steam to the turbine does not increase the number of turbine rotations. This is because the generator, which is connected to the turbine, is required to operate at a fixed speed in order to generate electricity at the correct frequency for the grid (50 Hz). Notwithstanding, the ES will provide an

assessment of potential noise effects of the operational phase of the Proposed Development.” It is unclear how the facility will therefore generate a greater output of electricity, e.g. increased or modified plant, how this varies from the original application in 2008, and what are the implications in terms of noise emissions. Such information should be provided within the ES.

With regard to the response to BDC’s comment relating to source data, the document responds: *“Octave band sound power levels for proposed plant have been provided by the EPC contractor and will be used for the purposes of the assessment.”* This does not appear to respond directly to the BDC query. However, we read this to infer that Method 2 would be utilised, that being source noise data provided by the EPC contractor would be used in the noise modelling exercise. It would be expected that sufficient details be provided within the ES to demonstrate that the source noise data is robust, including details of how the data was obtained (i.e. measurement methodology, test certifications, etc) and under what operating conditions (e.g. operating under full load).

With regard to the response to BDC’s comment that an updated survey is undertaken to identify thresholds and that background sound levels obtained from these should be compared to rating levels from the facility, the document responds: *“An updated survey has been undertaken, the results of which will be included as an Appendix within the ES Chapter. In terms of the proposed assessment methodology and thresholds used, this remains in-line with the methodology used for the Consented Scheme and has been agreed with the Inspectorate. Therefore, the noise limits used as part of this assessment will remain consistent with the Consented Scheme.”* Firstly, it is unclear if the “updated survey” relates to the additional receptors at on Jewitt Way, Silver End (see Scoping Response from Essex CC), or to a more expansive survey including those existing receptors contained within the extant Planning Permission (as requested by BDC). Secondly, it shall be noted that there is no comment within the Scoping Opinion to the effect that the Inspectorate has agreed with the methodology. In fact, reference should be made to 1.0.11 of the Scoping Opinion which states *“This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate”*.

8.4 Assessment Methodology

Under ‘Operational Vibration’ the chapter sets out justification for scoping out operational vibration. We would agree that, given the separation distances involved, that operational vibration can be scoped out.

Under ‘Establishing Baseline Scenarios’, the chapter states that a noise survey undertaken in 2015 demonstrated that initial noise measurements undertaken in 2005 were still relevant. Firstly, we would wish to see the information to substantiate this statement. On reviewing previous documentation, we can observe statements to this effect; however, we cannot locate the supporting evidence. Secondly, given that it has been almost 8 years since the 2015 survey and 18 years since the original survey, we would seek further justification to robustly demonstrate that the baseline data used for the basis of the assessment remain valid.

Also under ‘Establishing Baseline Scenarios’, reference is made to Future Baseline stating *“The baseline for the noise and vibration assessment is taken as the Consented Scheme Future Baseline; this is defined as the operation of the Consented Scheme once fully constructed and operational”*. Clarification would be sought on this as this implies the noise baseline consists of the consented scheme, which would not be considered an appropriate approach. Instead, the baseline should consist of the scenario without the facility in use. In considering BS4142:2014+A1:2019, the Standard is clear that the residual and background sound sources/levels should not include any contribution from the specific sound source. Given this application is for a revision to the consented specific

sound source, then it can be considered that the entire facility is the specific source, not the additional component.

Also under 'Establishing Baseline Scenarios', the chapter presents the current planning conditions (Conditions 38, 39 and 40), concluding in 8.4.18 that these will be used for the basis of the assessment for the proposed development (note BDC and ECC concerns within the Scoping Opinion to this approach, highlighted earlier). Firstly, reference is made to comments above with regard to demonstrating the suitability of using historic noise measurements for the basis of establishing noise limits. Secondly, it would be expected that the ES robustly demonstrate that the use of the current noise limits remains valid. In particular, reference should be made to BS4142:2014+A1:2019, given this is recognised as the appropriate guidance when considering the noise effects of industrial facilities on residential premises.

We would agree with BDC that relying on extant planning conditions as a basis for determining significance is not appropriate without further consideration given to their derivation and continued suitability. It shall be noted that an assessment in line with the requirements of BS4142:2014+A1:2019 would allow the consideration of impact in accordance with the most current and relevant guidance. It would enable consideration of existing and updated baseline noise monitoring to confirm or revise proposed noise limits. In deriving such limits, the Standard allows for due consideration to be given, as appropriate, to matters such as absolute noise levels (i.e. consideration to guidance in BS 8233 and WHO), context of the sound, and characteristics of the sound.

It is noted that the 2009 Planning Inspectorate's decision makes reference to BS 4142 (note this would be the 1997 version of the Standard) in considering the potential impact from noise, with no specific reference appearing to other guidance or Standards. Para 13.69 of the decision states: *"...The assessment of operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and 22 to 30 dB(A) for night time periods. I am satisfied that such levels of noise would not have a material impact on the amenity of local residents."* It is assumed that the Inspector drew this conclusion based on the Golder Associates Noise Impact Assessment (NIA) submitted with the original application, which stated *"...However, in the absence of other relevant guidance the application of BS 4142 has been applied for the assessment of the noise impact from the proposed eRCF operations."*

Reference to the predicted noise levels stated above are contained in the Golder Associates NIA. The NIA compares these predictions to *"existing noise limits associated with the existing quarrying operations within Bradwell Quarry"*, noting that these limits were derived with reference to historic minerals guidance (e.g. MPS 2). These existing limits appear to then form the basis of the consented permission for the IWMF. As such, it would appear that guidance relevant to minerals working has been used for an industrial facility. Although, the IWMF is cited withing a minerals development, it is an industrial facility and therefore, the approach taken is questionable.

Under 'Identifying Likely Significant Effects', the chapter states *"The predicted noise levels undertaken by HZI, who are the Engineering, Procurement and Construction (EPC) contractor for the Proposed Development, will be used and are based on the exact specification of the plant"*. As discussed above, it would be expected that sufficient details be provided within the ES to demonstrate that the source noise data is robust. It would also be expected that sufficient information be provided to allow third parties (e.g. BDC and ECCs Acoustic adviser's) to verify the predictions provided. Furthermore, as part of any review by third parties, it would be expected that noise model files would be made available.

Also under 'Identifying Likely Significant Effects', Table 8.4 presents magnitude of impacts derived through comparing predicted specific noise levels against the noise limits with conditions 38, 39 and 40. Notwithstanding comments above relating to the validity of continuing with these limits, and the previous comments from ECC and BDC on their suitability, these should be viewed as maximum not to be exceeded. We would not agree with an assessment approach which infers an exceedance of a noise limit as . That is, limits by definition, are set for the purpose stipulating a threshold to protect sensitive receptors, not to be exceeded.

Determining Effect Significance

Table 8.5 presents a scale of sensitivity for receptors. Ultimately, when combined with the magnitude of impact (see previous comment on this matter) this results in a significant of effect within the assessment. Notwithstanding the general disagreement with the assessment approach used, no justification is provided on why night-time is deemed as more sensitive when compared to daytime. Furthermore, in using this approach, we would question where does the evening period fall in this table?

Table 8.7 presents a Significance of Effects Matrix. The matrix infers that, during the day, defined noise limits can be exceeded by 3 dB before a significant effect is determined. Whereas, at night, any exceedance of the noise limits would result in a significant effect. We refer to our comments above on the appropriateness of such an approach and the question of a variation in sensitivity between day and night. Notwithstanding this, if such a matrix was employed to determine significance, this particular concern would be alleviated through applying consistent sensitivities for day, evening and night-time periods, i.e. deploy 'High' sensitivity for all periods for residential premises.

Under 'Assumptions and Limitations', reference is made to data provision by the EPC Contractor. We would refer to previous responses on this with regard to ensuring sufficient detail is provided to demonstrate that the source noise data is robust.

8.5 Baseline Conditions

Under 'Future Baseline Scenario', the chapter notes *"The operation of the Bradwell Quarry to the north of the Proposed Development may have the potential to impact on daytime baseline sound levels. Therefore, once operations at the quarry cease daytime baseline sound levels at the nearest receptors may decrease. However, it is considered that the more sensitive evening, weekend and night-time baseline levels would not be influenced by changes in the operational status of the quarry."* However, the ES should take account of the Dry Silo Mortar plant that is consented for the site and operates during the evening and a proportion of the night-time periods.

8.6 Assessment of Operational Effects

The assessment is currently based on an assessment undertaken by Belair Research Limited in 2015. It should be noted that comments provided on this assessment in 2015 and 2016 highlighted that a number of assumptions had been made within the noise modelling process that required resolution, including confirmation of various plant items. Therefore, caution should be applied to the predictions presented at this time. Notwithstanding this, and with reference to comments above with regard to reviewing assessment criteria, only once updated predictions are robustly presented, can it be determined if there is the potential for adverse impacts.

8.7 Cumulative Effects

Notwithstanding previous comments on the use of existing noise limits to form the basis of the assessment, when considering cumulative effects, the ES should ensure that different elements of the site do not combine to result in exceedances. For example, should both the proposed facility operate and the DSM be permitted to operate at 42 dB $L_{Aeq,T}$ at night, this could result in a combined noise level of 45 dB $L_{Aeq,T}$.