

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 ('THE 2017 EIA REGULATIONS')

Appeal by: Provectus Remediation Ltd

Site Address: Hilltop Farm, Derby Road, Clay Cross, Chesterfield, S45 9AG

The Planning Inspectorate email dated 19 July 2017 states:

“ES section 7.2.30 Residual Impacts (noise) appears to be missing text in the first sentence that would draw a conclusion regarding significance. Please confirm what the actual wording of the section should be. The Appellant must provide an assessment of significance for noise effects arising from the proposed development, rather a description of effects based on ‘acceptability’.”

ES section 7.2.30 “Residual Impacts” states:

“As operations can be carried out within the limits proposed by the two suggested conditions except for those affecting Hilltop Farm. However, this property is owned by one of the landowners which is owned by one of the landowners and therefore would not need to be protected by means of a noise limiting condition, as separate arrangements could be made between the operator and the occupants, if noise levels become unacceptable.”

The significance for noise effects arising from the proposed development can be summarised as set out in the following table, based on the Planning Practice Guidance “Assessing environmental impacts from minerals extraction Noise emissions”, paragraphs 019 to 022, dated 06 03 2014.

Noise Effects	Calculated Site Noise Levels at Specified Noise Sensitive Property			
	Normal Operations	Normal Operations	Normal Operations	Short-Term Activities
	Daytime Period	Evening Period	Night-time Period	Daytime Period
	07:00-19:00	19:00-22:00	22:00-07:00	07:00-19:00
	dB L _{Aeq} , 1 hour, free field	dB L _{Aeq} , 1 hour, free field	dB L _{Aeq} , 1 hour, free field	dB L _{Aeq} , 1 hour, free field
Significant adverse effect	> 55 and > LA90+10	> 55 and > LA90+10	> 42 and > LA90+10	> 70 and > 8 weeks per year
Adverse effect	≤ 55 and > LA90+10	≤ 55 and > LA90+10	≤ 42 and > LA90+10	≤ 70 and ≤ 8 weeks per year
Good standard of amenity	≤ 55 and ≤ LA90+10	≤ 55 and ≤ LA90+10	≤ 42 and ≤ LA90+10	Not applicable
Negligible effect	< 55 and < LA90	< 55 and < LA90	< 42 and < LA90	Not applicable

Note: See “Appendix J - Tables of Calculated Site Noise Levels” in the WBM Noise Assessment Report dated 07 August 2014

Note: See Background Noise Level dB L_{A90, T} in Environmental Statement Chapter 7 paragraph 7.2.8 and in table on page 12 of the WBM Noise Assessment Report

Note: No operations, other than use of a dewatering pump, are proposed for the Evening Period

Note: “Short-Term Activities” are also referred to as “Temporary Operations” in the ES Noise Chapter

ES section 7.2.30 "*Residual Impacts*" should state:

"At all locations except from Hilltop Farm, operations can be carried out within the limits proposed by the two suggested conditions which would avoid significant adverse effect.

Hilltop Farm is owned by one of the landowners and therefore would not need to be protected by means of noise limiting conditions, as separate arrangements could be made between the operator and the occupant if noise becomes a significant adverse effect."

Dr Paul Cockcroft

WBM

21 August 2017