

## Email Note

To: **Emma Pearman** From: **Dr Robert Storey**  
Company: **CEMEX UK Operations** Date: **31 January 2023**  
Email: **EmmaLucy.Pearman@cemex.com** Ref: **5173**  
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Subject: **CEMEX Hamble – Initial Response to Regulation 25 Information on Noise Limits**

Good afternoon Emma,

Thank you for providing me with the response to Hampshire County Council from the Environmental Health Officer at Eastleigh Borough Council in relation to the Regulation 25 information provided by CEMEX regarding the application for sand and gravel extraction and processing at the former Hamble Airfield site.

The response states:

*"We are unable to support the application until such time Eastleigh Borough Council's noise limits are used and mitigation measures are planned to control emissions and propagation over the site boundary. The operation noise limit is a Rating Level determined by BS4142: 2014 at least 5 decibels below the lowest Background Sound Level during in hourly intervals over an operating day.*

*For the construction of noise bunding and barriers, the noise limit is to be according to the ABC method advised by BS5228: 2014. Noise limits for construction are higher, to allow for short term works necessary to establish the site before operation commences.*

*We recommend the applicant prepares a revised noise impact assessment to demonstrate means to comply with our noise limits.*

*We have noted from the information provided via Regulation 25 higher noise bund or noise barrier on top of this will help."*

WBM consider that the requirements of the Environmental Health Officer and Eastleigh Borough Council are not appropriate and are contrary to the current Government guidance relating to mineral sites, as the Hamble site would be considered to be.

As this is a mineral site, the operation of such a site should be covered by the Government guidance relating to mineral sites (Planning Practice Guidance - Minerals) as it was in the assessment undertaken by WBM. The use of BS4142 to suggest site noise limits for such an operation is entirely inappropriate.

BS4142 is described within the standard as follows:

*"1.1 This British Standard describes methods for rating and assessing sound of an industrial and/or commercial nature, which includes:*

- a) *sound from industrial and manufacturing processes;*
- b) *sound from fixed installations which comprise mechanical and electrical plant and equipment;*
- c) *sound from the loading and unloading of goods and materials at industrial and/or commercial premises;*  
*and*
- d) *sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from fork-lift trucks, or that from train or ship movements on or around an industrial and/or commercial site."*

The use of BS4142 is completely inappropriate for mineral sites such as Hamble as the standard also states:

*"The standard is not intended to be applied to the rating and assessment of sound from...*

*h) other sources falling within the scopes of other standards or guidance."*

In other words, as there is existing Government guidance for mineral sites such as Hamble, that existing guidance is what should be used for assessing noise from such a site.

The first draft of the 2014 revision to BS4142 stated that it was not suitable for mineral sites and one of the authors has since stated during an Institute of Acoustics (IoA) presentation relating to the use of BS4142:2014 on 9th June 2020 that this text should have been retained to prevent the use of the standard for mineral sites for which it was not intended. A response provided by the IoA to the BS4142 2014 consultation similarly suggests this clarification in respect of minerals sites, further supporting that the standard should not be applied where there is existing guidance. Under "Scope" the IoA consultation response states *"The reason for excluding mineral extraction and wind turbines is assumed to be because there is specific planning guidance that applies, and this should be referred to. Other exclusions should be similarly clarified."*

Temporary operations such as the construction of bunds and soil stripping is also specifically referred to in the Government guidance relating to mineral sites (Planning Practice Guidance - Minerals) and these operations were covered with regard to that advice in the assessment.

As noted in the noise assessment prepared by WBM, the calculated noise levels from the construction of bunding/temporary operations were undertaken using the calculation methodology described in BS5228. This calculation methodology is considered appropriate as there is no specific guidance on calculating noise levels for mineral sites provided in the Planning Practice Guidance - Minerals document.

However, it is inappropriate to use the noise limits prescribed in BS5228 as these apply to construction sites and there are noise limits already recommended in Government guidance for these specific types of operations at minerals sites. To apply the noise limits in BS5228 would be contrary to Government guidance.

The proposed use of the BS5228 "ABC Method", as suggested by Eastleigh Borough Council could be appropriate for the construction of the processing plant, but for nothing else on the site as this is not a construction site.

As such, the approach used and the assessment is valid and the comments from Eastleigh Borough Council are not appropriate and a revised assessment should not be required.

The latest Eastleigh Borough Council Local Plan that was adopted in April 2022 (after the submission of the planning application and the accompanying noise assessment) includes text relating to pollution and specifically noise, however this appears to be mostly relating to industrial and/or construction noise rather than noise from mineral sites.

In fact, the section on noise presents a table (based on information in BS8233) which includes a note at the base of the table stating:

*“Where development site affected by non-steady noise source, commercial or industrial noise, or noise that does not follow a typical diurnal pattern, the acceptability of noise levels will be determined on a case by case basis.”*

This description may be considered to be applicable to mineral sites.

The main intention of the local plan would appear to be to prevent a development causing *“loss of amenity or impact on public health or other unacceptable environmental impacts”* due to potential pollution from such as noise. This is addressed in the assessment based on the current Government guidance on noise from mineral sites to demonstrate the impact on the amenity of the nearest residences.

The plan refers to the National Planning Policy Framework (NPPF) for which Planning Practice Guidance was created as an accompanying document replacing (but retaining the same advice with regard to noise limits for mineral operations) as the 2012 document *“Technical Guidance to the National Planning Policy Framework”*.

As such, the assessment was conducted in line with both the current Government guidance in PPGM as well as the requirements of the Eastleigh Borough Council local plan adopted in 2022.

The suggestion by Eastleigh Borough Council that this site should be subjected to more onerous noise limits than those that would be suggested by the Government guidance for sites such as this by using standards that are not normally used for the assessment of such operations would put an excessive and unwarranted burden on the operator.

The response also refers to other “unclear matters”, which has been taken to mean the following points with the reply from WBM and CEMEX in red following each point:

*“How will maintenance be carried out to alleviate noise emission increase from wear and tear?”*

All plant and equipment will be regularly maintained to the manufacturer’s specification. This can be detailed in a Noise Management Plan required by condition.

*“How much can the operator influence the noise from machines ?”*

All personnel operating machines will be fully trained and this could be stated as part of a Noise Management Plan submitted to satisfy a condition requiring the preparation and approval of such a document. Maintenance as detailed above will also be a factor in influencing ongoing noise generation from plant.

*“What is the contingency for peak periods? Is sand delivery to customers even and consistent throughout the day?”*

The requirement for and production of mineral for export to customers may not be consistent and is likely to be higher earlier in the morning, but the assessment addressed the worst case scenario in terms of vehicle numbers and on times for use of plant and therefore the presented site noise levels are for peak times with all plant operating at once for the full assessment period. During periods when there is less demand site noise levels could be expected to be lower.

*“What if the customers need more sand in the early part of the day? “*

As stated above, the process will be the same and it is therefore just likely that the operation in the processing plant area will be closer to the 100% on time scenario considered in the calculations.

*“Are there other sand quarries to refer to on the typical operating pattern?”*

This is irrelevant in terms of the conclusions of the noise assessment. See Table 5.1 in Part 1 of the Transport Assessment for a typical HGV profile of a CEMEX quarry in terms of vehicles per hour.

*“Would an audio demonstration help to communicate the EIA predication and everyday experience of dwelling holders to site noise? “*

This would help show the dwelling holders what the character and level of noise is likely to be and can be very useful. It is also beneficial to allow the dwelling holders to visit a similar site and to walk around the local dwelling areas. WBM would suggest that those interested in such a demonstration could be transported to a similar site and given the opportunity to see the processing plant and extraction operations in practice. To give a better indication of off-site noise levels, it would be useful for the party to visit the nearest residential areas to the site to observe the impact of site noise in an appropriate context to provide them with an idea of potential site noise in such an environment. CEMEX can provide this if required.

It is hoped that this response addresses the points of concern to the EHO at Eastleigh Borough Council and can help resolve any outstanding issues regarding the proposals.

Regards

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Senior Consultant

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