

Date 2nd May 2018

Ref: WK/LW/799/CM(EIA)

Mr Jeremy Patterson

Development Control

East Sussex County Council

County Hall

St Annes Crescent

Lewes

East Sussex

BN7 1UE

Southover House

Southover Road

Lewes BN7 1AB

Dear Mr Patterson,

**Proposed aggregate importation and processing and the preparartiob and manufacture of value added products**

**LW/799/CM(EIA) Brett Aggregates Ltd, Fishers Wharf, Newhaven Port, Newhaven - Noise and Air Quality.**

Thank you for consulting Environmental Health at Lewes District Council regarding this application. We have over the last 8 months reviewed and assessed the application and the supporting documents, which subsequently resulted correspondence with East Sussex County Council, the applicants and their consultants, up to and including the latest information provided in your email of the 25th April 2018.

The site on Fishers Wharf, part of East Quay lies within a working port and as such the unloading of the aggregates from dredging vessels, falls outside this application, albeit, the discharging of aggregates can be noisy. Newhaven Port has been in existence for many hundreds of years and determines the character of the Newhaven.

In considering this application we have regard to the following:

1. The proximity of Newhaven Air Quality Management Area
2. The nature of the river valley and proximity of sensitive receptors
3. The nature of the site
4. That this is a brownfield site within a working port

In making our comments we have regard to the Environmental Impact Assessment accompany this application, the Technical Notes issued by WBM Acoustic Consultants and RPS in February and January 2018 respectively, Southdowns Environmental Consultants (SEC) reports and the Transport Assessment review produced by East Sussex County Council. We also recognise and understand that the proposed concrete block making plant and ancillary buildings has been withdrawn.

**Noise Impact**

The EIA excludes the potential impact from the noise created by the dredging vessels berthing and discharging. Such activities are within the ports General Development Order. From experience of working in and around ports this activity can be a cause of complaint. We ask that ESCC should seek assurances from Bretts that they will establish a community liaison group that seeks to engage with local residents on the impact of the vessels and that vessels should be operated in accordance with current and emerging best practical means with regard to reducing noise and air pollution.

The application includes the proposal to reinstate the harbour railway line to enable the export of aggregates from this facility by rail. Such a development is welcome on the grounds of reducing the number of lorry movements required to serve the proposal and so positively impacting on air quality and greenhouse gases. However, it remains unclear if the railway movements, particularly the departure of trains from the sidings will be during the daytime? Presently, there is one freight training operating in Newhaven and because of the length of the train and circumference of bends along the line the train produces a loud high pitch wheel/track squeal, which can be disturbing to those living along the line. We ask that East Sussex County Council ascertains from the applicant certainty on the provision of the siding and what restrictions if any will Network Rail place upon its use. Preferably its usage should be limited to daytime only in terms of loading and departure.

**WBM Acoustic Consultants Report**

This noise assessment has been critically reviewed by Andy Arnold of ESCC, SEC and I. A number of flaws have been identified within the report. The concerns arise around:

* Whether the background noise levels at sensitive receptors have been correctly assessed,
* Noise anomalies in the surveys were not correctly investigated,
* Whether meteorological data had been used to interpret unattended noise results,
* There are many questions over the assumptions made used in the calculations,
* The BS4142 assessment indicates that rating level (noise from the proposed activities) will exceed the aims set out in the Sussex Noise Planning Advice Document, and
* The cumulative impact of this proposal and other developments in Newhaven lead to noise creep, an outcome the Sussex Noise Planning Advice Document seeks to avoid.

Given the amount of concern and uncertainty regarding whether the background noise levels have been correctly established ESCC may wish to consider requesting the applicants to undertake a new noise impact assessment?

Such an approach would enable establishing with more certainty:

* The background noise environment,
* Quantifying the level of impact on the environment, and
* Confidence in the assessment of what measures are required to minimise, mitigate and manage the noise impacts of the proposal.

However, if East Sussex County Council does not wish to adopt such an approach, then the County Council may wish to consider requiring a robust suite of noise conditions?

**Operational Noise**

As the proposal is a staged development, we are mindful that it would be difficult to produce an Operational Noise Management Plan for all three stages at the outset, we ask for a meeting with ESCC to consider how the approach set out below could be developed:

1. That all site plant and activities, except loading of the train, shall be between 07:00 to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays,
2. The loading of the train shall be between 06:00 Hours and 20:00 hours. Vehicles loading the train shall use white noise reverse warning systems or similar,
3. Prior to construction commencing a comprehensive and robust Operational Noise Management Plan shall be submitted in writing for the approval of the Local Planning Authority:

* The ONMP shall be based upon a new and agreed BS4142:2014 assessment,
* The ONMP shall incorporate agreed operational noise criterion both for the daytime and for the shoulder periods between 06:00 to 07:00 hours,
* ONMP shall demonstrate best practical means and detail how BPM will be maintained, reviewed and improved throughout the anticipated life time of the plant, and
* The ONMP shall detail all measures to be adopted to minimise and manage noise from the activities and operations on site.

1. Prior to construction of the facility a survey proposal shall be submitted to the LPA detailing how the activities will be commissioned to demonstrate that the agreed operational noise criteria are being complied with. Where there is a noncompliance then a revised ONMP shall be submitted within an agreed period of time with the LPA detailing additional mitigation measures and time frame for implementation. On completion of these works the noise survey shall be repeated until the approved noise criteria has been complied, and
2. The operator of the facility shall establish a community stakeholder group and establish a protocol for handling of noise and pollution complaints. This protocol shall include details on how the company will investigate complaints including undertaking noise assessments. The protocol shall include details on how noise assessments shall be distributed to those within the liaison group.

**Construction Phase**

A development of this size could give rise to considerable impact during the construction phase in terms of noise, vibration, dust and odour.

To ensure that these potential impacts are appropriately controlled by the adoption of best practicable means we would recommend the use of a Construction and Environmental Management Plan is required as per the condition below.

No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers’ travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interests of amenity of the locality

**Air Quality and Dust**

Since the application was made Stage 4 of the development has been withdrawn. The impacts of Stages 1 and 2 on air quality in Newhaven is likely to be minimal, including the emission from the vessels used to discharge the aggregate, though it would have been beneficial if this had been addressed in the EIA.

Stage 3, the aggregate processing and concrete batching plant will involve 109 vehicle movements per day. It is possible that some of the concrete batching vehicles will have to enter the AQMA as they may be delivering to sites west of Newhaven – Peacehaven etc.

While the increase vehicles will add to over all levels of air pollution in and around Newhaven and add to the “background pollution “levels”.

We note that the the Air Quality and Emission Mitigation Guidance for Sussex Authorities (2013) has not been utilised. We ask that ESCC require such an assessment to be undertaken and the findings to be shared with Lewes District Council and any air quality impact costs to be incorporated into a S106 agreement to enable the implementation of measures identified in the Newhaven Air Quality Action Plan.

Having reviewed the assessment made by RPS, their Technical Note and SEC’s report we recommend the following condition.

That prior to the operation of the facility a Travel Plan should be submitted in writing for the approval of the planning authority, in consultation with Lewes District Council. The Travel Plan shall include measures to effectively minimise and manage the impact of the facility on the air quality in Newhaven and along the A259. The plan shall include a monitoring scheme to record and demonstrate the number of journeys using the A259. The plan shall include details on the use of low emission vehicles, their maintenance, replacement programme and training of drivers.

With regard to dust and air pollution from the site, the concrete batching plant will require a permit issued by this authority under the Environmental Permitting Regulations. This will require the adoption of best available techniques to minimise and manage emissions from the plant. However, the permit does not include the other activities associated with handing and processing of aggregates which could give rise fugitive dust emissions, we consider that the following condition is required:

Prior to operations commencing an air quality dust and odour management and monitoring plan should be submitted for written approval. The Plan submitted shall include the delivery of aggregates via boat to site. The Plan shall include details of site boundary monitoring and explain how the Plan shall be used to manage the sites operations. The Plan shall be reviewed every 5 years.

Clearly, measures to manage and minimise air quality, dust and odour impacts within the plan need to be commensurate with permits issued under the Environmental Permitting Regulations that are pertinent for several installations on this site.

This advice is Specialist Adviser leveI and is without prejudice to the Councils formal position as local planning authority to object to the application for the reasons previously given.

I trust that the above is sufficient information for your needs. Should you have any questions please do not hesitate to contact me.

Yours sincerely,

Tim Bartlett

Specialist Adviser Flood and Coastal Risk Management