



Omega St Helens/T.J. Morris Limited

**SUPPLEMENTARY NOTE BY JAMES
POWLSON (FOR THE APPLICANTS)
ON NOISE AND VIBRATION**

Call-in by the Secretary of State of an application
made by Omega St Helens/T.J. Morris Limited

Land To The West Of Omega South & South Of The M62.
Bold, St. Helens

LPA REF: P/2020/0061/HYBR

PINS REF: APP/H4315/V/20/3265899

CD 38.12

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1 INTRODUCTION

1.1 PERSONAL STATEMENT

- 1.1.1. My personal statement can be found in paragraphs 1.1.1 to 1.1.5 of my Subject Statement on Noise and Vibration (CD 33.11).

1.2 SCOPE OF EVIDENCE

- 1.2.1. This supplementary note and rebuttal has been prepared following my review of the noise and vibration related content of the St Helens *Topic statement: Residential amenity, noise and disturbance* (CD 39.9) (“the Topic Statement”).
- 1.2.2. The scope of this supplementary note is the provision of additional clarifying information on that Topic Statement.

2 NOISE AND VIBRATION

2.1 PRIMARY CONCLUSION

2.1.1. Paragraph 7.10 of the Topic Statement (CD: 39.9) presents the primary conclusion with respect to noise and vibration. The conclusion is that with the recommended conditions:

“...the noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties and other sensitive receptors in accordance with Policy CP.1.”

2.1.2. I agree with this conclusion.

2.1.3. Paragraph 7.10 goes on to acknowledge that:

“...some harm would be caused by additional noise and this should weigh against the proposed development.”

2.1.4. However, this statement is qualified in Paragraph 9.1 which reiterates the primary conclusion of ‘no significant effect’, and then confirms the following with regards to any residual harm:

“...The harm should be given limited weight.”

2.1.5. I agree that the noise and vibration effects from the Proposed Development would not give rise to any significant effects at the closest residential or other sensitive receptors and that any harm associated with an increase in the residual sound levels would be very low and should be given limited weight.

2.2 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP) CONDITIONS

2.2.1. Paragraph 3.7 of the Topic Statement (CD: 39.9) is reproduced below:

“Information present for the construction phase of the proposal identifies that there will be negligible adverse effects at the nearest sensitive receptors. The nearest receptors will be subject to noise during the construction phase and the report details the need to ensure assessment in accordance with BS5228 and the control measures outlined in the CEMP would suitably deal with controlling exposure to noise and vibration at the receptors identified. A condition to ensure the construction phase is control [sic] via the details provided in the approved CEMP plan would satisfactorily control this aspect of the development.”

2.2.2. This paragraph implies that there would be a single CEMP for the Proposed Development but there would, in fact, be separate CEMPs for the detailed and outline application areas. It is agreed that compliance with these CEMPs can be secured through the recommended conditions detailed in the St Helens Statement of Case (CD:42.2).

2.2.3. Whilst no significant effects are identified to arise from construction noise, various mitigation measures are proposed to be employed over the course of the works as detailed in the mitigation section on pages 5 and 6 of Appendix 7.4 of the Environmental Statement (ES) (CD:33.74).

2.2.4. For the detailed application area, the measures are included in paragraphs 9.3.1 to 9.3.5 of the approved CEMP: *Construction Environmental Management Plan - Unit 1* (CD:31.4). Compliance

with this CEMP would be secured through adoption of draft Condition 26 which is set out on Page 23 of the St. Helens Statement of case (CD:42.2).

- 2.2.5. For the outline application area, draft Condition 59 which is set out on Pages 29-30 of the St. Helens Statement of case (CD:42.2) would require that a CEMP is approved by St. Helens Council and subsequently complied with. That CEMP could include the same noise mitigation measures as proposed for the detailed application area.
- 2.2.6. The second half of Paragraph 3.8 of the Topic Statement (CD: 39.9) suggests that the construction noise mitigation measures proposed for the outline application area will need to be revisited at the reserved matters stage. In my expert opinion this is not necessary. The completed construction noise assessment identified no significant effects, but notwithstanding this, various noise mitigation measures are to be employed over the course of the works. Compliance with these measures would be secured through draft Condition 59 which is set out on Pages 29-30 of the St. Helens Statement of case (CD:42.2). In my view this would be sufficient to allay any residual concerns.

2.3 OPERATIONAL PHASE MITIGATION

- 2.3.1. The first half of paragraph 3.8 of the Topic Statement (CD: 39.9) is reproduced below:

“With respect to the operational phase the mitigation required to control exposure focusses mainly on the use of a variety of barriers of differing heights and lengths and a restriction on chilled goods using/accessing the eastern side of Unit 3 to ensure noise from site operations is at acceptable levels.”

- 2.3.2. I agree that operational noise levels from the site can be controlled to acceptable levels through the use of noise mitigation measures including noise barriers. Appropriate measures would be secured for the detailed application area through the adoption of draft Condition 14 which is set out on Page 21 of the St. Helens Statement of case (CD:42.2). For the outline application area, appropriate measures would be secured through the adoption of draft Condition 98 which is set out on pages 38 and 39 of the St. Helens Statement of case (CD:42.2).
- 2.3.3. Paragraph 3.9 of the Topic Statement (CD: 39.9) is reproduced below:

“General conditions recommended included construction and operational hours and implementation of approved details.”
- 2.3.4. In my expert opinion it is appropriate to control construction working hours by means of condition, but no such restriction of hours would be necessary for the operational phase. This has been agreed in discussion with St Helens Council Environmental Health Officer for noise.
- 2.3.5. Construction working hours would be secured for the detailed application area through draft Condition 8 on Page 20 of the St. Helens Statement of case (CD:42.2), and for the outline application area through draft Condition 89 on page 37 of the St. Helens Statement of case (CD:42.2)).
- 2.3.6. The completed operational phase noise assessment, as detailed in Appendix 7.7 of the ES (CD:33.74), considered both daytime and night-time operations. It was found that, with appropriate mitigation measures (which would be secured by adoption of draft Conditions 8 and 89 of the St. Helens Statement of case (CD:42.2)), no significant effects would arise. No restriction of operational hours would therefore be justified. This has been agreed in discussion with the St Helens Council Environmental Health Officer for noise.

2.4 OPERATIONAL STUDY AREA

2.4.1. Paragraph 7.6 of the Topic Statement (CD: 39.9) includes the following text:

“The extent of the study area for the noise assessment submitted by the applicant extends 300 metres from the application site boundary to include the closest existing noise-sensitive receptors.”

2.4.2. I can confirm that at the Scoping Stage, the noise study area was proposed to be 300m from the application site boundary. However, following consultation with St. Helens Council, this was extended so that it included the closest residential receptors to the site (which are more than 300m from the application boundary and even further from the closest potential noise sources).

2.5 REPRESENTATIONS FROM WARRINGTON BOROUGH COUNCIL

2.5.1. Section 4.0 of the of the Topic Statement (CD: 39.9), confirms that Warrington Borough Council has offered no objection to the application subject to a series of conditions. Those conditions are listed on Page 3 onwards of the Warrington Borough Council Response (CD: 34.58). Suggested conditions 15 to 19 are concerned with noise and/or vibration whilst suggested Condition 20 is concerned with a construction environmental management plan (CEMP).

2.5.2. I have considered the requirements set out in the draft conditions suggested by WBC and I have compared them with the draft conditions detailed in the St Helens Statement of case (CD:42.2). I can confirm that the WBC concerns and requirements are fully and adequately addressed by the draft conditions proposed by St Helens Council. This has been agreed in discussion with the St Helens Council Environmental Health Officer for noise.

3 CONCLUSIONS

- 3.1.1. This Supplementary Note has been prepared to provide additional clarifying information following my review of the noise and vibration related content of the St Helens *Topic statement: Residential amenity, noise and disturbance* (CD 39.9).
- 3.1.2. I agree that with suitable mitigation measures in place, no significant adverse noise or vibration effects would arise at the closest residential or other sensitive receptors, and that the necessary mitigation measures can be secured through the use of planning conditions.
- 3.1.3. I also agree that any harm which may arise from any increase in the residual sound levels would be very low and should be given limited weight in the decision.



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