

AMOTHERBY PARISH COUNCIL

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30th August 2020

Application 20/00088/FUL – BATA Ltd

Erection of extension to existing feed bins to allow installation of additional 12 outloading bins for animal feed storage, together with integral weighbridge.

Dear Sir/Madam

I refer to your letter dated 13 August 2020 concerning the above application and revised noise information received. The Parish Council have carefully studied these additional documents and have considered them at our meeting on 27 August 2020.

The Parish Council expressed concerns regarding the application in our letter dated 25 February 2020. The Parish Council were concerned about the lack of detail submitted with the application, particularly regarding vehicle movements and the possible intensification of the use of the site and stated that any increase in activity would be met with objections from the Parish Council.

As you will be aware there is great concern in the village regarding the current use of the site resulting in noise disturbance from the use of the mill, vehicle movements, and general disturbance.

Based on the submitted information there is no guarantee that the proposal will not lead to further noise and disturbance and the intensification of the use of the site, leading to an increase in activity, vehicle movements, and noise associated with the proposal and the site in general.

The Parish Council is of the view that the increased storage capacity is highly likely to lead to intensification of the Mill operation, leading to further increases in the already unacceptable noise levels from the Mill itself.

The Parish Council therefore **OBJECTS** to this application.

Our objections are based on :-

A. Lack of clarity regarding the Planning Application.

No information has been submitted regarding the size of the existing bins. Therefore, no comparison can be made regarding the impact the new bins will have with regard to vehicle movements and the intensification of the site as a whole. The District Council are

fully aware of the problems the mill is causing in the village particularly regarding noise and increased working hours. The applicants, without stating, imply the bins will be bigger than those existing.

The applicants dismiss this issue with vague comments such as that in the undated submission from BATA which states "Reduction in HGV movements due to increased storage capacity". Nowhere does it state how this conclusion has been reached. It could be argued, as we do, that the increase in capacity of the bins will lead to a further increase in production, more noise and disturbance, more vehicle movements, all to the detriment of the Community. In addition the vague statements are unenforceable and will allow the applicants to operate the bins as they think fit with no regard to the Community.

The Highway Authority have stated that they do not object to the application. All based on unsubstantiated claims by the applicant that there will be a reduction in HGV and forklift truck movements. However the Highway Authority also state that "No figures have been submitted to support this statement". The Highway Authority should be asked to withdraw this response and await the required figures before a considered response is given. In addition both the Highway Authority and the Planning Authority should consider whether, even in the presence of factual figures conditions could be imposed to limit the activity to that stated by the applicant.

B. Concerns regarding the contents of the Nova Noise Impact Assessment and other documents.

The Nova Report and other documents have has been considered in full by the Parish Council and found to be wanting in many aspects. Appendix 1 states our concerns and questions that need answering .

Whilst Appendix 1 gives a full view of the Parish Council's concerns re. the NOVA report there are some issues that need highlighting.

- The dates and times of the survey are of serious concern, leading to doubts over the validity of the report. The weekend chosen was immediately prior to lockdown and included Sunday night when, on occasions the mill does shut down (as appears from the data to have been the case), and the Monday morning when fewer workers than normal will have been arriving.
- In addition no explanation as to why Friday afternoon to Sunday 8.00am are considered to be anomalies. This discounts two-thirds of the available data and the one third used is probably more of an anomaly for the reasons given above.
- The NOVA report is potentially biased, having been carried out for BATA, although we find that some parts do back up the Parish Council view of excessive noise from the site.

Because of the concerns of the Parish Council regarding the Noise Investigation and the impact the Mill is having on the Community in general we have undertaken our own Noise Survey which is attached at Appendix 2. This gives an indication of how the noise varies with distance from the mill.

The Parish Council would ask that the District Council commission an independent noise assessment **at times that BATA are unaware of** to establish an informed and balanced appreciation of the impact the development will have on the Community, with particular regard to the intensification of the use of the site as a whole. It is worth noting that the Nova report dismisses additional vehicle movements by stating “The site contact has said there will not be an increase in HGV Traffic”. However again no figures have been submitted to substantiate this claim and there is no indication of how this position, if justified, will be maintained in the future.

A baseline reading of the level of background noise when the site and mill are not operational (as used to happen on most Sundays) is required. The background noise levels given in the NOVA report are while the site is operating and therefore a “red-herring” with regards to potential additional noise from the proposed extra bins.

During the Ryedale Plan SSM of potential development sites in Amotherby a noise survey was carried out when the Mill was not usually working 24hrs a day and was closing down at night. It should therefore give a better indication of real background noise levels at night. The results of this survey are not available to the Parish Council (but should be to RDC Officers) and indicated that noise from the Mill was unacceptable for the development of housing in the vicinity. See “The Ryedale Plan: Local Plan Sites Document, Amotherby & Swinton Background Paper, - Settlement-wide Considerations for both Amotherby and Swinton, Amenity; and Site-Specific Considerations Amotherby, Site 8.

Why should existing dwellings in the village be expected to live with these noise levels, now night and day due to the current 24hr working. The proposal has the potential to add to this situation by allowing increased production, more uncontrolled activity, noise and disturbance.

In conclusion any development at the Mill should not add to an already unacceptable situation. The applicants have not demonstrated that this will be the case. The lack of information, from the outset, is an indication of the lack of a professional approach to the proposed development. Information is still lacking, as clearly demonstrated by the Highway Authority response. The proposed development has the potential, due to larger, undefined capacity, to increase noise and disturbance associated with not only the operation of the bins but the site as a whole due to potential increased levels of production.

It is difficult to see how the Planning Authority can control one area of the site especially when the whole site is creating problems for residents. Left to their own devices the applicants may choose to operate the proposal as they think fit, ignoring the concerns of the village and not being the “good neighbours” a responsible company should be trying to be.

Appendix 1 to letter of 30 August 2020

Critique of BATA noise documents submitted for planning application 20-00088

All documents submitted have been studied in detail and the following points have been noted. Quotes from documents are within quotation marks, italics are Parish Council comments and questions that require answering. Words in **bold** have been highlighted by the Parish Council as being of importance.

1. EHO email of 3 March 2020 "I have concerns with regard to the impact of noise on local residents particularly from 24 hour 7 days per week operating."---*This is our major concern, the current noise from the Mill operation 24 hrs a day.*
2. EHO email of 24 June --"I note that table 11 (of the Noise Assessment Report) presents the night time background level is at 51dB (LA90,1 hour)" --- *this is the noise from the Mill running, not what the background noise would be if the Mill was not operating (and has been in the past when the Mill used to shut down at night). It is therefore not a true background noise reading.*
3. Mr Abel's email of 30 June to Planning states (para.2) that "the Mill has been operating 24hrs a day for well over 12 months" --- *continuous 24 operation has not been going on that long, last summer it was not running continuously, it started about Sept 2019. Previously 24hr operation was at busy times of year only.*
4. para 5 states "long term measurements were undertaken at the site which presents a larger data set" --- *why were only 3 to 4 days reported on by NOVA?*
5. para 8 states "the background sound level which is ... not inclusive of transient sound such as car pas bys ... that the reported sound levels are representative" --- *This background sound level is the noise from the Mill running 24hrs a day, which is very loud.*
6. The para 8 photograph of Ryedale Cottages is very old (pre Nov 2011) and has been photo-shopped or similar as the top & bottom parts of the lamppost do not meet up. --- *The lamppost shown was removed on 24 April 2013 and replaced by a new one at the boundary between the property and the pavement. This and the statement below are incorrect.*
7. para 10 states "the business which has been operating in the area for a long period without issue." - -- *Untrue, there were issues with noise from the site back in 1990. (Application 3/5/21C/FA).*
8. Mr Abel's email of 23 July states HGV traffic --"generally between 06:00 to 20:00. Although HGV movement out of these hours on site is required". and later "reversing beepers ... must be switched off between the hours of 06:00 to 18:00" --- *are these hours correct? Surely night time would be more important for beepers to be off.*
9. para 6 "the proposed additional storage bins will reduce the need to load overnight" --- *how are we expected to believe this!*

NOVA Noise Impact Assessment

While not impugning the professionalism of this report it was carried out for the applicant BATA and could be regarded as possibly biased to obtain the required results.

Disclaimer - "findings & opinions expressed are relevant to the dates of the site works".

Pg4 - "The rating noise levels during the night period falls+2dB above the background sound level **thus indicating the potential for adverse impact** on the surrounding area."

Pg8 - " a long-term environmental sound survey was carried out from the 20th to the 23rd of March 2020." *Friday 20th March was the day that schools and pubs throughout the country were shut down. 21st and 22nd were the weekend (and Mill possibly closed down for Sun night). Monday 23rd was the first day of lockdown, probably the quietest day of the year anywhere!*

Pg9, 3.4.1 - “ the measurement recorded ... was somehow corrupted from 20th (Fri) at 12:00 to around the 22nd (Sun) at 08:30.” --- *These readings have been discounted as unexplained anomalies although more likely a true picture of the noise from the Mill running.*

“However the data gathered for Sunday does not present any anomaly and, thus, is deemed to be representative” --- *how convenient to include the Sunday night shutdown and stop recordings not long after operations started on the Monday!*

Fig 2.0 and Table 3 on pgs9-10 give readings (LAeq) between 62 and 68 dB except overnight Sunday to Monday. (LAmx) readings of 83-90 at night, 95-104 during the day. These figures confirm the PC and residents views that noise from the site is excessive.

Pg10, Table 4 give the statistically most repeated LA90, 62-63 for Friday/Sat, day & night, 56 for Sunday, 32 for Sun night, 55 for Mon morning.

Pg 11, 3.5, Subjective impression & context - “**Whilst on the site, it was noted that the acoustic environment surrounding the NSRs was of a high level.** The dominant noise source in the area was that of road traffic from Amotherby Lane (*intermittent noise*) and the existing commercial/industrial activities.” --- *This backs up our view that the BATA site is noisy.*

Pg 12, 4.1.1 - “The noise sources associated with the proposed development are ... loading bulk bins, loading lorry/tractor. --- *HGVs movements have not been taken into consideration.*

Loading bulk bins “ take an average of 15-20 mins to be filled and the frequency of getting filled varies depending on demand (*and the output of the Mill*) ... the assumption of the bulk bins being loaded 3 times per day (20 mins each time and can occur at any time during the day or night)” (*due to 24/7 operation of Mill*). “no spot measurement could be taken outside the housing due to the specific noise not being clearly dominant when compared to the ambient noise.” --- *Convenient when noise within the housing was 81dB.*

Loading lorry/tractor “The measurement was taken approximately 5m from the rear of the HGV being loaded. ... Noise level recorded (Table 7) 75.0 dB.” ---*very loud!*

Pg 13, Fig.3, Specific Sound Level Map, - “The sound map showing the specific sound level emissions from the Proposed Development during the operational times can be seen below.” --- *This shows the specific noise levels relevant to the loading of the bulk bins and to the loading of lorries , calculated to be 45dB at the 3 nearest dwellings and the Queens Head (NSRs), less (30-33dB) further south due to the shadowing effect of the BATA office building.*

Pg 14, Table 8,--- *confirms calculated sound levels at NSRs specific to the bulk bins/lorry loading as 45dB, day or night.*

Pg 15, Table 10, Rating Sound Level - Day/Night Rating sound level 53.0dB --- *rated sound levels at NSRs specific to the bulk bins/lorry loading as 53dB, day or night.*

Pg 15 - 16, 4.1.3 Background Sound Level “is the underlying sound level over a period T.” ... “efforts have been made to quantify a “typical” background sound level for a given period.”... “Diurnal patterns have also been considered as they can have a major influence on background sound levels, for example, the middle of the night can be distinctly different (and potentially of lesser importance) compared to the start or end of the night time period for sleep purposes.”

“Since the intention is to determine a background sound level in the absence of the specific sound that is under consideration it is necessary to understand that the background sound level can ... legitimately include industrial and/or commercial sounds that are present as separate to the specific sound.”

Table 11 outlines a summary of the lowest daytime & nighttime background sound levels.

Hours “T”	LA90	Statistical LA90	Min LA90	Max LA90
Day 3 (Sun) 08:30--18:00	60.0	56.0	42.0	62.0
Night 3 (Sun) 06:00--07:00	53.0	51.0	51.0	55.0
Day 4 (Mon) 07 ;00--09:45	54.0	55.0	50.0	58.0

Pg 16, Discussion “thus 55.0dB and 51.0 dB are deemed to be “typical” of the operational period.”

Pg 16, 4.1.4 BS4142 Assessment, Table 12 --

Excess of Rating over Background Sound Level, daytime -2.0dB, nighttime +2dB. Assessment indicates “Negligible Impact” during the day and “Low Adverse Impact” during the night. --- *this is another 2dBs above an already high noise level.*

Pg 17, 4.1.3 cont -- “no impact during the day.” “during the night period --- the potential for adverse impact on the surrounding area.” **“Given that no new noise sources introduced as bulk bin loading already occurs on site at worst the development may present a slight intensification of existing acoustic features.”** --- *i.e it is claimed that additional bins won't increase noise by much but any increase, especially at night, is not acceptable.*

Pg 18, 4.4, Noise Management Plan --- *does this apply to site as whole including Mill operations or just the bulk bins?*

4.4.1. “site operator will assess and minimise the potential impacts of noise generated by the site.”

4.5.1. “ensure that nuisances and hazards ... due to noise are minimised.”

4.5.2. “site staff will ... avoid all unnecessary noise”

Appx.A, pgs23-24, Acoustic Terminology

“An indication of the range of sound levels commonly found in the environment is given in the following table.

20 to 30dB Quiet bedroom at night

50 to 60dB Inside a car”

“a 10dB increase in noise represents a subjective doubling of loudness.”

Inside 1 Ryedale Cottages readings of 56 to 59dB in bedroom at night.

Appx.B, pg 27, IEMA Guidelines on Noise Impact Assessments

“The Guidelines accept that a simple change in noise levels using a single noise indicator may fail to adequately reveal the actual noise impact of the proposal.”

“The Guidelines suggest that a change in noise levels in an area where the existing levels are above WHO Guidelines should be considered as having more of an adverse effect” --- *see WHO Guidelines below.*

Appx.B, pg 28, BS4142:2014 Methods for rating & assessing industrial and commercial sound. - “sets out a method to assess the likely effect of sound from sources of an industrial nature ... on people who might be inside or outside a dwelling or premises used for residential purposes in the vicinity.” --- *ie. local residents.*

Background information.

RDC has adopted the following internal noise limits for residential properties:-

- Bedrooms (night time - 23:00 - 07:00) 30 dB Laeq (individual noise events should not normally exceed 45 dB Lafmax by more than 10 times)
- Living rooms (daytime - 07:00 - 23:00) 35 dB Laeq
- Gardens & Terraces (daytime) 50 dB Laeq

These limits to be achieved with partially open windows allowing for a sound reduction of 15 dBA.

Table 3: Summary of Noise Criteria: WHO

Residential Environment	Critical Health Effect(s)	L _{Aeq,T}	L _{Afmax}	Time Base
Outdoor living area	Serious annoyance, daytime and evening	55	-	07.00-23:00
	Moderate annoyance, daytime and evening	50	-	07.00-23:00
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	-	07.00-23:00
Inside bedrooms	Sleep disturbance, night time	30	45	23:00-07:00
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	60	23:00-07:00

The Ryedale Plan: Local Plan Sites Document, Amotherby & Swinton Background Paper
Settlement-Wide Considerations for both Amotherby and Swinton

Amenity

In Amotherby the proximity of the BATA site is a significant consideration. The BATA site includes petrochemical storage, and milling. No conditions are imposed on the operation of the site, and the site can, at busy times, operate on a 24/7 basis. Part of the BATA complex has a Health and Safety Executive designation. Meaning residential development within a certain range would not be considered appropriate based on a calculation of risk and scale of harm to person and property. The other land uses/operations which take place on the BATA site have been identified as presenting a potential serious noise nuisance for residential development within close proximity of the site. The Local Planning Authority does not want to risk fettering the operations of BATA by allocated residential development close by. Other noise generators are the school, and the B1257, and noise assessments would be required to assess the acoustic issues and possible mitigation for such sites. The Local Planning Authority is also conscious of the need to ensure that prospective residents have a level of amenity which can be reasonably expected to be experienced in a rural area. This would mean that the use of mitigation measures such as non-opening windows, are not appropriate within a rural context.

Site- Specific Considerations Amotherby

Site 8 (Station Farm field)

Key Considerations at Stage 2:

The site is proximal to BATA site which is a long-standing local employer. Noise from the site varies significantly depending on when the mill is operation (which can be 24/7 in times of harvest). There is also a significant difference between background noise and the operation of the site. There is also sporadic noise attributed to the movement of vehicles, particularly when reversing. There is some residential development already in close proximity, and established screening is referred to in the submission. The Council's Environment Health department advised that a noise assessment was required to establish the scope and nature of any acoustic concerns, to allow any issues to inform the layout of the site. There have been noise complaints made in the past, which the council has been unable to follow up due to lack of evidence. On receipt of the noise assessment Officers raised

concerns about the level of noise on what would be a new developed rural housing scheme, based on the standards applied in the Local Plan Strategy. The proposed mitigation measures were not acceptable, as they would not allow a reasonable enjoyment of the properties in a rural area, such as being able to be out in the garden on a summer's evening without considerable noise, or open a window to escape a fire or simply improve air flow in a room at night. The noise assessment was applied to a pre-existing scheme, and did not inform the site extent and layout in the first instance.

Appendix 2 to letter of 30 August 2020

AMOTHERBY PC NOISE SURVEY

A noise survey was carried out between the hours of 3-30am and 4-30 am on Wednesday 19 August 2020 in order to establish the level of noise from the BATA mill which can be heard at various locations in the village.

The weather was clear and calm, no wind at all and there were no other noises detectable (no traffic, no wildlife). The results are therefore the noise from the Mill alone.

The equipment used was a hand-held sound level meter, directed down the road in the general direction of the Mill or towards it at closer locations from where it was visible. The meter was operated according to instructions and readings were taken from the pavement or frontage of dwellings over several minutes at each location.

Results are given in Table 1 below.

Location	Minimum reading dB	Maximum reading dB
1	42.8	43.2
2	42.9	43.2
3	43.0	43.4
4	44.5	45.2
5	15.6	46.6
6	15.9	46.9
7	48.6	49.6
8	49.6	53.5
9	55.5	57.7
10	55.4	57.0
11	57.7	58.2
12	60.4	62.4
13	60.9	62.3
14	56.2	59.0
15	56.3	58.9
16	55.4	59.9
17	57.8	59.4
18	55.7	56.9
19	60.8	65.7
20	46.8	47.9
21	43.8	44.6
22	42.9	43.3
23	42.9	43.3
24	43.1	43.6
25	42.9	43.5

In addition readings were taken upstairs inside location 1 in line with the Mill which is screened from sight by trees

windows closed	42.6	43.3
windows part open	43.7	44.4

The results show that the Mill noise can be heard over most of the village at night and the decibel level varies with distance from the Mill and the shading effect of buildings between reading locations and the Mill.

A map showing locations used is in Table 2.

Appx 2, Table 2
Amotherby
Noise survey 19/8/2020

