Some thoughts on noise and planning in the new era

By Tony Higgins

At a time when the debate over measurement or prediction affects many aspects of assessment for future noise impacts, the Measurement & Instrumentation Group reviews the best approaches to finding appropriate solutions. One area that has become less clear in recent times is planning applications, and in this article, these difficulties are highlighted and some guidance offered.

Obtaining planning permission in light of the recent changes to planning policy has arguably become easier for developers, particularly with the planning policy favouring sustainable development. The same cannot unfortunately be said for those consultants and local authority officers attempting to quantify, qualify and mitigate the acoustic issues surrounding some new developments and demonstrate the sustainable credentials of applications.

The loss of PPG24 Planning and Noise (PPG24) as a planning tool (and the recent consultation on proposed changes to the ubiquitous BS4142 standard) appear to have left something of a vacuum with no definitive standards, and variance in how remaining guidance is to be applied. The result is an acoustic no man's land into which we all trespass in an effort to seek a reasoned way forward. It might help therefore to review what there is to assist both consultants and local authorities to help properly evidence the impacts of/on new development.

The planning process

It is perhaps firstly incumbent upon us to recognise what the planning process actually is. Planning consent is sought to enable land owners to formally change land use, or develop within an existing use for profit (be it economic, social, or environmental). Such consents therefore are measured by Local Planning Authorities (LPAs) in light of local needs to ensure that they are consistent with local need and will not adversely impact on the public arena.

Each administrative planning area has to have regard to the National Planning Policy Framework 2012 (NPPF) which is national guidance, and is required to have its own Local Plan, and then, dependent on local need, may have subordinate documentation with increasing levels of detail for specific types or styles of development, e.g. Development Plan Documents (DPDs) which inherently provide more details on either preferred locations for development or action plans, and Supplementary Planning Documents (SPDs) that normally provide specific advice on thematic or site specific topics (such as expected noise controls, or design criteria within conservation areas etc. (see Fig 1. Planning Policy Schematic).

The overall aim of the planning documents is to encourage and support appropriate development in areas of need, and protect against/discourage unacceptable development that is likely to cause concerns. In both cases it is essential that (where necessary) planning applications are supported with robust data to support the application so that planning decision makers have an appropriate level of comfort to ensure that the decisions made are consistent, and based on evidence. This brings us neatly back to appropriate standards and demonstrating that level of comfort.

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Assurance and noise standards for planning

Notwithstanding that individual LPAs will have differing policies and requirements, the loss of the national guidance PPG24 has meant that there is a lack of detail as to how to assess the impacts of noise caused by or on a development. In most cases it is appropriate to contact the LPA and ask what methodology they require (typically this means talking to the local EHO), and then carrying out the assessment on that basis. However, such impact assessments still need to be grounded in good science, law or adopted planning policy.

In most cases the agreed assessment methodology will be determined by the potential noise impacts. For the consultant the job is to demonstrate the overall noise impacts are in line with the agreed policies, referencing (where possible) local and national standards as appropriate. As the local authority the job is to verify and validate that the submitted data provides the level of assurance necessary so that local decision makers can approve applications with comfort and for reasons that are defensible in the face of local criticism! Remember that local decision makers will rarely have technical knowledge of acoustics and as such this should influence how submitted data is produced.

It is sometimes the case that any planning application requiring the services of acoustic consultants will be controversial. On that basis it should be clear that most decision makers will want the greatest levels of assurance possible to deal with public perceptions and expectations see Fig.2. (cf. PPC/EPR relates to regulatory controls for some industrial premises involved in environmental permitting which is often relevant for waste sites, scrapyards etc.).

Which brings us to the question of how that level of assurance is provided. The answer is that the principle that, for new development, no one should be expected to live on the cusp of nuisance, and that, where possible, the precautionary principle should apply. In order to demonstrate both of these things, acousticians use the (hopefully agreed) standards.

Helpfully, the standards available are those that are already well understood by acousticians:

- Regulatory Guidance – Control of Pollution Act 1974 codes of practice e.g. Noise from Ice Cream Van Chimes (recently revised). Environmental Permitting legislation etc.
- National approved standards – e.g. BS4142:1997 (in review), BS8233:2013, BS5228:2009 etc.
- Codes of practice e.g. ETSU-R-97 (and the recent clarification documents issued by the IOA available from **http://www.ioa.org.uk**)

Unfortunately this isn't the entire story. Whilst the NPPF directly (paragraph 123) references the Noise Policy Statement for England (NPSE, Defra 2010) which in turn introduced the concepts of NOAEL (no observed adverse effect level), LOAEL (lowest observed adverse effect level) and SOAEL (significant observed adverse effect level) levels derived from World Health Organisation Guidance; it did not specifically reference any of the above standards. It also recognised that the SOAEL is likely to be different for different noise sources, for different receptors and at different times. This leads directly to the principle aims of the NPSE:

The first aim: Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

The second aim: Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

Conclusion

It is suggested that, in practice, the two aims noted in the NPSE are substantively equivalent to the two levels outlined in Fig.2. Those levels are themselves able to be demonstrated by use of the standards noted above. It should be remembered that for planning purposes the key is demonstrating compliance to provide the right level of assurance to decision makers, as a consequence the following advice might be applicable:

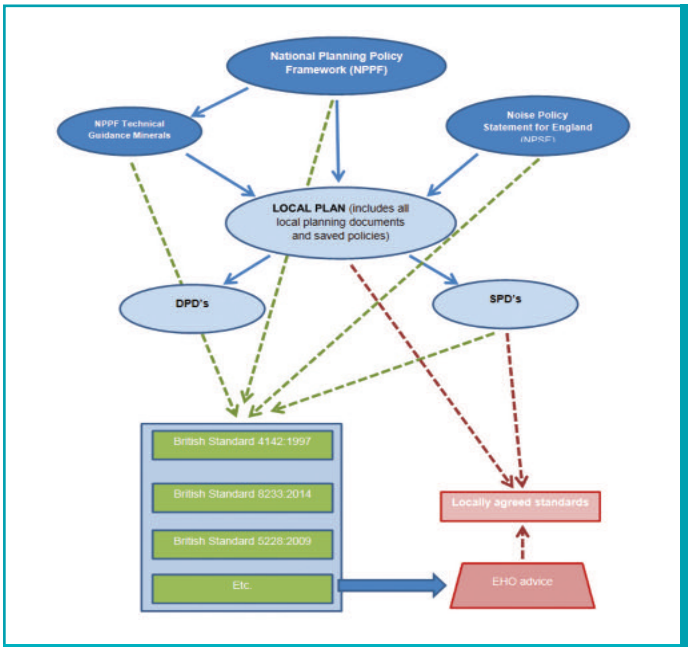

Fig.1. Planning Policy Schematic

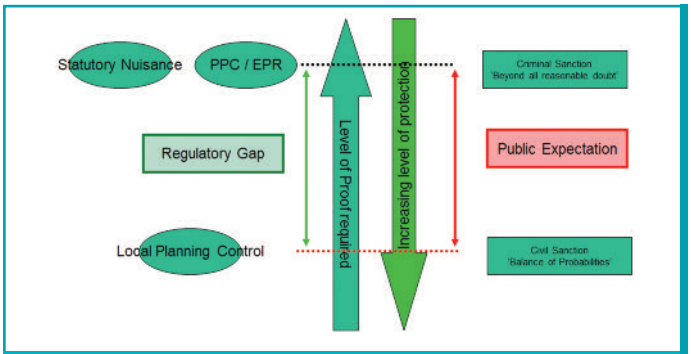

Fig.2. Planning practice and level of assurance

- Ensure that the means of demonstrating the environmental impact is agreed between consultant and LPA (or EHO as necessary)
- Ensure that the noise environment is properly characterised in terms of level, frequency (of operations), duration, etc. so that it can in turn be properly modelled for its impact.
- Ensure that appropriate standards are used, ideally defaulting to specific standards if they are available.
- Produce results in a manner that is clear and concise, with a summary that is capable of being easily understood by non acoustics professionals or laymen.

It should also be remembered that the NPPF paragraph 123 recognises that businesses should not be unduly affected by proposed new noise sensitive development and that the policy recognises that areas of tranquillity should be preserved.

In general LPAs should approve planning applications that can prove they are sustainable, and do so without delay. Acousticians and planning officers therefore have to decide on how sustainability can be best demonstrated.

Tony Higgins has more than 20 years' experience dealing with environmental noise and planning applications both as a regulator and as a consultant, including providing evidence at courts and planning inquiries. The observations made are his opinions on the increasingly complex relationship between noise and planning and practical advice on how to minimise the potential for friction between applicants and planning authorities in securing planning permissions.