

Noise

Update on noise policy-a local authority perspective

Robin Whitehouse
Chair of Noise Committee

The remit of the local authority

- Planning
 - National planning policy framework (NPPF)
 - National planning practice guidance (NPPG)
 - Noise policy statement for England (NPSE)
 - Regional planning guidance
 - Local plan
 - Environmental Impact Assessment
 - Provision of information and advice to developers
 - Development control
 - Planning approval
 - Conditions
 - enforcement

Remit of the local authority

- Environmental Health/Environmental Enforcement
 - Noise control
 - Planning advice
 - Planning policy advice
 - Environmental impact assessment
 - Enforcement/legislation
 - Noise nuisance
 - Community protection warnings/notices
 - Fixed penalty notices
 - Control of pollution Act 1974/Environmental Protection Act 1990
 - Noise and Nuisance Act 1996

Remit of the local authority

- Consultation responses to regional and national Government
- Expert advice to select committees

What is outside the local authority remit

- Aircraft
- Airports
- Traffic noise
- Operation rail noise
- Noise standards for plant and equipment
 - Eg construction plant, garden powertools!
- Vehicle noise standards
- Can local authorities influence these matters?
- Are these the big ticket items?

Current noise policy/Legislation

- Planning controls rely heavily on guidance
 - NPPF NPPG NPSE
- Environmental Health will look at more specific advice
 - NPPG NPSE BS8233 BS4142 as assessment tools for planning
- Town and Country Planning Act 1993
- Environmental Protection Act 1990
- Control of Pollution Act 1974

National Planning Policy Framework

- **170.** Planning policies and decisions should contribute to and enhance the natural and local environment by:
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- This is further developed in the NPPG

National Planning Policy Framework

- **180.** Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
 - (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [60](#) ;
 - (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

National Planning Policy Guidance

- **When is noise relevant to planning?**
- Noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). When preparing plans, or taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset.

National Planning Policy Guidance

- **How can noise impacts be determined?**
- Plan-making and decision making need to take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Noise Policy Statement for England

- Noise Policy Vision
- Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.
- Noise Policy Aims
- Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on **sustainable development**:
- avoid **significant adverse impacts** on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.

Significant effect?

- What do the aims of the Noise Policy Statement for England mean?
- “Significant adverse” and “adverse”
- This introduces
- NOEL – No Observed Effect Level This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
- LOAEL – Lowest Observed Adverse Effect Level This is the level above which adverse effects on health and quality of life can be detected.
- Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level. SOAEL – Significant Observed Adverse Effect Level This is the level above which significant adverse effects on health and quality of life occur.

Response	Examples of outcomes	Increasing effect level	Action
No Observed Adverse Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Lowest Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

So in the worst case

- At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and / or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be avoided.

So is there a problem with policy ?

- There is a lot here to like
 - It recognises health effects
 - It outlines the steps that should be taken with ever increasing levels
 - It suggests that in a worst case noise would prevent development
- There are tensions however
 - Sustainable development-noise is part of the decision
 - So what level is a NOAEL,SOAEL
 - Would this level be the same everywhere
 - Pressure to build eg residential housing

Are local authorities resourced

- This is a technical highly specialised field
 - LA's need expertise and time
 - Lack of any specified values make the issues unclear
 - Pressure on LA's to develop
 - How many LA's have specialist noise staff?

Some thought's

- Is transport noise-aircraft, trains road traffic over protected
- Despite aircraft, trains lorries cars becoming quieter are our cities and towns?
- If noise has a significant health effect should we be considering absolute levels that should not be exceeded and for those areas that exceed put in place actions to start reducing noise levels in a similar way to air quality.
- The “agent of change”-how can this be balanced to ensure that areas are not precluded from development because of historic practices that don't meet current good practice