



# ProPG: Planning & Noise

Professional Practice Guidance on Planning & Noise

## **New Residential Development**

# SUPPLEMENTARY DOCUMENT 1 PLANNING & NOISE POLICY AND GUIDANCE

May 2017

## 1. A Brief History

The first official guidance on planning and noise, Circular 10/73, sought to contain and, where possible, reduce the impact of noise on people's surroundings by setting out the principles guiding the Secretaries of State in taking planning decisions and encouraging LPAs to base their own policies on them too.

Generally lacking precise rules or numerical standards, however, Circular 10/73's advocacy of common principles to deliver the best acoustic outcome later attracted criticism from developers for contributing to inconsistent decision-making by LPAs.

Its 1994 replacement, PPG24: Planning and Noise, took a different approach. Outlining the considerations to be taken into account by LPAs in determining planning applications for both noise-sensitive and noise-generating developments it aimed *"to provide advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business."* Introducing the concept of Noise Exposure Categories (NECs) ranging from A (where noise is unlikely to be a determining factor) through B and C (where noise mitigation might make development acceptable) to D (where development should normally be refused), it contained a table recommending noise levels for each NEC during day and night-time. Nonetheless very influential for many years, PPG24 was criticized by some who thought the boundaries between its NECs' were inflexible and for not giving sufficient encouragement to Good Acoustic Design as a process.

## 2. The Current Planning Regime – NPPF & PPG-Noise

PPG24 was withdrawn on the publication of the **National Planning Policy Framework**<sup>1</sup> (NPPF) in March 2012. At the time of writing this continues to set out the Government's vision for the planning system in England within which local policy should be made while reflecting local needs and priorities. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is itself a material consideration in planning decisions.

Central to the Framework, paragraph 14 states that: *"At the heart of the National Planning Policy Framework is a presumption in favour of [permitting] sustainable development..."* which further text makes clear means that economic, social and environmental gains should be sought jointly and simultaneously rather than traded off against each other.

Paragraph 17 continues that planning should:

*"... be a creative exercise in finding ways to enhance and improve the places in which people live..."*

*"... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" and*

*"... contribute to conserving and enhancing the natural environment and reducing pollution"* [including noise – Annex 2]

Two further paragraphs mention noise expressly:

*"109. ...The planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ... noise pollution ..."* and

<sup>1</sup> [http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60772/116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf)

" 123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts [see Explanatory Note to the NPSE] on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established [subject to the provisions of the Environmental Protection Act 1990 and other relevant law]; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."

Note that bullet point 3 above does not rule-out reasonable restrictions or the application of nuisance powers where those are mandated.

A primary goal of the NPPF is to promote high quality homes in places people will want to live as part of the Government's drive to meet growing housing need in a sustainable way. To do so, it provides LPAs with an opportunity to look afresh at how they consider noise in the planning process, empowering them to move beyond the routine technical assessment of the suitability of sites for new residential development and to focus on delivering appropriate outcomes, requiring good quality acoustic design and, for the first time, protecting areas of tranquillity.

Representing a considerable reduction in the volume of previous planning guidance, the NPPF was supplemented in 2014 by explanation contained in on-line **Planning Practice Guidance**<sup>2</sup> (PPG) which, though produced by DCLG, unlike the NPPF is not a material consideration in planning decisions. Revised several times since, the most recent version of that part of the PPG relating to noise, 'PPG-Noise', can be found **here**<sup>3</sup>.

In tune with the NPPF, it advises that noise should not be "considered in isolation, separately from the economic, social and other environmental dimensions of proposed development" but also includes qualitative guidance on how to recognise when noise could be a concern in planning decisions and, in a further echo of the NPSE, includes advice that the planning process should be used to "avoid" "significant observed adverse effects" occurring, for example by altering design and layout.

More significantly, it also states that the planning process should be used to **prevent** "unacceptable adverse effects" where noise is noticeable and very disruptive leading to "extensive and regular changes in behaviour and/or an inability to mitigate the effect of noise leading to psychological stress or physiological effects...regardless of the benefits of the activity causing the noise". By extension, the same precautionary principle should be applied to new residential development, regardless of its claimed need, which is predicted will be exposed to unmitigated unacceptable adverse effects of noise from its surroundings.

PPG-Noise lists various acoustic and "non-acoustic" factors that will influence whether noise will be a concern in a particular situation including the source and absolute level of noise, the time of day it occurs, the number and frequency and pattern of noise events, spectral content and other characteristics (e.g. the presence of tones or other features), the local topology and topography, and the existing and planned character of the area.

<sup>2</sup> <http://www.gov.uk/government/collections/planning-practice-guidance>

<sup>3</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/noise/>

Of particular relevance to the design and location of some examples of new residential development, PPG-Noise adds that:

*“...if external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.” and*

*“...the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development’s building envelope. In the case of an established business, the policy set out in the third bullet of paragraph 123 of the Framework should be followed.”*

Such advice is, however, of no effect in the face of the extension of Permitted Development Rights (PDR) which can result in the conversion of commercial buildings to homes in intrinsically noisy locations outside of the planning process. Procedural amendments to PDR currently allows consideration of the impact of noise generated by commercial premises on these buildings, but not the impact of noise from transport sources.

As hitherto, current guidance continues to recommend that LPAs should set out in Supplementary Planning Documents where noise is unlikely to be a concern or, alternatively, they will require measures to be taken to manage the acoustic environment and the typical acoustic standards that will be sought in relation to new development (or, indeed, where development should be avoided for noise reasons).

PPG-Noise advises that *“Care should be taken, however, to avoid these [noise standards] being implemented as fixed thresholds as specific circumstances may justify some variation being allowed”*.

### 3. Noise Policy Statement for England

Providing context for the NPPF, in March 2010 the then Government published the **Noise Policy Statement for England**<sup>4</sup> (NPSE). At the time of writing this continues to provide the over-arching vision and aims of Government noise policy.

The NPSE sets out the following vision for Government noise policy into the long-term:

#### **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.*

This is then supported by the following aims:

#### **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.*

<sup>4</sup> [http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69533/pb13750-noise-policy.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69533/pb13750-noise-policy.pdf)

Government policy on sustainable development is underpinned by the following guiding principles:

- Ensuring a strong healthy and just society
- Using sound science responsibly
- Living within environmental limits
- Achieving a sustainable economy
- Promoting good governance

The NPSE encourages relevant stakeholders, including LPAs, to review and revise existing policies and practices so that *“the policies and any noise management measures being adopted accord with the vision, aims and principles of the NPSE”*. The NPPF and PPG-Noise were both published after the NPSE and should be construed in its light.

When discussing the meaning of *“significant adverse”* and *“adverse”* within an Explanatory Note the NPSE states:

*“There are two established concepts from toxicology that are currently being applied to noise impacts for example, by the World Health Organisation. They are*

*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.”*

To which the NPSE added the following related concept:

*“SOAEL – Significant Observed Adverse Effect Level - This is the level above which significant adverse effects on health and quality of life occur.”*

The Explanatory Note continues *“It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”*

Defra has since published some research on the SOAEL concept [here](#)<sup>5</sup>.

## 4. Other Sources of Relevant Planning Practice Guidance

### 4.1 Introduction

Other sources of Government information relevant to the consideration of noise in a planning context are formally sign-posted in PPG-Noise, include the following:

### 4.2 Defra website - Noise Action Plans and Important Areas

PPG-Noise states *“...where relevant, Noise Action Plans, and in particular the Important Areas ... should be taken into account.”*

A number of Important Areas have been identified under each of the three Noise Action Plans, i.e. for **Major Roads**<sup>6</sup>, **Major Railways**<sup>7</sup> and **Agglomerations**<sup>8</sup>, representing where the 1% of the population affected by the highest noise levels (and hence at greatest risk of experiencing a significant adverse impact to health and quality of life) live and where the Government expects the feasibility and cost effectiveness of mitigation measures to be investigated for both road traffic noise and railway noise.

<sup>5</sup> <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=18157>

<sup>6</sup> <https://www.gov.uk/government/publications/noise-action-plans-large-urban-areas-roads-and-railways>

<sup>7</sup> <https://www.gov.uk/government/publications/noise-action-plans-large-urban-areas-roads-and-railways>

<sup>8</sup> <https://www.gov.uk/government/publications/noise-action-plans-large-urban-areas-roads-and-railways>



**Important Areas**<sup>9</sup> should be formally recognised in relevant Local Development Plans as areas where noise problems may occur and where specific local policies should be developed to avoid and prevent adverse effects.

#### **4.3 Government website – Aviation Policy Framework**<sup>10</sup>

The Government's current policy on aviation noise is to limit and, where possible, reduce the number of people significantly affected by noise through a "balanced approach" of identifying the noise problem at an airport and then assessing the cost-effectiveness of the various measures available to address that with quieter aircraft, quieter operational procedures, operating restrictions, and land-use planning which the Framework underlines is the responsibility of LPAs.

*While acknowledging the onset of significant community annoyance at approximately 57dB LAeq, 16h, the Framework does not, however, expect airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, unless exposed to levels of noise of at least 63 dB LAeq, 16h or to offer assistance with the costs of moving to households exposed to levels of noise less than 69 dB LAeq, 16h.*

The Aviation Policy Framework should be formally recognised in relevant Local Development Plans and local policies should be developed to address the issues raised.

#### **4.4 Building Regulations**<sup>11</sup>

The noise attenuation properties of building envelopes are not per se controlled by Building Regulations, nevertheless, the choice of construction methods and materials (for example thermal insulation) may indirectly influence noise performance. Conversely, choices made by building designers to enhance noise performance may introduce Building Regulation considerations.

#### **4.5 PPG – Design**<sup>12</sup>

Reflecting that its separate inclusion in the NPPF makes design itself a material planning consideration, PPG-Design states "As a core planning principle, plan-makers and decision takers should always seek to secure high quality design", noting specifically that "The way a place...sounds...affects its attractiveness and long term success" and continuing that "Local planning authorities...should refuse permission for development of poor design."

Among the ways in which design might contribute to optimal acoustic outcomes, PPG-Design highlights the following, providing brief further information on each:

- Layout – the way in which buildings and spaces relate to each other
- Form – the shape of buildings
- Scale – the size of buildings
- Detailing – the important smaller elements of buildings and spaces
- Materials – what a building is made from

<sup>9</sup> <https://www.gov.uk/government/publications/open-data-strategic-noise-mapping>

<sup>10</sup> <https://www.gov.uk/government/publications/aviation-policy-framework>

<sup>11</sup> <https://www.gov.uk/building-regulations-approval/when-you-need-approval>

<sup>12</sup> <https://www.gov.uk/guidance/design>

The need for Good Acoustic Design needs to be recognised in all Local Development Plans accordingly with specific local policies developed to ensure it is delivered appropriately.

Some other relevant parts of the online PPG are not cross referenced from PPG-Noise but include:

#### **4.6 PPG-Promoting healthy communities<sup>13</sup>**

#### **4.7 PPG-Health and wellbeing<sup>14</sup>**

### **5. Other Relevant Aspects of the Planning Process**

#### **5.1 Local Plans and Housing Assessments**

Whereas the NPPF states that “150. *Local Plans are the key to delivering sustainable development...*”, LPAs are also advised that those plans should seek to achieve net gains across each of the economic, social and environmental dimensions of that. Included in them should be “*strategic policies to deliver the homes...needed in the area*” and underpinning those policies should be not just a “*Strategic Housing Market Assessment*” but also a “*Strategic Housing Land Availability Assessment*” which the NPPF says should reflect the suitability of land to meet identified housing need.

Among other characteristics, therefore, Land Availability Assessments should recognise the constraints on development which both the existing and likely future local acoustic environment exerts

#### **5.2 Local Development Framework**

Local Plans are just part of a larger Local Development Framework (LDF), introduced under the Planning and Compulsory Purchase Act 2004 to deliver sustainable development and reflect local community needs and containing all of a LPA's Local Development Documents including:

- Development Plan Documents (DPDs) – the vision, strategy and policies for an area, subject to sustainability appraisal and a formal examination in public (e.g. Core Strategy).
- Statement of Community Involvement (SCI)
- Supplementary Planning Documents (SPDs) – policy on specific topics
- Local Development Scheme (LDS)
- Sustainability Appraisal (SA)
- Authority Monitoring Report (AMR)
- Planning Advice Notes (PANs) – technical advice on specific topics

Local policies relating to the management of the acoustic environment should be included in the LDF, whether in DPDs, SPDs or PANs.

<sup>13</sup> <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

<sup>14</sup> <https://www.gov.uk/guidance/health-and-wellbeing>

### 5.3 Neighbourhood Development Plans (NDPs)

“Neighbourhood planning”, introduced under the Localism Act 2011, aims to provide a new way for local communities to:

- influence where they want new homes, shops and offices to be built;
- comment on the appearance of new buildings and infrastructure; and
- grant planning consent via Neighbourhood Development Orders (NDOs) for new buildings they want to see go ahead.

As LPAs grow larger and, arguably, more remote, Neighbourhood Planning may become increasingly important in reflecting local knowledge and representing local concerns including about the acoustic environment affecting existing and future developments.

LPAs have a duty to help and support local communities draw up neighbourhood plans and should work with communities to ensure that neighbourhood noise issues are given adequate attention in emerging NDPs.

## 6. Use of planning conditions and planning obligations

### 6.1 Advice from NPPF

Whereas planning conditions usually relate to the conduct or future use of a development, planning obligations (also commonly known as Section 106 agreements) are agreements made between LPAs and developers and attached to a planning permission to make a development acceptable in wider planning terms which would otherwise be unacceptable and rejected. They typically increase the community benefit (e.g. requiring a proportion of affordable housing) or off-set some community cost (e.g. by paying for a new bus service) of the development.

Paragraphs 203 – 206 of the NPPF provides advice on the use of planning conditions and obligations, broadly that obligations should only be used where it is not possible to address unacceptable impacts through conditions, that they should be necessary in planning terms, directly relevant to the development, enforceable, precise and reasonable in all other respects.

### 6.2 Advice from relevant PPGs

As on other topics, the NPPF’s policies on conditions and obligations are supplemented by advice contained in sections of DCLG’s Planning Practice Guidance, including more detailed guidance on the “six tests” for conditions and the advice that details submitted as part of an outline application must be treated by the LPA as forming part of the development and that conditions cannot be used to reserve these details for subsequent approval unless the applicant has made it clear that the details were for illustrative purposes only.

LPA policies for seeking obligations must be set out in a development plan document and, subject to meeting the necessary tests, LPAs should consider their use when assessing applications for new residential development in circumstances where there is a likelihood of significant adverse effects arising from noise.

### 6.3 Advice from Circular 11/95: Use of conditions in planning permission (1995)

Paragraph 21 of PPG-Use of Planning Conditions recommends that LPAs use national model conditions and though a new set has not yet been published, examples remain in Appendix A of Circular 11/95 which was not withdrawn with the rest of the Circular when the NPPF came into effect. Of particular relevance and supporting requirements for an Acoustic Design Statement is model condition 11:

*“Construction work shall not begin until a scheme for protecting the proposed [noise-sensitive development] from noise from the [insert noise source] has been submitted and approved by the local planning authority; all works which form part of the scheme shall be completed before [any part of] the [noise-sensitive development(s)] is occupied.”*

LPA's are advised to give applicants “guidance on the maximum noise levels to be permitted within or around the noise-sensitive development so as to provide precise guidelines for the scheme to be permitted”.

#### **6.4 Previous advice from Annex 4 of PPG24**

Though cancelled in its entirety by the NPPF, Annex 4 of PPG24 also contained examples of planning conditions to minimise the effect of noise on new noise-sensitive development that may still be useful to LPA's though, as with Annex A of Circular 11/95, some of the cross-references are now out-of-date. Care also needs to be taken to underline the principle that Good Acoustic Design is an intrinsic part of the overall design process requiring attention from the outset, not merely a criterion to be met by the end and LPA's should review and revise historic practice on the use of planning conditions and obligations in order to satisfy themselves that current practice delivers national and local planning and noise policy objectives.

## **7. Protection and Enhancement of the Local Acoustic Environment**

The NPPF states:

*“109. ...The planning system should contribute to and enhance the natural and local environment by... preventing...new... development from...being adversely affected by unacceptable levels of ... noise...”.*

Guidance in PPG-Noise states that the noise impact on new residential development may be partially off-set if residents have access to relatively quiet external amenity spaces of various types (including a public park or a “local green space designated because of its tranquillity”).

In seeking Good Acoustic Design for new housing, LPA's should consider the acoustic environment not only in but also around dwellings and opportunities should be sought to protect, improve and enhance the acoustic environment in the immediate vicinity, making the soundscape appropriate for the local context. In the longer term, local plan-making should promote appropriate soundscapes in residential areas, including promoting a vibrant acoustic environment where this is appropriate as well as protecting relative tranquillity and quietness where such features are valued. The protection of quiet areas may include protection of sensitive times and periods of respite from noise. The powers available to LPA's to identify and protect the special acoustic character of quiet and tranquil places are described in the NPPF (paras 76 & 77) and in more detail in Defra's 2014 **Noise Action Plan for Agglomerations**<sup>15</sup>.

<sup>15</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/276228/noise-action-plan-agglomerations-201401.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/276228/noise-action-plan-agglomerations-201401.pdf)

## 8. Other Noise-Sensitive Development

The ProPG applies mainly to general needs housing which will be the most common type of new residential development. However, the principles outlined in the ProPG can be applied to other types of residential development such as residential institutions, care homes etc. and some of the content is also relevant to other types of noise sensitive development.

When considering what is meant by “other noise-sensitive development”, LPAs are reminded that PPG24, although now cancelled, did contain the following useful advice on noise-sensitive development: *“The Secretary of State considers that housing, hospitals and schools should generally be regarded as noise-sensitive development, but planning authorities may wish to include other developments or uses within this definition, depending on local circumstances and priorities and, if so, these should be explained in the development plan.”*

In other words LPAs were encouraged to extend the definition of “noise-sensitive development” beyond new housing depending on local circumstances and priorities. It is recommended that the definition might be extended to include, for example, other types of residential development such as student accommodation, hotels, hostels, hospices, prisons, residential care homes, and school boarding houses. Other types of noise sensitive development could include cemeteries, libraries, crematoria, new open spaces such as urban squares, urban parks, recreation grounds and, possibly in the future, new quiet areas.

Many, but not all, activities undertaken at schools (including “free schools”), and other educational establishments are noise-sensitive. Applicants are advised to refer to “**Building Bulletin 93: Acoustic Design of Schools**”<sup>16</sup> for further advice. Because some activities at educational establishments are also likely to generate noise then any such applications should be assessed on a case by case basis.

Advice on the acoustic design of hospitals is contained in **Health Technical Memorandum 08-01: Acoustics**<sup>17</sup>.

Advice on the acoustic design of hotels is provided in **BS8233:2014**<sup>18</sup>.

Other types of noise-sensitive development should be dealt with on a case by case basis with reference to specialist acoustic design guidance.

<sup>16</sup> <https://www.gov.uk/government/publications/bb93-acoustic-design-of-schools-performance-standards>

<sup>17</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/144248/HTM\\_08-01.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/144248/HTM_08-01.pdf)

<sup>18</sup> <http://shop.bsigroup.com/ProductDetail?pid=00000000030241579>