



The evolution of noise policy and noise management in England during the life of the UK's Institute of Acoustics

Colin GRIMWOOD¹; Stephen TURNER²

¹ CJG Environmental Management (CJGEM), Independent Consultant, England

² Department for Environment, Food & Rural Affairs (Defra), England

ABSTRACT

The UK's Institute of Acoustics is 40 years old this year. One year before it was founded, the first UK Government guidance document on Planning and Noise was published. That year also saw the advent of the Land Compensation Act which allowed the Noise Insulation Regulations to be laid which provided a means for compensating those affected by noise from new roads. In the same year as the IOA was founded, the Control of Pollution Act was published consolidating the statutory noise nuisance regime and the following year saw the first version of BS 5228 – the code of practice on construction noise and the Noise Insulation Regulations revised. This paper will examine the evolution of noise policy and noise management in England during the lifetime of the IOA including the publication, during early 2014 of new Planning Practice Guidance on Noise.

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1. INTRODUCTION

The UK's Institute of Acoustics was founded in 1974. On the 1st January 1974, Edward Heath (Conservative) was the UK prime minister but by the end of the year, and two General Elections later, the UK had confirmed Harold Wilson (Labour) in this role. Other notable events that occurred in 1974 (in no particular order) included: US President Richard Nixon announcing his resignation following the Watergate scandal (August 1974), Charles de Gaulle airport officially opening in Paris (March 1974), the Turkish invasion of Cyprus (July & August 1974), Swedish pop group Abba winning the Eurovision Song Contest (with Waterloo). Also, in 1974, the Australian soccer team made its first appearance in the FIFA World Cup tournament. That tournament was held in West Germany and West Germany won, beating the Netherlands 2-1 in the final. By coincidence, 40 years were to pass before a now unified Germany won the same tournament again, when it was hosted in Brazil earlier this year. This paper covers that same 40 year period from 1974 – 2014, a period during which England may not have won the FIFA World Cup, but during which considerable changes have occurred in noise policy.

2. THE INSTITUTE OF ACOUSTICS, UK

The UK's Institute of Acoustics is the UK's professional body for those working in acoustics, noise and vibration. It was formed in 1974 from the amalgamation of the Acoustics Group of the Institute of Physics and the British Acoustical Society (a daughter society of the Institution of Mechanical Engineers). The Institute of Acoustics is a nominated body of the Engineering Council, offering registration at Chartered and Incorporated Engineer levels. The [Institute of Acoustics](#) is a founding member of the [European Acoustics Association \(EAA\)](#), a member society of the [International Institute of Noise Control Engineering \(I-INCE\)](#) and a member of the [International Commission for Acoustics \(ICA\)](#)

The Institute currently has some 3000 members from a rich diversity of backgrounds, with engineers, scientists, educators, lawyers, occupational hygienists, architects and environmental health

¹ cjgem@btinternet.com

² stephen.turner@defra.gsi.gov.uk

officers among their number. This multidisciplinary culture provides a productive environment for cross-fertilisation of ideas and initiatives. The range of interests of members within the world of acoustics is equally wide, embracing such aspects as aerodynamics, architectural acoustics, building acoustics, electroacoustics, engineering dynamics, noise and vibration, hearing, speech, ultrasonics, underwater acoustics, together with a variety of environmental aspects. A recent employment survey showed that of approx. 3000 members, some 900 were employed in industry, commerce and consultancies, 400 in education and research, and nearly 500 in public authorities.

3. DEVELOPMENTS IN NOISE POLICY IN ENGLAND SINCE 1974

3.1 A Very Short History Lesson

No discussion of the evolution of noise policy in England can begin without mentioning that underpinning principles of the law date back to medieval times and the need to eradicate the nasty and unpleasant elements of everyday life. The term “nuisance” evolved in Common Law meaning that which causes offence, annoyance, trouble or injury. A nuisance could be either public or private. Private nuisance is an interference with the rights of specific people. In contrast, and simplifying what has become a complex area of law, a public nuisance could be described as an unlawful act, or a failure to act, that results in material interference with the reasonable comfort of a neighbourhood.

Viewed in this historic context, the protection of people from noise nuisance has been developing over a very long period of time, much longer than the time frame of this paper. Legal history texts are littered with examples of common law cases concerned with the stopping of noise nuisance from all manner of things; from rattling carriages on cobbled streets, to steam hammers in workshops, through to the playing of fairground organs for eight hours a day.

During the late 19th and early 20th centuries, the law of nuisance became increasingly difficult to administer, as competing property uses often posed a nuisance to each other, and the cost of legal action to settle the issue grew prohibitive. However, it was really the huge changes and adverse environmental conditions of the Industrial Revolution that led to the concept of “statutory nuisance”. It was fundamental to the social legislation that was first enacted in the 1840s and 1850s, and that arguably continued into the twentieth century in the Public Health Act of 1936.

The key statute in this period is the Nuisances Removal Act 1855 which listed statutory nuisances as including premises, privies, cesspools, animals, accumulations etc. Local Authority officers were expected to survey their districts and to take action to remove any statutory nuisances. The list did not specifically include noise. Noise was first introduced into the statutory nuisance framework by the Noise Abatement Act 1960 which amended the Public Health Act 1936 to include noise nuisance.

Regulation of building construction was introduced in London by the London Building Act of 1667 following the Great Fire of London in 1666. In 1936 an Act required Local Authorities to make and enforce local building byelaws. A Government information manual was produced in 1944 that included some advice on sound insulation, but there was no national legislation controlling the sound insulation between new build attached dwelling houses until the Building Regulations of the mid 60’s.

In July 1963, a Government “Committee on the Problem of Noise” published the seminal document “Noise - Final Report”, now commonly referred to in the UK as the Wilson Report. This document remains a thorough and insightful review of the state of noise management in the UK in the early 1960’s and the challenges that lay ahead. The Wilson Report stated that solving “noise problems must involve people and their feelings, and its assessment is a matter rather of human values and environments than of precise physical measurement”. The Report laid the foundations of much of the noise control initiatives that occurred over the following 10 years or so, including the control of construction and demolition noise, the need to install noise insulation against high levels of transport noise, the need for increased noise protection during the night time period, and the importance of achieving good sound insulation between new attached dwellings. The Committee even identified several challenges that remain with us today (in 2014), for example how best to change noisy behaviour, how best to avoid unacceptable noise impacts from proposed new developments, and how best to balance society’s increasing desire to travel with adequate noise control measures.

3.2 Noise policy tools available in England at the start of 1974

Thus, in England, by the beginning of 1974 when the IOA was founded, there was already a little noise control legislation in place, as well as some other guidance becoming available, largely inspired by the recommendations of the Wilson Committee and the requirements of the Noise Abatement Act

1960 (NAA). The NAA stated that “noise or vibration which is a nuisance shall be a statutory nuisance”. This, in one simple sentence, had the perhaps unintended effect of bringing the complexities of Common Law nuisance, and legal precedent, into the statutory control of noise. It can be seen that, from the outset, the control of noise has never been a purely technical issue, and has always been entwined in wider social, legal and economic considerations.

The only other specific environmental noise legislation at this time was the Noise Insulation Regulations 1973, which applied to dwellings exposed to noise from new or improved highways and offered sound insulation if certain acoustic criteria (such as an exposure of greater than 68 dB $L_{A10,18hr}$ from the operation of the road) and other administrative criteria (eligible rooms, within 300m of the scheme, within 15 years of opening) were met.

The Building Regulations as a national code were first introduced in 1965, again following the Wilson Committee, and included the regulation of sound (Part G) in newly-built or extended properties using “deemed to satisfy” constructions. Various amendments to the 1965 (and to later) regulations were made but a more fundamental change had occurred in new regulations introduced in 1972, when compliance could also be demonstrated by using laboratory sound transmission tests to demonstrate that defined criteria were met. The introduction of lab testing criteria was intended to enable and encourage the house building industry to introduce new products and new designs.

Also just in place by 1974 was the first Government guidance on the control of noise through using the land use planning system. This guidance, known as Circular 10/73 “Planning and Noise”, was published during 1973 as part of the Government’s commitment to “enhance the quality of the surroundings in which people live” in the context of “containing, and where possible, reducing the impact of noise”. Of technical interest is this comment in 10/73: “Ideally a single index should be used to measure and correlate people’s reactions to noise from all sources and from mixtures of them. Further research is needed to find out whether a satisfactory all-purpose index can be produced; and this is already in hand”. Indeed, it was that research that led to the world domination of the Leq indicator. So only 10 years after the Wilson Report said how complicated noise was, and that noise control should put people at the centre, and that precise physical measurements would not represent an adequate approach - the Government had said that it must be possible to have a single noise indicator to cover everything.

In a section regarding new roads, 10/73 stated that an important factor to take into account was whether the noise levels would be “acceptable”. However, “acceptable” was not defined. Similarly 10/73 stated that “New noise sensitive development should not be permitted if it would – now or in the foreseeable future – be exposed to unacceptable levels of traffic noise.” However, “unacceptable” was not defined. The main advice given was to try to separate noise sensitive developments from what they called ‘primary road networks’.

Some more specific advice was given: “There should be a strong presumption against permitting residential development in areas which are or are expected to be subjected to excessive noise”. Excessive noise was defined as ≥ 70 dB(A) ($L_{A10,18h}$), clarifying that this was seen as the “limit of the acceptable rather than desirable”. The advice to planners was:

- No development if external level ≥ 70 dB(A) ($L_{A10,18h}$)
- Build barriers to achieve external level ≤ 70 dB(A)
- In any event - internal (windows closed) ≤ 50 dB(A) (minimum)
- Good standard – internal (windows closed) ≤ 40 dB(A)

With the benefit of hindsight it can be seen that full compliance with these standards would have been quite challenging in 1974, indeed they would remain quite challenging today in much of urban England. It is interesting to note (see below) that the direction of travel in the approach to the control of noise in more recent times has been away from a reliance on such rigid national numerical standards, towards a more management based approach that seeks to encourage good practice, and to deliver sustainable development.

A significant development during the year was that the Control of Pollution Act 1974 (CoPA) established a wide ranging framework of environmental controls, including a number of noise control provisions. The new measures covered changes to the statutory nuisance regime (repealing the provisions in the Noise Abatement Act), construction noise, Noise Abatement Zones, the control of noise in the streets, a mechanism for formal Codes of Practice to be adopted by the Government, and the definition of the concept of “best practicable means”.

Another notable feature of the noise policy tools available in 1974 was the availability of several British Standard and other guidance documents. The first, BS4142:1967 gave a method of rating

industrial noise affecting mixed residential and industrial areas, and the second, BS:CP3:1972 was a code of practice on noise reduction for buildings. There was also a much used quasi-official Government advisory leaflet providing advice on noise control on building sites (AL72). The former Greater London Council had produced a code of practice for noise from pop concerts that was being used in London and becoming influential elsewhere.

3.3 Significant Changes in Noise Policy between 1974 – 2010 (approx.)

In the period between 1974 – 2010 there was a large quantity of legislation and guidance produced to seek to control the so called “problem of noise”. The Environmental Protection Act 1990 (EPA), replaced elements of CoPA, although there appeared to be no material changes to the available noise powers. A few years later, the Noise and Statutory Nuisance Act 1993 (NaSNA) further extended the scope of the statutory nuisance regime.

Much of this legislation and guidance was produced in a piecemeal fashion, often amending previous controls and guidance as new noise sources and new types of noise problems arose and as the Government and practitioners sought to respond to the pressing issues of the time. Day to day decisions concerning noise issues were strongly influenced by legal precedent, as the concept of “nuisance” continued to be interpreted and refined through court judgments.

It is interesting to note that all of the British Standard documents that were in place at the start of 1974 have been revised several times since, and recent versions of BS4142 and CP3 (now BS8233) and AL72 (now BS5228) are still with us today in 2014. Also notable is that none of these documents have European or ISO equivalents, and that practitioners continue to revise and update these documents that underpin the detail of day to day noise control in England despite them being no longer produced with overt Government control.

In addition, during this period, noise became a “devolved” issue meaning that the devolved Governments in England, Wales, Scotland and Northern Ireland could regulate noise independently, and introduce their own policies and variants of each other’s policies. This trend towards different noise policies in different countries in the UK has increased in recent years.

The overall outcome was the creation of a significant body of legislation and guidance and legal precedent, that was arguably becoming difficult for the public to understand and that required experts to interpret and apply. Furthermore the day to day implementation was becoming less consistent and the results of interventions were difficult to predict. Some examples of the evolution and changes in domestic noise legislation and guidance that occurred during this period are provided in the subsections below.

3.3.1 Example of evolution of construction noise controls

The need to better manage construction noise had been recognised in the Wilson Report in 1963. Wilson identified the need to break the impasse between construction plant manufacturers who were saying there was no demand for less noisy equipment, and the contractors saying they could not control how much noise the equipment made. Wilson stated that the noise should not interfere unduly with those who live and work nearby and that noise controls must be practicable.

The committee that produced the report concluded from their own site visits that internal levels of 50 – 55 dB(A) arising from construction works would still allow telephones to be used with some difficulty. They said this was equivalent to 65 – 75 dB(A) outside. Based on this (limited) evaluation, Wilson proposed criteria for construction noise ‘outside the nearest window closest to the site boundary’ of 70 dB(A) in rural, suburban and urban areas away from main road traffic and industrial noise and 75 dB(A) in urban areas near main roads and heavy industrial areas. This was on the basis that many urban areas already experienced levels of more than 70dB(A). These levels were then included in AL72 together with further advice on noise control methods, and became a de facto standard for many years.

However, it was in 1974 with the enactment of CoPA that a discrete legal framework for construction noise management was established over and above the general statutory nuisance regime. Section 60 gave Local Authorities the power to serve a notice imposing noise control requirements in connection with construction works; Section 61 allowed the contractor to obtain prior consent for the proposed noise control methods. One benefit of holding this consent was that as long as the provisions of the Section 61 agreement were met, the contractor was immune from action under Section 60.

CoPA also made provision for the formal adoption of Codes of Practice ‘for minimising noise’. Such codes could cover any issue, but there was a specific provision which required the approval of a Code of Practice to cover construction noise. The following year, BS5228 was published. It was

called: “Code of Practice for Noise Control on Construction and Open Sites” and it was this document that became the formally adopted Code of Practice under CoPA. BS 5228 covered a wide range of issues including both occupational and environmental noise. It gave advice on noise limits (although contrary to popular belief it did not set noise limits); it described a method for predicting the noise as well as providing advice on noise control methods. BS5228 has been revised periodically since then with the most recent version being published in 2014.

Initially the CoPA Section 61 prior consent powers were not used very much for about 15 years. Then, around 1990 they became increasingly used on larger projects and are still used extensively today. A project commissioned by Defra looking at the effectiveness of noise management policy interventions showed that from about 1990 there was a noticeable reduction in the number of notices served by Local Authorities under Section 60. This coincided with the increased use of the S61 provisions and the associated immunity from Section 60 action.

For 40 years, and throughout the life of the IOA, the management of construction noise has had a discrete legal framework; an established prediction method; and a wide range of potential mitigation techniques. Thus the control of construction noise is arguably one of the most mature areas of noise management in England.

3.3.2 Example of change in neighbour noise controls

Until the 1990s a mixture of legislation, negotiation, mediation and insulation were the approaches used to control neighbour noise. The legislative approaches included local byelaws, statutory noise nuisance and Common Law powers. However the numbers of neighbour noise complaints made to Local Authorities continued to rise. A number of noise pressure groups were established and campaigned effectively on the issue. There was a growing feeling that “something must be done”.

Informal approaches had always been used by Local Authorities to try and resolve neighbour noise issues. In the early 90’s there was an increase in the funding made available to formal mediation services to help resolve neighbour disputes, including those about noise. Such services were found to be quite effective in some areas, although critics claimed that they tended to achieve compromise rather than solutions to neighbour noise problems.

Nuisance based approaches to neighbour noise problems had been criticized as being unwieldy to apply, often requiring long investigations with no guarantee of resolution. The Noise Act 1996 introduced, for the first time in England, a night noise offence which applied to domestic premises and created an offence if a specified night time noise limit was exceeded and if a formal notice to desist was ignored. However, no additional funding was provided to facilitate the required night time enforcement in England and the measure did not prove popular with practitioners. Interestingly, some years later similar provisions were introduced in Scotland and were backed up with additional funding to help resource the required night patrols and appear to have been better received.

Also, from the late 1990s, wide ranging Antisocial Behaviour Orders (ASBOs) were introduced and these included additional and complimentary powers to deal with behavioural noise disturbance. ASBOs were first introduced in England by the Crime and Disorder Act 1998. Later legislation such as the Anti-social Behaviour Act 2003 strengthened its application. The same Act also amended the night noise regime so as to relax some of the procedures that Local Authorities had to follow to use the night noise offence. A few more years later and the Clean Neighbourhoods and Environment Act 2005 extended the scope of the Noise Act to include noise from licensed premises, thus moving the sphere of application of the night noise offence from purely domestic noise to include amplified music from pubs and clubs.

As regards sound insulation between dwellings there were a number of changes to the Building Regulations following the emergence of evidence during the 90’s of widespread non-compliance with intended insulation standards, not just in England but across Europe. An important change occurred in 1992 when the Regulations were altered to close a loophole that had allowed single-occupancy houses to be converted into flats without any requirements for additional sound insulation. Then in 2003, a fundamental review of the Regulations resulted in the introduction of a post completion testing regime and the development of an industry scheme known as Robust Standard Details that together are claimed to have improved estimated new build sound insulation compliance rates from well below 50% at the start of the decade to over 95% by 2009.

3.3.3 Example of change in planning and noise controls

The Government first published guidance on planning and noise in January 1973 as part of a

commitment to enhance the quality of the surroundings in which people live. The document, Circular 10/73, was the dominant Government guidance on the topic of planning and noise during the first 20 years of the existence of the IOA.

The stated aim of 10/73 was to consider what could be done to contain and, where possible, reduce the impact of noise. The approach taken was to lay down principles and criteria that would guide Government in taking planning decisions and on which they urged local planning authorities to base their own policies. It dealt primarily with the control of development and with both the bringing of noise to people and the bringing of people to noise.

The Circular encouraged liaison between local planning authorities, highway authorities and public health authorities. It encouraged the production of maps showing areas where noise problems exist or are likely to arise. It is interesting to note that now, some 40 years later, such strategic noise maps are becoming available to Local Authorities as part of the requirements of the Environmental Noise Directive.

Circular 10/73 included guidance on the assessment of new noise sensitive development exposed to road traffic noise, aircraft noise and noise from industrial premises and other fixed installations. No guidance was offered on any other sources of noise. Some examples of planning conditions deemed suitable for the control of noise were provided in an Appendix.

Perhaps most notable, with the benefit of hindsight, is that Circular 10/73 contained very few precise rules and did not provide numerical standards for noise, advocating the use of common principles to try and deliver the best acoustic outcome. This lack of noise standards in Government guidance in the 70's and 80's contributed to inconsistent application by local planning authorities and growing complaints from developers that they did not face a "level playing field" when submitting applications.

Replacement Government guidance, PPG24: Planning and Noise, was published in September 1994 and cancelled Circular 10/73. PPG24 provided guidance to Local Authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlined the considerations to be taken into account in determining planning applications both for noise-sensitive developments and, to a lesser extent, for those activities which generate noise.

PPG24 advised on the use of planning conditions to minimise the impact of noise. Six annexes contained noise exposure categories for dwellings, explained noise levels, gave detailed guidance on the assessment of noise from different sources, gave examples of planning conditions, how to specify noise limits, and advised on insulation of buildings against external noise.

PPG 24 recognised that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The aim of the guidance was "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."

PPG24 clearly stated that the impact of noise can be a material consideration in the determination of planning applications. It continued, "The planning system has the task of guiding development to the most appropriate locations. It will be hard to reconcile some land uses, such as housing, hospitals or schools, with other activities which generate high levels of noise, but the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses."... "Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations."

PPG24 introduced four Noise Exposure Categories (NECs), ranging from A-D, to help local planning authorities in their consideration of applications for residential development primarily near transport-related noise sources. Category A represented the circumstances in which noise is unlikely to be a determining factor, while Category D related to the situation in which development should normally be refused. Categories B and C dealt with situations where noise mitigation measures may make development acceptable. A table contained a recommended range of noise levels for each NEC covering day and night-time periods. The document was very influential and heavily relied upon by practitioners. Some critics said that the use of NECs led to a focus on process rather than outcome. PPG24 was withdrawn in March 2012 with the publication of the NPPF (see below).

3.4 The Importance of Sustainable Development to the Evolution of Noise Policy

Sustainable development was defined by the Brundtland Commission in 1987 as development “which meets the needs of the present without compromising the ability of future generations to meet their own needs”. The central premise required the reconciliation of two principles that had for most of history been mutually contradictory – human expansion and the protection of the environment. Development was not sustainable if it damaged the environment and thus impaired human health and well-being. Achieving sustainability required more than traditional concepts of environmental protection and pollution control, it required a pro-active longer term managerial approach. Noise was originally thought NOT to be a sustainability issue by many policy makers, partly because it was regarded as inherently transient. It took many years before noise was recast in terms of sustainability in recognition of the pervasiveness of many types of transport noise, and the longer term adverse health effects of noise, and because noise was increasingly recognized as a complex behavioural, attitudinal and development issue as much as a technical issue.

In the context of the management of environmental noise, sustainability concerns have gradually increased in importance since the early 90’s. It means that risks must be balanced – the need for housing against the possible health effects of building in locations already exposed to high noise levels, the need for new transport infrastructure against the seemingly inevitable increase in noise that may affect the quality of life for local communities. It means that decisions should be made in the wider context of a long-term goal, and the benefit to future generations, rather than be measured solely against a particular precise noise standard.

In the context of the acoustic design of buildings, sustainability concerns require developers, planners and policymakers, not only to have regard to the acoustic environment but also the materials used and the potential future use of buildings. The IOA has recently established a Sustainable Design Task Force that is considering this topic. Specific guidance on materials will recognize life cycle analysis and signpost responsible resourcing, and should encourage informed choice by practitioners.

3.5 The Noise Policy Landscape in 2010 - 2014

The noise policy landscape in England since 2010 has been influenced by, and reflects, the bigger picture of societal change. There have been some fundamental reforms, as opposed to the piecemeal evolution and change that occurred in the first 35 years of the IOA’s existence. There are many reasons for this including the push for sustainable development mentioned above, but also including the need to address population growth, to overcome housing supply shortages, to recognize a shortage of prime agricultural land, to maintain economic recovery, to respond to climate change etc. There has also been a growing recognition that a good acoustic environment can enhance wellbeing. It is tempting to refer back to our earliest noise legislation and remind ourselves that the control of noise has never been a purely technical issue, and has always been entwined in wider social, legal and economic considerations.

All of these “big picture” considerations have led to a rationalization of Government policy in a number of areas that is well underway at the time of writing. Two examples of such rationalization include land use planning policy reform and noise policy reform, and these are discussed below.

3.5.1 Planning policy reform

Kate Barker’s Review of Land Use Planning in 2006 concluded that ‘planning is a valued and necessary activity’. However, Barker recognised that the planning system was facing ever more demanding challenges and argued that the responsiveness and efficiency of the system needed to be improved. She recommended wide-ranging reforms, building on changes that were then underway, to improve the way that planning supports our economic prosperity while maintaining or enhancing delivery of other objectives, including ensuring community involvement, supporting local democracy, and protecting and enhancing the environment. Two headline recommendations were the need to streamline planning policy and process through reducing policy guidance, unifying consent regimes and reforming plan-making and the introduction of a new system for dealing with major infrastructure projects. At around the same time Roy Eddington’s Transport Study of 2006 echoed Kate Barker’s concerns emphasising the potential for the planning process to delay the development of vital new transport infrastructure and recommended radical reform.

The Government’s response to Barker and Eddington was the development of the National Planning Statements for nationally significant infrastructure projects and the publication of the National Planning Policy Framework (NPPF) in March 2012. The NPPF replaced over a thousand pages of

national planning policy with around fifty pages, written simply and clearly, thus “allowing people back into planning”.

Following the publication of the NPPF, Lord Taylor of Goss Moor undertook a further independent review of underpinning guidance in December 2012. At that time there were said to be over 7,000 pages of Government Planning Practice Guidance which supported the implementation of national planning policy, and which were Government owned or owned by other Government agencies. Lord Taylor concluded that the planning system was “no longer fit for purpose - it was neither an effective suite of planning practice guidance to support plan making and development control, nor was it in a form that could be managed and kept up to date by Government”. He identified a critical issue for the future – “there must be a managed process for updating or cancelling (guidance) documents as time passes.” He also advocated that the production of case study based advice should be sector led rather than Government led since Government did not have the resource to keep material current and relevant. In his view out of date guidance and other such documents had been retained because they contained “important nuggets” which could be identified, extracted and updated, “excluding all that is unnecessary, if well intentioned.”

Lord Taylor felt that guidance embeds the dependency culture of waiting to see what Government spells out rather than enabling those at the front line to think for themselves. “Whilst the right guidance is essential to all involved in the planning process, there are limitations to what guidance can achieve. Guidance can never replace local judgement and the application of professional expertise - it can merely assist”. “Best practice in the form of exemplar schemes from around the country is constantly evolving, so this kind of ‘best practice’ material is not best managed by Government but by practitioner bodies. It should be removed from current guidance and excluded in future. Government guidance should instead highlight the organisations where such material may be found where this is helpful, but it should not be the function of Government to provide or endorse it”. Lord Taylor chose not to discuss how the preparation of other helpful guidance would be funded.

The Taylor Review included four Annexes. Annex A listed guidance recommended for immediate cancellation. Annex B included guidance on important subjects that needed to be withdrawn and then incorporated in revised guidance. Annex C contained guidance considered critical that needed to be kept until it was replaced by revised guidance. Annex D listed guidance where there were gaps in the available guidance, and where new guidance was recommended in a style consistent with the new planning regime. Lord Taylor commented that new guidance was needed on noise, an “important issue on which Government could set standards in order to ensure appropriate development” and placed PPG24 in Annex D of his Review.

3.5.2 National Planning Policy Framework & Planning Practice Guidance (Noise)

The Government’s planning policies for England are currently contained in the [National Planning Policy Framework](#) (NPPF), published in March 2012. The NPPF sets out key requirements for the planning system and provides a framework by which local policy should be made to reflect local needs and priorities. It provides the Government’s key planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

Paragraph 14 of the NPPF states that: “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”.

At Paragraph 6 the purpose of the planning system is described as “to contribute to the achievement of sustainable development”. The planning system has to perform a number of roles – economic, social and environmental. When expanding on these roles the NPPF encourages “creating a high quality built environment”, “contributing to protecting and enhancing our natural, built and historic environment” and to “minimise waste and pollution”.

Paragraph 17 of the NPPF states that planning should “contribute to conserving and enhancing the natural environment and reducing pollution” and “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

There are two paragraphs (Paragraphs 109 and 123) in the NPPF that directly mention noise.

“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 soil, air, water or noise pollution or

land instability...”

“123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts 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; 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.”

The NPPF provides a suitable opportunity to look afresh at what we would like to achieve from the consideration of noise in the planning process. The NPPF empowers local planning authorities to move beyond the mechanistic assessment of the suitability of a site for new residential development and to focus on achieving better acoustic outcomes, to deliver appropriate and good quality acoustic design in the built environment.

NPPF policies are supplemented by additional advice contained in [Planning Practice Guidance](#) (PPG), an online resource that will be maintained and continually updated by the Government.

Revised and updated advice on how planning can help to manage potential noise impacts was first published on 6 March 2014 and the most recent version of that advice can be found [here](#).

Initial general advice in the PPG (Noise) states that “*local planning authorities working with local communities and businesses may decide to develop and include in their Local Plans specific standards to apply to various forms of proposed development and locations in their area*”. The PPG (Noise) cautions that “*Care should be taken, however, to avoid these being implemented as fixed thresholds as specific circumstances may justify some variation being allowed*”.

The PPG (Noise) clearly states that noise must not be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. It includes guidance on how to recognise when noise could be a concern in planning decisions and includes advice that the planning process should be used to “avoid” significant observed adverse effects occurring, by use of appropriate mitigation such as altering design and layout. The PPG (Noise) 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.

The new planning regime encourages the production of locally agreed guidance on those circumstances where noise is unlikely to be a concern as well as those circumstances where local planning authorities should seek to avoid development because of significant adverse noise impact and effects. The PPG (Noise) also introduces the concept of unacceptable noise impact and effects, where the impacts on health and quality of life are such that the situation should be prevented from occurring regardless of the benefits of the activity causing the noise.

3.5.3 Rationalization of noise policy

The pressure for a more consistent and co-ordinated approach to noise policy has gathered momentum over the last twenty years, and particularly from around 2005 onwards. The gradual emergence over the life of the Institute of Acoustics of a plethora of rules, regulations and guidance has in some cases caused operational and practical difficulties for policy makers, for regulators and for the public alike. At the same time the promulgation of rules, regulations and guidance in other policy areas, like house building, land use planning and transport planning for example, has also had sometimes unintended noise consequences. Of course, all these factors also create many opportunities for consultants, and it is perhaps one reason why the membership of the IOA has flourished over this same time period.

By the start of 2010 it was possible that the overall state of the acoustic environment in England, or “the problem of noise” as it was referred to by the Wilson Committee in 1963, was in danger of becoming the unintended consequence of the interpretation and application of a diverse range of legislation, guidance and policies developed across several Government departments. There are many parallels with the situation that had arisen as a consequence of the piecemeal evolution of the land use planning system. It was time to get back to basics and to tackle the big questions. What is the purpose

of Government noise policy? Is it possible to rationalize the existing complex approach?

3.5.4 Noise Policy Statement for England (NPSE (2010))

The [Noise Policy Statement for England](#) (NPSE) was published in March 2010 and contains a policy vision and aims that are intended to provide the necessary clarity and direction to enable longer term decisions to be made regarding what is an acceptable noise burden to place on society.

The NPSE provides a clear description of desired outcome from the noise management of a particular situation. The guiding principles of Government policy on sustainable development should be used to assist in its implementation. The policy sets a framework against which all new policies and any noise management measures should be assessed.

NPSE 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.

NPSE Aims: Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development: (i) avoid significant adverse impacts on health and quality of life; (ii) mitigate and minimise adverse impacts on health and quality of life; and (iii) where possible, contribute to the improvement of health and quality of life.

The application of the NPSE should mean that noise is consistently and properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage. In addition, the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.

In an policy's explanatory memorandum it states that the Government hopes that existing policies could be reviewed (on a prioritised basis), and revised if necessary, so that the policies and any noise management measures being adopted accord with the vision, aims and principles of the NPSE.

4. CONCLUSIONS

In the 40 years of the IOA's existence it can be seen that the amount of noise legislation and relevant guidance has become extensive. This paper illustrates this using one or two policy areas as examples. Already in early 2014, we have a new BS8233:2014, ongoing review of BS4142 and a promised revision of WHO community noise guidelines. There is currently an extensive suite of inter related noise legislation, policy and guidance at domestic level, plus there is a possibility of new EU initiatives. There is evolving research on the health effects of noise and it is likely that existing and future WHO publications will continue to be influential in the interpretation and application of policy. Furthermore, there is always the likelihood of new noise sources and new challenges arising.

It is hoped that with the publication of the NPSE we have begun to establish a clear noise policy framework in England. We are beginning to see reasonable consistency emerging on the approach to noise in a number of policy areas that should have a positive impact on the acoustic environment and on the "problem of noise" as it was referred to by the Wilson Committee back in 1963.

A question for the future is "How should we assess whether we are meeting the aims of the NPSE?" This may require a multi-faceted approach embracing a measure of noise exposure (perhaps the proportion of population living where noise levels are $> x$ dB), a measure of noise complaints (perhaps the proportion of the population making justified complaints about noise sources), a measure of attitudes to noise (perhaps the proportion of the population highly annoyed), a measure of the health effects of noise (perhaps using a WHO approved approach), and quantification of the standard of sound insulation in the housing stock (maybe the proportion of dwellings meeting certain standards)?

DISCLAIMER

The views in this paper are those of the authors and are not necessarily those of our clients or employers. Every attempt has been made to achieve factual accuracy but this paper spans many years and covers a broad range of issues, please check before relying upon the details for other purposes.

REFERENCES

Due to a shortage of available space web links have been included in the text where possible.