



Planning for New Energy Infrastructure

Revised draft National Policy Statements for Energy Infrastructure

Consultation

Response from the Institute of Acoustics

Background

The Institute of Acoustics (IOA) is the UK's professional organisation for those working in the fields of sound, noise and vibration. Members of the Institute apply the policies set out in the current suite of Energy National Policy Statements (NPS) both in assisting developers meet their obligations and as regulators evaluating the merits of proposals.

This response has been prepared by experienced members of the Institute and has been approved by the IOA's Executive Committee on behalf of the IOA's Governing Council.

The response is .

EN1

- General: The Institute welcomes the fact that the fundamental policy requirements have remained unchanged from the current version of EN-1. This consistency of approach is very helpful for practitioners, enabling effective outcomes to continue to be achieved.
- Para 5.12.3 The IOA is aware that the Welsh Government has introduced an Environment (Air Quality and Soundscapes) (Wales) Bill which, if enacted, will require Welsh Ministers to produce a national strategy on soundscapes. There is a case for liaising further with the Welsh Government so that the references to the policy in Wales are as up-to-date as possible.
- Para 5.12.4 The IOA welcomes the clear requirement that potential noise and vibration impacts from marine developments must be considered.
- Para 5.12.5 Using the term "soundscape" instead of "acoustics environment" in the 3rd bullet point is welcomed.
- Para 5.12.6 Similarly, making it clear that consideration must be given to the impacts at weekends and at different times of year is also welcomed (3rd sub-bullet of 4th bullet).
- Para 5.12.6 The inclusion of a clear requirement to consider impacts on health and well-being is also welcomed (5th Bullet). However, as the Noise Policy Statement for England (NPSE) uses the term Quality of Life, and noise policy in Wales is



framed in terms of the Well-being of Future Generations (Wales) Act 2015, there is a case for saying:

... including an assessment of any likely impact on health and quality of life /well-being where appropriate...

This small change would mean that the policies in England and Wales are perfectly aligned, although it is accepted that the terms “quality of life” and “well-being” are sometimes used interchangeably.

Para 5.12.6 (6th Bullet). The overt mention of underwater noise is welcomed. However, the IOA is unclear what is meant by “subterranean noise”. It is not a term used in the profession and could lead to uncertainty in application.

There are, therefore, probably two options: Either the term is deleted from the text, or a footnote is used to explain exactly what it means. The IOA would be happy to discuss this particular point with officials if that would be of assistance.

Para 5.12.7 (7th Bullet). The term “best available techniques “ applies in policy specifically to mitigating noise from activities subjected to environmental permitting. It is debatable whether this term has the same meaning as the description in the Explanatory Note of the NPSE at paragraph 2.24 where it states:

The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The highlighted sentence is the key statement.

Given that “Best Available Techniques” is solely associated with Environmental Permitting and given that not all NSIPs to which EN-1 applies will fall under the requirements of Environmental Permitting, it is recommended that the text be changed to reflect the NPSE to avoid any potential confusion.

Para 5.12.13 In the last sentence, there seems to be a missing “the”. Also it is customary to capitalise Planning Practice Guidance on Noise:

... or any successor to it and the Planning Practice Guidance on noise

Para 5.12.14 At the third bullet, reference is made to

...and/or specifying permissible limits/noise levels,...



It is recognised the reference is made in the current version of EN-1 to using noise limits. If such limits are specified so that compliance can only be demonstrated by measurement, care must be taken in how the condition is written so that it meets the six tests of planning conditions set out in the GOV.UK planning guidance on “Use of Planning Conditions” - <https://www.gov.uk/guidance/use-of-planning-conditions>

In particular, the condition must be precise and enforceable. There is a case for including a note to this effect to remind practitioners of this point.

Para 5.12.15 A small point. Are the parentheses in the right place in this paragraph. Perhaps the closing ‘)’ should go after “visual impacts” rather than at the end of the paragraph.

Para 5.12.16 A similar point to that made for paragraph 5.12.13 – capitalising the reference to the planning practice guidance. Also the word ‘practice’ seems to have been omitted here. Therefore, it is suggested that it reads:

... the NPPF, and the government’s associated Planning Practice Guidance on noise.

Para 5.12.16 Last sentence. Given the recent policy developments in Wales, it is probable that the reference to the “Welsh Government’s Noise and Soundscape Action Plan” will soon be out of date. It is recommended (as with the point in Paragraph 5.12.3 above) that the Welsh Government is contacted to establish what should now be stated here.

Para 5.12.17 The text here reflects the NPSE aims. However, the statement ‘in the context of Government policy on sustainable development’ has been omitted. At the time the original EN-1 was drafted, it is understood that it was felt superfluous to include those words here as the concept is implied elsewhere in EN-1. However, in subsequent NPSs, for example National Networks¹ and Airports², the phrase is included for clarity.

Its importance is that the phrase ‘in the context of Government policy on sustainable development’ confirms that when determining whether or not these tests are met, account must be taken of the economic and social benefit of the development rather than just focusing, in isolation, on the noise impacts.
[For devolved public bodies in Wales, a requirement to follow sustainable development is enshrined in law in the Well-being of Future Generations (Wales) Act 2015, which is the foundation for Welsh Government noise policy.]

There have been examples where the omission of the ‘in the context’ phrase in the equivalent part of other NPSs has been argued to mean that such

¹ Paragraph 5.195

² Paragraph 5.68



considerations need not be taken into account when determining whether those test were met. Including that text here makes the position completely clear.

Therefore, for consistency and clarity, it is suggested that the text reads

The Secretary of State should not grant development consent unless they are satisfied that the proposals will meet the following aims, through the effective management and control of noise, in the context of Government policy on sustainable development:

Para 5.12.18 The point made above with respect to paragraph 5.12.14 also applies here with regard to the use of noise limits.

EN3

Para 2.6.4 It is noted that the NPS does not cover onshore wind. Does this mean that there is an implied size limit for any future onshore wind proposals (i.e. below what was previously the threshold for an NSIP)?

Furthermore, the absence of onshore wind from the NSIP means that the assessment methodology requirements set out in Paragraph 2.7.56 of the current version of EN-3 are no longer in policy³. Without that text, there is no formal guidance or requirement in policy regarding how the noise from any future onshore wind farm proposals should be assessed.

The IOA is acutely aware of the contentious nature of such proposals and, in fact, helped Government by developing Good Practice Guidance (GPG) to supplement ETSU-R-97. That GPG was endorsed for use in England by Government in 2013 for NSIPs. It is noted that this endorsement was in practice presumed applicable to all wind farm schemes below the 50MW NSIPs threshold in the absence of anything else, but the policy position was never made clear.

The IOA recognises that officials developing the revisions to EN-3 may not have a role in the process for assessing future developments under the Town and Country Planning Act. However, the Institute would be happy to discuss this particular concern and suggest a way forward.

³ 2.7.56 The applicant's assessment of noise from the operation of the wind turbines should use ETSU-R-97, taking account of the latest industry good practice. This should include any guidance on best practice that the Government may from time to time publish.



Conclusion

The IOA hopes that the Government finds these comments of interest. As indicated above, the Institute would be happy to discuss with officials any of the points made if that would be helpful.

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