

Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (*)

Your details

First name*	Jo
Family name (surname)*	Webb
Title	President
Address	St. Peter's House, 45-49 Victoria Street
City/Town*	St. Albans
Postal code*	AL1 3WZ
Telephone Number	01727 848195
Email Address*	president@ioa.org.uk

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation. *

Trade association, interest group, voluntary or charitable organisation

If you selected other, please state the type of organisation

N/A

Please provide the name of the organisation (if applicable)

Institute of Acoustics (IOA)

Chapter 1: Introduction

Question 1

Do you have any comments on the text of Chapter 1?

[Click here to enter text.](#)

Chapter 2: Achieving sustainable development

Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Yes

Please enter your comments here

As will be seen in our comments on Chapter 15, we believe that promoting the development and preservation of positive soundscapes will assist in meeting the social objective of 'fostering a well-designed... built environment' and in meeting the environmental objective of 'making effective use of land'. In current policy, the concepts of positive soundscapes and good acoustic design cannot be seen clearly. The revision of the NPPF provides an opportunity of overtly encouraging these methods. (See our other comments below)

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

[Click here to enter text.](#)

Chapter 3: Plan-making

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 6

Do you have any other comments on the text of chapter 3?

Click here to enter text.

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Please select an item from this drop down menu

Please enter your comments here:

Click here to enter text.

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Please enter your comments below

Click here to enter text.

Question 10

Do you have any comments on the text of Chapter 4?

[Click here to enter text.](#)

Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Please enter your comments here

[Click here to enter text.](#)

Question 12

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 13

Do you agree with the new policy on exception sites for entry-level homes?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 14

Do you have any other comments on the text of Chapter 5?

[Click here to enter text.](#)

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 16

Do you have any other comments on the text of chapter 6?

Click here to enter text.

Chapter 7: Ensuring the vitality of town centres

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 18

Do you have any other comments on the text of Chapter 7?

Click here to enter text.

Chapter 8: Promoting healthy and safe communities

Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

Click here to enter text.

Question 20

Do you have any other comments on the text of Chapter 8?

Click here to enter text.

Chapter 9: Promoting sustainable transport

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 23

Do you have any other comments on the text of Chapter 9?

[Click here to enter text.](#)

Chapter 10: Supporting high quality communications

Question 24

Do you have any comments on the text of Chapter 10?

[Click here to enter text.](#)

Chapter 11: Making effective use of land

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 27

Do you have any other comments on the text of Chapter 11?

[Click here to enter text.](#)

Chapter 12 : Achieving well-designed places

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

The Institute supports the policy in paragraph 129 which states “Permission should be refused for development of poor design”. In particular, we support refusing applications that have not adopted the principles of good acoustic design. It is tempting for developers to believe that new housing can be located anywhere, regardless of the prevailing noise environment. Developers may believe that adverse noise effects can always be minimised by using sufficient building façade insulation and alternative ventilation. However, such practices can lead to what are known as ‘acoustic prisons’ and in our view, unless these buildings are justified by a robust design process, they do not represent good design. The Professional Practice Guidance on Planning and Noise (ProPG), produced jointly by the IOA, the Association of Noise Consultants (ANC) and the Chartered Institute of Environmental Health (CIEH) sets out a hierarchy for good acoustic design, which includes optimising the development layout; utilising the internal layout of the individual buildings; the use of noise barriers and barrier blocks, and, only having exhausted these options, using building envelope insulation with alternative ventilation. If the NPPF overtly promoted good acoustic design, better outcomes would be achieved, and as stated in our comments on Chapter 15, some of the issues that the policy in paragraph 180 is trying to tackle would be addressed. The Institute would be happy to discuss further our views on this issue.

In a similar vein, the Institute supports the desire to achieve “high quality buildings” (paragraph 124) and from a noise management perspective, the adoption of the principles of good acoustic design would assist in achieving that outcome.

As a general point, we have noticed that the term ‘well designed’ appears more often in the draft revised NPPF than in the current version. Conversely, the term ‘good design’ does not appear at all, whereas it can be found in the current NPPF. It is suggested that the desire to achieve ‘good design’ should be maintained and not diluted to simply achieving something that is ‘well designed’. Furthermore, guidance is being developed under the auspices of the Association of Noise Consultants which looks holistically at the combined issues of acoustics, ventilation and overheating in residential building design. Although currently in draft, the adoption of the principles being proposed in this guidance would assist in good, sustainable design being achieved. We would be happy to provide more details on this guidance if that would be of assistance.

We also support the policy in Paragraph 126 (f) which states that “Planning policies and decisions should ensure that developments..create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users...” One aspect of securing a high standard of amenity is to create spaces with positive soundscapes. Research is emerging that is demonstrating how such spaces assist in supporting quality of life and well being. Overtly encouraging the creation of positive soundscapes in the revised NPPF would support the positive use of sound to enhance our environment, rather than just focusing on managing the negative effects of noise. The Institute would be happy to discuss with you further this approach.

Question 29

Do you have any other comments on the text of Chapter 12?

[Click here to enter text.](#)

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 31

Do you have any other comments on the text of Chapter 13?

Click here to enter text.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

Click here to enter text.

Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

Please select an item from this drop down menu

Click here to enter text.

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 35

Do you have any other comments on the text of Chapter 15?

The Institute welcomes the intention to maintain broadly the same approach to noise management as exists in the current NPPF. It is important that the policy in the NPPF on land-use planning reflects the overarching policy in the Noise Policy Statement for England (NPSE). This leads to a coherent framework of noise management policy and minimises the risk of inconsistency and ambiguity.

We welcome Paragraph 168 (e) which reproduces the current paragraph 109 and states that there can be a level of noise impact that should not be allowed, regardless. However, the current guidance on this point in the Planning Practice Guidance is clear that noise impact should not be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. We continue to support that policy.

We also strongly support the policy in Paragraph 168 (e) which states that “Development should, wherever possible, help to improve local environmental conditions...”. This statement in the context of potential pollution, clearly reinforces, in land-use planning, the third aim of the NPSE which states that “Where possible, contribute to the improvement of health and quality of life”. Evidence is emerging that the creation of positive soundscapes or positive aural environments do assist in improving environmental conditions. Thus there is a case for adding to the policy by saying “Development should, wherever possible, help to improve local environmental conditions such as air quality or through establishing areas of positive soundscapes.” The Planning Practice Guidance on Noise can be used to assist in defining what is meant by positive soundscapes and encourage that such soundscapes should be assessed in a standardised way. The Institute would be happy to assist with the drafting of the appropriate text.

In connection with paragraph 168, we note that there is no longer a definition of ‘pollution’ in the glossary. Presumably this was an oversight and assume that it will be reinstated in the revised NPPF.

On another general point: In the current NPPF and in the revised draft, vibration is only mentioned in connection with mineral workings. As environmental vibration can adversely affect health and quality of life it is suggested that vibration is overtly covered in this policy. One method might be simply to add it to the list of issues that are in the definition of pollution. Another might be to use the statement along the lines of that which can be found in many of the National Policy Statements for Nationally Significant Infrastructure Projects, namely, “In this document, in line with current legislation, references to “noise” apply equally to the consideration of vibration”.

Paragraph 178 broadly reproduces most of the policies previously found in Paragraph 123 of the current NPPF. However, we do have some comments on the detailed wording:

178 “In so doing they”. We are not convinced that it is clear to whom “they” refers. Presumably it is ‘planning policies and decisions’. Perhaps this could be made clearer.

178(a) – the proposed wording conflates two distinct noise management requirements – namely avoiding noise giving rise to significant adverse impacts on health and quality of life, and mitigating and reducing to a minimum adverse impacts. Paragraph 123 currently separates these two concepts as does the NPSE, making it very clear that there are two distinct issues to consider. We would urge using again the structure currently found in Paragraph 123 for clarity.

(We note the observation in the Consultation proposals document that the number of words in the draft revised NPPF has been reduced). Even though our suggestion may increase the word count slightly, we believe that is a price worth paying for the increased clarity.

178(a) – there is a concern that there was potential ambiguity over the phrase ‘mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development’ in the current NPPF and which is also reproduced in the draft. It could be interpreted as only applying to a development that generates noise. In fact, it is presumed to apply to any development where there is a potential impact due to noise, including new noise sensitive development that would be affected by an existing noise source. (In fact, in our experience this is how it has been applied). However, we would suggest saying instead “mitigate and reduce to a minimum potential adverse impacts from noise as a consequence of new development”. That text avoids any potential misunderstanding.

178(a) – A way of modestly reducing the word count would be to replace ‘mitigate and reduce to a minimum’ with ‘mitigate and minimise’. These are the words used in the NPSE and also in the National Policy Statements for Nationally Significant Infrastructure Projects. Making that change would have the benefit of the language being identical across the different policies.

178(a) – We support continuing to reference the Explanatory Note to the NPSE

178(b) – We support the continuation of the policy to identify and protect tranquil areas. Having said that, it is understood that the phrase used in the current NPPF (“areas of tranquillity”) was deliberately chosen to distinguish it from the expression ‘quiet areas’ that appears in the Environmental Noise (England) Regulations and the Noise Action Plans produced for those regulations. We would suggest maintaining that distinction.

Paragraph 180. The proposed text of this paragraph arguably generated the greatest number of comments from our membership. In order to assist navigating through our comments, we have divided the paragraph into three elements:

Paragraph 180 – first sentence - “Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (including places of worship, pubs, music venues and sports clubs).” We support the intent of this policy. However, there may need to be some clarification over what is meant by “integrated effectively”. Presumably that means, from the perspective of noise impact and effect, the overall policy requirements of paragraph 178 and the NPSE are met. If that is the case, if any complaints arise about the prevailing noise from the existing businesses and community facilities, they would not be supported with regard to policy or relevant legislation.

Paragraph 180 – second sentence – “Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established”. We note that this paragraph reflects what is currently the third bullet point of paragraph 123 of the current NPPF. We

welcome the extension of this policy from not just covering the situation regarding businesses “wishing to develop in continuance of their business” to covering the existing situation regardless of any development proposals by the business.

Paragraph 180 – third sentence – “Where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to secure suitable mitigation before development has been completed”. We have several comments on this sentence:

- As a general comment, the IOA recognise the issue that this policy is seeking to address. We are aware of the pressure that has come on, for example, music venues and church bells, as a result of new residential development (or simply as a result of change of ownership or occupier of a dwelling). Although not the subject of this consultation, we also believe that one cause of this issue coming to a head was the Permitted Development regulations allowing the conversion of offices to residential premises without the need for formal planning permission. We note that the relevant regulations have now been amended so that prior approval for such conversions is needed with respect to noise from commercial premises. That still means that such conversions can (and do) occur in noise environments which, were planning consent needed to be obtained, would be regarded as unacceptable (according to paragraph 168 (of the draft) and paragraph 109 of the current NPPF and therefore consent not granted. It is the Institute’s view that the policy of permitted development for any change which could affect the noise impact is poor policy.
- The Institute is also concerned that the proposed policy in this part of Paragraph 180 is suggesting that some new approach is being advocated so that ‘suitable mitigation’ is secured. In fact, ever since we have been systematically attempting to manage the noise environment, consideration has been given to applying suitable design and mitigation to new noise sensitive dwellings. Given this history, we are concerned that this policy concerning the ‘Agent of Change’ will raise expectations that something new will happen. In our view this will not be the case. We feel that the problem that this policy is trying to address will not be solved by this policy. The Institute would be happy to explain our reasons for this view if that would be of interest.
- As what is being proposed is not novel, we do not oppose the principle of the policy. However, we have concerns about the detail.
- “Statutory Nuisance”. We strongly urge that the reference to statutory nuisance is removed. It is understood that it has been used in order to cover other effects beyond noise. However, other text could be used to broaden the scope of this policy rather than using the words ‘Statutory Nuisance’. The reasons for our concern is as follows:
 - Statutory Nuisance has a particular legal meaning. It is not an absolute but is dependent on the situation. It is rooted in common law and, according to the law, is an effect that should be avoided (i.e it is ‘significant’ in policy terms). Consequently, the policy is only tackling one element of the policy set out in the proposed paragraph 178. It is not dealing with adverse effects and just

using the term 'statutory nuisance' risks reducing the quality of noise management that current policy requires.

- As an alternative, this third sentence could start "Where an existing business or community facility has effects that could give rise to adverse impacts on health and quality of life in the light of new development...". This text avoids the words 'statutory nuisance', broadens the consideration beyond just significant adverse impacts, but is still wide enough to cover other issues beyond noise. If it is felt that if further definition is required, a footnote could be added to say that this policy applies as a minimum to the matters described in Section 79 (1) of the Environmental Protection Act 1990. Arguably not all the sub-paragraphs from (a) to (h) of Section 79 (1) are relevant, but this footnote would achieve the scope that is understood was being sought by the use of the words Statutory Nuisance.
- The Institute feels that there is a timing issue regarding the last part of the third sentence to Paragraph 180. Stating that "before development has been completed" is far too late in the process. Mitigation should be identified at the design stage before planning consent is granted. In doing so, issues such as overall layout, internal room layout, the use of barriers or barrier blocks could all form part of the mitigation design before having to use building façade insulation as a last resort. This approach is advocated in the guidance produced last year by the Institute along with the Association of Noise Consultants (ANC) and the Chartered Institute of Environmental Health (CIEH). That guidance is entitled "Professional Practice Guidance on Planning and Noise" (ProPG) and advocates the use of good acoustic design in the form of that hierarchy of measures. We also believe that embedding the concept of good acoustic design into the NPPF would help address the issues that the policy being promulgated through paragraph 180 is trying to address.

Chapter 16: Conserving and enhancing the historic environment

Question 36

Do you have any comments on the text of Chapter 16?

[Click here to enter text.](#)

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

Paragraph 200 (g): With regard to noise, there appears to be an emerging issue regarding legacy policy language. The noise aspects in the Planning Practice Guidance on Minerals have primarily simply reproduced the guidance that existed

in the former Mineral Planning Statement 2 and before the Mineral Planning Guidance 11. The latter dates back to 1993. At that time policy was couched in terms of noise limits. It appears that some decision makers when applying the current policy structure are regarding the word 'limit' as being the threshold for the 'unacceptable' policy as set out in paragraph 109 in the current NPPF and paragraph 168(e) in the draft revised version. This is an issue, because there is some doubt whether the levels previously set as 'limits' are such that they should be regarded as 'unacceptable'. There is also some evidence that mineral related development is not being granted permission because of this interpretation of the word 'limit'. Consequently, there is a case for avoiding the use of the word limit in policy and guidance in order to prevent this outcome from occurring.

In connection with Paragraph 200(f), the policy includes the phrase "set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on...human health". Paragraph 109 in the current NPPF and proposed paragraph 168(e) in the draft revised NPPF use the term unacceptable to mean an impact that must be prevented. Combining these two statements could mean that the requirement of paragraph 200(f) is met as long as the impact is below the threshold set out in paragraph 168(e), i.e. the level that should be prevented. In terms of noise, that would mean that there could be impacts which are still significantly adverse (and which should be avoided) but yet the policy in paragraph 200(f) is met. This potential issue would not arise if the word 'unacceptable' was not used in paragraph 200(f).

Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Glossary

Question 43

Do you have any comments on the glossary?

We note that there is no longer a definition of 'pollution' in the glossary. Presumably this was an oversight and we assume that it will be reinstated in the revised NPPF.

We note, also, that vibration is only mentioned in the draft revised NPPF in connection with mineral workings. As environmental vibration can adversely affect health and quality of life, it is suggested that vibration is overtly covered in this policy document. One method of doing so would simply be to add vibration to the list of issues covered by the definition of 'pollution'.