



## Levelling Up and Regeneration Bill

### Proposed Changes to the National Planning Policy Framework (NPPF)

#### 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. Many members of the Institute apply the policies set out in the National Planning Policy Framework 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 confined to comments on the proposed changes to (new) Paragraph 160.

#### ***Proposed Changes to Paragraph 160***

The IOA notes the following proposed clause at Paragraph 160:

When determining planning applications for renewable and low carbon development, local planning authorities should:

c) approve an application for the repowering and life-extension of existing renewables sites, where its impacts are or can be made acceptable. The impacts of repowered and life-extended sites should be considered for the purposes of this policy from the baseline existing on the site.

The IOA has the following comments to make specifically in connection with on-shore windfarms.

- i. The second sentence of Paragraph 160 (c) is ambiguous. Does it mean:
  - a) The impacts will be considered from the baseline of the existing site? In other words, the baseline comprises the sound level generated by the established wind farm;

OR

- b) The impacts will be considered from the baseline that existed prior to the construction and operation of the existing facility? In other words, the baseline is described as the sound environment which existed before there was any windfarm development.



Conventionally, for repowering or cumulative development assessments, approach (b) is used. In fact, the current guidance for assessing noise from windfarms (ETSU-R-97)<sup>1</sup> advocates this approach. Having said that, it has to be remembered that some windfarm developments have been established for over 20 years. Therefore, there may be a case that the sound from established developments is, or could contribute to, the new baseline.

The IOA recognises that this is not an easy judgement to make and would be happy to discuss this point with officials if that would be of assistance.

In any event, this sentence must be amended to describe precisely which approach ((a) or (b) above) should be used.

- ii. It is assumed that this clause only applies to sites where the size of the repowering does not meet the threshold of being a Nationally Significant Infrastructure Project. If that is the case, again for the avoidance of doubt, some clarification on that point might be needed.
- iii. Footnote 62 talks about the proposal having *community support*. How will that be defined? There is a case for providing some guidance on what that statement actually means and what has to be carried out to demonstrate this requirement has been met.
- iv. The phrase *where the impacts are or can be made acceptable* also needs further clarification. In terms of impact the word 'acceptable' could mean anything that is not 'unacceptable' as described in (new) paragraph 177 (e) of the NPPF. This could mean a very large impact, which is probably not the intent.

Furthermore, impacts might be made acceptable by offering those affected some financial compensation to 'put up with any noise disturbance'. However, in those situations, it must be remembered that the noise impact would still be occurring and that if it is at such a level that a significant adverse effect is occurring, there could be adverse health effects on those affected. The implementation of this type of policy does need to be carried out with care.

Again, the Institute would be happy to discuss this point further with officials.

- v. Mention has already been made of the guidance document ETSU-R-97. This document is over 25 years old and is arguably no longer fit for purpose. Indeed, this guidance has recently been the subject of a scoping review commissioned by BEIS – "A review of noise guidance for onshore wind turbines"<sup>2</sup> which concluded that ETSU-R-97 is in need of updating in some key areas which include the approach to noise criteria.

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<sup>1</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/49869/ETSU\\_Full\\_copy\\_Searchable.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/49869/ETSU_Full_copy_Searchable.pdf)

<sup>2</sup> <https://www.wsp.com/en-gb/insights/wind-turbine-noise-report>



- vi. In 2013, at the behest of Government, the IOA published “A Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise”<sup>3</sup>.

The aim of this document was to enable the consistent application of the existing guidance regarding the assessment of noise from windfarms within the planning system. This guide has been formally endorsed by Government.

The Institute would welcome further discussions with officials to check that the guidance is consistent with current policy. If it is, then there is a case for this Good Practice Guide being formally referenced in the Planning Practice Guidance on Noise<sup>4</sup> under the heading in that document of “What other information is available to assist with the management of noise”.

## **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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<sup>3</sup> <https://www.ioa.org.uk/sites/default/files/IOA%20Good%20Practice%20Guide%20on%20Wind%20Turbine%20Noise%20-%20May%202013.pdf>.

<sup>4</sup> <https://www.gov.uk/guidance/noise--2>