



Department for Levelling Up, Housing and Communities

Open Consultation

Environmental Outcomes Reports: a new approach to environmental assessment

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 work on a variety of projects including undertaking assessments of the noise and vibration impacts of various projects that require Environmental Impact Assessments to be produced. This is in the capacity of both assisting developers meet their policy and legislative obligations and as regulators evaluating the merits of proposals or applying the relevant legislation.

The Institute's response relates primarily to noise and vibration and the importance of ensuring that these impacts are properly assessed and managed in any new approach to environmental assessment. Consequently, the IOA has only answered those consultation questions that are relevant to this issue.

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

Background

When considering Environmental Outcomes Reports, it is important to remember that noise is the second worst environmental cause of poor health and poor quality of life after air pollution. Fortunately, the Government has policies in place that enable the impact and effects of noise to be effectively managed. However, it is essential that any new approach to Environmental Outcomes reporting ensures that these policies are properly implemented when projects are promulgated that could affect the sound environment and cause adverse or significant adverse effects on health and quality of life.

Question 1: Do you support the principles that will guide the development of outcomes? [Yes/No]

Broadly yes. For noise, the outcomes to be achieved are compliance with policy, namely, through the effective management and control of noise and in the context of Government policy on sustainable development:

- Avoid significant adverse effects on health and quality of life;
- Mitigate and minimise adverse effects on health and quality of life; and
- Where possible, improve health and quality of life.



The impact and effects of noise are complex. Consequently, using simple numerical noise exposure indicators will not achieve the desired outcome. However, an alternative would be to use a simple summary of the numbers of people still adversely affected by noise after, as policy requires, reasonable steps have been taken to mitigate and minimise those adverse effects.

The IOA would be happy to liaise with officials further on this issue.

Question 2: Do you support the principles that indicators will have to meet? [Yes/No].

The IOA welcomes the recognition that noise and vibration impacts and effects must be addressed in this process. Furthermore, the IOA agrees with the principle that specific outcomes must be achieved and that for some pollutants that outcome could be defined by an indicator. However, as mentioned above, what needs to be achieved with respect to noise are the policy requirements set out as described above. This is not the same as setting what could be an arbitrary numerical indicator. Although as stated above, the outcome could be described numerically.

Question 3: Are there any other criteria we should consider?

None.

Question 4: Would you welcome proportionate reporting against all outcomes as the default position? [Yes/No].

Yes, but the reporting must clearly show not only the outcome but the assumptions and methodology used to derive the result.

Question 5: Would it be effective in reducing bureaucratic process, or could this simply result in more documentation?

It is too early to say. Clearly the larger and more complex the proposal the more documentation will be needed. It is essential that the process permits proper check and challenge by the regulators, and not be artificially truncated simply to reduce bureaucracy.

Q.7. Do you consider there is value in clarifying requirements regarding the consideration of reasonable alternatives?

Yes. A balance needs to be struck between examining realistic alternatives but avoiding considering those that are manifestly impractical.

Q.8. How can the government ensure that the consideration of alternatives is built into the early design stages of the development and design process?

By requiring such considerations to be part of the process and making sure regulators check that such considerations occur.



Q.9. Do you support the principle of strengthening the screening process to minimise ambiguity?

Yes. Having said that, potential adverse noise impacts and effects are likely to exist in virtually every project, so as an issue some form of noise assessment will be needed. However, the precise nature and extent of the assessment will depend on the project and its location.

Q.10. Do you consider that proximity or impact pathway to a sensitive area or a protected species could be a better starting point for determining whether a plan or project might require an environmental assessment under Category 2 than simple size thresholds? [Yes/No].

Yes. Small projects could cause a large adverse impact or effect depending on proximity. Having said that, adverse noise effects can occur at quite large distances depending on the source. So care would be needed over the threshold set. The IOA would be happy to discuss this issue further with officials.

Q.11. If yes, how could this work in practice? What sort of initial information would be required?

For noise and vibration, the nature and size¹ of the noise and vibration sources and the distance to sensitive receptors.

Q.12. How can we address issues of ineffective mitigation?

There are two aspects to this question. The first concerns ensuring that the mitigation proposed is properly implemented. The second relates to the mitigation meeting the policy test of reasonable steps being taken.

For the first the responsibility rests with the local planning authority, which in turn means they must be properly resourced to fulfil their duty. The second requires the benefit of the mitigation to be fully understood, which for noise means not just the reduction in noise exposure but also the consequential reduction of adverse health effects.

Q.13. Is an adaptive approach a good way of dealing with uncertainty?[Yes/No].

Broadly yes. If the desired outcome is not being achieved then it is right that the reasons are understood and the mitigation improved accordingly.

Q.14. Could it work in practice? What would be the challenges in implementation?

Yes. The challenge would be in ensuring that those responsible for the mitigation have the duty or obligation to make the necessary changes so that the required outcome is secured.

¹ Not necessarily physical size, but size in terms of how much noise might come from the development



Q.15. Would you support a more formal and robust approach to monitoring? [Yes/No].

For many years, with respect to noise and vibration, assessment guidance has advocated post-scheme monitoring. Such monitoring has tended not to occur for probably a couple of reasons. The first is a lack of enforcement by local planning authorities. The second is the difficulty in being precise over what is monitored and being sure the results are attributable to the source of interest.

Consequently, seeking to improve this situation is supported although with the challenges being recognised. Again, the IOA would be happy to discuss this point further with officials.

Q.16. How can the government use monitoring to incentivise better assessment practice?

As indicated above, one of the purposes of post-scheme monitoring is to check whether the outcome that has occurred is what was expected. If the monitoring results show a discrepancy, the assessment methodology could be examined to determine the cause.

Q.17. How can the government best ensure the ongoing costs of monitoring are met?

Although having been around for many years, the Polluter Pays Principle is still valid. Therefore, the onus on meeting the costs of monitoring rests with the developer.

Q.19. Do you support the principle of environmental data being made publicly available for future use?

Yes, it is important to avoid unnecessary duplication of effort and would allow for a better understanding of the inherent variability in the sound environment, both spatially and temporally.

Q.20. What are the current barriers to sharing data more easily?

Lack of common data standards and platforms to enable data to be shared easily. Geospatial (GIS) web-based platforms are likely to be the best solution. Any system will require significant resource for effective data management.

Q.21. What data would you prioritise for the creation of standards to support environmental assessment?

Measured noise data, especially from any semi-permanent monitoring stations. The dataset should include a range of meta-data to describe key facts about the data, including the reason for collection and a cross-reference to planning applications where applicable.

Q.22. Would you support reporting on the performance of a plan or project against the achievement of outcomes? [Yes/ No].

Yes



Q.23. What are the opportunities and challenges in reporting on the achievement of outcomes?

The opportunities are the ability to improve the assessment process by checking that the outcome achieved is what was expected. This should enable the quality of the process to improve and give the public more confidence in it.

One of the challenges is the time it might take for this aspect to be completed. For example, some projects may not reach full capacity for many years. So the final outcome will not be known until then.

Question 24: Once regulations are laid, what length of transition do you consider is appropriate for your regime?

- i) 6 months**
- ii) 1 year**
- iii) 2 years**

Please state regime.

2 years for all the relevant regimes.

Question 25: What new skills or additional support would be required to support the implementation of Environmental Outcomes Reports?

In the context of noise and vibration, practitioners will require no specific new skills. Regulators may need more resources to enforce the various requirements.

Question 26: The government would be grateful for your comments on any impacts of the proposals in this document and how they might impact on eliminating discrimination, advancing equality and fostering good relations.

Improvements in data sharing would enable analyses to be more easily undertaken of how noise is affecting different communities. Public users would be empowered by having greater access to these datasets. Good relations will be improved if the quality of assessments and mitigation design and implementation follows on from a better monitoring regime.



Conclusion

The Institute hopes that the Department will find these comments of interest. Representatives of the Institute would be happy to meet with officials to discuss further any of the points raised.

Institute of Acoustics Limited
Silbury Court,
406 Silbury Boulevard
Milton Keynes, MK9 2AF

9th June 2023

Email: ioa@ioa.org.uk
Tel: +44 (0)300 999 9675
www.ioa.org.uk