

Planning for The Future August 2020 IOA Consultation Response, October 2020

Note on National Design Guide, October 2019.

The National Design Guide, published in October 2019, is referred to in the consultation. It is a general design guide describing 10 characteristics of good design. Of these several are relevant to Good Acoustic Design as proposed by the Professional Practice Guidance; Planning and Noise - New Residential Development that was jointly produced by the Institute of Acoustics, Association of Noise Consultants, Chartered Institute of Environmental Health in 2017. Those characteristics include:

- Layout – allowing acoustic screening with less sensitive uses;
- Form – allowing screening and self-screening by non-sensitive facades;
- Public Space – providing for areas with suitable external noise environments;
- Homes and Buildings – allowing for suitable sound insulation; and
- Materials - allowing for suitable sound insulation.

Noise or sound are mentioned 8 times, and although the topic is given a light touch it is addressed in the guide. There is reference to a National Model Design Code (also referenced in the consultation) to follow that will set out detailed standards for key elements of successful design. We assume this can and will include specific acoustic standards, and our consultation response below includes an offer of IOA assistance in developing this.

Consultation Questions and IOA Responses

The consultation poses 26 questions with sub-questions, reproduced below in green text. The ENG committee's proposed IOA response to each is underlined, with proposed commentary in black text. The consultation closes on 26 October, and the ENG chairman will upload our response once approved by IOA council.

1. What three words do you associate most with the planning system in England?

No comment

2(a). Do you get involved with planning decisions in your local area?

[Yes/ No]

The Institute of Acoustics has 3,000 members covering a wide range of noise, vibration and acoustic skills, including consultants who assist developers of new housing, and local authority environmental health practitioners who advise planning officers on new development proposals.

The scope of this consultation does not limit it from covering planning for all development types although the content is clearly focused on residential development. The IOA's response is therefore limited to the planning of new residential and associated development and the effective implementation of the Government's policy on noise management. The way in which noise sources (roads, railways, industry, etc) are assessed under EIA processes has specific noise assessment guidance, and we assume that nothing in this proposal will affect that.

2(b). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

[Social media / Online news / Newspaper / By post / Other – please specify]

No Comment

4. What are your top three priorities for planning in your local area?

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

It is essential that, for any priority that is applied, consideration of the acoustics and noise management issues must occur at the appropriate time in the proposals so that the Government's policy on noise can be effectively implemented.

5. Do you agree that Local Plans should be simplified in line with our proposals?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, provided noise impacts and the required noise management are considered at the appropriate time. Occupants of new housing could be significantly affected by noise and Good Acoustic Design is critical to address this on any of types of land, so that the Government's policy on noise is effectively implemented, achieving suitable noise standards and design needs across all land subject to development. Without proper attention, there is a possibility that, for example, housing is permitted in very noisy parts of Growth areas and without suitable noise assessment the health and well-being of future residents will suffer.

It is also important to ensure that the planning process serves to protect existing noise sensitive development from a significant change in the noise environment that can

result from new residential development and its associated infrastructure. Furthermore, the location of new residential development must take account of any existing nearby commercial, industrial or entertainment premises. Although the Agent of Change principle exists in planning policy, Good Acoustic Design is essential to minimise the risk of the new residential development unreasonably inhibiting the existing activity.

Some local authorities adopt more stringent standards to protect health and quality of life based on local conditions and evidence they have researched locally. We ~~recommend that~~ recommend that local authorities continue to have the freedom to apply more stringent local noise standards where they have a local evidence base to support this approach. The simplification should not preclude this flexibility.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

[Yes / No / Not sure. Please provide supporting statement.]

Whilst we can and should assess noise impacts from new noise sources in a local context, the effective management of noise to protect health and quality of life in and around new homes should in general be consistent across all parts of the country, so a set of common generic design goals for new housing is supported.

However, as indicated above, we recommend that local authorities continue to have freedom to apply more stringent local noise standards to protect health and quality of life with respect to certain types of noise source and noise sensitive development in the local context, where they have a local evidence base to support this approach. The streamlining should not preclude this flexibility.

The consultation process needs to be suitable and proportionate to the development proposals.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

[Yes / No / Not sure. Please provide supporting statement.]

Whether such a proposal will improve the process will depend on the detail of the consolidated test. It is essential that the test effectively covers all the elements of sustainable development and does not inadvertently bias the outcome against a key environmental impact such as noise, leading to unintended consequences. The principle of sustainable development is already embedded in the Government’s noise policy so it is debatable whether a separate consolidated test is needed to address the question of sustainability. In any event, Local Plans that include development of major noise sources should include appraisals of the potential impact and management of these sources, in line with Government policy on noise management.

At present there is insufficient detail to know how this could work in practice to meet local needs. What is considered a sustainable development in a low noise sensitive area may not be the case in a high noise sensitive area.

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

No comment

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

[Yes / No / Not sure. Please provide supporting statement.]

Whatever approach is taken, account must be taken of the suitability of land for good quality housing development and not risk forcing housing onto land exposed to high levels of noise simply to meet a requirement for numbers of housing.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

[Yes / No / Not sure. Please provide supporting statement.]

No comment

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (*Growth* areas) with faster routes for detailed consent?

[Yes / No / Not sure. Please provide supporting statement.]

We have concerns that housing proposals may be approved by a fast track process that does not properly take account of the need for Good Acoustic Design to mitigate potential adverse effects of noise on the health and quality of life both for existing and future residents.

9(b). Do you agree with our proposals above for the consent arrangements for *Renewal* and *Protected* areas?

[Yes / No / Not sure. Please provide supporting statement.]

In general, provided there is a process to assess noise impacts so that Government policy on noise can be effectively implemented. This could include a risk assessment approach such as that laid out in Professional Practice Guidance: Planning and Noise – New Residential Development 2017, to allow developments in low risk noise sites to proceed without further detailed noise assessment. This document is referenced in the Government’s Planning Practice Guidance on Noise:

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

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, because the Development Consent Order process requires an Environmental Impact Assessment that requires full noise assessment, meaning that the requirements of the Government's noise policy can be met.

10. Do you agree with our proposals to make decision-making faster and more certain?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, in principle, of course streamlining the process is supported. However, the process must allow Environmental Health departments adequate time and resources to comment on environmental impacts, including noise, and to set appropriate planning conditions to avoid significant adverse effects, mitigate and reduce to a minimum adverse effects and, where possible, contribute to the improvement of health and quality of life. In our experience the level of suitably skilled practitioners within local authorities is not sufficient at present and needs to be increased. The Institute of Acoustics run a number of training courses which provide a means of increasing the skill base within local authorities in this essential area.

The level of scrutiny and consultation available must be suitable and proportionate to the development proposals. Community members who move to an area after the adoption of the local plan (which could cover a period of 20 years) should be adequately consulted on subsequent local development proposals that could affect them, and this should be supported.

11. Do you agree with our proposals for accessible, web-based Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]

Yes, in principle, of course, provided adequate resources are provided for local authorities, and the information is also made available in other formats to take account differences in digital access and literacy. Information related to potential noise impacts and their proposed management can generally be presented clearly web-based systems.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]

It is essential that adequate resources are provide for local authorities in order that the future of local planning is properly thought through.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

[Yes / No / Not sure. Please provide supporting statement.]

Neighbourhood Plans have invariably gone through a lengthy consultation process such that they provide developers with more certainty regarding what aspects of development will find favour with a majority of the local community. In this respect general adherence to Neighbourhood Plans should provide a more certain and speedier outcome for compliant development proposals

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

No comment

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

[Yes / No / Not sure. Please provide supporting statement.]

Faster build out should not compromise construction quality and acoustic performance of developments, for example, resulting from poor enforcement of planning conditions which require noise mitigation.

15. What do you think about the design of new development that has happened recently in your area?

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

The Institute of Acoustics covers the UK and Ireland and therefore is not able to comment on such local matters.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

All of the above, providing healthy places to live, including areas that are relatively quiet to relax and recuperate in. The current Government policy on noise management has embedded within it a vision and three aims to be met in the context of Government policy on sustainable development. Effective implementation of that

policy will not only assist with promoting good health and a good quality of life, but will do so sustainably.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

[Yes / No / Not sure. Please provide supporting statement.]

The proposed National Design Code should include acoustics, and the IOA would be happy to help provide the necessary input and/or to be consulted. There are a number of well-established standards and guidelines that are in use and should be referenced, including Professional Practice Guidance; Planning and Noise - New Residential Development, 2017 and BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, and BS 4142: 2014 Methods for rating and assessing industrial and commercial sound. The first two of these are already referenced in the Government's Planning Practice Guidance on noise

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

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

[Yes / No / Not sure. Please provide supporting statement.]

The IOA supports the establishment of any specific body that will help to ensure Good Acoustic Design is applied throughout. The membership of this new body should include a wide range of technical specialists including an acoustics specialist. In addition to an LPA chief officer for design and placemaking, there needs to be a lead officer for environmental impact/sustainability/health (in a planning context) to ensure environmental impact/sustainability/health considerations are given adequate weight.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

[Yes / No / Not sure. Please provide supporting statement.]

Any specific body that helps to ensure good design including Good Acoustics Design is supported.

20. Do you agree with our proposals for implementing a fast-track for beauty?

[Yes / No / Not sure. Please provide supporting statement.]

There is a challenge if "beauty" is the basis for a fast-track. What is deemed beautiful is subjective so who would be charged in deciding whether a proposal is sufficiently beautiful to be fast tracked? In terms of the Institute's area of interest – just because a

development is beautiful does not mean that it is acoustically robust and provides the appropriate level of protection to health and quality of life.

21. When new development happens in your area, what is your priority for what comes with it?

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

As mentioned above, the Institute of Acoustics covers the UK and Ireland and therefore is not able to comment on such local matters.

No comment on Questions 22-25

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

[Yes / No / Not sure. Please provide supporting statement.]

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

[Yes / No / Not sure. Please provide supporting statement.]

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

[Yes / No / Not sure. Please provide supporting statement.]

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

[Yes / No / Not sure. Please provide supporting statement.]

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

[Yes / No / Not sure. Please provide supporting statement.]

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

[Yes / No / Not sure. Please provide supporting statement.]

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

[Yes / No / Not sure. Please provide supporting statement.]

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

[Yes / No / Not sure. Please provide supporting statement.]

25(a). If yes, should an affordable housing 'ring-fence' be developed?

[Yes / No / Not sure. Please provide supporting statement.]

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Exposure to noise can adversely impact on health and quality of life and therefore we need to ensure that the proposals do not inadvertently worsen the noise environment because proper consideration of the acoustics issues did not occur. If that were to occur it could disproportionately adversely affect the health and wellbeing of the members of the community who could be particularly vulnerable to this, e.g. disabled, young or old, pregnant, communities disproportionately affected by deprivation, people with pre-existing health conditions, etc.