

PPG24 and Brownfield Redevelopment – Conflicts and Solutions. Can PPS 24 fare any better ?

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1. INTRODUCTION

Any new Government guidance on noise will not operate in a vacuum and will work best when incorporated and balanced with the other sources of planning policy and guidance on an equal footing.

However, whilst an integrated matrix of planning policy and guidance ensures that all significant material considerations are taken into account when making planning decisions; there can be tensions between the objectives of any new Government guidance on noise and the other sources of planning policy and guidance, which need to be recognised and minimised for the system to work effectively overall.

The potential for conflicts and tensions between Government guidance on noise and the other sources of planning policy and a guidance can be for both noise sensitive and noise generating development. This paper concentrates on issues relating to noise sensitive development, in particular housing.

2 UK PLANNING POLICY AND GUIDANCE - HOUSING

PPS 1¹ sets out the Government's advice on using the planning system to achieve sustainable development and states that sustainable development is the "core principle underpinning planning".

PPS 1 makes reference to the widely used definition of sustainable development drawn up by the World Commission on Environment and Development in 1987 as: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

The Government set out four aims for sustainable development in its 1999 strategy.- A Better Quality of Life (currently under review), These are:

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and,
- the maintenance of high and stable levels of economic growth and employment.

PPS 1 goes on to state that "These aims should be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well being, in ways that protect and enhance the physical environment and optimise resource and energy use."

In the context of this discussion, not only is the planning system's emphasis on sustainable development important, the requirement for an integrated approach is equally significant. This suggests that the new PPS 24 should be cognisant of, and influence, other sources of planning policy and guidance so that conflicts are minimised and synergies maximised. Other wise, there is a risk that the guidance it contains will be given less weight and likely to be sidelined in the decision making process by other sources of planning policy and guidance that do "talk to each other" and are linked to form a coherent overall policy.

In regard to noise sensitive development, the deputy prime minister has set out the rationale for housing provision in England in PPG 3² – Housing.

The objectives of PPG 3 are:

- Plan to meet the housing requirements of the whole community, including those in need of affordable and special needs housing;
- Provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available, and seek to create mixed communities;
- Provide sufficient housing land but give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of greenfield sites;
- Create more sustainable patterns of development by building in ways which exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services;
- Make more efficient use of land by reviewing planning policies and standards;
- Place the needs of people before ease of traffic movement in designing the layout of residential developments;
- Seek to reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity, and by planning for mixed use; and
- Promote good design in new housing developments in order to create attractive, high-quality living environments in which people will choose to live.

Annex 3 to PPG3 gives a flavour of the scale of the task facing Local Authorities, developers and the relevant professionals in meeting the objectives of PPG 3, for example

- In the South East – Local Authorities proposed up to 718,000 additional homes outside London, over 20 years.
- These proposals were examined in Public by a Panel led by Professor Stephen Crow which concluded that instead provision should be made for 1.1 million additional homes outside London, as the Local Authorities had failed to take account of future housing needs. They did not make provision for affordable housing or account for the growth of single person households. And they assumed the same wasteful use of land as in the recent past.
- However the Crow Panel, for their part, applied a rigid 'predict and provide' approach. And they didn't pay enough attention to the capacity of London and the South East to absorb and plan for growth sustainably.
- Instead the government believe we must take a different approach and Local Authorities in the South East should **plan, monitor and manage** housing provision in their region.

In particular PPG 3 states that

- Local Authorities in the south-east should **plan** to provide 43,000 additional dwellings a year outside London, subject to regular review no less than every 5 years.
- Under the old 20 year 'predict and provide' system, 43,000 homes per year adds up to 860,000 new homes.
- We have moved away from a 20 year plan to the new plan, monitor and manage approach. No-one can with certainty predict how many extra households will exist in 20 years' time.
- The benchmark of 43,000 a year is approximately 10% more than the current rate of construction in the South East.

- Based on the advice of the London Planning Advisory Committee, London should plan to provide 23,000 new homes a year, the vast majority of which will be on brownfield sites. That is a 22% increase on current build rates.
- Local Authorities should *plan* for this level of building.
- Second, planning authorities should *monitor* against a series of indicators.
- Third, they should *manage*, and if necessary adjust, the rate of development in the light of monitoring.
- In addition 60% of all new homes in the South East should be provided on brownfield sites. As the Government is determined that as little greenfield land as is necessary is taken to provide the new homes that will be needed.
- After brownfield development, the most sustainable greenfield option is to build town extensions.

PPG 3 is currently under review and due for release as PPS 3 in the near future.

PPS 6³ provides the Government's advice on planning for town centres and its key objectives are:

- planning for the growth and development of existing centres; and
- promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

Whilst the above objectives take precedence, PPS 6 also seeks to achieve the wider policy objectives of:

- to promote social inclusion, ensuring that communities have access to a range of main own centre uses, and that deficiencies in provision in areas with poor access to facilities are remedied;
- to encourage investment to regenerate deprived areas, creating additional employment opportunities and an improved physical environment;
- to promote economic growth of regional, sub-regional and local economies;
- to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use; and
- to promote high quality and inclusive design, improve the quality of the public realm and open spaces, protect and enhance the architectural and historic heritage of centres, provide a sense of place and a focus for the community and for civic activity and ensure that town centres provide an attractive, accessible and safe environment for businesses, shoppers and residents.

PPS 6 goes on to state "housing will be an important element in most mixed use multi-storey developments".

3 POLICY CONFLICTS

The principal potential conflict with other planning policy and guidance is that PPG 24 fundamentally seeks to separate noise sensitive and noise generating development, and guides noise sensitive development to "quiet sites". Whilst PPS 1, PPG 3 and PPG 6 require "urban regeneration" with mixed use development incorporating housing being encouraged, with brownfield sites being developed in preference to greenfield sites, in "sustainable locations."

However in reality there are few "urban regeneration" and brownfield sites in quiet locations i.e. falling in NEC A, and those locations that are available for re-development and which meet the objective of PPS 1, PPG 3 and PPS 6 can be in noisy locations near to roads, railways, airports and industry, where noise levels can fall in NEC C (or D), and where Local Authorities can feel constrained by the current advice in PPG 24⁴ to refuse planning permission for noise sensitive development, even though it is feasible to incorporate mitigation into the proposed scheme to achieve acceptable acoustic conditions.

A further source of conflict would be if the existing provision in PPG 24 for Local Authorities to lower the boundary noise levels between the NECs, or any new equivalent, were retained. Whilst the retention of the ability to increase the boundary noise levels between the NECs will undoubtedly be useful in optimising the re-development for noise sensitive use brownfield land in noisy locations, on the basis that mitigation will still allow acceptable acoustic conditions to be achieved; the reduction of NEC boundary noise levels by Local Authorities could restrict the amount of brownfield land, otherwise suitable for sustainable development, that can re-developed for noise sensitive use. Reducing the NEC boundaries does not protect already quiet areas or ensure quiet conditions for occupiers of new noise sensitive development; and can sometimes be perceived as a proxy means of frustrating new housing development where other factors are the real issue, but which the Local Authority cannot sustain and justify as suitable reasons for refusing planning permission.

Further issues can arise from the costs associated with remediation and preparation for re-development of some brownfield sites e.g. former gas works and coal yards, which are often so high that the only financially viable redevelopment options for the site include a residential element, with accompanying high financial yield to offset the significant development costs. Strict application of the existing NEC C/D wording where such sites are in noisy locations could mean that these sites might never be developed. Whereas suitably sympathetically designed, laid out and constructed noise sensitive development could achieve acceptable acoustic conditions for the future occupiers even though existing noise levels are high.

Another issue for discussion is the element of choice and market forces. The consultation document for PPS 3 argued for Local Authorities to respond to the market in allocating housing sites, rather than the other way around and restrict people's choice as to whether they would want to live in an urban location that is also noisy (with all its other benefits i.e. access to services, less reliance on the car etc.). Consumer choice is something that is easily overlooked and certainly not accounted for in PPG 24.

One way in which conflicts have arisen with the existing advice in PPG 24, which was published in 1994, and the relatively recent introduction of the concept of "sustainable development" and the change of emphasis to urban regeneration and redevelopment of brownfield land; has been the tendency to regard the advice in PPG 24 as fixed, unalterable and the final word on the matter. PPG 24 is only ministerial advice; it does not have the status of legislation and provided it is taken into account, if there is a justified case to vary from its advice then this is acceptable. Drafting the advice of PPS24 to remind readers of this could help it compliment and work better with other sources of planning policy and guidance.

4 POTENTIAL SOLUTIONS

Clearly, in order for any new PPS 24 to work effectively with other sources of planning policy and guidance, the underlying principle of separating noise sensitive and noise generating development needs to be reviewed. As it stands, it is all too easy for a Local Authority to simply state that physical separation by distance is the only way of achieving acceptable acoustic conditions. Clearly this approach can exclude significant areas of previously developed land in noisy locations from re-development to meet the objectives of PPS 1, PPG 3 and PPS 6,, even though mitigation measures

could be incorporated into the design, layout and construction of any noise sensitive development to achieve acceptable acoustic conditions. To avoid this overly restrictive approach the new PPS 24 should be made concomitant with the other sources of government advice and guidance by clearly stating that the principle of separation can be satisfied by mitigation measures, as well as distance, in order to achieve acceptable acoustic conditions.

The new PPS 24 needs to re-visit the guidance on NEC C/D classifications (if NECs are retained) and/or provide some recognition that where sites are in sustainable locations in line with other Government advice in PPS 1, PPG 3 and PPS 6, a more flexible approach to noise issues is required. In reality some Planning Inspectors have already concluded this in regard to appeals where planning permission has been refused by Local Authorities on a strict and/or erroneous interpretation of the existing NEC C/D advice in PPG 24, where it is feasible to mitigate noise impacts to acceptable levels as part of the permitted development.

One way of re-visiting the guidance on NEC C/D classifications, could be to simplify the NECs and have three rather than 4 categories, for example:

- Category 1 – Quiet locations where the noise climate will not have a significant adverse impact on noise sensitive development.
- Category 2 – Noisy locations where the noise climate has potential to have a significant adverse impact on noise sensitive development, but mitigation can be incorporated into proposed noise sensitive development in order to achieve acceptable acoustic conditions.
- Category 3 - Noisy locations where the noise climate will have a significant adverse impact on noise sensitive development, but mitigation can not be incorporated into the proposed noise sensitive development in order to achieve acceptable acoustic conditions.

Having been critical of those Local Authorities who resist noise sensitive development at sites that fall in NEC C/D, even though it is feasible to mitigate noise impacts to acceptable levels as part of the proposed development. It is only fair to highlight that developers on occasion can be reluctant to accept mitigation proposals other than high sound insulation performance facades with minimal natural background ventilation and forced mechanical ventilation for rapid cooling, although it is debatable whether such dwellings meet the PPG 3 objective of providing “good design in new housing developments in order to create attractive, high-quality living environments in which people will choose to live”. On occasion acoustic consultants can be presented with proposals for housing schemes in noisy locations with the design, layout and orientation of the dwellings already determined and be asked to simply survey existing noise levels and calculate the appropriate sound insulation of the most exposed facades in order to achieve acceptable internal noise levels. An alternative view is that the use of high sound insulation performance facades should be a last resort where other methods such as orientation, layout and screening do not provide sufficient mitigation in order to achieve acceptable acoustic conditions. It would be useful if the new PPS 24 were to provide a hierarchy of mitigation measures to discourage a mechanistic approach and encourage a more developed examination of each proposal based on its merits. That is not to say that high sound insulation performance facades couldn't be used, just that for sites which meet the sustainability objectives of other sources of planning policy and guidance the developer would have to demonstrate that other methods of mitigation would not practicably be able to provide adequate attenuation in order to achieve acceptable acoustic conditions without using high sound insulation performance facades, in the context of the each specific proposed development. In order to achieve this it would be useful if PPS 24 suggested a sequence for the planning and design stage along the lines of the advice in sections 5.1 to 5.6 of BS 8233:1999, and advised that Local Authorities should use such advice as an audit trail to determine if the use of high sound insulation performance facades is critical to the otherwise sustainable development going ahead.

A suggested sequence for the planning and design stage could be as follows:

- Assess the site to identify and quantify significant noise sources
- Decide noise criteria and limits for spaces in and around the building(s)
- Evaluate the acoustic effectiveness of design and layout options to manage noise impacts to acceptable levels
- Consider the cost effectiveness of design and layout options for reducing noise levels at noise sensitive parts of the development
- Consider using sound insulation of building envelope in order to achieve acceptable acoustic conditions after attenuation by other options has been considered and does not perform adequately and/or is not cost effective.

Such a sequence would not rule out developments where high sound insulation performance facades are the only way of achieving acceptable acoustic conditions for developments which otherwise meet the sustainable development objectives of PPS1, PPS 3 and PPS6, but would discourage developers from seeing this as the first choice method of managing noise impacts on noise sensitive development in all circumstances.

If the PPS 24 were able recognise that some people may wish to live in, or at least can tolerate, a noisy environment, this could be a way of allowing them this option. To do this PPS 24 could permit certain types of residential development in noisy locations, provided key elements e.g. bedrooms and living rooms are suitably protected to give acceptable acoustic conditions. But less weight could be given to non-habitable rooms, balcony and terrace areas, especially if the development incorporates a quieter façade or at least access to a quieter communal space.

Finally, it would be useful if the new PPS 24 recognised the other sources of planning policy and guidance that it needs to be balanced with, is clear about its status and indicated that it is the starting point in seeking solutions to problems rather than a statement of the only acceptable methods of achieving “sustainable development”.

5 CONCLUDING REMARKS

The Government has identified a pressing need for large numbers of new homes to be created and is committed to sustainable development and "urban regeneration", with mixed use development incorporating housing being favoured, and the assumption that brownfield sites will be developed in preference to greenfield sites. This has led to tensions and conflicts with existing government guidance on planning and noise contained in PPG 24. As the urban and brownfield sites the planning system now prefers for housing development can be in acoustically challenging locations.

The revision of PPG 24 and the development of PPS 24 is an opportunity to minimise and manage the tensions and conflicts with other sources of relatively recently introduced planning policy and guidance in order to achieve the objectives of an overall integrated approach to ensuring the sustainable development of new homes. Key to this will be a more flexible and creative approach than previously to assessing the acoustic acceptability of noise sensitive development proposals by both Local Authorities and developers.

6 REFERENCES

- [1] PPS 1 – Delivering sustainable development (2005) – HMSO or via www.odpm.gov.uk.
- [2] PPG 3 – Housing (2000) – HMSO or via www.odpm.gov.uk.
- [3] PPS 6 – Planning for town centres (2005) – HMSO or via www.odpm.gov.uk.

[4] PPG 24 – Planning and Noise (1994) – HMSO or via www.odpm.gov.uk.