

Appendix 11.2

Legislation and Planning Policy

Control of Pollution Act, 1974

- 4.1 Section 60 of the Control of Pollution Act (COPA) states that Local Authorities can serve a notice imposing requirements as to the way in which the works are to be carried out, and if it deems necessary, specify the following:
- the plant or machinery which is, or is not, to be used;
 - the hours during which the works may be carried out;
 - the level of noise which may be emitted from the premises in question or at any specified point on those premises or which may be so emitted during specified hours, and
 - provide for any change of circumstances.
- 4.2 If the notice is not complied with, the Act includes the power to prosecute the person who “*without reasonable excuse contravenes any requirement of the notice*”.

Environmental Protection Act, 1990

- 4.3 Where it is deemed that a site is generating unnecessary and objectionable noise the Environmental Protection Act provides the powers for a Local Authority to serve a Noise Abatement Notice.
- 4.4 The site which has been served with the abatement notice can claim that they use ‘Best Practicable Means’ (BPM) in order to control noise emitted from site, and that no further remedial works can be practically undertaken.

National Planning Policy Framework (NPPF), 2018

- 4.5 National planning policies are detailed in the National Planning Policy Framework (NPPF), published by the Ministry of Housing, Communities & Local Government in April 2018.
- 4.6 This document provides little mention of planning policies relating to noise, with the exception of those detailed below (only relevant parts have been reproduced);
- 4.7 Paragraph 170 - “*Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*”
- 4.8 Paragraph 180 – “*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”

Noise Policy Statement for England (NPSE), 2010

- 4.9 The terms ‘significant adverse’ and ‘adverse’ above are referenced to the Noise Policy Statement for England (NPSE), published by Department for Environment, Food and Rural Affairs (DEFRA) dated March 2010. One of the main aims of this policy is to avoid significant adverse effects on health and quality of life.
- 4.10 With respect to the two terms above, the explanatory note for the NPSE introduces two concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation (WHO). They are:
- NOEL – No Observed Effect Level - This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
 - LOAEL – Lowest Observed Adverse Effect Level - This is the level above which adverse effects on health and quality of life can be detected.
- 4.11 Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.
- SOAEL – Significant Observed Adverse Effect Level - This is the level above which significant adverse effects on health and quality of life occur.

National Planning Practice Guidance (NPPG), 2012 revised July 2018

- 4.12 NPPG brings together the aims of the NPPG and NPSE and tries to indicate how the likely perception and average response to noise relates to the effect levels. This is summarised in Table A11.2.1, below, replicated from the NPPG.

Table A11.2.1: National Planning Policy Guidance - Noise

Perception	Examples of outcomes	Increasing effect level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
		Lowest Observed	

		Adverse Effect Level	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, eg turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
		Significant Observed Adverse Effect Level	
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, eg avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, eg regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, eg auditory and non-auditory	Unacceptable Adverse Effect	Prevent

Effect Levels

- 4.13 None of the policy documents provide noise level values for the different effect levels, instead stating that *“The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.”*
- 4.14 These factors include:

- The source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;
- for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise; and
- the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features). The local topology and topography should also be taken into account along with the existing and, where appropriate, the planned character of the area.

4.15 There are more specific factors to consider when relevant:

- where applicable, the cumulative impacts of more than one source should be taken into account along with the extent to which the source of noise is intermittent and of limited duration; and
- consideration should also be given to whether adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time. In both cases a suitable alternative means of ventilation is likely to be necessary.

Local Planning Policy

4.16 We have reviewed Reading Borough Council's Local Plan and associated documents and note the following relevant guidance;

Reading Station Area Framework – Reading Borough Council 2010

Chapter 6

4.17 *“Avoid significant negative noise impact on existing residential properties”*

Reading Borough Local Development Framework Sites and Detailed Policies Document October 2012 with alteration adopted Jan 2015

DM4 Safeguarding amenity

4.18 *“Development will not cause a significant detrimental impact to the living environment of existing or new residential properties, in terms of:*

- *Privacy and overlooking;*
- *Access to sunlight and daylight;*
- *Visual dominance and overbearing effects of a development;*

- *Noise and disturbance;*
- *Artificial lighting;*
- *Vibration;*
- *Dust and fumes;*
- *Smell; or*
- *Crime and safety.”*

Reading Borough Local Development Framework Core Strategy Jan 2008 with alteration Jan 2015

Policy CS34: Pollution and Water Resources

- 4.19 *“Development will only be permitted where it would not be damaging to the environment through air, land, noise or light pollution; where it would preserve or ideally enhance ground and surface water quality; and where existing water resources, sewerage and wastewater treatment infrastructure are adequate to support the proposed development.”*
- 4.20 *“Proposals for development that are sensitive to the effects of air, noise or light pollution will only be permitted in areas where they will not be subject to high levels of such pollution, unless adequate mitigation measures are provided”*

Reading Borough Local Development Framework Reading Central Area Action Plan to 2026 (Adopted Jan 2009)

- 4.21 This site forms part of Station/River Major Opportunity Area “North of Station”

RC1e, NORTH OF STATION:

- 4.22 *“There will be retail and leisure development on the ground floor with other uses including residential and offices on upper floors. Provision of retail development is contingent on improved links across the railway. Public car parking will be provided. An area of civic open space will be provided at the northern entrance to the station, and a green link provided to the Thames. An acceptable dry access scheme from across the site must be part of any development.”*
- 4.23 *“Parts of the area may face issues around noise and air quality that will need to be mitigated in relation to new residential development. More information on potential mitigation measures is contained in relation to policy RC9.”*

RC9: LIVING IN THE CENTRE

- 4.24 *“Proposals for residential development within the central area will be assessed against the following criteria:*
- *ii. Proposals for new residential development within the central area will be required to demonstrate how the issue of potential noise disturbance from neighbouring land uses and other sources, and air quality implications of residential development, have been considered and if necessary, mitigated. New residential development should not be located next to existing*

town centre uses where those uses would give rise to unacceptable levels of noise and disturbance to the occupiers of the new scheme, unless this can be mitigated.”

- 4.25 *“An increasing residential population in the centre raises the issue of conflict with alternative uses, particularly in the evening. Research suggests that, far from being conflicting uses, a busy evening economy is a major attractor of potential residents, who are often young and childless. Measures to maximise the mitigation of potential noise and disturbance should be built into the design of both the potential source, and of those developments, particularly housing developments, likely to be affected. However, where the evening economy is at its strongest, the potential for noise and disturbance may be such that it cannot be mitigated through design and will make for an unacceptable living environment. In these cases, residential development adjacent to these areas should not take place, in line with the spatial strategy (paragraph 5.9).”*
- 4.26 *“In some cases, in order for the internal noise levels to be reasonable and not adversely affect health it would be necessary to provide a system of ventilation that entirely removes the necessity to open windows, even in very hot weather. Similarly, in terms of air quality, mitigation of impacts on residential development may be required, including means of ventilation that remove the need to open windows, and draw in the lowest levels of pollution possible, for instance from roof sources. This should be secured through the design of the proposal, and planning condition if necessary. Such systems will require additional energy use, which will need to be offset in order to comply with policy CS1 of the Core Strategy. New residential development may require the extension, or creation of new, Air Quality Management Areas. PPS 23 suggests that Section 106 agreements may be an appropriate mechanism to improve air quality or offset the subsequent environmental impact of the proposed development in the AQMAs”.*