

***Land Use Planning and Aviation Noise***

**What this paper is about**

This paper gives an update on the way in which Government is addressing the absence of technical guidance at national level following the revocation of Planning Policy Guidance Note 24 on Planning and Noise (PPG24). It also gives an example of an approach by Crawley Borough Council, the local planning authority for Gatwick Airport, in developing a bespoke Noise Local Plan policy.

**Points for discussion**

Delegates are asked:

- To discuss what local plan policies to address noise exist in local authority areas around their airports
- To highlight whether there have been cases of noise sensitive developments in areas close to their airport arising from Permitted Development Rights
- Whether UKACCs should seek to engage with SASIG to look at ways in which ACCs can work with their local authorities to help bring about a consistency in approach through Local Plan reviews and the application and enforcement of Building Regulations.

**Possible Action**

- To agree that UKACCs should raise the challenges arising from Permitted Development in its response to the Aviation Green Paper.
- To write to SASIG to explore ways in which ACCs can work with local authorities on the development of bespoke Local Plan noise policies and the application and enforcement of Building Regulations.

## **Background**

1. Land use planning and noise has been an area of concern to member ACCs for many years, since the planning policy framework was streamlined and the detailed Planning Policy Guidance Note on Planning and Noise (PPG24) was lost. This is an issue UKACCs continues to take every opportunity to raise with the Government as there is a need for more robust national technical guidance in relation to planning and noise, especially in addressing the impact of aircraft noise on new developments around airports and under flight paths.
2. In May 2018 UKACCs' response to the Government's consultation on the National Planning Policy Framework was copied to the Minister for Aviation and the Minister for the Environment urging them to have a joined-up approach to planning and noise and to ensure that there are safeguards and parameters put in place in relation to housing developments in the vicinity of airports. Unfortunately, the Government did not take the opportunity to reintroduce more robust planning guidance when the new National Planning Policy Framework was issued.
3. However, at the DfT's ANEG meeting in March 2019, it was reported that although the Ministry for Housing, Communities and Local Government (MHCLG) was not going to amend planning guidance for development and noise, it was happy for the DfT to issue guidance which could be used to support planning authorities. No timeline has yet been given as to when this guidance would be developed and issued. It was also reported to ANEG that MHCLG had no plans to review Building Regulations, another area UKACCs felt needed to be made more robust to ensure that noise insulation schemes were of an appropriate standard and installation checked by building inspectors.
4. In the meantime, there remains a vacuum in robust guidance which needs to be addressed. Given Defra's role in the END Noise Action Planning process and in environmental quality management, UKACCs is keen to learn about how local planning authorities and other agencies are addressing the matter to help ensure that occupants of new dwellings are not exposed to significant levels of noise.
5. The Gatwick ACC (GATCOM) has recently had a presentation from the local planning authority for Gatwick Airport on how it has addressed this issue.

## **Crawley Borough Council's approach**

6. Crawley Borough Council's Local Plan was adopted in December 2015 which includes a bespoke noise policy underpinned by specific noise standards aimed at preventing development in areas where noise exposure is greater than 66dB. This approach was found "sound" by the Planning Inspector at the Local Plan Examination and successfully defended at planning appeal.
7. The aim of the Local Plan Policy is to control and reduce people's exposure to noise and sets out requirements for Noise Sensitive Development and Noise Generating Development. The Local Plan Policy also advises that where noise exposure is significant, it requires that appropriate mitigation is implemented through careful planning, layout and design, to ensure that noise impact for future users is acceptable.
8. In order to satisfy the Local Plan Examination process, the Borough Council needed to create an evidence base to support its proposals. A 'Local Plan Noise Annex' was therefore created, evidenced from guidance and information available at that time:
  - Health Protection Agency (Environmental Noise and Health in the UK: 2010)
  - Airports Commission (Discussion Paper 5: Aviation Noise (2013)).
  - Defra (2009). Estimating Dose-Response Relationships between Noise Exposure and Human Health Impacts in the UK'.

9. The Local Plan Noise Annex details technical day and night-time noise standards, and defines 'lowest', 'significant' and unacceptable' effect levels. The Local Plan policy addresses potential future noise exposure and also references the noise contours produced for a possible new runway at Gatwick. The presentation slides given to GATCOM are available on GATCOM's website<sup>1</sup>.

10. The Borough Council is to review the current Local Plan and is considering ways in which to strengthen its current approach with possible inclusion of further restriction on noise sensitive development where exposure from aircraft noise would exceed 60dB.

11. The Borough Council has also highlighted to GATCOM a new challenge arising from the recent change to national planning policy of "Permitted Development" which allows noise sensitive developments to come forward without restriction or mitigation – an example given was the conversion of office accommodation located very close to Gatwick Airport to housing with poor quality glazing which exposes occupants to significantly high noise levels. GATCOM is to raise this issue as part of its response to the Aviation Green Paper.

12. Crawley Borough Council is happy to share its experience with other planning authorities.

### **Possible UKACCs Approach**

13. Delegates are asked to inform the Annual Meeting whether the local planning authority for their airport, and/or other neighbouring local authorities close to their airport's boundary, have in place bespoke Local Plan policies and, if so, how they differ from Crawley Borough Council's policy. It is understood from comments made by SASIG (the Strategic Aviation Special Interest Group) <sup>2</sup> at a recent DfT Focus Group that there may be other local authorities that have developed Local Plan policies but it is not known whether this is resulting in differing requirements and standards being introduced across England. SASIG is also calling for the Government to issue guidance.

14. Given local authorities have an important role in assisting reductions in local nuisance through comprehensive land use planning that is closely integrated with airspace planning and airport growth it is suggested that UKACCs seeks to engage with SASIG to look at ways in which ACCs can work with their local authorities to help bring about a consistency in approach through Local Plan reviews while continuing to lobby Government in the development of more robust national guidance.

15. As regards the recent challenge arising from "Permitted Development" allowing noise sensitive developments to come forward without restriction or mitigation, delegates are asked to comment on cases affecting properties close to their airports. Given the recent further relaxation of planning controls (came into effect on 25 May 2019) which has further extended Permitted Development rights allowing takeaways to be converted to housing (but they do not include the right to allow upward extensions), it is suggested that the problems the relaxation of planning controls can cause in areas around airports is addressed in UKACCs' response to the Aviation Green Paper.

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<sup>1</sup> Crawley Borough Council's presentation slides to GATCOM - <http://www2.westsussex.gov.uk/ds/ctee/gat/gat250419i7pres.pdf>

<sup>2</sup> SASIG is a forum for Local Authorities and other regional representatives to come together to share information and resources on regional aviation issues.