

Appendix 10B

Policy, assessment criteria and
consultation

B1 Overall policy review

National and Regional Policy

- 1.1.1 Planning Policy Wales Edition 9¹ describes the planning development policies of the Welsh Government. Chapter 13 of the policy ‘Minimising and Managing Environmental Risks and Pollution’ sets out the policy objectives with regard to noise from new development. Paragraph 13.13.1 states the policy objectives:

‘Noise can affect people’s health and well-being and have a direct impact on wildlife and local amenity. Noise levels provide an indicator of local environmental quality. The objective of a policy for noise is to minimise emissions and reduce ambient noise levels to an acceptable standard. Noise Action Plans, drawn up by the Welsh Ministers in relation to Wales under the Environmental Noise Directive, and the Wales Regulations, aim to prevent and reduce environmental noise where necessary and preserve environmental noise quality where it is good. They are a planning consideration in the use and development of land.’

- 1.1.2 With regard to the assessment of noise associated with development, paragraph 13.15.1 states the following:

‘Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances, it will be necessary for a technical noise assessment to be provided by the developer.’

- 1.1.3 Paragraph 13.15.2 provides guidance on noise generation near protected areas:

‘Special consideration is required where noise-generating development is likely to affect a protected species, or is proposed in or near statutorily designated areas, including urban ‘quiet areas’ designated in Noise Action Plans. The effect of noise on the enjoyment of other areas of landscape, wildlife and historic value should also be taken into account.’

- 1.1.4 TAN 11² provides technical guidance on noise generating development including transportation projects. In relation to highway projects TAN 11 makes reference to the Noise Insulation Regulations as described above.

¹ Planning Policy Wales Edition 9 (Welsh Government, 2016)

² Planning Guidance (Wales) Technical Advice Note 11 (Welsh Assembly Government, 1997)

- 1.1.5** The Well-being of Future Generations (Wales) Act 2015³ has a number of well-being goals to achieve through implementing sustainable development. Changes in noise levels can have an impact on the health of habitat and humans, as such the goals to create ‘a resilient Wales’ and ‘a healthier Wales’ are applicable.
- 1.1.6** The ‘Noise and soundscape action plan’⁴ for Wales 2018-2023 was produced by the Welsh Government in response to the requirement set out in the Environmental Noise (Wales) Regulations (as mentioned above).
- 1.1.7** The noise and soundscape action plan defines priority areas⁵ (NAPPA), proximity areas⁶ and quiet areas. The relevant datasets and reports have been reviewed and no priority areas or quiet areas have been identified within the study area. No quiet area is identified within the close proximity to the proposed scheme.

Local Planning Policy

Powys County Council (PCC)

- 1.1.8** Powys Local Development Plan 2011-2026⁷ (as amended in September 2017⁸, adopted in January 2020⁹) policies relevant to noise include:
- 1.1.9** Policy DM15 – Design and Resources
- The amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise...*

Neath Port Talbot County Borough Council (NPTCBC)

- 1.1.10** Neath Port Talbot County Borough Council Local Development Plan 201-2066 (adopted in January 2016)¹⁰ relevant to noise include:
- 1.1.11** Policy EN8 Pollution and Land Stability

³ Well-being of Future Generations (Wales) Act 2015 (Welsh Assembly Government, 2015)

⁴ Noise and soundscape action plan for Wales 2018-2023 (Welsh Government, 2018)

⁵ These are defined in the Noise and Soundscape Action Plan as “areas where people’s homes are exposed to a day-evening-night noise level exceeding 73 dB according to the 2017 noise maps, or where people live alongside concrete trunk roads”

⁶ These are defined in the Noise and Soundscape Action Plan as “Priority areas highlighting situations such as those where noise levels at all the highly exposed residential properties have effectively been calculated within 7.5 metres of the noise source”

⁷ Powys Local Development Plan 2011-2026, Strategic Environmental Assessment Environmental Report, Deposit Draft (Incorporating Focused Changes and Further Focussed Changes), October 2016

⁸ Powys Local Development Plan 2011-2026, Strategic Environmental Assessment Environmental Report Addendum, Composite Version incorporating Matters Arising Changes, September 2017

⁹ Powys Local Development Plan (2011-2026), Supplementary Planning Guidance, Residential Design, Adopted January 2020

¹⁰ Neath Port Talbot County Borough Council Local Development Plan 201-2066 (adopted in January 2016)

- 1.1.12 *‘...potentially noisy proposals should not be located close to sensitive uses (such as hospitals, schools and housing) ...unless it can be shown that adverse effects can be dealt with through mitigation measures incorporated into the design.’*

Legislation

- 1.1.13 The Environmental Noise (Wales) Regulations 2006¹¹ (as amended 2009¹²) provide the mechanism for enacting the requirements of Directive 2002/49/EC¹³ of the European Parliament (the Environmental Noise Directive) in Welsh law.

B1.1 Policy and criteria specifically relevant to Construction noise & vibration

- 1.1.14 The Environmental Protection Act¹⁴ describes the duty of the Local Authority to take steps to abate any noise impact, including that from a construction site, deemed to be causing a statutory nuisance. Noise is outlined in Part III of the Act in relation to noise as a nuisance or that is prejudicial to health.
- 1.1.15 The Control of Pollution Act¹⁵ gives the Local Authority powers to serve a notice to the developer requiring the control of site noise under Section 60 of the Act. This may include specific controls to restrict certain activities identified as causing particular problems. Conditions regarding hours of operation will generally be specified and noise and vibration limits at certain locations may be applied in some cases. All requirements must adhere to established guidance and be consistent with best practicable means to control noise only as far as is necessary to prevent undue disturbance.
- 1.1.16 The British Standard BS 5228 Code of Practice for noise and vibration on construction and open sites – Part 1¹⁶ and Part 2¹⁷ provide guidance on the assessment and control of noise and vibration from construction activities. Part 1 of the Standard contains detailed information on noise reduction measures and promotes the ‘best practicable means’ approach to control noise and vibration to minimise the impact on local residents and construction workers. Part 2 of the Standard provides criteria for vibration with regard to perception and

¹¹ The Environmental Noise (Wales) Regulations (National Assembly for Wales, 2006)

¹² The Environmental Noise (Wales) (Amendment) Regulations (National Assembly for Wales, 2009)

¹³ Directive 2002/49/EC of the European Parliament and of the Council (The European Parliament and the Council of the European Union, 2002)

¹⁴ Environmental Protection Act 1990, Chapter 43 (HMSO, 1990)

¹⁵ Control of Pollution Act 1974, Chapter 40 (HMSO, 1974)

¹⁶ BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise (British Standards Institution, 2014)

¹⁷ BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration (British Standards Institution, 2014)

disturbance to residents and the onset of potential cosmetic or structural damage to buildings.

- 1.1.17 The threshold for determining significant effects from construction noise has been set according to the time of day that they occur and the prevailing ambient noise levels. For the residential receptors, potential significant effects may be identified where construction noise exceeds the appropriate ABC threshold associated with the ambient noise level (EIA significance criteria derived using the ABC method in Annex E of BS 5228-1 which is described in Table 1).

Table 1: Threshold of potential significant effect at dwellings according to ABC method in BS 5228 Part 1

Assessment category and threshold value period	Threshold value, dB		
	Category A	Category B	Category C
Night-time (23:00 – 07:00)	45	50	55
Daytime (07:00 – 19:00) and Saturdays (07:00 – 13:00)	65	70	75
Other: Weekday evenings (19:00 – 23:00) Saturdays (13:00 – 23:00) Sundays (07:00 – 23:00)	55	60	65
Category A: threshold value to use when ambient noise levels (rounded to the nearest 5dB) are less than these values. Category B: threshold value to use when ambient noise levels (rounded to the nearest 5dB) are the same as Category A values. Category C: threshold value to use when ambient noise levels (rounded to the nearest 5dB) are higher than Category A values.			

- 1.1.18 For non-residential receptors, any significant effects have been evaluated on a receptor-by-receptor basis using appropriate guidance criteria to establish likely effects where appropriate for the particular use receptor. For example, BS 8233¹⁸ would be referred to for guidance on internal noise levels within a particular building use.

- 1.1.19 The final assessment of EIA significance is determined by evaluating the construction noise thresholds along with other factors including the expected length of any exceedance of the ABC method criteria.

B1.2 Traffic noise effects

- 1.1.20 Changes in noise due to increases in road traffic noise – both during construction and operational phases - between the baseline and the assessment case has been determined to be a potentially significant

¹⁸ British Standards Institution (2014); BS 8233 Guidance on sound insulation and noise reduction for buildings

effect where the change would be greater than 3dB. The overall assessment of significance is based on this noise change and other parameters.

B1.3 Policy and criteria specifically relevant to Operational noise & vibration

External noise levels

1.1.21 The World Health Organization (WHO) provides guidance in respect to community noise and recommends for outdoor living areas a criterion of 50 dBL_{Aeq,T} “to protect the majority of people from being moderately annoyed...” and 55 dBL_{Aeq,T} “to protect the majority of people from being seriously annoyed...” during the daytime.

1.1.22 The new WHO ‘Environmental noise guidelines for the European Region’ 2018¹⁹ identifies the latest research on health issues (carried out between 1999 and 2015), which relates adverse health impacts to various sources of noise, including road transportation noise. However, it should be noted that these new WHO guidelines align well with the recently published PPW 10 policy (Section 6) which also addresses and takes account of the 'negative impacts' that undesirable noise can have on public health, and strongly supports the importance when considering high priority NAPPAs locations and also provision of 'Tranquil Areas'.

Internal noise levels

1.1.23 The primary guide used for criteria on internal noise levels – specifically in living areas and bedrooms – is from BS 8233. The criteria used for the operational assessment are set out in the main chapter.

B2 Scoping and Consultation

Scoping

1.1.24 A formal scoping assessment was undertaken to set out the proposed assessment methodology and submitted to Powys County Council (PCC) and Neath Port Talbot County Borough Council (NPTCBC). The following response to the noise and vibration section was provided by PCC:

“They are satisfied with the proposed assessments in respect of noise and air quality.”

1.1.25 and NPTCBC:

¹⁹ World Health Organisation, Environmental Noise Guidelines for the Europe Region (World Health Organisation, 2018)

“The proposal in relation to noise and vibration at this stage is vague, but reference is made within the document that prior to undertaking the various assessments that will be required for such a large proposal, the applicant will consult with the LA’s. I am pleased to see this, as it will be at this stage the detail can be discussed and methodologies agreed.”

- 1.1.26** A further informal consultation was carried out with PCC, who confirmed that the proposed survey specification detailing survey locations, duration of measurements (logged and attended) were acceptable.