

THE LONDON RESORT

The London Resort Development Consent Order

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Environmental Statement Volume 2: Appendices

Appendix 15.2 – Planning policy and technical guidance

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Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Regulation 5(2)(a)

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Regulation 12(1)

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Appendix 15.2 Planning Policy and Technical Guidance

LEGISLATION & POLICY THAT HAS INFLUENCED ASSESSMENT OR MITIGATION

National Policy and Guidance

The National Planning Policy Framework (2019)

15.2.1 The National Planning Policy Framework (NPPF) is the over-arching planning policy document that applies to all new developments in England. The guidance and assessment criteria given (or referred to) in this document can therefore be applied to all other standards in terms of assessing the suitability of granting development consent with respect to noise impact.

15.2.2 The NPPF states that planning policies and decisions should aim to:

- Mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed; and
- Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

15.2.3 With specific reference to noise impact, the NPPF document refers to the Noise Policy Statement for England (NPSE).

The Noise Policy Statement for England (2010)

15.2.4 The NPSE provides guidance which enables decisions to be made regarding the acceptable noise burden to place on society using three key phrases:

- No Observed Effect Level (NOEL): level of noise impact below which no effect can be detected and there would be no discernible negative effect on health or quality of life;
- Lower Observed Adverse Effect Level (LOAEL): lowest level of noise impact above which adverse effects on health or quality of life can be detected;

- Designing noise impacts to be equal-to-or-less than the LOAEL should see that any adverse effects on health or quality of life are negligible; and
- Significant Observed Adverse Effect level (SOAEL): Level above which significant adverse effects on health and quality of life occur.

15.2.5 Designs should always seek to avoid a noise impact which would be categorised as a SOAEL.

15.2.6 Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, 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:

- Mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life; and
- Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

15.2.7 Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (including places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to secure suitable mitigation before the development has been completed.

The National Planning Practice Guidance on Noise (2014)

15.2.8 Planning Practice Guidance states *“Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment [...] neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.”*

Local Policies and Plans

Kent County Council Environment Strategy (Kent State of the Environment 2015)

15.2.9 The county council is aiming to *“Minimise air, light, **Noise**, odour and other forms of pollution from activities:*

- *“Noise pollution is a key concern for many residents and businesses in relation to major transport infrastructure, along with the impacts of growth on our natural and cultural assets. Decisions on development and infrastructure need to consider and integrate such requirements and concerns.”*

Dartford Development Policies Plan (Adopted 2017)

15.2.10 The following text related to noise and vibration has been extracted from the Dartford Development Policies:

15.2.11 Policy DP5: Environmental and Amenity Protection:

- *“Development will only be permitted where it does not result in unacceptable material impacts, individually or cumulatively, on neighbouring uses, the Borough’s environment or public health. Particular consideration must be given to areas and subjects of potential sensitivity in the built and natural environment (including as highlighted on the Policies Map) and other policies, and other potential amenity/safety factors such as:”...”noise disturbance or vibration”:*

15.2.12 Policy DP19: Food and Drink Establishments:

- *“Development involving the establishment of any food and drink (A3/ A4/ A5) uses in the Borough will only be permitted where it is demonstrated that criteria (a) to (c) below will be met, including with regard to evidence of potential cumulative impacts:”...”There will be no material detrimental effects on the local environmental quality as a result of noise, vibration and smells;”*

15.2.13 Policy DP 22: Green Belt in the Borough:

- *“Dartford’s Green Belt is shown on the Policies Map, and its essential characteristics are its openness and permanence. Inappropriate development in the Green Belt will be resisted in accordance with national planning policy.”*
- *“Inappropriate development is by definition harmful to the Green Belt and will only be approved in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*
- *“In assessing other harm, the Local Planning Authority will use the following criteria:”...” the impact of an increase in activity and disturbance resulting from the development, both on and off the site, including traffic movement and parking, light pollution and **noise**;”*

15.2.14 The Dartford policy is in line with the NPPF within Chapter 15. Conserving and enhancing the natural environment - Paragraphs 170, 180

Gravesham Local Plan Core Strategy (Adopted 2014)

15.2.15 Policy CS19: Development and Design Principles:

- *“New development will be located, designed and constructed to: avoid adverse environmental impacts from pollution, including **noise**, air, odour and light pollution, and land contamination”*

Thurrock Core Strategies and Policies for Management of Development (adopted 2015)

15.2.16 Policy PMD1 – Minimising pollution and impacts on amenity health, safety and the natural environment:

- *“Development will not be permitted where it would cause or is likely to cause unacceptable effects on:

 - the amenities of the area;
 - the amenity, health or safety of others;
 - the amenity, health or safety of future occupiers of the site; or
 - the natural environment.”*
- *“Particular consideration will be given to the location of sensitive land uses, especially housing, schools and health facilities, and nationally, regionally and locally designated biodiversity sites, and areas of recreational and amenity value which are relatively undisturbed by noise and valued for this reason”.*
- *“The Council will require assessments to accompany planning applications where it has reasonable grounds to believe that a development may suffer from, or cause:” ... “Noise pollution”.*

15.2.17 Policy PMD9 – Road Network Hierarchy

- *“The Council will only permit the development of new accesses or increased use of existing accesses where:” ... “The development will minimise adverse impacts on the quality of life of local residents, such as noise, air pollution, and the general street environment.”*

TECHNICAL GUIDANCE THAT HAS INFLUENCED ASSESSMENT OR MITIGATION

British Standards

15.2.18 British Standard 4142:2014+A1:2019 *Methods for rating and assessing industrial and commercial sound:*

- Used to assess the noise impact at noise sensitive receptors from industrial sources such as mechanical plant and equipment.

15.2.19 British Standard 5228-1:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Part 1: Noise:*

- Provides guidance for noise and vibration control through way of ‘best practice’. The standard includes sound power levels of typical construction equipment and methods to assess the impact of construction noise.

15.2.20 British Standard 5228-2:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration:*

- Provides guidance for noise and vibration control through way of ‘best practice’. The standard includes vibration levels of typical construction equipment and methods to assess the impact of construction vibration.

15.2.21 British Standard 6472-1:2008 *Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting:*

- Provides guidance on the prediction of the human response to vibration in buildings. It also provides recommended frequency weighted vibration spectra and Vibration Dose Values (VDV) for which adverse comments are likely to occur in residential buildings.

15.2.22 British Standard 7385-2:1993 *Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration:*

- Establishes basic principles for carrying out vibration measurements used to assess the vibration effects on buildings. The standard also presents guidance values or limits for vibration that is likely to cause cosmetic damage to buildings.

15.2.23 British Standard 7445-1:2003 *Description and measurement of environmental noise. Guide to quantities and procedures:*

- Provides procedural guidance and meteorological condition thresholds for conducting environmental noise surveys.

15.2.24 British Standard 8233:2014 *Guidance on sound insulation and noise reduction for buildings:*

- Provides guidance for the control of noise in and around buildings. The standard details internal noise level criteria for various rooms with differing noise sensitivities and privacy requirements. These criteria are applicable to steady state noise sources such as mechanical equipment and traffic/rail noise.

Other Policy and Guidance

15.2.25 Calculation of Road Traffic Noise (CRTN):

- A UK procedure that defines a calculation method for predicting road traffic noise.

15.2.26 Design Manual for Roads and Bridges (DMRB):

- Volume 11, Section 3, Part 7, HD 213/11, Noise and Vibration of the DMRB sets out methods of assessing the traffic noise level and details the magnitude of impact with respect to the change in noise levels during both construction and operational phases of the Proposed Development.

15.2.27 Institute of Environmental Management & Assessment (IEMA), Guidelines for environmental noise assessment, October 2014:

- This ES chapter has been undertaken in accordance with best practice and has been informed by IEMA Guidelines for Noise in EIA, October 2014.

15.2.28 Representation Statement of Network Rail (High Speed) & High Speed 1 Asset Protection, Response to Stage 4 Planning Consultation, June 2015;

- Document stating the consultation response from Network rail. With respect to noise *“Construction activities and the permanent solution for resort and transport link should not create any noise, fumes or other air quality issues for travelling public or for safe operation of stations and railway assets.”*

15.2.29 World Health Organisation (WHO), Guidelines for community noise, 1999:

- Presents widely accepted guideline levels for community noise in specific environments based on scientific evidence for the impact of community noise on health.

15.2.30 World Health Organisation (WHO), Night noise guidelines for Europe, 2009

- The World Health Organization's Night Noise Guidelines for Europe present evidence of the health damage of night-time noise exposure and recommend threshold values above which adverse effects on human health are observed.