
EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm
EN010143**

Environmental Statement Volume 6.2

Appendix 11-1: Legislation, Policy and Guidance for Noise and Vibration

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1. Introduction

1.1 Purpose of This Appendix

- 1.1.1 This Environmental Statement (ES) appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Scheme on Noise and Vibration.
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This appendix does not assess the Scheme against legislation and policy instead the purpose of considering legislation and policy is twofold:
 - a. to identify legislation and policy that could influence the sensitivity of receptors (and therefore the significance of effects) and any requirements for mitigation; and
 - b. to identify legislation and policy that could influence the methodology used within the ES assessment which will be presented in the Environmental Statement. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 Instead, the relevant legislation and policy will be assessed within the Planning Statement. The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the Noise and Vibration assessment, which has been taken into account in preparing the ES.

2. National Legislation, Policy and Guidance

2.1 Legislation

- 2.1.1 Regulation 5 of The Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (Ref. 1) sets out that an EIA must describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on noise and vibration.
- 2.1.2 The legislation relevant to Noise and Vibration and pertinent to the Scheme includes the following:
 - a. The Control of Pollution Act 1974 (CoPA) (Ref. 2) requires that Best Practicable Means (BPM), as defined in section 72 of the CoPA, are adopted to control construction noise on any given site. Sections 60 and 61 of the CoPA provide the main legislation regarding enabling works and construction site noise and vibration. If noise complaints are received, a Section 60 notice may be issued by the Local Authority with instructions to cease work until specific conditions to reduce noise have been adopted. Section 61 of the CoPA provides a means to apply for prior consent to carry out noise generating activities during

construction. Once prior consent has been agreed under Section 61, a Section 60 notice cannot be served provided the agreed conditions are maintained on-site.

- b. The Environmental Protection Act 1990 (EPA) (Ref. 3) prescribes a statutory nuisance as noise (and vibration) emitted from premises (including land) that is prejudicial to health or a nuisance. Local Authorities are required to investigate any public complaints of noise, and if they are satisfied that a statutory nuisance exists, or is likely to occur or recur, they must serve a noise abatement notice. A notice is served on the person responsible for the nuisance. It requires either simply the abatement of the nuisance or works to abate the nuisance to be carried out, or it prohibits or restricts the activity. In determining if a noise complaint amounts to a statutory nuisance the Local Authority can take account of various guidance documents and existing case law as no statutory noise limits currently exist for defining a statutory nuisance. Demonstrating the use of BPM to minimise noise levels is an accepted defence against a noise abatement notice.

2.2 Policy

National Policy

- 2.2.1 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS). However, the EIA takes account of the following NPSs, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Scheme:
 - a. Overarching National Policy Statement for Energy (EN1) (Ref. 4), with particular reference to Section 5.11 and Paragraphs 5.11.4 to 5.11.7, in relation to the assessment of noise; and
 - b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref. 5), with particular reference to Paragraphs 2.4.2, in relation to the design of a project to mitigate noise impacts.
 - c. National Policy Statement for Electricity Networks Infrastructure EN-5 (Ref. 6) advises that generic noise effects are covered in Section 5.11 of EN-1 which are summarised in **Table 1**. EN-5 section 2.9 provides further guidance on the assessment of noise from overhead lines, however as the Scheme does not include these, these are not relevant to the assessments presented in **Chapter 11: Noise and Vibration, ES Volume 2 [EN010143/APP/6.1]**.
- 2.2.2 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a Development Consent Order (DCO). The NPSs include specific criteria and issues which should be covered by applicants in their assessments of the effects of their scheme, and how the decision maker should consider these impacts and mitigation measures.
- 2.2.3 The relevant NPS requirements, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 1**.

Table 1. Relevant NPS requirements for the Noise and Vibration assessment

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
NPS EN-1	<p>Where noise impacts are likely to arise from a proposed development, the applicant should include the following in the noise assessment:</p> <ol style="list-style-type: none"> a. a description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal, impulsive or low frequency characteristics of the noise; b. identification of noise sensitive premises and noise sensitive areas that may be affected; c. the characteristics of the existing noise environment; d. a prediction of how the noise environment will change with the proposed development; e. in the shorter term such as during the construction period; f. in the longer term during the operating life of the infrastructure; g. at particular times of the day, evening and night as appropriate. h. an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas; and i. measures to be employed in mitigating noise. The nature and extent of the noise assessment should be proportionate to the likely noise impact 	<p>A description of noise generating aspects of the project, identification of noise sensitive receptors, a prediction of how the noise environment will change with the proposed development in the short and long-term during multiple periods of the day are highlighted in Section 11.5 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p> <p>The characteristics of the existing noise environment is highlighted in Section 11.7 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p> <p>An assessment of the effect of predicted changes to the noise environment at noise sensitive receptors are summarised in Section 11.9 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p> <p>Measures to employ in mitigating noise are highlighted in Section 11.10 of Chapter 11:</p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.11.5	The noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation, should also be considered.	Noise and Vibration, ES Volume 1 [EN010143/APP/6.1]. An assessment of the noise impact of ancillary activities is scoped out.
Paragraph 5.11.6	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. Further information on assessment of particular noise sources may be contained in the technology-specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	All relevant British Standards have been referenced in the assessment of construction, decommissioning and operational noise – see Section 11.5 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].
Paragraph 5.11.7	The applicant should consult EA and Natural England (NE), or the Countryside Council for Wales (CCW), as necessary and in particular with regard to assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] and the Framework Construction Environmental Management Plan (CEMP) [EN010143/APP/7.7] provides information on how the project will limit the impact of noise pollution on features of nature conservation importance.
Paragraph 5.11.8	The project should demonstrate good design through selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise	Embedded mitigation measures are covered in Section 11.8 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission.	
Paragraph 5.11.9	<p>The IPC should not grant development consent unless it is satisfied that the proposals will meet the following aims:</p> <ol style="list-style-type: none"> a. avoid significant adverse impacts on health and quality of life from noise; b. mitigate and minimise other adverse impacts on health and quality of life from noise; and c. where possible, contribute to improvements to health and quality of life through the effective management and control of noise. 	<p>Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] demonstrates that significant adverse impacts on health and quality of life are avoided (Section 11.9) and how adverse impacts on health and quality of life are mitigated and managed as far as reasonably practicable (Section 11.8).</p>
Paragraph 5.11.10	<p>When preparing the development consent order, the IPC should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent.</p>	<p>Embedded mitigation measures are covered in Section 11.8 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p>
Paragraph 5.11.11	<p>The IPC should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the IPC may wish to impose requirements. Any such requirements should take account of the guidance set out in Circular 11/95 (see Section 4.1) or any successor to it.</p>	<p>Embedded mitigation measures are covered in Section 11.8 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p>
Paragraph 5.11.12	<p>Mitigation measures may include one or more of the following: • engineering: reduction of noise at point of generation and containment of noise generated; • lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design to minimise noise transmission through screening by natural</p>	<p>Embedded mitigation measures are covered in Section 11.8 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.11.13	barriers, or other buildings; and • administrative: restricting activities allowed on the site; specifying acceptable noise limits; and taking into account seasonality of wildlife in nearby designated sites. In certain situations, and only when all other forms of noise mitigation have been exhausted, it may be appropriate for the IPC to consider requiring noise mitigation through improved sound insulation to dwellings.	As no permanent significant noise effects are identified, no mitigation (such as sound insulation to dwellings) is provided other than that covered in Section 11.8 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .
NPS EN-3		
Paragraph 2.4.2	Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.	Good design has been demonstrated through the separation distance between sensitive receptors and noise generating plant as covered in Section 11.8 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .

Draft National Policy Statements

- 2.2.4 The Government is currently reviewing and updating the Energy NPSs. It is doing this in order to reflect its policies and strategic approach for the energy system that is set out in the Energy White Paper (December 2020) (Ref. 7), and to ensure that the planning policy framework enables the delivery of the infrastructure required for the country's transition to net zero carbon emissions. As part of the Energy NPS review process, the Government published a suite of Draft Energy NPSs for consultation on 30th March 2023. These include the following Draft NPSs:
- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1) (Ref. 8); and
 - b. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (Draft NPS EN-3) (Ref. 9).
- 2.2.5 The consultation on the details of these provisions closed on 23 June 2023, but the documents have not yet been designated.
- 2.2.6 The transitional provisions in the draft EN-1 state that the suite of NPS will only have effect once designated in relation to those applications that are accepted for examination after the date of designation. The date for submission of the Application may mean that there is no NPS specifically in relation to ground mounted solar, but the draft NPS are "important and relevant" matters, as defined in S.105 (2)(c) of the 2008 Act, and are matters which the Secretary of State should have regard to and place significant weight on.
- 2.2.7 Given the importance of these NPSs, the EIA approach takes account of these new emerging documents and any subsequent formal adoption of new NPSs for energy infrastructure will be considered where relevant during the production of the ES. Where the relevant Draft NPS contain requirements that differ from the requirements of the NPSs, **Table 2** indicates where the information to address these requirements is provided within the ES.

Table 2. Relevant Draft NPS requirements for the Noise and Vibration assessment

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Draft NPS EN-1		
Paragraph 5.11.15	Developments should contribute to and enhance the natural and local environment by preventing new and existing developments 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.	An assessment of the effect of predicted changes to the noise environment at noise sensitive receptors are summarised in Section 11.9 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] . No unacceptable levels of noise pollution are identified.
Paragraph 5.12.4	Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed by the Secretary of State in accordance with the Biodiversity and Geological Conservation section of this NPS at Section 5.4. This should consider underwater noise and vibration especially for marine developments. Underwater noise can be a significant issue in the marine environment, particularly in regard to energy production.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] and the Framework CEMP [EN010143/APP/7.7] provides information on how the project will limit the impact of noise pollution on features of nature conservation importance.
Paragraph 5.12.6	Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment: <ul style="list-style-type: none"> a. a description of the noise generating aspects of the development proposal leading to noise impacts, including the 	A description of noise generating aspects of the project, Identification of noise sensitive receptors, a prediction of how the noise environment will change with the proposed development in

**Relevant Requirement of the NPS
Draft NPS
paragraph
reference**

**Location of information
provided to address this**

<ul style="list-style-type: none"> identification of any distinctive tonal, impulsive, low frequency or temporal characteristics of the noise b. identification of noise sensitive receptors and noise sensitive areas that may be affected c. the characteristics of the existing noise environment d. a prediction of how the noise environment will change with the proposed development o in the shorter term, such as during the construction period o in the longer term, during the operating life of the infrastructure o at particular times of the day, evening and night (and weekends) as appropriate, and at different times of year e. an assessment of the effect of predicted changes in the noise environment on any noise-sensitive receptors, including an assessment of any likely impact on health and well-being where appropriate, and noise-sensitive areas f. if likely to cause disturbance, an assessment of the effect of underwater or subterranean noise g. measures to be employed in mitigating the effects of noise using best available techniques to reduce noise impacts 	<p>the short and long-term during multiple periods of the day are highlighted in Section 11.5 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p> <p>The characteristics of the existing noise environment is highlighted in Section 11.7 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p> <p>An assessment of the effect of predicted changes to the noise environment at noise sensitive receptors are summarised in Section 11.9 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p> <p>There are no elements of the Scheme that may cause underwater or subterranean noise.</p>
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Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.12.7	The nature and extent of the noise assessment should be proportionate to the likely noise impact.	Measures to employ in mitigating noise are highlighted in Section 11.10 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .
Paragraph 5.12.8	Applicants should consider the noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation.	A Study Area has been defined within which noise effects have been assessed (see Section 11.2, Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1])
Paragraph 5.12.9	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards ²⁵⁹ and other guidance. Further information on assessment of particular noise sources may be contained in the technology specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards ²⁶⁰ and other guidance which also give examples of mitigation strategies	The noise and vibration assessment methodology is presented in Section 11.5 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] . Reference is made to NPS EN-3, which relates to renewables. The construction noise assessment methodology makes reference to guidance in BS 5228-1 and the operational assessment

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
		methodology makes reference to BS 4142.
Paragraph 5.12.12	Applicants should submit a detailed impact assessment and mitigation plan as part of any development plan, including the use of noise mitigation and noise abatement technologies during construction and operation	An assessment of noise and vibration effects is presented in Section 11.5 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] . Measures to employ in mitigating construction and operational noise are highlighted in Section 11.10 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1]
Paragraph 5.12.13	The Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the Secretary of State may wish to impose mitigation measures. Any such mitigation measures should take account of the NPPF or any successor to it and planning practice guidance on noise.	Measures to employ in mitigating construction and operational noise are highlighted in Section 11.10 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .
Paragraph 5.12.14	Mitigation measures may include one or more of the following: <ul style="list-style-type: none"> a. engineering: reducing the noise generated at source and/or containing the noise generated b. lay-out: where possible, optimising the distance between the source and noise sensitive receptors and/or incorporating 	Measures to employ in mitigating construction and operational noise are highlighted in Section 11.10 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] . These

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<p>good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings</p> <p>c. administrative: using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise limits/ noise levels, differentiating as appropriate between different times of day, such as evenings and late at night, and taking into account seasonality of wildlife in nearby designated sites</p> <p>d. insulation: mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.</p>	<p>measures consider how noise can be reduced through engineering and lay-out, which are relevant to a solar farm.</p>
Paragraph 5.12.15	The project should demonstrate good design through selection of the quietest or most acceptable cost-effective plant available; containment of noise within buildings wherever possible, taking into account any other adverse impacts that such containment might cause (e.g. on landscape and visual impacts; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission)	Measures to employ in mitigating construction and operational noise are highlighted in Section 11.10 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .
Paragraph 5.12.16	A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for England, the NPPF, and the government's associated planning guidance on noise.	Relevant sections of the NPSE and NPPS are duly considered and applied in assessment methodology set out in Section 11.5 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.12.17	A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for England ²⁶¹ , the NPPF, and the government’s associated planning guidance on noise. In Wales the relevant policy will be PPW and the TANs, as well as the Welsh Government’s Noise and Soundscape Action Plan.	Relevant sections of the NPSE and NPPS are duly considered and applied in assessment methodology set out in Section 11.5 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .
Paragraph 5.12.18	When preparing the development consent order, the Secretary of State should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. These requirements or mitigation measures may apply to the construction, operation, and decommissioning of the energy infrastructure development.	Relevant sections of the NPSE and NPPS are duly considered and applied in assessment methodology set out in Section 11.5 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .
Draft NPS EN-3		
Paragraph 3.5.2	Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage	Measures to employ in mitigating construction and operational noise are highlighted in Section 11.10 of Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] .
Paragraph 3.10.153	The Secretary of State is unlikely to give any more than limited weight to traffic and transport noise and vibration impacts from the operational phase of a project.	As the Scheme will generate limited amounts of operational traffic, an assessment of

**Relevant Requirement of the NPS
Draft NPS
paragraph
reference**

**Location of information
provided to address this**

operational transport noise was
scoped out.

National Planning Policy Framework

- 2.2.8 Section 15 of the National Planning Policy Framework (NPPF) (Ref. 10) explains the national planning policy with regard to conserving and enhancing the natural environment and how local planning authorities should determine planning applications with regard to noise and vibration.
- 2.2.9 The relevant National Planning Policy (NPPF) paragraphs, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 3**.

Table 3. Relevant NPPF requirements for the Noise and Vibration assessment

Relevant NPPF paragraph reference	Requirement of the NPPF	Location of information provided to address this
Paragraph 174	<p>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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans</p>	<p>No unacceptable level of noise pollution at sensitive receptors are identified in Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1].</p>
Paragraph 185	<p>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 impact 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.”</p>	<p>Chapter 11: Noise and Vibration, ES Volume 1 [EN010143/APP/6.1] demonstrates that significant adverse impacts on health and quality of life are avoided (Section 11.9) and how adverse impacts on health and quality of life are mitigated and managed as far as reasonably practicable (Section 11.8).</p>

Noise Policy Statement for England

- 2.2.10 The Noise Policy Statement for England (NPSE) (Ref. 11) seeks to clarify the underlying principles and aims in existing policy documents, legislation, and guidance that relate to noise. The statement applies to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.
- 2.2.11 The NPSE sets out the long-term vision of the government's noise policy, which is to *"promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development"*.
- 2.2.12 This long-term vision *"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development"* is supported by three aims:
- "Avoid significant adverse impacts on health and quality of life;*
 - "Mitigate and minimise adverse impacts on health and quality of life; and*
 - "Where possible, contribute to the improvements of health and quality of life."*
- 2.2.13 The 'Explanatory Note' within the NPSE provides further guidance on defining 'significant adverse effects' and 'adverse effects' using the concepts:
- No Observed Effect Level (NOEL) – the level below which no effect can be detected. Below this level no detectable effect on health and quality of life due to noise can be established;
 - Lowest Observable Adverse Effect Level (LOAEL) – the level above which adverse effects on health and quality of life can be detected; and
 - Significant Observed Adverse Effect Level (SOAEL) – the level above which significant adverse effects on health and quality of life occur.
- 2.2.14 With reference to the SOAEL, the NPSE states: *"It is recognised that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available."*
- 2.2.15 For situations where noise levels are between the LOAEL and SOAEL, all reasonable steps should be taken to mitigate and minimise the effects. However, this does not mean that such adverse effects cannot occur. Further consideration of health effects and interaction with noise and other effects is considered within **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]**. and **Chapter 14: Human Health, ES Volume 1 [EN010143/APP/6.1]**.

2.3 Guidance

- 2.3.1 The Planning Practice Guidance concerned with noise (PPG) (Ref. 12) advises that *“Noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).”*
- 2.3.2 It also provides guidelines that are designed to assist with the implementation of the NPPF. The PPG states that local planning authorities should take account of the acoustic environment and in doing so consider:
- “whether or not a significant adverse effect is occurring or likely*
 - “Whether or not an adverse effect is occurring or likely to occur; and*
 - “whether or not a good standard of amenity can be achieved.”*
- 2.3.3 Factors to be considered in determining whether noise is a concern are identified including the absolute noise level of the source, the existing ambient noise climate, time of day, frequency of occurrence, duration, character of the noise, and cumulative effects.
- 2.3.4 Further details on the hierarchy of noise effects are presented in **Table 4**, which has been reproduced from PPG.

Table 4. Planning Practice Guidance noise exposure hierarchy

Perception	Examples of Outcomes	Increasing Effect Level	Action
Not present	No effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television;	Observed Adverse Effect	Mitigate and reduce to a minimum

Perception	Examples of Outcomes	Increasing Effect Level	Action
	<p>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 small actual or perceived change in the quality of life.</p>		
Significant Observed Adverse Effect Level			
Present and disruptive	<p>The noise causes a material change in behaviour, attitude or other physiological response, e.g. 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</p>	Significant Observed Adverse Effect	Avoid
Present and very disruptive	<p>Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically</p>	Unacceptable Adverse Effect	Prevent

Perception	Examples of Outcomes	Increasing Effect Level	Action
	definable harm, e.g. auditory and non-auditory		

3. Local Policy and Guidance

- 3.1.1 The Scheme lies within the administrative areas of East Riding of Yorkshire Council and the newly formed Unitary Authority of North Yorkshire Council. North Yorkshire Council was formed on 1 April 2023 by the merger of the administrative areas of North Yorkshire County Council and its six constituent District Councils. Therefore prior to the merger and the formation of the Unitary Authority the Scheme was located in the administrative areas of Selby District Council and North Yorkshire County Council. It is expected that over time a new Local Plan for North Yorkshire Council will be prepared, however it is anticipated that this will not be in place (either adopted or at draft review stage) within the timescale of the DCO Application and that the planning policy for Selby District Council and North Yorkshire County Council, as described within this Appendix, along with that for the East Riding of Yorkshire will continue to be the relevant local planning policy for the Scheme.
- 3.1.2 The following local policy (**Table 5**) is relevant to the assessment of the effects of the Scheme on Noise and Vibration.

Table 5. Relevant local policy and guidance

Relevant Document	Relevant policies
East Riding Local Plan 2012-2029 (Ref. 13)	Policy EC5 (Supporting the Energy Sector) states that proposals for the development of the energy sector...will be supported where any significant adverse impacts are addressed satisfactorily and the residual harm is outweighed by the wider benefits of the proposal in relation to local amenity, including noise.
East Riding Local Plan Update 2020 – 2039 (Ref. 14)	Policy EC5 (Supporting the renewable and low carbon energy sector) states that proposals for the development of the energy sector...will be supported where any significant adverse impacts are addressed satisfactorily and the residual harm is outweighed by the wider benefits of the proposal in relation to local amenity, including noise.
Selby District Local Plan 2005 Saved Policies (Ref. 15)	Policy ENV2 (Environmental Pollution and Contaminated Land) states that “ <i>Proposals for development which would give rise to,</i>

Relevant Document

Relevant policies

	<p><i>or would be affected by, unacceptable levels of noise...pollution...will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme”.</i></p> <p>Policy ENV6 (Renewable Energy) states that <i>“Proposals for the development of renewable energy will be permitted provided that.... The proposal would not give rise to nuisance by virtue of noise, vehicular movements, emissions and electro-magnetic interference”</i></p>
<p>Selby District Core Strategy Local Plan 2013 (Ref. 16)</p>	<p>Policy SP17 (Low-Carbon and Renewable Energy) states that <i>“All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must be designed and located to protect the environment and local amenity”.</i></p> <p>Policy SP19 (Design Quality) states that <i>“Both residential and non-residential development should prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability”.</i></p>
<p>Selby District Local Plan Publication Version 2022 (Ref. 17)</p>	<p>Policy NE8 (Pollution and Contaminated Land) states that Development which could present noise pollution...will not be permitted unless satisfactory remedial or preventative measures are incorporated.</p>

3.1.3 East Riding Local Plan Strategy 2012-2029 (Ref. 13) and the East Riding Local Plan Update 2020 – 2039 (Ref. 14) both set out within Policy EC5 that proposals for the development of the energy sector will be supported where any significant adverse impacts are addressed satisfactorily and the residual harm is outweighed by the wider benefits of the proposal in relation to local amenity, including noise.

3.1.4 Selby District Local Plan 2005 Saved Policies (Ref. 15) ENV2 (Environmental Pollution and Contaminated Land) and ENV6 (Renewable Energy) state that development should seek to ensure that noise levels would be mitigated and would not give rise to nuisance.

- 3.1.5 Similarly, Selby District Core Strategy Local Plan 2013 (Ref. 16) Policy SP17 (Low-Carbon and Renewable Energy) and Policy SP19 (Design Quality) states that the amenity of residents should be protected from noise pollution.
- 3.1.6 Selby District Local Plan Publication Version 2022 (Ref. 17) Policy NE8 (Pollution and Contaminated Land) seeks to ensure that hat potential noise generated from new energy developments is acceptable and that impacts are mitigated.

4. References

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