

**Number: WG 40017**



Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation Document

# Call for Evidence: Review of Technical Advice Note 11 Noise, to incorporate Air Quality and Soundscape

Date of issue: 10 February 2020  
Action required: Responses by 4 May 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

## **Overview**

Welsh Government is committed to providing further policy guidance and technical advice to support the new planning policy in PPW relating to air quality and soundscape. This will be achieved through a review of Technical Advice Note 11: Noise (TAN 11) and the production of a new TAN 11 covering air quality and soundscape as well as noise pollution.

This call for evidence seeks information, evidence and views to assist with the development of the new TAN. There are some focused questions contained in this document to guide the provision of information.

## **How to respond**

The closing date for the consultation is 4 May 2020. You can reply in any of the following ways.

### **Email:**

Please complete the call for evidence response form and send it to:

[planconsultations-c@gov.wales](mailto:planconsultations-c@gov.wales)

### **Post:**

Please complete the consultation form and send it to the address below:

Planning Policy Wales Consultation  
Planning Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

## **Further information and related documents**

**Large print, Braille and alternative language versions of this document are available on request.**

Current Planning Policy Wales  
<http://gov.wales/topics/planning/policy/ppw/?lang=en>

**Contact details**

If you have any queries about this consultation, please contact:

Joanne Smith or Martin McVay  
[planconsultations-c@gov.wales](mailto:planconsultations-c@gov.wales)  
0300 025 1128 or 0300 025 9145

**General Data Protection Regulation (GDPR)**

The Welsh Government will be data controller for any personal data you provide as part of your response to the call for evidence. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of call for evidence responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the call for evidence was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

**Your rights**

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

e-mail: [Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

## **What is the issue?**

A new version of *Planning Policy Wales* Edition 10 (PPW) was published in December 2018 to reflect the Well-being of Future Generations (Wales) Act 2015 (WFG Act). The policy ensures the planning system maximises its contribution to the seven well-being goals and five ways of working defined in the WFG Act and thereby creates sustainable places.

PPW is supplemented by a series of Technical Advice Notes (TANs) and other guidance which together comprise the national planning policy in Wales.

Welsh Government is committed to providing further policy guidance and technical advice to support the new planning policy in PPW relating to air quality and soundscape. This will be achieved through a review of Technical Advice Note 11: Noise (TAN 11) and the production of a new TAN 11 covering air quality and soundscape as well as noise pollution.

## **Purpose of the call for evidence**

A new TAN 11 on air quality and soundscape will be prepared over this Assembly term. The new TAN will support the placemaking focus of PPW by specifically addressing air quality, soundscape and noise. The purpose of this paper is to make an informal call for evidence to support the preparation of the new TAN.

The scope of the call for evidence is limited to the provision of information, views and evidence required to inform the development of the TAN and support the implementation of current planning policy in PPW relating to air quality, soundscape and noise. It is not a call for evidence to reopen the published policy position in PPW, which will remain as drafted.

Information and evidence received will be collated and will inform the preparation of the new TAN. It is not proposed that this information be published or specifically responded to as is the case with most consultation exercises. Rather, the information received will be utilised in the preparation of a new draft TAN, which will itself be subject to consultation during 2020. At this point a brief summary of the evidence and information received as part of this call for evidence will be published.

At the same time as this call for evidence Welsh Ministers will be consulting on a draft Clean Air Plan for Wales. There are overlaps between these two exercises and synergies between the issues likely to be raised, however, whilst consultation events on the Clean Air Plan may facilitate responses to the planning focused call for evidence the exercises are separate and respondents are encouraged to respond specifically to the questions outlined in the section below and on the Call for Evidence Consultation Response form associated with this call for evidence document.

## **PPW and placemaking**

The focus on placemaking in PPW means policy topics such as air quality, noise and soundscape should be considered alongside all other relevant policy topics when preparing development plans and designing and determining planning proposals. Development plan strategies, policies and development proposals should be formulated and designed to protect and enhance the special characteristics and intrinsic environmental qualities of places because they contribute to the attractiveness, vibrancy, liveability, resilience, functioning, economic prosperity and ultimately health, amenity and well-being of places.

Planning policy in relation to air quality, soundscape and noise emphasises the requirement to secure opportunities as part of the planning process, rather than just avoiding the worst negative impacts. It is no longer acceptable to merely regard air quality and noise as technical matters to be mitigated at the end of the process, rather, they are integral to the design, functioning, health, amenity and well-being of places. Accordingly an integrated approach should be taken towards drawing up strategies and formulating proposals for places which includes those relating to air quality and soundscape.

## **Air quality policy**

Good air quality is essential for life, health, the environment and the economy. People are exposed to air pollution in the places they live, work, and spend their leisure time. Air pollution carries severe social and environmental costs and also risks adverse effects on economic growth, through its impact on the health and, therefore, the productivity of people of working age.

Despite outdoor air quality in Wales improving steadily over recent decades, it's still the largest environmental risk to public health in the UK with an estimated 28,000 - 36,000 deaths each year attributed to air pollution<sup>1</sup>. People with pre-existing respiratory and heart conditions, the young, and older people are particularly vulnerable to the adverse impacts of air pollution on their health. Beyond these groups, it is possible that others are at a higher risk, such as those working in polluted places or commuting to work through heavily congested urban areas.

The sources of outdoor air pollution are well known. They include transport and the fuels used for transport, particularly road vehicles but also trains, shipping and

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<sup>1</sup> Review of interventions to improve outdoor air quality and public health, Public Health England © Crown copyright 2019

aircraft. They also include industry, agriculture and emissions from homes and businesses. However, sources of air pollution can vary largely by locality and solutions to tackle poor air quality must be found at local, regional, national and international levels.

The current framework for air quality policy in the UK is governed by domestic, European and international policies and legislation. Air quality is a devolved matter and the Welsh Government and UK Government ensure that their policies meet international and European agreements.

Future air quality policy in Wales will be driven by our Clean Air Plan which has been developed in the context of the WFG Act. This plan sets out how we will work collaboratively across Government, both national and local, with the business, voluntary, community sectors and the public to reduce air pollution to support public health and environmental improvements.

At the local level, local authorities have an obligation under Part IV of the Environment Act 1995 to review and assess air quality, producing action plans where air quality objectives<sup>2</sup> are actually or likely breached. In these areas of poor air quality, they must declare an air quality management area (AQMA) and develop an air quality action plan. Local authorities are encouraged to pursue long-term solutions to breaches and to keep exposure to air pollution as low as reasonably practicable. When placing commitments on planning authorities to consider air quality, it is important that we fully consider the relationship of these commitments with the Local Air Quality Management regime and what this will mean for local authorities.

## **Noise and soundscape policy**

Every minute of every day, even when we are asleep, our state of well-being is dependent upon the many sounds that surround us.

Noise, meaning unwanted or harmful sound, can, in the short term, disrupt sleep and increase levels of stress, irritation and fatigue, as well as interfering with important activities such as learning, working and relaxing. In other words, it reduces the quality of our lives. Exposure to loud sounds can cause hearing damage, while exposure to noise in the long term can increase our risk of hypertension-related illnesses and cardiovascular disease.

According to the National Survey for Wales 2017-18, 24% of people in Wales are regularly bothered by noise from outside their homes. Of these:

- 36% are regularly bothered by neighbours inside their homes;
- 47% by neighbours outside their homes; and
- 45% by traffic, businesses, or factories.

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<sup>2</sup> The national air quality objectives for Wales are set out in the Air Quality (Wales) Regulations 2000, as amended by the Air Quality (Wales) (Amendment) Regulations 2002.

People who live in urban areas are more likely to be bothered by noise than those who live in rural areas. People are more likely to be bothered by noise if they live in social housing or rent privately as opposed to owning their own home. Those who live in flats, particularly converted flats, are more likely to be bothered by noise than those who live in detached or semi-detached homes, and people are more likely to be bothered by noise if they live in materially deprived households or in deprived areas. People who own their own property are more likely to be regularly bothered by noise from traffic, businesses or factories than people living in social housing, but people living in social housing are more likely to be bothered by noise from their neighbours.<sup>3</sup>

Environmental noise has been ranked by the World Health Organization (WHO) as the second biggest environmental contributor to the burden of disease in Europe after air pollution. Our own noise maps<sup>4</sup> suggest that the homes of more than 200,000 people across Wales are exposed to road traffic noise levels exceeding the WHO's 2009 night noise guidelines.<sup>5</sup>

This evidence leads to the conclusion that noise has a significant impact on the well-being of our citizens, and we must improve decision-making in this area. But the last thing the Welsh Government wants is a Wales that is silent. Our lives are enhanced by conversation, laughter and cheering, music and the sounds of nature. A healthy acoustic environment is more than simply the absence of unwanted sound, and noise management must have a broader focus than simply clamping down on the decibels. We need to create appropriate soundscapes<sup>6</sup>, meaning the right acoustic environment in the right time and place. The towns and cities, in which most of us live, serve us in a variety of ways, and should therefore contain a variety of soundscapes appropriate to the place. There should not be a one-size-fits-all urban soundscape, which we experience wherever we go, any more than every street and building should look alike.

The Noise and Soundscape Action Plan 2018-2023<sup>7</sup> is the central noise policy document in Wales. It states the Welsh Government's expectation that public bodies subject to the WFG Act should follow the five ways of working in that Act when carrying out noise and soundscape management. This means:

- Pursuing long-term, enduring solutions to any existing instances of noise nuisance;
- Seeking to manage noise and soundscapes at the same time as achieving other, related outcomes;
- Taking opportunities to talk to the public about the challenges associated with exposure to noise and unhealthy soundscapes, listen to their concerns and seek their views on potential solutions and their involvement in delivering them;

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<sup>3</sup> See Annex B of the Noise and Soundscape Action Plan 2018-2023 for a more detailed analysis of the results of the National Survey noise question.

<sup>4</sup> <http://lle.gov.wales/map/airbornepollution>

<sup>5</sup> For more information on the effects of noise, see Chapter 1 of the Noise and Soundscape Action Plan.

<sup>6</sup> Soundscape is defined in ISO 12913-1:2014 as the acoustic environment as perceived or experienced and/or understood by a person or people, in context.

<sup>7</sup> <https://gov.wales/noise-and-soundscape-action-plan-2018-2023-0>

- Working actively with internal and external partners to mutual benefit in the delivery of desired outcomes; and
- Keeping exposure to noise (that is, unwanted or harmful sound) as low as reasonably practicable across the whole of the population, looking out in particular for areas where noise levels might qualify as a statutory nuisance or noise action planning priority area, or where public amenity might be adversely affected by noise at some point in the future, and acting pre-emptively to prevent those things from happening.

The action plan says that by defining environmental noise as an airborne pollutant within our Clean Air Programme, we will create and pursue any opportunities to further align noise/soundscape and air quality policy and regulation in Wales over the course of the next five years, in order to achieve multiple benefits from our actions.

### **Responding to this call for evidence**

As outlined above the scope for this call for evidence is limited to that required to implement PPW and prepare the new TAN. In making the call for evidence, the Welsh Government is particularly interested in drawing out the distinctions between approaches for plan making in relation to air quality and soundscape and those more relevant to designing and determining specific proposals.

### **Effective strategic action through development plans**

Effective placemaking requires early and collective consideration of placemaking issues at the outset of strategic plan making. Planning policy topics should not be considered in isolation from one another and it is equally important for plans to capture opportunities for improving the intrinsic qualities and characteristics of places as it is to avoid negative environmental, social, cultural or economic impacts.

It is recognised that the new policy on air quality, soundscape and noise in PPW may present challenges for plan making and further detailed guidance may be beneficial. Through this call for evidence Welsh Ministers are keen to receive views and evidence which would facilitate a meaningful and proportionate approach at the development plan stage in line with the policy contained in PPW. This could include, but is not limited to:-

- examples of good practice in Wales or elsewhere where air quality and/or soundscape have formed a part of developing plan strategies for the location of new development or facilitating a placemaking approach as part of plan making
- examples of good practice in Wales or elsewhere where wider mitigation solutions have been developed to reduce air and noise pollution and/or avoid exacerbating existing air quality or soundscape problems as part of developing strategies for the location of new development or in facilitating a placemaking approach;
- views on the nature and scope of air quality and soundscape information and/or evidence required to support effective plan making;
- views on how evidence and/or information relating to air quality and soundscape should be used alongside other evidence necessary to

- support effective plan making and how this evidence could be used in an integrated way to facilitate better placemaking outcomes; and
- any further detailed guidance and support in relation to air quality and soundscape which would be beneficial to support effective plan making and which is not covered by the bullet points above.

### **Development proposals and development management**

PPW places emphasis on achieving good quality outcomes, both in terms of location and design choices. The aim should be to make sustainable choices which maximise contribution towards the well-being goals and ways of working in the WFG Act.

Good design is fundamentally about the relationship between all elements of the built and natural environment and between people and places. Whilst mitigation will remain a necessary consideration, the emphasis in PPW is to encourage better located and designed proposals in the first place. PPW as a whole contains wide-ranging policy relating to these aims.

Welsh Government wishes to see better outcomes which put health and well-being at their heart. Views are requested on how to best implement the placemaking policy relating to air quality and soundscape, as well as noise, at the development proposal/development management level. This could include, but is not limited to:-

- examples of good planning practice guidance in Wales or elsewhere aimed at reducing, avoiding or minimising the impacts of airborne pollution;
- examples of good practice in Wales or elsewhere where design has been effectively used to reduce, avoid or minimise the impacts of airborne pollution;
- examples of successful mitigation being secured as part of planning applications and being effectively implemented;
- the nature and scope of air quality and soundscape information and/or evidence required to support effective decision making on planning applications;
- any information and thoughts on barriers, perceived or practical, to achieving better design outcomes and effective mitigation; and,
- any further detailed guidance and support in relation to air quality and soundscape which would be beneficial to support better placemaking outcomes through development management which is not covered by the bullet points above.

### **Intensive agriculture**

This call for evidence will specifically assist in the preparation of a new TAN 11, however, the Welsh Government is also committed to preparing a TAN on Planning for Intensive Agriculture. A Planning Intensive Agriculture Working Group has been set up to support this process.

Farms undertaking intensive animal rearing and farming practices are expanding in number and size. This is driven by changing market conditions and farm management practice and has the potential to increase given the uncertainties facing the farming sector as a result of the UK's exit from the European Union. Public Health Wales, Natural Resources Wales (NRW), local authorities and the Welsh Government are individually and collectively receiving enquiries about potential health and environmental impacts arising from intensive farming.

The Working Group will identify the range of material considerations local planning authorities should be considering when determining planning applications, including suitable assessment methods of typical impacts. The Working Group will also identify and make recommendations on the availability of permanent sources of external advice for local planning authorities in relation to development plan preparation and the determination of planning applications.

General views on intensive agriculture will be considered as part of this Working Group and are not specifically requested as part of this call for evidence. If, however, there are good practice examples relating to planning and intensive agriculture and the effects of airborne (air and noise) pollution these will be welcomed as part of this call for evidence and will be passed to the Working Group.

### **Next steps**

The call for evidence will open on 10 February 2020 and views are requested by 4 May 2020. Please respond using the Call for Evidence Consultation Response Form.

Following responses work will be undertaken to prepare a draft TAN which will itself be subject to consultation. It is intended that a final version of the new TAN be published before the end of this Assembly term.