

## **Permitted Development Rights for Small Scale Renewable and Low Carbon Energy Technologies, and Electric Vehicle Charging Infrastructure**

### **CLG Consultation Document - November 2009**

The Association of Noise Consultants (ANC) has compiled this consultation response on behalf of its members, reflecting the consensus view of the Association in general, rather than specific views of individual member companies. In addressing areas in which there is no general consensus of opinion, the range of views expressed will be presented in the interests of balance and fair representation.

The ANC holds bi-monthly meetings of representatives from each member company, at which information on consultation responses such as this is disseminated and the content discussed. The current membership totals 108 member companies, within which over 700 acousticians engage in active consultancy. The ANC is the only body specifically representing the views of consultancy practices, and as such works closely with the Institute of Acoustics (IOA) the academic institution of which employees of member firms are required to be members.

This response, therefore, represents the views of a large number of practising acousticians whose involvement with environmental acoustics and planning law is extremely relevant to the issue of permitted development rights for potentially disturbing noise sources.

The ANC has had an opportunity to review the consultation response drafted by the Environmental Noise Group on behalf of the IOA, and broadly agrees with the contents thereof.

The following sections detail additional views which extend this basic agreement with the IOA response, and extend some of the reflections on practical implications from the views of practising acoustics consultants.

### **Control of Vibration from Building Mounted Wind Turbines**

Respondents considered this proposed measure – restricting the application of permitted development rights to detached properties – to be simple and effective, as this avoids the complexity of variations in vibration and structure borne noise transmission between dwellings. It should, however, be possible to set an absolute vibration threshold level at the turbine mount below which there is no significant risk of disturbance due to this pathway. Data upon which to determine such a threshold, however, is not readily available, and research would be required to establish a suitable value.

### **Proposed Threshold Noise Level – 45 dB $L_{Aeq,5mins}$**

Respondents all agree with IOA's stated position, that this level is unworkably high for a threshold at and below which noise impact is assumed to be insignificant. All practitioners with experience in the field of environmental impact assessment and noise nuisance action agree that this level will not provide the intended protection of neighbour and community amenity. No dose response research for this particular noise source appears to have been used to set this threshold noise level, which is at the highest level for which there is any guidance precedent (ie PPG24 and WHO guidance). But as noted in the IOA's response, this noise source is not relevant to the 'anonymous' noise guidance in these documents (eg traffic noise). Noise generated by a neighbour's micro wind turbine or air source heat pump is likely to present a much more emotive response, due to the more personal relationship between neighbours, and the more characteristic nature of the noise source itself than traffic sources, or indeed larger scale renewable energy sources such as wind farms.

Although ANC member firms would be more likely to see a great deal of consultancy work due to noise nuisance action should this threshold be introduced, all respondents felt that as experts in this field we should object strongly to this proposal. The consultancy resources at our members' disposal would be better employed assessing the noise impact on a case specific basis between the range within which respondents consider there to be a differential risk of unacceptable impact.

Respondents felt that a threshold below which insignificant impact might be assumed would be better set at 35 dB(A), rather than the proposed 45 dB(A). Within the range 35-45 dB(A), it might be possible to develop a short form noise impact assessment method, involving some appreciation of context and likely background/ambient condition. Whether this would be possible as a desktop exercise, or necessitate background noise survey work would require more detailed study. Above a level of 45 dB(A), there is a very high likelihood of unacceptable disturbance, and a detailed assessment should be required.

In the interim, prior to establishing an assessment method for the range 35-45 dB(A), the current proposals should be implemented with the threshold set at the bottom end of this range.

### **Cumulative Impact**

As this only deals with subsequent sources at a single property, respondents felt it was not sufficient to prevent impact due to numerous micro-renewable sources in a community. It is easy to envisage a not unlikely situation in which several noise sources could be introduced at a group of dwellings resulting in noise levels at another property at 50 dB(A) or more.

### **Summary**

ANC members felt that:

- The approach to preventing vibration disturbance is likely to be effective
- The threshold value set is around 10dB(A) too high.
- The cumulative impact of noise sources at different properties has not been dealt with.

ANC respondents wished a positive response to be represented also, this being that the proposals could be introduced in their existing form, at the lower threshold level of 35dB(A) while some form of assessment method for the range 35-45 dB(A) is developed.

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