



Department of the
Environment
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Noise Policy Statement for Northern Ireland

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Overarching Themes

1. The Northern Ireland Executive in its Programme for Government has committed to growing a sustainable economy and investing in the future; tackling disadvantage; improving health and well being; protecting our people and building a strong and shared community and delivering high quality service.

In doing so the Programme for Government has set out five priorities to achieve this. One of these, Priority 3, on 'Protecting Our People, the Environment and Creating Safer Communities' focuses on making real improvements to peoples' health and wellbeing both physically and mentally, enhancing community safety, achieving improved safeguarding outcomes for children and adults most at risk of harm and protecting and improving the environment in which we live.

2. In contributing to this priority the Department of the Environment's aim is 'to protect and improve the environment, promote well being and deliver a strong and effective local government to support a thriving economy'.

3. As part of its role in contributing to this aim the Department of the Environment has policy responsibility to manage environmental noise. The Department recognises that the effective management of noise requires a co-ordinated and long term approach that encompasses many aspects of modern society. However successfully managing noise can result in significant environmental and wellbeing benefits.

The aim of this document is to provide clarity regarding current policies and practices to enable noise management decisions to be made in the wider context, at the most appropriate levels, in a timely and cost-effective manner.

The Noise Policy Statement NI

In line with the Department's vision and aim the following objectives for the Noise Policy Statement NI (NPSNI) have been developed:

Through the effective management and control of environmental, neighbour and neighbourhood noise the Noise Policy aims to:

- 1. Avoid or mitigate significant adverse impacts on health and quality of life;**
- 2. Mitigate and minimise adverse impacts on health and quality of life; and**
- 3. Where possible, contribute to the improvement of health and quality of life.**

The objectives of the NPSNI should be interpreted by having regard to the set of shared principles that underpin the Executive's Sustainable Development Strategy¹.

¹ Everyone's Involved – Sustainable development Strategy (2010). Northern Ireland Executive. Available at <http://www.ofmdfmi.gov.uk/index/economic-policy/economic-policy-sustainable-development.htm>

These principles are:

- Living within environmental limits
- Ensuring a strong, healthy, just and equal society
- Achieving a sustainable economy
- Using sound science responsibly
- Promoting opportunity and innovation
- Promoting good governance

An explanation of these principles is contained in Appendix 1.

The Need for a Noise Policy Statement

Noise is an inevitable consequence of a mature and vibrant society. For some, the noise of city life provides a desirable sense of excitement and exhilaration. For others, noise is an unwanted intrusion that adversely impacts their quality of life and affects their health and wellbeing.

The management of noise has developed over many years as the types and character of noise sources have altered and as people's attitude to noise has changed. Following the publication of the Report from the Committee on the Problem of Noise (the Wilson Report) in 1963, examples of noise management can be found in many areas including reducing noise at source; land use and transport planning systems, compensation measures, the statutory nuisance and licensing regimes and other related legislation.

Furthermore, the broad aim of noise management has been to separate noise sources from sensitive noise receptors and to 'minimise' noise. Taken in isolation and to a literal extreme, noise minimisation would mean no noise at all. In reality, although it has not always been stated, the aim has tended to be to minimise noise 'as far as reasonable practical'.

By setting clear policy aims that complement and enhance current noise policy, the NPSNI provides the necessary clarity and direction to enable decisions to be made regarding what is an acceptable noise burden to place on society. It should be relied upon in situations where there is no guidance or standards on the particular noise situation.

NPSNI Aims

1. Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise.

The first aim of the NPSNI states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development ² (see Appendix A).

² Sustainable development is development which meets the needs of the present without compromising the ability of future generations to meet their own needs - Report of the World Commission on Environment and Development – Our Common Future, United Nations 1987.

2. Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise.

The second aim of the NPSNI refers to the situation where the impact lies somewhere between LOAEL (Lowest Observed Adverse Effect Level) and SOAEL (Significant Observed Adverse Effect Level). It requires that all reasonable steps should be taken to mitigate and minimise adverse effects in health and quality of life while together taking into account the guiding principles of sustainable development. This does not mean that adverse effects cannot occur but that effort should be focused on minimising such effects.

3. Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise.

This aim seeks, where possible, to improve health and quality of life through the proactive management of noise, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim. However, attempts to improve the acoustic environments should not be to the detriment of other potential environmental impacts.

What will the NPSNI achieve?

The application of the NPSNI should mean that noise is properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage.

In addition, the application of the NPSNI should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.

The NPSNI is relevant to most forms of noise, except workplace (occupational) noise and applies to the following types of noise:

- environmental noise - noise from transportation and industrial sources;
- neighbour noise - noise from inside and outside people's homes; and
- neighbourhood noise - noise arising from within the community such as from entertainment premises, trade and business premises, construction noise and noise in the street.

In the longer term it is hoped that existing policies could be reviewed on a prioritised basis, and revised if necessary, so that the policies and any noise

management measures being adopted accord with the aims and overarching themes of the NPSNI.

How should the NPSNI be used?

Noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments. Furthermore, sound only becomes noise (often defined as 'unwanted sound') when it exists in the wrong place or at the wrong time, such that it causes or contributes to some harmful or otherwise unwanted effect, like annoyance or sleep disturbance. Unlike many other pollutants, noise pollution depends not just on the physical aspects of the sound itself, but also the human reaction to it. Consequently, the NPSNI aims provide a clear description of desired outcome from the noise management of a particular situation.

The development of further objectives to specifically underpin implementation of noise management policy will be kept under review as experience is gained from the application of the NPSNI.

Background to the NPSNI

The Northern Ireland Executive is committed to involving local people in setting their priorities for the future. Thus the primary focus for the Executive, as set out in the Programme for Government 2011 to 2015 is to grow the economy and tackle disadvantage through consultation with the public. The Northern Ireland Executive sets out 82 commitments. Those that matter most to individuals relate to, raising employment levels, achieving inward investment and increasing visitor numbers³. Many of these commitments, such as increasing visitor numbers and developing sports stadia could have an adverse impact on the noise climate. To this end the Department of the Environment seeks to adopt this high level statement of policy to encourage a co-ordinated long term approach to noise management.

This document seeks to clarify current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level and in a cost-effective and timely manner. It also seeks to compliment and build upon current legislative and regulatory regimes which apply at the international, European, national and local levels for all sources and types of noise. The regulatory regime most applicable to noise at the European level is the Environmental Noise Directive. The planning regime considers noise as a material consideration in relevant cases and district councils enforce the statutory nuisance regime. These regimes are outlined below. However, responsibility for the majority of planning functions will transfer to district councils in 2015.

³ Northern Ireland Executive – Programme for Government 2011-2015

This document outlines the underlying principles and aims in existing policy documents, legislation and guidance that relates to noise. It has been developed following discussions with stakeholders including other Departments regarding the effects of current policies and practices on the noise environment. One of the overarching principles applicable across all of government and all policy areas is sustainable development. As such, any decisions that are taken in reliance on this Statement should also be made pursuant to the principles of sustainable development.

Existing legislative regimes

Environmental Noise Directive (END)

The Environmental Noise Directive⁴ was, transposed in Northern Ireland by the Environmental Noise Regulations (Northern Ireland) 2006. The objectives of the Directive are to:

- determine the noise exposure of the population through noise mapping;
- make information on environmental noise available to the public; and
- develop Action Plans based on the mapping results, to reduce noise levels where necessary, and to preserve environmental noise quality where it is good.

The Directive requires Member States to produce strategic noise maps for the main sources of environmental noise (roads, railways, airports and industry in agglomerations) every 5 years. Action Plans must be based on the results of the noise maps and should set out how noise levels will be reduced where necessary, and preserved where noise quality is good.

The following 'Competent Authorities' are responsible for preparing the noise maps and action plans for each noise source:

- Road noise – Roads Service;
- Railway noise – Translink (Northern Ireland Transport Holding Company);
- George Best Belfast City Airport noise - George Best Belfast City Airport;
- Belfast International Airport noise - Belfast International Airport; and
- Industrial noise – Department of the Environment.

The NPSNI refers to the three objectives of the END. As such, the content of Noise Action Plans should be considered by other Departments, and the Planning Service in particular, when decisions are made.

The Planning System

The planning system has a role to play in preventing and minimising the impact of noise through its influence on the location, layout and design of new development and consideration of the amenity impacts. There are several ways in which this is currently addressed through the planning system.

⁴ Directive 2004/49/EC of the European Parliament and of the Council of 25 June relating to the assessment and management of Environmental Noise.

Firstly, through the development management process. The statutory role of the planning authority in the development management process, as set out in Article 25 (1) of the Planning (Northern Ireland) Order 1991, is to deal with applications for planning permission having regard to the development plan, so far as material to the application, and to any other material considerations. Noise can be treated as a material consideration in the determination of planning applications for proposals likely to give rise to noise that would impact adversely upon residential/public amenity and/or the character of the locality. In some cases where noise is identified by the planning authority as a significant material consideration this should involve consultation with the relevant District Council Environmental Health Department. In determining applications, the planning system aims to reach balanced decisions and controls must avoid placing unreasonable restrictions on development or adding unduly to the cost and administrative burdens of businesses. This will often result in conditions being applied to planning consents for new development or change of use proposals in order to mitigate excessive noise impacts.

Secondly, the planning system can minimise the potential for noise nuisance through the development plan process. For example, zoning of land for economic development should consider the potential for noise nuisance upon sensitive receptors such as existing or approved residential development. Where potential for adverse impacts are unavoidable, the development plan should seek to mitigate through the application of key site requirements to new zonings (for example by requiring new housing in proximity to an existing noise generating activity to be set back a specified distance and / or to incorporate sound proofing design elements).

Finally, the planning system addresses the issue of development and noise nuisance through several Planning Policy Statements (PPSs) which are material considerations in the determination of planning applications and inform the preparation of development plans. Examples of PPS documents which contain policies to minimise conflict between adjacent or 'in proximity' land uses include the following:

- PPS 4 – Planning and Economic Development
- PPS 7 – Quality Residential Environments
- PPS8 – Open Space, Sport and Outdoor Recreation.
- PPS11 - Planning and Waste Management.
- PPS 18 – Renewable Energy

It is intended that all existing PPSs will be amalgamated into a single Strategic Planning Policy Statement (SPPS) in time for the transfer of planning functions to local government in 2015. This may present an opportunity to highlight the importance of noise management in improving health and wellbeing and to 'signpost' the NPSNI as a policy instrument that the new planning authorities should have regard to in bringing forward local development plans and in the exercise of local development management

functions. The SPPS will also consolidate existing planning policies that refer to noise as a planning consideration.

It is also intended that the NPSNI will itself inform the preparation of Development Plans by Local Authorities and will ensure that the inter-relationship between the planning system and the Environmental Noise Directive is better reflected. This Statement also sets out the core noise-related aims that planning authorities should observe in the formulation of planning policy and in the exercise of local development management functions.

Statutory Nuisance

Articles 63 and 65 of the Clean Neighbourhood and Environment Act (NI) 2011 gives district councils the power to serve a Noise Abatement Notice where they consider noise is prejudicial to health or a statutory nuisance. There is no fixed level of noise which constitutes a statutory nuisance. Individual circumstances differ and each case is judged on its merits. In deciding whether or not a noise is sufficient to amount to a statutory nuisance, the environmental health officer of the district council has to consider the reaction of the average, reasonable person to the noise complained of taking account not only of its volume, but factors such as when and how often the noise occurs and the duration of the occurrence. The Noise Abatement Notice may be served on the owner or occupier of the premises and may require the noise to be stopped altogether or limited to certain times of the day.

Definitions in NPSNI

There are several key phrases within the NPSNI and these are discussed below.

'Health and quality of life'

The World Health Organisation defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, and recognises the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being.

It can be argued that quality of life contributes to our standard of health. However, in developing the NPSNI a distinction is made between 'quality of life' which is a subjective measure that refers to people's emotional, social and physical wellbeing and 'health' which refers to physical and mental well being.

It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between 'quality of life' effects and 'health' effects recognises that there is emerging evidence that long term

exposure to some types of noise may additionally cause an increased risk of direct health effects. The Department of the Environment intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSNI.

‘Promote good health and quality of life’

This statement expresses the long term desired policy outcome, but in the use of ‘promote’ and ‘good’ recognises that it is not possible to have a single objective noise-based measure that is mandatory and applicable to all sources of noise in all situations.

‘Effective management of noise’

This concept confirms that the policy applies to all types of ‘noise’ (environmental, neighbour and neighbourhood) and that the solution could be more than simply minimising the noise.

There is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental impacts, including the impact of noise and health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.

‘Significant adverse’ and ‘adverse’

There are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

Extending these concepts for the purpose of this NPSNI leads to the concept of a Significant Observed Adverse Effect Level.

Significant Observed Adverse Effect Level

This is the level above which significant adverse affects on health and quality of life occur.

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 NPSNI provides the necessary policy flexibility until further evidence and suitable guidance is available.

Appendix A - Principles of the Northern Ireland Sustainable Development Strategy

Living within environmental limits

Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

Ensuring a strong, healthy, just and equal society

Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion and creating equal opportunity.

Achieving a sustainable economy

Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays) and efficient resource use is incentivised.

Using sound science responsibly

Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.

Promoting opportunity and innovation

Supporting the successful exploitation of new and existing ideas to deliver economic, social and environmental benefits.

Promoting good governance

Actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy and diversity.