

# NOISE

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BULLETIN

## COURTS

# Nuisance wins damages

A court has ruled that restrictive leases do not override the right for residents near Cambridge to complain about noise nuisance.

A Barnwell Junction resident had in the past moved into an ex-railway property with a condition that prevented complaints about railway noise. More recently a scrapyard was operating from the former

railway sidings and creating a noise nuisance.

The resident complained – despite the covenant attached to the property that allowed ‘free use’ of the neighbouring land. But this was not seen to override her right to complain about noise nuisance from the scrapyard formerly operated by the Sita group.

The resident was aided by consultant Mike Stigwood and barrister Richard Buxton. As noise arguments were more or less agreed, the case focussed more on whether the householder’s lease prevented the claim.

In the event residents won £25,000 damages, and up to £300,000 of costs.

## COURTS

# Charnwood secures ASBO on dog owner

A dog owner has been issued with an Asbo after her barking dogs caused noise nuisance and distress to neighbours.

Patricia Eldridge was given the order by Loughborough Magistrates Court because of barking from her dogs. Complaints were initially made about the noise in 2007 and following an investigation by Charnwood’s environmental health team, she was served an abatement notice in March

2008.

However, further complaints of noise nuisance were received, prompting issuing of an acceptable behaviour contract, but the barking persisted.

Up to seven dogs at a time were kept at the property and Eldridge was prosecuted for breaching the abatement notice in February. Officers from the Council were successful in applying for a post-conviction

Asbo (Crasbo).

The Asbo is valid for two years and a breach could lead to a custodial sentence or unlimited fine. Alan Twells of Charnwood said: “It is good news for the residents of the neighbouring properties who can hopefully at last have some peace and quiet. The success of this case is down to the persistence and co-ordinated action from officers of the council and the local residents.”

## RESEARCH

# Atkins wins Defra cost benefit probe

Atkins Acoustics, Noise and Vibration has recently been awarded a contract by Defra to undertake a study of environmental noise valuation and in particular a cost and benefit analysis (CBA) of remediation measures.

The work will investigate the practicalities of carrying out CBA assessments of noise mitigation projects, drawing on case studies where this has been done in practice and using the case studies to provide lessons learnt and practical tools.

The focus of this research will be on evidence from the UK, however, evidence from other countries will also be reviewed. This will include a summary of the type of research which the valuation was derived from (e.g. health effects, annoyance measures through hedonic pricing or stated preference means) and any available examples of how this has been applied in practice.

Through the practical lessons, this will allow for a proportionate CBA of potential

remediation measures to be carried out. Practical tools will be developed which will assist at a policy level and at a local authority level, establishing where money may best be allocated to target noise.

This will allow decision-makers to bring in necessary and focused measures and to allocate an appropriate level of resources to implement action plans required under the Environmental Noise Directive and domestic regulations.

• More, see page 8

## IN BRIEF

### Wind lobby rapped for misleading claims

A ‘mythbuster’ newsletter aimed at clarifying wind farm impacts has itself been exposed as a myth.

Dorset based wind developer Infinergy had produced a mythbuster newsletter aimed at ‘blowing away the myths’ on Thackson’s Well Wind Farm. The firm referred to research on the impact of wind farms on house prices and rate reductions won by Jane Davis whose home is near the St Deeping windfarm (*NB Aug 2008 p1*).

The claims were disputed and put to the Advertising Standards Authority which ruled against them on substantiation and truthfulness grounds. The comments should not be repeated in their current form.

• The adjudication can be viewed on [www.asa.org.uk/asa/adjudications/Public/TF\\_ADJ\\_45978.htm](http://www.asa.org.uk/asa/adjudications/Public/TF_ADJ_45978.htm)

### Consultants update

Last month *Noise Bulletin* ranked consultants involved in environmental noise work and that prompted some updates.

We missed out RMP Consultants based in Edinburgh who have 16 consultants, easily within our top 15.

We’re happy to point out that AMEC Earth & Environmental consultancy is growing aggressively with four full time equivalent consultants working on environmental noise.

We also should have mentioned Hodgson and Hodgson Acoustic Consultancy.

Apologies for these errors and omissions. The survey was based on a mixture of trawling around and intuition to give a flavour of the market which *Noise Bulletin* serves. It is not intended to simply replicate the comprehensive lists that can be found on the IoA and the ANC websites.

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## IN BRIEF

### Road decision upheld

A High Court ruling that a council was responsible for noise on a public road has been upheld.

East Lindsey District Council sought leave to appeal against the decision in Manby (*Noise Bulletin December 2008 p1*) but this was rejected. The judgement now stands leaving the council liable to pay nuisance damages to householders for excess noise from a fleet of dustbin trucks leaving a relocated council depot.

### Chopper advice

Wandsworth Council has released a helpful leaflet aimed at explaining helicopter noise to residents near Battersea Heliport.

It contains advice on why helicopters sometimes sound noisier and covers complaints, the consultative group, history, environmental impact, environmental controls, voluntary controls and operating hours.

● [www.wandsworth.gov.uk/Home/MyWandsworth/News/extra/heliport.htm](http://www.wandsworth.gov.uk/Home/MyWandsworth/News/extra/heliport.htm)

## RESEARCH

# Air quality distorts noise results

Impacts of noise have been inadequately controlled for in air quality studies, Imperial researcher Lars Jarup told an Institute of Environment and Health conference last month.

He explained that both noise and air quality exposure is strongly influenced by traffic levels so that noise and air pollution exposure maps look very similar. There is evidence

that exposure to traffic noise can cause stress and subsequent heart attacks, but it is not clear how noise is confounding air quality studies, and vice versa.

Jarup cited two recent studies which looked at noise and air quality impacts (One by Beelan et al, another by Selander et al). He said that while both concluded that impacts were more due to air pollution than

noise, data within the reports hinted that noise may have an independent effect.

He said: "None of the acute air pollution studies have controlled for noise. In spite of this obvious co-exposure there is a lack of interaction between the scientific community dealing with health impacts due to exposure to noise and that dealing with air pollution."

## RESEARCH

# New study links noise and air

A US study has tried to establish how noise and air quality interacts to affect health.

Traffic-generated air pollution and noise have both been linked to cardiovascular morbidity. Since traffic is a shared source, there is potential for correlated exposures that may lead to confounding in epidemiologic studies.

As part of the *Multi-Ethnic Study of Atherosclerosis and Air Pollution* (MESA Air), two week NO<sub>2</sub> concentrations (often considered a marker of traffic) were measured at up to 105

locations in each of nine US communities.

Also measured were 5-min L<sub>eq</sub> and ultrafine particles in Chicago and Riverside County.

L<sub>eq</sub> was most consistently correlated with NO, but the correlations were moderate (0.20-0.60). After removing the influence of regional-scale gradients the correlations generally increased and correlations downwind of major roads were consistently higher than those upwind. There was not a consistent effect of roadway proximity on the

correlations.

"In conclusion, moderate correlations between traffic-generated air pollution and noise suggest the possibility of confounding, which might be minimised by considering regional pollution gradients and/or prevailing wind directions in epidemiologic studies."

**The spatial relationship between traffic-generated air pollution and noise in two US cities, R Allen et al, *Environmental Research* 2009, April, Vol. 109 (3): 334-42.**

## LETTERS TO THE EDITOR

### Dear Sir

I read with interest your informative article on the acoustics market (*Noise Bulletin consultancy survey April 2009*).

With reference to your comment on 'arrogant lumbering mega-consultancies', is your view really that consultants who work for larger consultancies are all somehow arrogant? This really gives the wrong impression of larger consultancies.

Some of the finest minds in acoustics work for, or have worked for, these firms and the large number of staff at such consultancies breeds internal discussion and debate to the benefit of all.

Success is not arrogance and neither is disagreement between consultants: it is precisely the kind of healthy debate that develops thinking and, after all, keeps us all in business.

If noise was 'black and white', none of us (one-man bands included) would have much to do and our industry would not be as thriving as it is. If we all agreed all the time, we would never test our perceptions.

You also brought up the issue of acousticians and the trust they command at public inquiries.

The planning (and legal) system is there to test this. I am not a wind farm specialist, but I get the impression that, as with all new technologies, it will take time to iron out the issues. I'm sure we had similar problems with other 'new ideas' when they were first introduced (motor vehicles being a classic example of how noise control engineering and associated legislation has made them much quieter than they were 20 years ago).

Planning inspectors/judges etc. certainly will not adopt a

position of always trusting what an acoustician says and that kind of scrutiny is what keeps us on our toes!

**Kieran Gayler  
Sharps Redmore Partnership**

### Dear Sir

Your article on the Watson vs Croft racetrack decision (*Noise Bulletin Feb/March p1*) proved to be an interesting article.

I believe if we start accepting that planning approval does not make some noise reasonable (as long as best practical means are being employed) when otherwise it might be unreasonable and an actionable nuisance, we may end up getting injunctions on lots of activities many people enjoy.

Established businesses e.g. motor-racing tracks in general, outdoor music festivals (perhaps made reasonable by the licence), football grounds, scrap metal dealers, etc may all come under scrutiny.

I totally accept that action should have been taken regarding the noise outside the planning approval and if best practical means is not being employed at approved times. But the application of best practical means does not always mean no noise nuisance with inherently noisy activities.

In these cases. it is the planning process that has failed to control the use, or the planning process has been used to make a positive decision to permit some nuisance.

**Richard Gardiner  
Epping Forest District Council**

## AVIATION

# Heathrow: challenge lodged

13 organisations have joined together to challenge the Government's decision to expand Heathrow.

London Councils within the 2M group and green groups are using the judicial review process claiming the Government's decision making was flawed and the decision irrational. They hope to prompt a review of aviation policy and delays to the consultation.

The local authorities will argue that the Government failed to conduct a lawful consultation process and arrived

at a decision on a potentially half-capacity third runway, which was different to the fully operational runway in the consultation.

They will claim that the decision was irrational in a number of areas including the economic case, noise, air quality and public transport impacts and the approach to climate change issues, and that the transport secretary failed to provide adequate reasons for his decision. If permission is granted it is likely that a hearing would not take place until the

early part of 2010.

2M said: "The number of organisations backing this challenge is unprecedented. For the local authorities the real concern is that the Government has not proved that a third runway can be operated without breaching air pollution limits, making noise worse or creating intolerable congestion on local roads and public transport. This consultation was deeply flawed because it failed to give local people the opportunity to say no to expansion."

● [www.2MGroup.org.uk](http://www.2MGroup.org.uk)

## AVIATION

## Open rotors: less fuel, more noise?

Fears are growing that a technology designed to improve aircraft fuel consumption could cause more noise.

Researchers are excited about the development of open rotor turbines. Essentially these are modern jets without engine ducting – a sort of cross between a turboprop and a jet. But doing away with the cowling also takes away considerable amounts of noise shielding and introduces a tonal (annoying) element to the noise characteristic of turboprops.

The issue was discussed at a recent Omega conference where ISVR specialists outlined research being carried out into how the public rate the noise – using so called auralisations (*Noise Bulletin July p9*). ISVR has developed simulation software, based on a lot of calculations and data from earlier trials of open-rotor, with which engine designers can simulate the noise outputs from a variety of designs – and play them back.

*Noise Bulletin* was told by a

delegate: "There seem to be a number of significant issues to be resolved around the area of how well the current noise certification processes match the very different characteristics of the likely engine noise. This will have a far greater component of discrete tones which are those to which we are much more sensitive than to broadband noise; how adequately does the current 57db LA<sub>eq</sub> approach to noise monitoring, land use, planning etc. continue to cope."

## AVIATION

## Airspace rejigged following consultation

Plans to rejig flightpaths north of London are to be rethought.

Last year's Terminal Control North consultation caused some reaction among local people and there was a suspicion that the main purpose of the changes was to clear the way for a third runway at Heathrow (*Noise Bulletin July 2008 p8*) but also lead to the increased noise in many tranquil areas.

Stop Stansted Expansion (SSE) received confirmation from National Air Traffic Services that it plans to conduct a new consultation later this year on revised proposals for flightpaths and holding stacks in the area of south-east England.

SSE has been highly critical of the inadequacies of the original consultation, not least NATS' failure to offer any explanation for the proposals or to provide any meaningful information on the other options considered.

SSE also sought proper examination of offshore stacking options and an explanation of the assessment methodology used in order to ascertain what level of importance NATS attached to environmental and community impacts as opposed to cost savings and efficiency gains for its airline shareholders.

In the latest statement, NATS said: "We must emphasise once

again that these proposals are not associated with any proposed airport developments such as a Stansted second runway or Heathrow third runway; they address existing air traffic management issues in this region.

"Many people were concerned that the proposal was "a done deal" and that NATS would not listen to feedback. We have been similarly clear that it was a genuine consultation and that we would listen to the views expressed; this second consultation demonstrates that we did listen and we have taken note and where possible options will be included for consideration."

## IN BRIEF

### Airport round up

Stansted campaigners say recent traffic forecasts reduce the case even further for expansion at the airport.

Protest group Stop Stansted Expansion has in the past queried DfT growth forecasts at the airport. It now says, based on figures contained in the Budget report, that forecast demand has sunk further.

It believes these suggest demand forecasts are now 42.7 million passengers by 2030 as compared to the 68 million passengers demand forecast used by the DfT to underpin expansion.

Meanwhile three bidders are hoping to buy Gatwick Airport at a knockdown price. It is understood that all bidders are thinking about a second runway at the airport.

### Ecotowns concerns?

Epuk has responded to the consultation on the draft planning policy statement on ecotowns.

It says it is disappointed that no consideration is given to PPG24 on requirements for planning and noise. "This is of particular concern, given the potential of some renewable technologies – for example, small wind turbines and air source heat pumps, and potentially larger neighbouring wind turbines – to cause adverse noise impact.

"Regard must also be given to the Environmental Noise Directive, which aims to reduce noise exposure of populations and protect quiet areas."

### PPS 4 consultation

DCLG is consulting on combining all national planning policy on economic development in urban and rural areas and town centres into one consolidated and streamlined Planning Policy Statement (PPS).

● *Planning Policy Statement – Consultation paper on a new Planning Policy Statement 4: Planning for prosperous economies can be viewed on [www.communities.gov.uk/documents/planningandbuilding/pdf/consultationeconomicpps.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf/consultationeconomicpps.pdf)*

## IN BRIEF

### Mapping release

There has been a new release of Woefel's IMMI noise and air pollution mapping software.

IMMI 2009 features a series of improvements and enhancements, with an eye on both simplifying the use of the software and making it more powerful.

One enhancement is the all new Calculation Control Centre (CCC) which unifies in a single interactive dialogue all functions and commands to execute and control calculations at isolated receivers, grid receivers and façade receivers.

Calculated results are automatically registered with the project and are thus easier to find and use. A task list can now accept tasks for isolated receivers, grid receivers and façade receivers and all mathematical and statistical analysis functions can be equally applied to all these receiver types (where appropriate).

IMMI's 3D-Viewer has been further improved: With up to 25 waypoints that don't get lost between sessions, the user can return to specific views even between sessions. This will allow producing identical screen shots for different assessment periods of a same project, i.e. to compare the day and night situation or the current with the planned scenario etc. Furthermore, an all new mobile and scalable vertical profile view has been added.

Further enhancements concentrate on emission modelling and include the following amendments: expanded noise emission databases for industrial/construction site/recreational/gastronomic noise, free input of road traffic air pollution emission factors separately for light and heavy vehicles and four speed classes, odour calculator for livestock.

● Further details from Woefel's website: [www.woefel.de](http://www.woefel.de)

## TRANSPORT NOISE

# Epuk welcomes tyre approval

Epuk has welcomed the European Parliament's industry committee vote for a comprehensive labelling system for tyres.

Tyre and vehicle retailers will have to provide customers with detailed information on the energy efficiency, safety and noise performance. Labels will show ratings for energy efficiency (rolling resistance), safety (wet grip) and noise and will have to be clearly displayed wherever tyres are sold, including car dealerships.

The agreement goes further than a European Commission legal proposal issued last year, following concerted lobbying by European groups, and from UK transport interest groups, coordinated by Epuk.

The Parliament also said the information should be printed on receipts and stamped onto the side of tyres. An EU-wide website should also be created where consumers will be able to compare the performance of

different types of tyre and calculate their potential fuel savings, according to the Parliament.

"Buying tyres is currently confusing, with no standardised comparative information allowing consumers to compare which of the many models available can reduce fuel costs, cut down noise or offer better wet grip. This will give consumers and fleet operators the information they need, and should mean real savings, a reduction in road transport noise and carbon dioxide emissions," said Epuk's Mary Stevens.

"Labelling for noise is particularly welcome coming as Defra has published draft noise action plans for major roads and large cities, and quieter tyres can make an essential contribution to improving quality of life and health in cities and preserving rural tranquillity."

The proposals need to be

agreed by EU Member States before becoming law.

### Tyre benefits

In support of the impact assessment published with the consultation on noise limits on tyres, TRL has reviewed the monetised benefits of proposed limit values for noise.

● *TRL Report PPR 394 (An examination of the monetised benefit of proposed changes to type approved noise limits for tyres)* is available from TRL Library [www.trl.co.uk](http://www.trl.co.uk)

### Road lobby call

The European road lobby is asking member states to ensure that cost effective measures are used for noise reduction.

They fear that roads will be unfairly singled out as mapping turns to action planning across Europe.

● The ERF – IRF BPC position paper may be viewed online at [www.irfnet.eu/en/position-papers/](http://www.irfnet.eu/en/position-papers/)

## EUROPEAN DIRECTIVES

# Rich pickings likely from data mountain

Defra has launched a public consultation on the INSPIRE Directive.

The EU Directive will collate spatial, geographic and environmental data, currently held by numerous organisations, to provide a single access point to each EU member state's information. INSPIRE will enable planners, decision makers and policy makers to have consistent and easy access to location information.

The consultation seeks views on the way in which Defra is proposing to define 'public authorities', how the Directive may be an impact on individual rights, national security or the judicial system. Views are also sought on the impact assessment which supports the consultation.

The assessment shows that one-off costs of implementation over 10 years are estimated to be some £55 – £60m for the

UK. No extra funding is planned, Defra says it can be paid for out of existing budgets. Benefits, are estimated to be some £70 – £130m across the UK made up of:

- More efficient environmental impact assessments and strategic environmental assessments (£10-20m);
- More efficient environmental monitoring and assessment (£10m);
- More cost effective expenditure on environmental protection (£30m);
- More cost effective implementation of EU environmental Directives (£5m);
- More effective implementation of UK environmental projects (£1.5m);
- Reduced duplication of spatial data collection (£2-25m);
- Improved delivery of risk prevention policies (£12-40m).

Issues to be included in the

massive database include:

- Geographical distribution of dominance of pathologies;
  - Information indicating the effect on health or well-being of humans (fatigue, stress, etc.) linked directly (air pollution, chemicals, noise, etc.) or indirectly;
  - Location and operation of environmental monitoring facilities including observation and measurement of emissions, of the state of environmental media and of other ecosystem parameters (biodiversity, ecological conditions of vegetation, etc) by or on behalf of public authorities;
  - Height data, land cover, building data, land use;
  - Population distribution, including population characteristics and activity levels;
  - Atmospheric conditions.
- [www.defra.gov.uk/corporate/consult/inspire/index.htm](http://www.defra.gov.uk/corporate/consult/inspire/index.htm)

## RESEARCH

# Research plans set out by Defra

Defra has released its 2009/10 noise and nuisance research newsletter.

Some projects have been carried over from last year (*Noise Bulletin July 2008 p4*). Plans for consideration this year include:

- Attitudes to environmental noise from concerts. The former Noise Council's *Code of practice for environmental noise control at concerts* is in need of update. This project will involve a social survey of those who live nearby various event venues to understand their attitudes to the concert noise during and possibly immediately after events this summer;
- Understanding the importance of relatively quiet areas. Defra is considering a research project that will explore the extent to which relatively quiet areas are an important factor in enhancing the quality of life of a neighbourhood. Such areas may not be regarded as quiet in absolute terms, but which may nevertheless provide an important local resource;
- Research into the practical and policy applications of soundscape concepts and techniques in urban areas (Phase 2).

This will look to develop practical guidance to assist in the identification, management

and enhancement of soundscapes in urban areas, for use by land use planners, development planners, environmental health officers, and architects;

- Evaluation of the implications of moving towards a greater use of  $L_{den}$  and  $LA_{eq}$  indicators in the assessment of road traffic noise. The current standard indicator for assessing road traffic noise is the  $LA_{10,18hr}$ .

Defra has identified a need to consider and evaluate the implications of possibly moving towards a greater use of  $L_{den}$  and  $LA_{eq}$  indicators as a means of understanding the effects of noise from road traffic.

Research is needed to understand response (focusing on annoyance at this stage) to road traffic noise, and how well  $LA_{eq}$  and  $L_{den}$  indicators reflects this response;

- Securing robust data regarding traffic flow and associated information for the night period (23.00 – 07.00). During recent noise mapping night time traffic data was found lacking;
- National Noise Attitude Survey: (from last year);
- National Noise Incidence Study (from last year);
- Building-mounted micro wind turbines (from last year);
- Review of CIEH statistics returns. Following the introduction of the new

reporting system for complaint statistics, a review is required to increase the value of the process;

- Research in to market segmentation of noise causers and noise sufferers. Further research to build upon the work carried out by ENCAMS that looked at market segmentation of noise causers and noise sufferers in neighbourhood noise complaints.

- Investigation into the use of the Local Government Act 2000 and Local Area Agreements to improve the noise environment. Research is needed to ascertain the extent to which local authorities have used the duties and powers under the Local Government Act 2000 to improve the noise environment in addition to research into further practical ways in which the community strategy could be used to improve the noise environment;
- Follow-up to research into the noise impact of the liberalisation of the Licensing laws: Examples of successful local controls e.g. local policies and licensing or planning conditions would be of interest and benefit to local authorities and the industry.

*Noise and Nuisance Research Newsletter* can be viewed on [www.defra.gov.uk/environment/noise/research/pdf/research-newsletter-2009-10.pdf](http://www.defra.gov.uk/environment/noise/research/pdf/research-newsletter-2009-10.pdf)

## CONFERENCES

## Edinburgh to host huge Euronoise meeting

One of the biggest international conferences on noise in Europe will take place later this year in Edinburgh.

The three day Euronoise 2009 will have the theme *Action on noise in Europe* and is organised by the Institute of Acoustics on behalf of the European Acoustics Association. This will be the 8th European conference on noise control to be held, with the first ever event taking place in London back in 1992.

Bernard Berry is helping with the organisation. He said: "I was involved in the very first

Euronoise in London in 1992, and organised the technical programme. Indeed the idea to hold such an event about every three years in Europe, in a year when Internoise was not in Europe, arose from another former president of the institute, Geoff Leventhall."

By the deadline for submissions, some 528 abstracts had been submitted, Berry said, with some 800 delegates expected to attend.

There will be three plenary lectures – Professor Stephen Stansfeld will discuss "New directions in noise and health

research", Professor Dick Botteldooren from the University of Ghent will talk about "Modelling outdoor sound propagation: balancing physical rigour and engineering practice", and Professor Colin Hansen from the University of Adelaide will give the Rayleigh Medal lecture.

In addition, a number of workshops/discussion groups will be arranged on "hot topics".

● Euronoise 2009, 26-28th October 2009. For more information visit [www.euronoise2009.org.uk](http://www.euronoise2009.org.uk)

## IN BRIEF

### Tranquillity priced

A new document reports on attempts to monetise the impacts of transport schemes on visual amenity, tranquillity and recreation.

- *Valuing transport's impact on the natural landscape:* [www.dft.gov.uk/pgr/economics/rdg/landscape/reportphase2.pdf](http://www.dft.gov.uk/pgr/economics/rdg/landscape/reportphase2.pdf)

### Temple chills

Consultant Temple has been appointed to study the noise impacts of new efforts to cool the London Underground.

Increasing temperatures on the deep tube lines has led to attempts to provide mid-tunnel cooling systems. Temple is working with TfL having secured a contract to provide specialist environmental monitoring on the Victoria line ventilation upgrade programme.

Temple's brief includes the monitoring of noise, vibration, air quality, dust, strain and movement, at five mid-tunnel ventilation shafts on the Victoria line prior to, during and post the installation of new higher exhaust fans allowing for a doubling of the ventilation capacity. The contract includes the option for an additional four sites to be monitored.

- [www.templegroup.co.uk](http://www.templegroup.co.uk)

### Action week meet

The Institute of Acoustics is holding a one day meeting aimed at those involved in controlling transportation noise via road, rail or air.

The *Latest developments in transportation noise and action planning* is taking place at the University of Salford on 21 May and is being organised by the North West Branch of the IOA in support of Noise Action Week 18-22 May.

It will provide those attending with the latest developments in transportation noise including the recent guidance on road traffic noise provided in the *Design Manual for Roads and Bridges*, together with updates on railway and aviation noise.

- [www.ioa.org.uk](http://www.ioa.org.uk)

# More planning woes for wind

Noise has been a dominant issue in recent planning appeals involving proposed windfarms that are close to houses says Lisa Russell.

**R**efusal on appeal of planning applications for two separate windfarms has highlighted the difficulties of agreeing the noise issues involved and balancing the quest for renewable energy with the concerns of people living close by.

Noise was a key factor in the decisions to reject proposed Ecotricity windfarms in Shipdham in Norfolk and North Dover in Kent (*Noise Bulletin* April p1). A third recent rejection at Goveton was based on harm to the character and appearance of the area and the historic environment, but also raised points concerning noise and in particular amplitude modulation (blade swish).

At Shipdham, Ecotricity had applied to Breckland Council to erect two wind turbines, each with a maximum hub height

of 65m and a maximum tip height of 100m. North Dover was for up to five of maximum height 120m.

The Shipdham and North Dover decisions involved turbines that would have been particularly close to homes. Shipdham's would stand in open countryside, with the nearest dwelling 432m away. None of the North Dover turbines would be more than 570m from a dwelling, with the closest farmhouse being at 360m.

Both inspectors highlighted the issue of separation distances. "So far as I am aware, it is unprecedented in flat and quiet rural locations to have such large turbines within 700m of nine dwellings, two of which would be only about 500m away and one of which would be only 432m away," said the Shipdham inspector, Ruth MacKenzie.

North Dover's inspector David Lavender also spoke of concern at turbines of the size and number involved being unusually close to so many properties. "That may or may not be because schemes with lesser separation distances have been "weeded out" at the pre-application stage of impact analysis but it does, in my opinion, at least signal a need for particular caution."

He discussed use of planning conditions: "However, I am left in no doubt from the intricacies of noise measurement involved that, as with any other noise source, separation distance is the best insurance against unacceptable noise impact, whatever its cause."

Underlying the expansion of windfarms is the drive for an increase in provision of renewable energy. However, the

## Do country dwellers have a right to peace and quiet?

If the government wants there to be wind farms in rural areas, then it should be more definitive about what it expects people to put up with, believes Hayes McKenzie Partnership director Andy McKenzie.

"It's a more important decision than local planning authorities are able to deal with, especially for large sites," he says. The issue encompasses infrastructure, energy and policy. "The government needs to make up its mind whether achieving its renewable energy target means that people in quiet rural areas should still be entitled – if that is the right word – to have such incredibly low noise levels."

Many sites currently being proposed are close to houses. The noise levels that are under discussion are very low in real terms, he says, but they are in areas where there isn't much other noise from non-natural sources. "A wind farm will cause a certain amount of noise at a very low level but nothing along the lines of that produced by traffic or aircraft."

If wind turbines are to be considered as an alternative energy source then there needs to be a policy in place that acknowledges that people will hear them, he feels. "It's very weird – on the one hand the government is saying that you can build a new runway at Heathrow and other hand there are planning decisions that are turned down on the basis of noise at levels of around 40dBA, or even 35dBA."

A certain amount of noise has to be tolerated in rural areas, he believes. "There is a right to not being disturbed by huge levels of noise, but I think that some amount of noise is just inevitable," he says. He too lives in a very quiet rural area "but that doesn't mean that there shouldn't be any noise there".

One of the issues highlighted recently by planning inspectors is the difficulty in reaching agreement on background noise levels. There needs to be more agreement between parties working for all sides as to what is a reasonable assessment, he says.

ETSU-R-97 relates noise levels to background noise, but its application is becoming very difficult because of the number of issues being raised as to whether the background

measurements are valid or not. "I think that ETSU-R-97 is very good and works very well. The problem is that so many people are raising so many objections to its use that the government is going to have to do something about it," he says.

However, ETSU-R-97's methodology is incredibly conservative, he believes, and that its revision would "almost be a bad thing". "Things could possibly change out of frustration, whereby people could end up being exposed to more noise than they are under ETSU-R-97."

It can be hard to reach agreement on what is a robust and conservative assessment in a particular situation and there are differences in opinion about exactly where measurements should be taken. "Reputable consultants working for the wind energy industry always try to carry out background noise measurements in the most critical locations," he says. His firm and others have been at the receiving end of criticism from objectors' sides. "It is getting to the situation where we are saying that we can't take background measurements any more because we are coming into so much criticism despite our best endeavours to take measurements in the right place."

McKenzie is one of a group of seven noise consultants who have recently published in IoA's *Acoustics Bulletin* a statement about noise assessment from wind turbines. The seven had sat on a DTI/BERR working group on wind farm noise in 2006/7 and the statement is intended to produce comparable assessments and make sure the issue of wind shear is properly taken into account to limit the areas of disagreement. The recommended procedure effectively references all noise levels – background and immission – to the speed at the turbine hub height, though states the results in terms of a derived 10m height for consistency with IEC 61400-11 and ETSU-R-97.

The published statement doesn't seek to change ETSU-R-97, says McKenzie. "This is a way of allowing for wind shear in the ETSU assessment methodology and bringing in an agreed noise prediction methodology which wasn't covered in the original ETSU document. It's not that ETSU was wrong, but this is just not covered."

**Tops of tall turbines can cut into layers with higher windspeeds causing blade swish**



developments attract massive subsidies and they are sometimes not very efficient from an energy point of view, says the Renewable Energy Foundation's planning director Dr Lee Moroney. Half of the income comes from subsidies, she says.

Lavender pointed out that PPS22 advises that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and where environmental, economic and social impacts can be addressed satisfactorily. The contribution of wind to energy supplies derives from a large number of relatively small installations, he pointed out.

The prospect of economical smaller sites inevitably brings them closer to homes (see box, facing page).

Moroney – who is a neighbour of the Shipdham site – cites another reason for noise assuming increased importance in current planning discussions. Neighbours have been in a better position to analyse the potential impact since two High Court cases determined that developers now have to supply the raw wind speed and noise data, she says. She observes that it is only recently that noise has been emerging as the key issue in turning down developments, and feels that objectors had previously been “too daunted by the science to take it on, in addition to not having access to the data.”

A balancing exercise has to be undertaken, said MacKenzie. Issues in favour of the Shipdham scheme included its “green” benefits and lack of harmful impact on the surrounding landscape. But weighing against these was the materially adverse effect on the three properties. There wasn't one single factor that made the proposal unacceptable, she found – but she listed nine that contributed and they focused on noise issues. These included the stable atmospheric conditions leading to high wind shear factors, frequent changes in wind shear, uncertainties about the measures that would be put in place to react to such changes and shortcomings in Ecotricity's measurements of background noise on which its noise predictions had been made.

MacKenzie also cited an acknowledgement that noise limits would be exceeded for 7% of daytime at one of the properties and the tightness of the margins by which limits would be met at other times.

Agreeing background measurements is a contentious issue and one that was highlighted both cases.

The opponents to the developments had maintained that the assessments did not comply with the document ETSU-R-97,

The assessment and rating of noise from wind farms, and were in any case beyond its scope as tall turbines introduce new issues. They also raised issues about the difficulties of imposing controls through planning conditions, highlighting the complexities and pointing to cases where conditions have been overturned in the courts.

ETSU-R-97 involved measuring prevailing background noise levels during day and night time periods. The second stage is to use those measurements to generate maximum permissible noise levels, set at a prescribed margin above background level – normally 5dBA. “Since the margin is prescribed in ETSU-R-97, the required levels that emerge from this stage of the process are thus entirely dependent upon the results of the background noise measurements,” pointed out Lavender.

Residents needed to be aware of the repercussions, he stressed. In the North Dover case, he said that the measurements were taken with the agreement of the building occupiers concerned, but that “the evidence suggests that this was not secured in the light of their having any understanding of ETSU-R-97 processes or, at the time, any access to independent informed explanation of the significance of the outcomes for safeguarding their own noise environment or that of their neighbours”. He recommended measurements taken on a consensual basis, fully in line with ETSU-R-97 advice.

However, Lavender added: “The council's noise expert also wryly observed at the inquiry that the results of any two sets of background measurements taken, for example, by the same person using the same equipment at the same location and over the same time span, but on different dates, would in all likelihood vary from each other. It is clear that this is not a precise science.”

On the face of it, imposing planning conditions sounds like a simple way of safeguarding residents, just as for any other type of industrial noise.

But in neither case was the inspector willing to rely on this. MacKenzie cited shortcomings of the proposed conditions and the frequency with which they would be triggered. She felt they would be unworkable, failing the Circular 11/95 tests of precision and enforceability, and being too cumbersome for frequent use.

She noted that recent planning permissions for wind farms elsewhere have included conditions of equal complexity and length to those being suggested at Shipdham. “However, in such cases it appears that noise limits were either not

expected to be exceeded, or were not expected to be exceeded on such a frequent basis as in the appeal before me.”

Conditions have become increasingly refined, said Lavender, but investigation and remediation can be a lengthy and complex process, not least because of the need to wait for the right climatic conditions. Time to investigate and agree potential causes and to assess the effectiveness of practicable solutions must also be added.

And if the predictions proved to be inaccurate by only a relatively tiny amount, a greater number of properties could be at risk of exposure with fewer, if any, further post-installation remedial mitigation options available.

Wind shear was discussed at Shipdham. Wind speeds at the tip height of a turbine's blades can be faster than closer to the ground and the turbine may spin faster than windspeed at the ground might suggest, and therefore not be properly masked.

The non-neutral conditions within each turbine's swept area meant that there would be a significant range of rapidly-changing wind speeds, said MacKenzie. It would therefore have been important that adjustments could be made quickly to the blade speed or pitch.

Noise proved to be such a clear issue in both the Shipdham and North Dover cases that neither inspector went into great detail about the character of the noise. But Goveton's inspector John Woolcock said that he felt amplitude modulation of aerodynamic noise would be a risk there, on the grounds that its cause is not fully understood and that it cannot be predicted – although its incidence is low.

“I am not convinced that the general allowance inherent in ETSU for ‘blade swish’, which is a form of amplitude modulation, means that it would not be necessary in some circumstances to consider the possibility of amplitude modulation in the context of a particular scheme in its specific environs.”

# More talk of action in England

Where are we with English action planning, asks Lis Stedman?

Following the excellent Scottish and Welsh noise action plans, the noise community has had to wait with bated breath for the English version to appear.

Given the length of gestation, anyone holding their breath too tightly is bound to have expired. Those that are left need not breathe out in too much relief, because the current drafts are “talks about talks” (or a pre-consultation consultation in civil-service-ese) rather than the real thing. Despite this rudimentary state of affairs, some elements have already provoked hot debate.

Defra explains this interesting approach in its website preamble by noting that “whilst preparing the action plans for major roads, major railways and agglomerations, it became clear that the regulations would benefit from a number of amendments to improve the procedure”. Consultation on these proposed amendments, Defra says, led it to decide to publish informal draft versions of the noise action plans to help the regulation consultation process. Cynics may (and do) say that this is an exercise in reassuring Europe that although plans are not yet available, at least consultation is taking place.

Defra warns that the current drafts “include gaps where information will be included in the final draft versions,” while not elaborating on what might be omitted. For this reason, it notes, “any views on these drafts should be focused at this stage on the overall approach and philosophy and not on any detailed content.”

The formal consultation is not due until 1 July, and will conclude on 21 October according to the timetable released with the draft documents. To confuse matters further, Defra intends to publish some of the associated information (presumably some of the missing data) ahead of the July deadline.

Foreseeing the shape of things to come, outgoing Defra environmental noise head Wendy Hartnell told an Epuk noise update conference (*Noise Bulletin December 2008*) that the proposed route for England was “high level strategic plans which will set a route map for noise action plans but will stop short of specifying actions”. She did however also pledge that England would take “very similar lines to that going on in Scotland”.

Given that Scotland and Wales both adopted highly-consultative approaches and provided extensive lists of candidate noise

management and quiet areas, she may have been mistaken.

Of course, many of the differences in approach may relate to size. Sources point out that England boasts many sizeable conurbations, sometimes (with London as the extreme example) shared by a number of local authorities. Scotland, whose plans came out first, required just three working groups – two covering its biggest conurbations, Glasgow and Edinburgh, and one for transportation, similar to the requirements for Wales.

England, of course, has enjoyed no such consultation so far – a known source of irritation for those authorities that have clear aims and plans of their own, and (rumour has it) of relief for those that do not. Observers have suggested that the lack of consultation should have enabled the plans to be compiled more quickly, regardless of the comparative wealth of agglomerations.

Looking at the early England drafts, it is clear that they are very different in style and substance to those of Scotland and Wales. The introductory preamble to the agglomeration draft begins by revisiting current noise management approaches. Immediately it is clear it is a generic template, speaking in terms of, for instance, noise from road traffic in “this agglomeration” and explaining the thought process for action planning – is the noise acceptable, if it is, carry on with the current approach, if it is not, investigate further.

The LA<sub>10 18hr</sub> metric has been adopted for road noise (as in Wales and Scotland) as it is, similarly, the existing primary means of assessing road traffic noise impact in England. There is no mention (as yet) of converting it into L<sub>den</sub> and L<sub>night</sub> for the EC, as Wales and Scotland have. This, the document later explains, is because for the first round of mapping L<sub>night</sub> “had to be derived” – in other words, the data used for the mapping exercise was (as the documents later reveal) based on a range of assumptions – that is, extrapolated from day noise data.

The Defra pre-draft draft suggests that “implementing many of the potential actions available to manage noise issues and effects would not only address the noise as measured by the LA<sub>10 18hr</sub> indicator but also the noise as shown by the L<sub>night</sub> indicator”. This is hotly contested by some, who point out that research proves people are more sensitive to night noise, and that movement

levels (for instance, for night freight) that might appear from daytime figures to be acceptable, might well not be at night.

As in Wales and Scotland, the top 1% of the population affected by the highest noise levels will be targeted for potential action. This is a level that those local authorities that began to assemble plans were also considering, from feedback, as a manageable first cut – a level dubbed at the recent IoA spring conference where the plans were launched as “repairing the mistakes of the past”.

Another added criterion for England is that action will be taken where the LA<sub>10 18hr</sub> level at target locations is at least 76dB (73dB for rail noise) – in Wales, the limit threshold value chosen was (logically) that of the Noise Insulation Regulations 1975, 68dB LA<sub>10 18hr</sub>, and Scotland went down the generous route of looking at the 1% of areas where people are most likely to be annoyed by noise on the basis of source prioritisation scores.

Faber Maunsell’s (now Aecom) Bernadette McKell questions why the level is set so high and the thinking behind this choice of level, which is likely to significantly reduce the number of dwellings for which action is required. She is not alone – there appears to be considerable disquiet about this high, apparently arbitrary and unexplained level. It is also not clear whether this limit threshold or the 1% target will drive action, as observers point out.

The action plan also notes that “information on the important areas to be investigated for potential action will be presented here”, adding, frustratingly, that further information on the locations where the threshold described was exceeded according to the results of the strategic noise mapping “will be available at .... (website under development)”.

One commentator also highlights the impossible contradiction in the draft’s adoption of an approach based on whether a noise impact is acceptable, given the comment further on that “there is no definitive criterion that describes what constitutes an unacceptable noise impact from road traffic”.

The agglomeration action plan describes in detail existing measures available to reduce noise, such as barriers and façade insulation, and delves into the mechanics of how the various parties will liaise on actions, options and possible outcomes of

investigations. However, as one consultee points out, there is no proposed arbitration mechanism should parties disagree. There has also been some concern that the list of possible mitigation actions is listed as “in no particular order” when traditionally actions have been assessed from source to pathway to receptor in a diminishing order of priority.

Given the above caveat regarding  $L_{\text{night}}$ , it is not surprising that the document notes: “It is also evident that a more robust and reliable system of data collection, management and control is needed to enable the strategic noise mapping to take fully into account all the input variables that affect the resulting noise levels generated. Consequently, the Competent Authority [the Secretary of State] will liaise with the relevant bodies to improve data quality and coverage for future road noise mapping.”

The choice of Competent Authority is interesting in that in Wales it is the Welsh Assembly Government and in Scotland the Scottish government, rather than an identified individual – though in reality the phrase is a likely synonym for Defra and its consultants. Whatever the true situation, the Competent Authority will also work with the Highways Agency and others to develop a “robust prediction methodology” for night noise from road traffic. The Competent Authority will also encourage future land use planning policies at all levels to reflect the action plan processes, the draft notes.

Again, at a macro level the draft promises that the Competent Authority will “liaise with relevant national and local policy making bodies to encourage proper consideration of noise management issues in policy development”. There is also a stated intention to work with other departments on any legislative or other regulatory changes needed to enable any actions that might be identified to proceed – the example given is altering the scope and application of the Noise Insulation Regulations (as of now, existing roads are not covered).

The Competent Authority will in addition work with the DfT and highway authorities to explore the possibility of setting up a robust and easily accessible complaints handling system for road traffic noise issues, and is assigned the job of checking that any detailed noise actions identified by the highway authorities recognise wider national and local government policy objectives.

The Secretary of State, or their proxy, will also (inter alia) work with relevant government bodies on any future revisions of road traffic noise calculations, “encourage and support” the development of low-noise road surfaces, encourage highways to adopt Highways Agency good practice in assessing and managing road transport noise and evaluate the implication of moving towards a greater use of  $L_{\text{den}}$  and  $LA_{\text{eq}}$ .

Moving on to rail noise, again the draft takes an overview approach, looking at existing noise impact controls, touching on some key issues and (as for roads) promising data on the results of noise mapping for an array of indicators ( $L_{\text{den}}$ ,  $L_{\text{day}}$ ,  $L_{\text{evening}}$ ,  $L_{\text{night}}$ ,  $LA_{\text{eq 16hr}}$ ,  $LA_{\text{eq 18hr}}$  and  $LA_{\text{eq 6hr}}$ ). The same generic approach to determining a course of action is suggested, and again the  $LA_{\text{eq 18hr}}$  indicator will be used to identify areas for investigation, again because at the moment there is insufficient  $L_{\text{night}}$  data.

The criteria for action are again 1% of the population most affected by the worst noise, but for a lower  $LA_{10 18hr}$  of at least 73dB. Again, further information on the important areas to be investigated for potential action will be inserted later.

The draft trundles through mitigation measures and possible actions, as well as possible outcomes of investigations, liaison, and implementation, all of course in general terms. The document also looks at long term strategy, noting that “it has emerged during the preparation of this action plan that more clarity is needed regarding where the responsibility lies for managing the impact of noise generated by railways”. The Competent Authority will work with DfT and the rail authorities to establish a clear and publicly-accountable framework of responsibility. The CA will also liaise with the ‘relevant bodies’ to improve data coverage and quality for future noise mapping and will delve further into night noise issues.

The section on industrial noise follows the same pattern, with similar gaps and level of detail (or rather, lack thereof), as does the ‘noise from aircraft’ segment. The level of sketchiness in this pre-draft draft is apparent also in the aircraft noise segment of the agglomeration plan, which – as with the others – suffers from being a generic template. The same explanatory routine is set out in the aircraft segment, and in terms of hard information the priority action level

is set at 69dB  $LA_{\text{eq 16hr}}$  for residential premises.

Part F, on quiet areas, notes that “the Competent Authority has decided that the management of quiet areas will be related closely to the policies and practices for the management of open space that have been, and are being, developed according to the guidance set out in Planning Policy Guidance 17...” This section has accrued the warmest praise so far, in that it leaves the onus on local authorities to bring forward candidate quiet areas and allows a qualitative approach (rather than the proposed, didactic TRL criteria)

The Competent Authority will liaise with local authorities in identifying quiet areas – involvement of sorts, though not at the level enjoyed in Scotland and Wales. The precise wording says that the Competent Authority will liaise “to obtain information on the open spaces within each local authority and then form a view with them regarding which of these open spaces should attract particular attention taking account of the results of the strategic noise mapping.”

There will also be liaison on formal identification of any open spaces to be designated as quiet areas, and the section notes that “the Competent Authority believes that any noise thresholds used for the identification of quiet areas are best set locally”.

Liaison will include “consideration of the key attributes of each open space,” in line with PPG17’s Companion Guide guidance, with “particular regard” to whether the benefits of quiet should be seen as a primary or secondary purpose of the open space, and how quiet contributes to its overall quality. While this has won praise, some wonder whether the “inside-out” open space management approach of PPG17 is sufficient to deal with the “outside-in” challenges of external noise.

The obvious lengthiness of this process has provoked concern, with some pointing out that inevitably some of the noise source action plans (particularly the draft Airports Noise Action Plan, deadline 1 July) will be substantially or entirely complete before any quiet areas are formally identified. The lack of any criteria for Quiet Areas also may not help, particularly given the need to debate inclusion of problem areas, such as those that are intermittently quiet but valued nevertheless. McKell observes that local

● continued on page 11

# Defra and the emperors clothes

Jack Pease takes off his journalist hat and offers his personal opinion on English noise policy

IoA's spring conference held in Rugby last month was eagerly anticipated and didn't disappoint. Lots of industry experts sharing experiences and good practice, which is what it is all about.

But Defra and English noise policy. Oh dear, where does one start. Regular readers will know that this magazine has taken a robust stance on Defra's progress on noise which has been dismal for several years.

This event was the first major outing for Yvette Bosworth, the new noise boss at Defra (replacing Wendy Hartnell). Our informal soundings among those who have dealt with Bosworth suggest promise – she appears to be a people person keen to engage with the industry and local authorities. That's a good start.

It's also promising that she has an environmental background. All too often there is feeling that this noise post is a convenient home for displaced civil servants from other disciplines who do not choose to make themselves active members of the noise community.

So are things going to change?

Possibly not. As soon as Bosworth uttered the words 'current thinking' it became clear that she risks following in precisely the same footsteps as Hartnell and Jo Bray before her.

The term "current thinking" is one coined repeatedly by Defra and its policy advisors over the last year or two. The two words are used a lot and convey a lot. They confirm that Defra is still thinking and not doing. And it also says that even the thinking is 'current' – ie there is still no confidence that this is what is going to happen.

As an aside, it's worth noting that unlike in air quality, for some reason Defra's noise team has been run on skeletal staff leaning

heavily on outside advice. By contrast the air quality side runs with strong in-house expertise and minimal outside help.

So while noise civil servants have come and gone, their advisors haven't and while this provides continuity of policy, it also makes it hard for any new person to make any changes. With acoustics being so complicated, it would take a brave new incumbent to stand back and confront the fact that little is happening. Pretending otherwise means we are destined to see more of the same and endless talks setting out 'current thinking'.

These accusations stand or fall on whether one believes Defra is succeeding or failing in its job.

Our view is clearly that Defra has got it horribly wrong, in our view, this can be traced back to 2000 when it was given £13m to map noise in England. It could have followed the tried and tested – and by and large successful – air quality review and assessment system where local authorities do the work. After all, noise is even more of a local pollutant than air quality.

Instead Defra (advised by consultants) imagined that it can follow a top-down, consultant led approach. This failed, most of the money was taken off them and the mapping was done on the cheap. Now we are back where we started with Defra hinting it may end up mapping the whole of England and involving local authorities. Nine years of lost time.

Or let's look at more direct evidence. Scotland has action plans, Wales has action plans. England doesn't.

Scotland has listed its quiet areas. Wales has listed its quiet areas. England hasn't.

In Scotland and Wales you can look at a

map and find out quiet areas that have been agreed by real, local people by consensus, if necessary by driving around in cars together.

To get to this point, Scotland, for instance, was sitting down talking to local authorities two years ago, and got a move on. England has yet to set up local authority working groups that could be used to formulate the action plans, so realistically, England is at least two years behind.

Defra and its advisors – unsurprisingly – disagree. They say judging England on whether it does or doesn't have a map with quiet and noisy areas on is not a sensible measure of progress.

They say this is not a local authority issue. They claim that the strategic thinking now going on will deliver England a stronger noise policy than the regions. They point to Heathrow and domestic wind turbines as evidence that Defra can draw lines in the sand where it will stand up for itself.

Those arguments we can live with. Where we won't accept their arguments is when they argue that England is behind because it is bigger. By that token, England should not have an effective health service, nor public transport, or indeed any other public service simply because it is big. Such arguments are vacuous – if politicians went to Parliament and excused English health scandals by claiming that England was big, it would be justifiably laughed out of the chamber.

Noise Bulletin has a responsibility to try to deal in fact and not conjecture but on this matter it has been very difficult to find anyone who is close enough to the subject to speak on the record.

Local authorities who have taken a close interest in the mapping process appear to have lost the will to live, they feel their early head start has been wasted. Many consultants who are in position to understand the process are understandably unwilling to speak out lest they bite the hand that feeds them. If they are not already contractually linked to Defra, they are certainly hoping to be in the future.

So we are left gossiping at the coffee break, by phone or by email to try to understand what is the true picture. One person described what happened at the IoA meeting as "the elephant in the room" – another described it as "the emperor's

**Nothing changes. Four years ago NSCA (now Epuk). It could just as well use the same words again**

**nsca**  
environmental protection, improvement, innovation

To: Environment Correspondent  
16 May 2005

**Environmental Noise Directive (END) - An Opportunity Missed**

Nearly **five years** after Ministers made a commitment to addressing environmental noise there has been no tangible progress towards a national noise strategy.

In 2000 **£13m** was allocated for noise mapping England alone - this is now reduced to **£4.6m** for the whole of the UK. The 2000 figure included funding for data collection and validation and for resourcing and equipping local authorities. The consultation also suggests **£1.8m** for noise action plan preparation, but nothing for actually implementing noise action plans.

*NSCA considers this unsatisfactory.*

The term "Authorities" used in the Directive is understood to be a generic term for local authorities, however these proposals suggest that in most cases, competent authorities will be the "Secretary of State". Experience from Noise Mapping in Birmingham and London<sup>3</sup> suggests that **local ownership** and understanding of maps and plans and their use will lead to genuine action.

*We urge Government amend their proposals to transfer "ownership" to local authorities, with appropriate funding.*

**Aircraft noise** is one of the most significant noise sources, yet it is proposed that the Secretary of State for designated...

clothes”.

“Elephant in the room” because the failings were so massive that no-one could see them. “Emperors clothes” because Defra is surrounded by advisors that have the effect of insulating them from the ‘real world’.

We’ve had experience of this following a previous rant about slow progress about noise mapping. Following a series of detailed questions to Defra on mapping progress, rather than being given detailed answers we were invited in to Defra HQ to be given explanations. We found ourselves alone in a roomful of Defra civil servants, advisors and minders and bombarded by concepts and arguments. We left with our head swimming but unable to recall any hard facts that took the argument forward.

Since then we’ve of course talked to Defra and its advisors. All are really nice, committed technical folk who passionately believe things are going well, and are clearly hugely frustrated that this magazine thinks otherwise.

In a bid to move the argument forward, it might be a good idea to say that we consider there is progress when:

- Local authorities, or their representative groupings, are genuinely involved in setting the shape of action planning and quiet area zoning (and not just being consulted on what has been decided);
- When local authorities at an individual level are asked for their specific input into action plans, and to put forward candidate lists for quiet areas and are involved in the sifting (not just be told about it afterwards);
- When there is an action plan published that sets out who does what to improve noise climate for all or some;

- When there are real maps (not wholly based on modelling) that show actual quiet areas at the detail seen in Wales and Scotland;

- When a national, stand alone noise strategy is published (or at least consulted upon) against which other Government policies must have regard (and we are not talking about a few woolly nice-to-have concepts scattered about in other random policy documents).

The latter point – the strategy – is more important than ever given high profile issues such as Heathrow and wind farms. The absence of a strategy means that policy is being developed on the hoof, essentially in the courts.

A strategy would at least set out worthy goals, instead we have Defra taking up position issue by issue, and it is just being too damn reasonable in those negotiations.

Here’s an illustration. At an IoA meeting some years back, the then DTi was talking about noise emission limits for lawnmowers. The DTi civil servant said plainly and openly that his department would fight noise constraints that jeopardised the prospects of the UK lawnmower industry.

The DTi was no saint but at least it was very clear as to what its role was – to argue for industry. It adopted a strong position at the outset, and by negotiation with other departments a satisfactory outcome was reached.

By contrast Defra, which one may assume is there to argue for the environment, appears to qualify its position even before it goes to the negotiating table. At the recent IoA meeting, for instance, Defra’s team openly questioned whether a 55dba level is reasonable. And they

certainly don’t like it when people talk up the problem – they are clearly more comfortable with the idea that most people in Britain are happy with the noise climate, and only a few annoyed.

Card players don’t show their hand before a game, and Defra should not be openly mulling whether or not 55dBA is too quiet a level to strive for. Here WHO’s reasoning has much to offer – it sets a tough goal which can protect tranquillity where it needs to, and which can be compromised where it is impracticable.

Let the negotiators decide the compromise, rather than the strategy be a compromise itself. If the position taken to the negotiating table is already compromised by one side, then the final solution is lop sided.

But we digress, being realistic, a noise strategy is a lost cause for Defra in the near term. However a reasonable outcome for quiet areas and action planning is still within reach.

What has been done in Scotland and Wales is no big deal, it’s been finished and it isn’t rocket science. Stop overcomplicating the issue, stop talking about it, make use of local authority knowledge and get on with it!

Meanwhile Defra can consider itself lucky that noise campaigners have also lost their focus at the moment. UKNA, the Noise Abatement Society and to a lesser extent Epuk have for various reasons taken their eye off the ball.

If the noise world had someone with the tenacity of Simon Birkett (of the Campaign for Clean Air in London), Defra would find itself threatened by court action.

● Jack Pease

## Action plans: continued from page nine

authorities “will be looking for something more quantitative to start with”.

The final segment reveals informal consultation took place with the Highways Agency, the Railway Forum, airport operators, the DfT, DCLG, “various individual local authorities”, LACORS and Epuk – in contrast to the multi-page lists of consultees for the Scotland and Wales plans.

The rail and transportation action plan pre-draft drafts follow a similar pattern, and are clearly the basis for the information in the relevant sections of the agglomeration plan. Anyone reading all three will observe that the agglomeration plan draws heavily in its relevant segments on the road and rail

plans.

In Defra’s defence, it has been pointed out that many other countries in Europe are running late with their plans, and the odd plan that has been produced (for the city of Florence in Italy, for example) tends to be at a similarly strategic level. It is also suggested that a single year from maps to action plans is not sufficient, and that until Europe’s plans in their entirety are available for comparison it would be unfair to damn England’s attempts.

However there are serious reservations, key among which is the extraordinarily high and unexplained limit threshold values chosen, and a lack of detail that means

fundamental elements of the process remain unclear: for instance, how to resolve conflicts between noise source operators and local authorities, the lack of a duty upon noise source operators to have regard for quiet areas, the absence of criteria for designating quiet areas, and the problem of night noise issues.

There is also no indication of the criteria by which the results of actions will be deemed to be satisfactory, and as yet no real sense of coherence in the documents. The general judgement is likely to be that there are some good points, outweighed by some extremely bad points and far, far too many loose ends.

We always find ourselves uncomfortable in the presence of aviation types – none more so than the Omega mob.

Project Omega is a body that has been set up to find the ‘truth about the environmental impacts of aviation’ and given that it has at least £5m of government funding, it won’t be hard to guess which truth the project will uncover.

At its recent ‘dissemination’ conference held in London, we were subjected to a series of general talks aimed at disseminating the knowledge gained from the £5m programme of aviation and environmental research. We weren’t impressed.

Take this from Dr Rod Self of Southampton University: “If people didn’t live near airports, noise wouldn’t be a problem.” Such insight. Then he said he’d talk about public attitudes as a ‘little bit of a diversion before going back to open rotors’.

Hmmm, we think he may have mixed his priorities up here.

The Health Protection Agency’s noise policy boss Bob Maynard, speaking at

last month’s Institute of Environment and Health meeting in Cranfield, remarked on Imperial College’s Lars Jarup talk of new noise and health studies.

These provided much new thinking on the subject, but alas look likely to be omitted in the long-delayed HPA probe into noise and health. This has been ripe for reporting for years and is currently held up by an interdepartmental squabble about responsibilities.

Maynard at least noted the irony of the delays: “Like all reports, it will be out of date before it is published.” God forbid that the Government could allow publication of report that dealt with noise and health effects before it announced it was expanding Heathrow.

We read TRL’s report on exhaust noise with some incredulity. It calmly comments that it felt that deliberate modification of exhausts is not common.

Are they living in the real world? Do they drive on the same roads as the rest of us? Do they not know about supermarket cruises and what happens in local streets in the late evening?

Teenagers’ cars provide useful

evidence about what is de rigueur among young drivers unable to afford insurance premiums for decent cars. Exhausts are sawn off and ‘fart cannons’ added – it is not poor maintenance behind excessively loud cars, but deliberate choice.

Actually TRL must know that noise is deliberate – because it discusses the various dodges available to get round noise tests (selective rev limiters, db killers and flow limiters to name but a few). And it also recognises that if there were punitive end-of-tailpipe restrictions, then owners “might seek to make other areas of the vehicle noisy” although it says this is “unlikely”.

Well, once again, where have they been?

Lift the bonnet of a chav car and look for the lemonade bottle duct-taped around the engine air breather pipe. This makes a ‘nice’ raspy noise.

Given that it would no doubt be considered an infringement of our ‘rights’, roadside excess noise monitors linked to enforcement cameras are unlikely. So why not take a leaf out of the New York police’s book – if the car sounds noisy to a copper, it gets a ticket. Simple.

## NOISE EVENTS 2009

**18-22 May**

### NOISE ACTION WEEK

Coordinated by Epuk, website [www.noiseactionweek.org.uk](http://www.noiseactionweek.org.uk)

**21st May**

### THE LATEST DEVELOPMENTS IN TRANSPORTATION NOISE AND ACTION

planning taking place at the University of Salford and is being organised by the north west Branch of the IOA in support of Noise Action Week, contact Linda Canty, 01727 848195

**27th May**

### WIND FARM NOISE: CURRENT ISSUES BY MIKE STIGWOOD

IoA Eastern Branch meeting to be held in Colchester, contact Linda Canty, 01727 848195

**17th-19th June**

### WIND TURBINE NOISE 2009

3rd International Conference on Wind Turbine Noise to be held in Aalborg, Denmark <http://www.windturbine2009.org/>

**23rd June**

### DID YOU HEAR THAT?

concepts of audibility and inaudibility measurement & instrumentation, IoA meeting to be held at The Royal Society, London, contact Linda Canty, 01727 848195

**25th June**

### CADNA USER GROUP TRAINING

to be held at City University, London. More details [www.campbell-associates.co.uk](http://www.campbell-associates.co.uk)

**1st July**

### CADNA NOISE PREDICTION SOFTWARE: BASIC TRAINING

to be held at Endeavour House, Stansted Airport. More details [www.campbell-associates.co.uk](http://www.campbell-associates.co.uk)

**8th July**

### ASSESSMENT & MITIGATION OF NOISE

IoA North Western Branch meeting to be held in Ipswich, [www.ioa.org](http://www.ioa.org)

**23th-26th August**

### INTERNOISE 2009

to be held in Ottawa, website [www.internoise2009.com](http://www.internoise2009.com)

**7th October**

### EPUK NOISE UPDATE

To be held at Aston Business School, Birmingham, contact Epuk, 01273 878 776

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## CREDITS



**Editor: Jack Pease** tel 01737 642283

mobile 07590 488432 (fax 01372 700400)

email [jackpease@empublishing.org.uk](mailto:jackpease@empublishing.org.uk)

Website: [www.noise-bulletin.org.uk](http://www.noise-bulletin.org.uk)

**Marketing: Jackie Luff** tel 01737 645348

email [marketing@empublishing.org.uk](mailto:marketing@empublishing.org.uk)

### Associate editors:

Lis Stedman tel 01492 642360 email [lis.stedman@empublishing.org.uk](mailto:lis.stedman@empublishing.org.uk)

Lisa Russell tel 020 8552 7464 email [lisa.russell@empublishing.org.uk](mailto:lisa.russell@empublishing.org.uk)

Subscriptions: 01737 642283, POBox 592 Redhill RH1 3WN

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