



POLICY FOR DEVELOPMENT AND NOISE 2021

Background:

The consideration of the potential impacts of noise through the planning process is about balancing requirements to secure sustainable economic development by encouraging the investment in, and expansion of, existing and new businesses in Fife; supporting a dynamic and responsive housing market and development industry, while ensuring that noise impact arising from such business development is considered and mitigated and residential development does not unacceptably affect existing businesses or is built in locations which would be affected by excess or inappropriate noise levels. Noise impacts on residential development can arise from both industrial and transport noise.

While Planning guidance on noise aims to separate noisy and noise sensitive land uses as far as possible, mitigation of noise impact through separation alone can be difficult to achieve.

Noise sensitive developments may need to incorporate mitigation measures through design, layout, construction or physical noise barriers to achieve acceptable acoustic conditions.

Where noise is likely to be a material consideration in a development proposal early discussion through the formal Pre application process with the Planning Service and the engagement of an acoustic consultant recognised by the Institute of Acoustics will be essential.

Whilst it may be possible to mitigate the adverse effects of noise, new noise-sensitive development will rarely be appropriate in areas which are already subject to unacceptably high noise levels. Existing industry or commercial interests also need to be protected from the adverse impacts of complaints of nuisance from residents of new housing or other noise sensitive developments. Complaints which may arise from new residents may lead to action against the pre-existing business and potentially impact on the operations and economic viability of that business. The consideration of this potentially conflicting relationship is reflected in the principle of “agent of change” which will be addressed in the legislation arising from the new Planning (Scotland) Act 2019.

FIFEplan 2017, Policy 2.2 :Housing and Policy 5: Employment Land and Property Policy 10: Amenity are relevant to the consideration of noise issues in planning applications.

The selection of a site, the design of a development and the conditions which may be attached to a planning permission can all play a part in preventing, controlling and mitigating the effects of noise. Discussions with the planning authority prior to submitting an application will assist in deciding the level of detail required from an applicant in respect of noise. The specification of mitigation measures required should be balanced against the degree of risk to environmental quality, public health and amenity. More detailed assessments may be required for proposals that are likely to generate significant noise; for noise sensitive proposals which may affect existing noise sources and for proposals that may affect noise levels within or close to Noise Management Areas or Quiet Areas.

Policy Approach.

The presumption when considering noise and planning is that new industrial/commercial or residential development should not create situations which bring non-conforming noise sensitive uses into potential conflict. This may lead to detrimental impacts on existing businesses and future investment or lead to prolonged ongoing issues which impact on the health and wellbeing of new or existing residents exposed to unacceptable levels of noise.

Issues which may be relevant when considering noise in relation to a development proposal include:

- Type of development and likelihood of significant noise impact;
- Sensitivity of location (e.g. existing land uses, Noise Management Area, Quiet Area);
- Existing noise level and likely change in noise levels;
- Day time and night time noise issues;
- Character (tonal, impulsivity etc.), duration, frequency of any repetition and time of day of noise that is likely to be generated; and
- The context of proposed development and the differences between transport and industrial noise sources. Owners, purchasers and developers of land should be aware of the potential constraints on residential and other noise sensitive development near to sources of transport and industrial noise.

Where noise is considered to be a material consideration of your application we may consult with our colleagues in Environmental Health. The link below provides information on the noise standards to be achieved and the information you will be asked to provide. If you are using a noise consultant, the information in this document will be familiar to them.

[\(Environmental Health Link\)](#)

Exceptional Circumstances

To achieve wider outcomes of the Local Outcome Improvement Plan and the Local Development Plan, FIFEplan it is recognised that the physical separation of noise and noise sensitive development will not be possible in all circumstances and that it may be appropriate to make provision for development in certain exceptional circumstances in order to achieve wider strategic objectives.

The acceptance of new development in defined exceptional circumstances derives from the aim to promote sustainable economic development, achieving high quality design, low/ zero carbon properties and deliver and protect transport hubs and travel options within Fife. There is an acceptance that putting in place significant stand-off distances between roads and development has certain conflicts with design policies and that the requirement to have open windows could conflict with the achievement of low/zero carbon properties. This must be balanced with ensuring that residential amenity is protected. Without the details within site

specific noise impact assessments, that may be required for development proposals, (see [PAN 1/2011 for further guidance](#)) only an indicative guide can be given to cases, which might merit special consideration.

Due to the complex and technical nature of this issue early discussion through Fife Council's Planning Pre-Application process will assist in determining whether a proposal is likely to be considered to be within one or more of the definitions of exceptional circumstances.

The benefits of such development could include:

- **Deliver high-quality, well-designed development which incorporates the principles set out in Making Fife's Places and Designing Streets;**
- **delivering mixed use sustainable communities.**
- **Secure appropriate redevelopment of brownfield sites;**
- **Promoting higher levels of density near transport hubs,**
- **Securing higher density development in town centres and larger urban settlements;**
- **Development which secures the long-term future of a listed building, the character of a conservation area or other heritage asset;**
- **Achieving low/ zero carbon development.**

It is more likely that there will be an acceptance of exceptional circumstances in relation to impacts arising from road and transport noise to achieve the above objectives than permitting development which would introduce conflicts between industrial and residential development.

If the development is considered to be an exceptional circumstance, for this to be accepted the following sequential approach shall be followed in order of preference, taking into account the feasibility of their implementation, and having regard to the wider amenity, low carbon and urban design requirements of the development.

- (i) Setting back of dwellings from noise sources, where this can be achieved in accord with urban design principles and Masterplan;
- (ii) Orientation of dwellings to avoid noise impacts on sensitive elevations and/or habitable rooms, where this can be achieved in accord with urban design principles and Masterplans;
- (iii) Installation of acoustic barriers, where this would have no unacceptable detrimental impact;
- (iv) Use of acoustic insulation/ closed window approach in new dwellings and allowance for the upper limit of 55dB in gardens.

The above sequential approach does not apply if the developer can prove that the windows would only be opened to purge air and are not required to be opened as part of the ventilation of a low/ zero carbon or passive house.

Developers need to be mindful of the fact that a simple technical solution may not present an acceptable planning solution for example, the erection of acoustic barriers which may resolve or assist to mitigate a noise issue will however still require to present an acceptable design solution both in terms of residential and visual amenity perspectives. Noise mitigation should be built into the development and consideration should be given to how this can become an asset to the new community. The mitigation could be used for habitat creation, public art or similar.

Similarly, the use of sealed window systems with mechanical or passive ventilation may not be appropriate solutions to achieve mitigation and provide an acceptable standard of residential amenity if no windows can be opened to provide ventilation due to the noise environment. Justification for the loss of amenity will be needed with any proposal that includes this.

CHECKLIST

1. Contact Planning via the formal pre-application process and Environmental Health to discuss the scope of any noise assessments.
2. Identify Noise Sensitive Receptors
3. Where a Noise Impact assessment is required instruct a suitably qualified and competent person.
4. Determine Noise Sensitive Receptors and Noise Generating Development in area and agree in writing with Environmental Health.
5. In consultation with Environmental Health determine appropriate noise criteria and targets for assessment.
6. Carry out assessment in adherence with BS7445 and other relevant standards as determined by noise criteria agreed for assessment.
7. Determine Magnitude of Noise Impact using table 2.
8. Carry out qualitative assessment.
9. Determine level of significance
10. Mitigations measures if required to meet target levels (eg. including barrier calculations)
11. Include all uncertainties and assumptions in the published report.