

Environmental Health advice for developers and other planning applicants

This advice has been designed to aid developers and other applicants who propose to submit a planning application that has potential noise and other amenity implications. Separate advice on contaminated land and air quality can be found within supplementary planning documents on our website; <http://www.wiltshire.gov.uk/env-health-planning>

This advice will provide you with general information on what should be considered and how to ensure your application is processed quickly and effectively when the Environmental Protection and Control Team are consulted. General queries about the planning process are best directed to Development Services.

Those requiring pre planning application advice are advised to have close regard to the information below and to ensure their applications are accompanied by the appropriate documentation. Failure to provide appropriate assessments may result in delays to processing a planning application and could mean a recommendation to the planning officer to refuse an application on the basis that the information required for us to make a decision has not been provided.

This department now operates a chargeable advice service for pre planning applications. The cost and type of advice given is dependent on the service level agreed. Pre planning application Environmental Protection advice can be accessed on our website under pre planning advice; <http://www.wiltshire.gov.uk/planning-pre-application-advice>

Amenity and Statutory Nuisance

Amenity is not specifically defined in planning legislation. It is defined in the Chambers Dictionary as “the experience of a place as pleasant or attractive”.

Environmental Protection Officers day to day deal with issues that amount to ‘statutory nuisance’. This legislation covers issues such as noise, smoke, dust and a range of other situations. Statutory nuisance is specific and has been defined by many years of case law. In some cases the application “statutory nuisance” controls are limited and statutory defences are available, it may therefore not be available as remedy for some problems and even where it is there are circumstances under which those causing a nuisance may be permitted to continue causing a nuisance.

“Amenity” and “Statutory nuisance” are distinct and separate from one another. In examining a planning application Environmental Protection Officers will specifically consider the implications of the application for amenity. This provides a higher standard of protection for future occupiers of a premises and people living near to a prospective development. The Environmental Protection Officers work within the planning system to try to avoid conflicts between adjacent uses and this reduces regulatory burden by preventing or mitigating problems that may otherwise arise.

Things to consider

Before submitting planning applications consider the impact on amenity. If any of the environmental factors mentioned below are likely to be an issue you are strongly advised to provide supporting documentation with the application that quantifies the issue and details how it will be addressed.

Good planning facilitates economic prosperity, by protecting residents from undue disturbance that can lead to potentially protracted conflicts and allows business to flourish and grow unhampered by bureaucratic restrictions that can result from poor design, and land use planning.

Environmental factors we consider

- **Noise (including vibration)** - from various sources including; plant, equipment, machinery, noise associated with service yards (unloading/loading, reversing beepers) and licensed premises (live and recorded music, customer movements).
- **Odour/Gas/fumes** – From kitchen extractions, boilers, industrial process, slurry tanks and other similar bulk storage, intensive animal husbandry, stables.
- **Smoke** – Particularly wood burners
- **Dust** – From roads, processing material, construction activity, storage of raw material
- **Light** – Impact of light spill and breakout on nearby sensitive receptors
- **Pests (including insects)** - Animal husbandry including some stables, sewage spreading, sewage treatment, poultry houses/farms, sewage treatment works, waste transfer sites
- **Contaminated Land** – Wiltshire Council has produced [supplementary planning guidance](#) for developers
- **Air Quality** – Wiltshire Council has produced [supplementary planning guidance](#) for developers

Noise impacts

Application proposals that raise issues of disturbance or are considered to be in a noise sensitive area must be supported by a noise impact assessment prepared by a suitably qualified acoustic consultant¹. These include proposals for;

- New residential development close to existing industrial or commercial units or vice versa
- New development close to railway, airfields, busy road, motor racing circuits etc

¹ The professional bodies for acoustic consultants are the Institute of Acoustics and the Association of Noise Consultants and you can search for registered consultants on their websites

- New development close to pubs, clubs and other businesses that form part of the night time economy or vice versa
- New development close to retail and other premises using air conditioning units, refrigeration and ventilation plant or vice versa.

Guidance available

- **BS 4142: 2014+A1: 2019 Methods for rating and assessing industrial and commercial sound**
This British Standard can be used to assess the likelihood of complaints arising from the installation of a new industrial noise source e.g. new air conditioning or refrigeration units. In most cases we will be expecting the “rating Level” of the noisy activity not to exceed the pre-existing background levels.
- **BS8233: 2014 Guidance on sound insulation and noise reduction for buildings**
This British Standard provides information on the design of internal acoustics for buildings. Environmental Health would normally recommend that noise reduction measures are put in place that will achieve internal noise levels in bedrooms and living rooms set out in the standard.
- [World Health Organisation Community Noise Guidelines 2000](#)
This guidance describes the impacts on health that may arise as a result of exposure to noise and recommends noise levels within residential properties
- **National Planning Policy Framework – [Noise](#) Guidance**
If the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation.
- [Artificial Grass Pitch \(AGP\) Acoustics](#)
Sport England Design Guidance note providing appropriate noise criteria and assessment methods and outlines practical measures that can be applied to reduce noise in particularly sensitive areas
- [Building Regulations Approved Document E](#)
It is good practice to consider the layout of rooms at the design stage to avoid placing noise sensitive rooms in which noise is generated. You should avoid placing bedrooms adjacent to, above or below living rooms, kitchens or utility rooms.

- [ProPG: Planning and Noise – Professional Practice Guidance on Planning and Noise](#)

Provides guidance on a recommended approach to the management of noise within the Planning system and encourages the process of good acoustic design for new residential development aiming to protect people from the harmful effects of noise.

Smaller scale projects e.g. a corner shop installing an air conditioning unit, refrigeration plant or other small scale plant/ equipment, will need to assess as far as possible any likely impact from noise on the surrounding community for example; hours of operation of the plant, location of the nearest noise sensitive receptor, noise output of the plant/equipment, acoustic treatments to be installed.

Noise & Dust during the construction phase

If there are residential properties close to your development, you will need to consider how noise & dust will be controlled during the construction phase. The Council recommends that noisy activities should not be carried out on site, outside the following hours:

Monday to Friday 08:00 - 18:00

Saturday 08:00 - 13:00

Not at all on Sundays or Bank Holidays

Where complaints are received from members of the public about noise from the site, a legal notice may be served under the Control of Pollution Act 1974 to formally restrict the time for noisy works.

We would expect a Construction Management Plan to be submitted with any major development whose construction/demolition phase is likely to be ongoing for a long period of time.

Odour impacts

In some instances an odour impact assessment may be required to ensure odour from certain sources (slurry lagoons, sewage works, poultry houses etc.) will not adversely impact upon new or existing residents, which should include appropriate mitigation measures.

Odour from takeaways and restaurants can also be highly intrusive. Appropriate methods of odour dispersal and abatement should be considered by your ventilation engineer. Further guidance can be found at;

- [DEFRA](#); **Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005**– This has been withdrawn but provides guidance for estimating the odour risk taking into account the stack/exhaust height, size and type of the kitchen and proximity to sensitive receptors

- [IAQM](#); **Guidance on the assessment of odour for planning 2018**
- [Environmental Health Licences and Permits](#) – Larger industrial plant such as coating & spraying will need to approach their suppliers for specialist advice. You may also require a permit under the Environmental Permitting regulations and you are therefore advised to contract Environmental protection direct

Smoke

Chimneys and flues must be located away from neighbouring windows. Chimneys must be sufficiently high to allow free dispersal; e.g. if you are on a hillside for example you might need a higher chimney than normal to take the smoke away from an adjoining neighbour higher up the hill.

Large scale boiler operators will need to provide a chimney height calculation in accordance with the appropriate relevant guidance such as D1 or the chimney height memorandum.

Light

For developments with proposed significant external light which will have line of sight to residential properties or other sensitive receptors we will require the submission of a lighting impact assessment and proposed mitigation measures in accordance with guidance set out in The Institute of Lighting Professionals [“Guidance Notes for the Reduction of Obtrusive Light”](#).

Further information can be found on the [GOV.UK](#) website under Light Pollution which provides advice on how to consider light within the planning system. Including, the [Guidance on sections 101 to 103 of the Clean Neighbourhoods and Environment Act 2005 – Statutory Nuisance from Insects and Artificial Light](#).

Pests

If it is likely that pests (including flies) may arise from the proposals we would expect the submission of a management plan to detail how pests will be effectively managed and mitigated against to prevent having an adverse impact on local sensitive receptors.

This includes

- [Fly Management Guidance](#)

Informative

This advice is provided without prejudice and all applications will be determined on their individual merits.

Other planning applications

Environmental Impact Assessments

Some complex or large scale developments may require a full Environmental Impact Assessment (EIA) and such developments are defined in the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. Any EIA must include references to the impact of noise and other environmental related amenity issues associated with the proposal.

Change of use

If your application involves a change of use for a commercial premises or a change in the hours of operation for a business, you will need to consider the following as part of your application:

- **Change of use** - If in changing the use of the business there is likely to be a change in the noise arising from the business, e.g. a retail unit turning into a bar, you will need to consider this in your application and include details of any potential noise control measures, e.g. improvements to sound insulation, noise limiters, lobby doors, double glazing, noise management plan
- **Change in the hours of operation** - you will need to check with Planning Services whether there are any conditions relating to the hours of operation on the current planning permission. They can be contacted by telephone; 0300 456 0114 or by email Developmentmanagement@wiltshire.gov.uk and further advice can be accessed online at <http://www.wiltshire.gov.uk/planning-new>,

If there are restrictions on the hours of operation and you plan to open beyond this you will need to submit an application to vary the condition. You should be aware that the community will be more sensitive to noise after 23.00 hrs and before 07:00 hrs and additional control measures may be required if the new business will be producing noise during this time. This needs to be addressed in the planning application.

General Permitted Development

Permitted development rights have temporarily been extended under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2018. In accordance with this Order the Environmental & Control Protection Team is no longer consulted on the full range of environment issues which may be caused by or associated with such a change of use.

Those who wish to utilise these new rights are advised that, notwithstanding the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2018, you have a duty to ensure that:

- i. The occupants of the development are adequately protected against environmental issues or emissions which exist in the area of the development; and
- ii. Those living or working nearby are adequately protected from environmental issues or emissions caused by the development or use thereof.

There are a wide range of environmental issues or emissions which may affect the health or wellbeing of other local residents or businesses including the environmental factors that are considered in this guidance document. These issues or emissions can be present in the local environment generally or can be caused by specific activities or operations taking place nearby.

You must consider whether your development will be affected by, or will cause, any of the environmental issues mentioned in this document, air quality and contaminated land. If so you must take the appropriate steps to ensure that both the future occupants of your development and those living or working nearby are adequately protected. Where it is not possible to take steps to prevent, or protect people from, these issues you should reconsider whether the change of use should take place.

If the change of use is to change or introduce a business activity and that business activity subsequently causes a “statutory nuisance” the advice given in this document may affect that business’ ability to claim any statutory defence of “best practicable means” in any action taken against it under the Environmental Protection Act 1990.

By addressing these issues before the development takes place you will reduce the risk of any adverse effects, and reduce the chances of the local authority using its enforcement powers in the future to resolve the problem.