

**Forest Heath Single Issue Review of Policy CS7 and
Site Specific Allocations Local Plan**

Statement of Common Ground

**Reference: SoCG: Defence Infrastructure Organisation and Forest Heath
District Council**

Date 18th August 2017

This Statement of Common Ground relates to the representations made by the Defence Infrastructure Organisation (DIO) and Ministry of Defence (MOD) in relation to the Forest Heath Proposed Submission Single Issue Review and Site Allocations Local Plan.

The objections made by DIO/MOD have been considered and this Statement of Common Ground has been agreed by Forest Heath District Council and DIO/MOD for submission to the Inspectors for the Single Issue Review and Site Allocations Local Plan Examination.

1. On the 24th February 2017 the Ministry of Defence published updated noise contours for RAF Lakenheath (Appendix A). This environmental noise information needs to be taken into account in particular in relation to proposed noise sensitive housing and mixed use development that falls within the designated noise contours. In addition regard should be had to National and Local Policy and Advice.

National Policy and Advice

2. The NPPF identifies securing a good standard of amenity as a core land use planning principle: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17 – 4th bullet).
3. Paragraph 123 provides brief guidance on planning and noise, stating planning policies and decisions should aim to:
 - avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
4. The NPPG states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.
 5. It further advises (see paragraph 005 ID-30-005-20140306) that noticeable and disruptive noise should be avoided if it amounts to a significant observed adverse effect. This can arise when noise causes a material change in behaviour and attitude etc.
 6. This Statement recognises it is not possible to have a single objective noise-based measure that defines what would constitute a significant adverse effect. Furthermore whilst the Statement seeks to avoid significant adverse impacts on health and quality of life from noise, it is within the overall context of the Government's policy on sustainable development.
 7. It is also considered that meeting the criteria outlined in BS8233 and recommendations contained within the World Health Organisation guidelines, "significant adverse impacts" on health and quality of life associated with noise would be unlikely to arise.

Local Policy

8. Policy DM2 of the councils Joint Development Management Policies (adopted February 2015) seeks to avoid sensitive development where its users would be significantly and adversely affected by noise, smell, vibration, or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented.

DIO General Guidance

9. The Council and the DIO have agreed a form of conditions to be imposed on residential and school planning permissions for noise sensitive development. A copy of the conditions is included at Appendix B. This means that in respect of all allocated sites internal noise levels will be within the World Health Organisation Guidelines. The agreement of these planning conditions is not intended to negate the need for applicants proposing noise sensitive development in areas affected by noise from military aircraft (or indeed other noise sources) to properly assess the

impact of noise to their proposed developments. The requirement to consider the impact of noise, including aircraft noise will continue to apply to the processing of relevant planning applications.

10. Both parties accept though that noise levels within open areas may temporarily exceed recommended levels. However, the noise source is of high intensity for a very short period of time and infrequent. There is no evidence to suggest that this noise in gardens and open spaces causes adverse impacts on health, education and quality of life to the existing and future populations.

11. The DIO/MOD in light of the above therefore agrees to withdraw its objection to Policy CS7 of the SIR and its objections to Policy SA2, SA7, SA8 and SA11 of the SALP. The withdrawal of these objections is conditional on the Council amending paragraph 3.9 of the SALP as shown in Appendix C.

Signed on behalf of Forest Heath District Council



Marie Smith
Service Manager (Planning - Strategy)

Signed on behalf of Defence Infrastructure Organisation

 18/8/17

Julian Chafer
Deputy Head
Estates - Projects

APPENDIX B

Condition for dwellings

1. No construction of any dwellings shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35dB LAeq (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;

ii) Details of a measurement and assessment methodology for demonstrating compliance with the limits set out in Condition 1 i), including the identification of specific properties where monitoring shall take place. This methodology shall include measurements within more than one dwelling.

2. Prior to first occupation, a suitably qualified noise specialist shall demonstrate compliance with the noise criteria detailed in Condition 1 i) using the measurement and assessment methodology as advocated in Condition 1) ii) and during periods of normal flying operations at RAF Lakenheath and RAF Mildenhall. The findings of the compliance assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings.

Condition for school

1. Any reserved matters application submitted for, or including, the construction of a primary school (including early years, or pre-school setting) or development of the primary school site (as identified on approved drawing number xxx) shall be accompanied by a scheme or schemes of noise mitigation which aims to ensure that there is at least one area suitable for outdoor teaching activities where noise levels are below 50 dB LAeq, 30mins, during normal school opening hours, as advocated within the Institute of Acoustics and Association of Noise Consultants 'Acoustics of Schools: a design guide' (November 2015). In the event that an outdoor teaching area with noise levels below 50 dB LAeq, 30mins cannot be achieved, then an assessment of noise levels, and details of the mitigation options considered and to be implemented shall be submitted to and approved in writing by the Local Planning Authority. The development shall adopt the proposed scheme or schemes of noise mitigation as stated.

2. The approved scheme shall thereafter be maintained as required and retained.

3. Prior to the first use of the primary school a suitably qualified noise specialist shall demonstrate compliance with the findings of the assessment required by

Condition 1). The findings shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the primary school.

Condition for outlines (residential)

1. Any Reserved Matters submitted pursuant to Conditions xxx of this planning permission shall include an 'Acoustic Design Statement', as advocated by ProPG – Planning & Noise: new residential development (May 2017). The 'Acoustic Design Statement' shall as a minimum demonstrate:

- i) how the approach to the proposed layout of the site has considered and mitigated against noise
- ii) how lowest practicable noise levels in the external amenity areas of the site (including public open spaces) can be achieved.

Advisory Note to be attached to planning permissions

The developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath and RAF Mildenhall when constructing and occupying their properties.

APPENDIX C

Proposed Main and Additional Modifications as a result of DIO/MOD representations

Site Allocations Local Plan proposed additional modifications

| Rep ID number and consultee | Ref | Page | Policy/ Paragraph | Modification |
|--|-----|------|---|--|
| 24793 Defence Infrastructure Organisation | | 14 | Paragraph 3.9 and accompanying MOD Noise Contour 2015 Map – this should be supplemented with a reference to the Military Aviation Noise Contour Report for RAF Lakenheath dated 24 th February 2017. | <p><i>Insert the following text in paragraph 3.6:</i></p> <p>Aircraft noise from RAF Mildenhall and RAF Lakenheath (<u>based on Military Aviation Noise Contour Report for RAF Lakenheath dated 24th February 2017</u>) also imposes constraints on development. However, it is important to note that flightpaths may change as a result of the announcement to close RAF Mildenhall and restructure activities at RAF Lakenheath over the next 5-7 years. The map below indicates the current noise constraint.</p> <p><i>Delete 'MOD Noise Contours 2015' map on page 15 and replace with 'Military Aviation Noise Contour Map of aircraft activity at RAF Lakenheath January 2017' map.</i></p> |