

**Written submission for draft London Plan Examination in Public
regarding Matter M44 - Noise and Nuisance**

Respondent: Freight Transport Association (FTA)

Reference ID: 2474

M44. Would policies D12 and D13 provide a justified and effective strategic framework to mitigate the impacts of existing noise and nuisance generating activities or uses on proposed new noise-sensitive development and reduce, manage and mitigate noise in relation to new development?

The Freight Transport Association (FTA) is pleased to see that Policy D12 of the [draft London Plan showing minor changes published in July 2018](#), is now consistent with paragraph 182 of the [revised NPPF, also published in July 2018](#), as it includes other nuisances, not just noise.

FTA strongly welcomes the inclusion of the 'Agent of Change' principle as a sensible and pragmatic approach to the issues which all too often arise from new residential developments being constructed next to existing industrial and logistics sites. This has over the years resulted in many businesses being forced to restrict their activities, relocate or close down altogether (with the associated loss of employment). The onus should be on developers to ensure that new residential developments are designed in such a way that existing businesses and the new residents are protected.

It is not clear how the policy will be enforced in the long-term and safeguards need to be put in place to ensure that it remains enforceable after the developer has sold the property. For example, if the developer doesn't do a good enough job with the mitigation measures and a new resident moves in several years later and complains. It needs to consider the eventuality of the developer no longer being in business. The onus of failed noise and nuisance mitigation should not fall on the existing industrial/logistics site operator. The ten-year New House Builder Guarantee could be used as a method of protection. The proposal also needs to protect future uses of the industrial land, such as if the business wishes to expand or diversify. Further detail is needed regarding the timeframe and test criteria for this protection.

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