



The London Plan Examination in Public 2018 – 2019

Port of London Authority Written Statement (Respondent Number 2401)

Matter 44: Noise and Nuisance.

1.1 This written statement from the Port of London Authority (PLA) specifically addresses Matter 44 'Noise and Nuisance' of the matters for consideration at the Examination in Public of the London Plan. Specifically this statement principally addresses part c of Matter 44 which states:

“c) Would policies D12 and D13 provide an effective and justified strategic framework for the preparation of local plans and neighbourhood plans in relation to these matters?”

1.2 As expressed in the PLA's formal response to the draft London Plan dated 1st March 2018, the PLA supports the principles underpinning policy D12 (Agents of Change) and in particular for placing the responsibility to mitigate impacts from existing noise-generating activities or uses onto the proposed development.

1.3 Furthermore, the PLA in principle supports the proposed amendments contained in the Draft London Plan showing minor suggested changes (July 2018), particularly the reference to Safeguarded Wharves in the supporting text of policy D12 (3.12.4A).

1.4 The PLA also welcomes the changes made as a result of PLA's comments under paragraphs 3.13.1 and 3.13.2 supporting policy D13 (Noise).

1.5 This statement addresses the PLA's position with regard to vacant and/or under-utilised Safeguarded Wharves within London, to ensure that developments adjacent to such sites fully consider the requirements of policies D12 and D13.

1.6 In order to deliver sustainable growth, it is essential that London's Safeguarded Wharves, a vital part of London's transport network, continue to be fully protected and for their reactivation and use to be maximised throughout the London Plan, not just in the Waterways policies. It is noted in the recent interim report published in December 2018 by the National Infrastructure Commission ('Future of Freight'¹) that without robust protections for existing wharf operators, reinforced by effective design mitigation measures to protect new residents from the effects of an operational wharf (including noise, dust and vibration effects), operators will continue to be the subject of nuisance complaints and ultimately could have their operations significantly limited, or stop future new facilities in areas where they are needed.

1.7 It is considered that policy D12 needs to be specific as to the correct approach to be taken when new noise sensitive development is proposed near to a vacant or under-utilised Safeguarded

¹National Infrastructure Commission "Future of Freight – Interim Report" December 2018
<https://www.nic.org.uk/wp-content/uploads/Future-of-Freight-Interim-Report-2.pdf>

Wharf or any existing potentially future noise generating development. As currently worded the policy is more specific to existing noise and other nuisance-generating activities or uses and the impacts of existing noise. The PLA considers that in circumstances where new noise sensitive development is proposed near to a vacant or under-utilised Safeguarded Wharf, to ensure that unreasonable restrictions are not placed on a wharf (for example operating hours, noise levels etc.) it will be necessary for planning applications to have full regard of the Safeguarded Wharf use designation and London Plan policy SI15 notwithstanding that the wharves may be vacant or under utilised when the application is made.

1.8 New residential and other noise sensitive development proposed adjacent to or in close proximity to a Safeguarded Wharf must also assess a reasonable worst case scenario in relation to the use of the wharf into the future. This is already established practice in development control for example; the Leamouth South Development in Tower Hamlets assessed the reactivation of the currently vacant Orchard Wharf and the Enderby Wharf development in the Royal Borough of Greenwich assessed the reactivation of the currently vacant Tunnel Glucose. This established practice in development control should be reflected in policy D12 with appropriate guidance in the supporting text.

1.9 As a result the PLA recommends the following amendment to paragraph 3.12.2 of policy D12:

*“The Agent of Change principle places the responsibility for mitigating the impact of noise and other nuisances firmly on the new development. This means that where new developments are proposed close to existing noise-generating uses, **including vacant land designated as a noise-generating use**, for example, applicants will need to design them in a more sensitive way to protect the new occupiers, such as new residents, businesses, schools and religious institutions, from noise and other impacts. This could include paying for soundproofing for the existing use, such as a music venue. The Agent of Change principle works both ways. For example, if a new noise-generating use is proposed close to existing noise-sensitive uses, such as residential development or businesses, the onus is on the new use to ensure its building or activity is designed to protect existing users or residents from noise impacts.”*

1.10 The PLA also recommends the following amendment to paragraph 3.12.7 of policy D12:

*“Noise and other impact assessments accompanying planning applications should be carefully tailored to local circumstances and be fit for purpose. That way, the particular characteristics of existing uses can be properly captured and assessed. For example, some businesses and activities can have peaks of noise at different times of the day and night and on different days of the week, and boroughs should require a noise impact assessment to take this into consideration. **Impact assessments for development proposals near to vacant or under-utilised noise generating sites must assess a reasonable worst case scenario for the use of the noise generating site**. Boroughs should pay close attention to the assumptions made and methods used in impact assessments to ensure a full and accurate assessment.”*

1.11 With regard to part (a) of Matter 44 which states “Would Policy D12, in setting out the ‘Agent of Change’ principle, be necessary in light of paragraph 123 of the NPPF?” The PLA considers that given the scale of future growth and development planned in London, particularly for

residential development and other noise sensitive uses, it is imperative that the impacts of noise and other nuisances (including dust, odour, light and vibrations) are fully taken into account and addressed within the London Plan itself. As Safeguarded Wharves in London are safeguarded through Ministerial Direction, a specific approach for London due to the fact that they are located in areas of high demand and high value for other land uses. It is particularly important that new noise-sensitive development located adjacent to, or in close proximity to Safeguarded Wharves is designed to minimise the potential for conflicts of use and disturbance in line with the Agent of Change principle, to ensure that the Safeguarded Wharf use remains viable, and the Ministerial Direction is protected.

1.12 Given that the Ministerial Directions imposed on Safeguarded Wharves are specific for London, the PLA considers that there must be a London specific policy on the Agents of Change principle, ensuring that the responsibility for mitigating the impacts from existing noise and other nuisance-generating activities or uses is on the proposed new noise-sensitive development and that development proposals manage noise and other potential nuisances effectively through appropriate design measures.