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Dear Gordon

NOTICE OF INTENTION TO ADOPT – SUPPLEMENTARY GUIDANCE – PLANNING AND NOISE

I refer to your correspondence of 20th July 2023 certifying notice of North Lanarkshire Council's intention to adopt the the supplementary guidance titled 'Planning and Noise'.

Scottish Ministers give notice that the supplementary guidance 'Planning and Noise' may not be adopted until modifications specified in Annex A to this notice have been made. The reasons for the modifications are also set out in Annex A.

For the avoidance of doubt, prior to adopting this document as supplementary guidance, your Authority should satisfy itself that it has met the requirements set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

In particular, we would bring to your attention the need to comply with section 27(2) of the above regulations, which state that supplementary guidance adopted and issued under section 22(1) of the 1997¹ Act (in connection with a particular local development plan), may only deal with the provision of further information or detail in respect of the policies or proposals set out in the plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance.

Yours sincerely

Adam Henry
Planning, Architecture & Regeneration Division

¹ Section 22 is continued in effect to enable the adoption of certain supplementary guidance until 31 March 2025 by regulation 4 of the Planning (Scotland) Act 2019 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2023 (SSI 2023/10).

ANNEX A

NORTH LANARKSHIRE COUNCIL – SUPPLEMENTARY GUIDANCE: PLANNING AND NOISE

MODIFICATIONS REQUIRED

For avoidance of doubt, the red text below identifies the new modified text

1. Modification:

Modify paragraph 1.1 of the supplementary guidance to read:

“This Supplementary Guidance (SG) forms part of the Development Plan and is a **statutory requirement** in the determination of planning applications”

Reason: To align with the Town and Country Planning (Scotland) Act 1997.

2. Modification:

Modify paragraph 1.2 of the supplementary guidance to read:

“The SG expands upon the following North Lanarkshire Council Local Development Plan policies:

Status

- Policy EDQ 2C – Management Areas
- **Policy EDQ 3 (part e) – Quality of Development, Guidance”**

Reason: To align with North Lanarkshire Local Development Plan (July 2022)

3. Modification:

Modify paragraph 3.2.1 of the supplementary guidance to read:

“**Local Development Plan.** The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Acts 2006 and 2019) and its associated regulations requires local authorities to produce a local development plan, setting out the Council’s detailed policies and proposals for the use, development, protection and improvement of land. North Lanarkshire Council adopted its Local Development Plan on 6th July 2022. Section 22 of The Town and Country Planning Act 1997 allows local authorities to adopt and issue guidance attached to a local development plan. **Section 22 is continued in effect to enable the adoption of certain supplementary guidance until 31 March 2025 by regulation 4 of the Planning (Scotland) Act 2019 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2023.**”

Reason: To align with the Town and Country Planning (Scotland) Act 1997 as amended by the Planning (Scotland) Act 2019.



4. Modification:

Modify paragraph 4.1 of the supplementary guidance to read:

“Noise **must** be a material consideration in any planning application when:”

Reason: To align with Circular 3/2022 which sets out that possible material considerations include environmental impacts of the proposed development.

This applies to the subsequent bullet points covering noise sensitive development and noise generating development.

5. Modification:

Modify paragraph 4.2 of the supplementary guidance to read:

“Noise sensitive uses may include a residential area, school or hospital while noise generating uses are likely to be **cultural venues (including live music venues)**, noisy roads, railways, industrial and commercial sites.”

Reason: To align with Section 41A – Conditional grant of planning permission: noise-sensitive developments of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning (Scotland) Act 2019.

6. Modification:

Modify part a) and e) of paragraph 4.9 of the supplementary guidance to read:

“At the very least this should include exploring the potential for:

- a) **orientating the proposed buildings to reduce noise impact.**
- b) the use of barriers and bunds to reduce the noise level at the noise sensitive receptor.
- c) designing the internal layout to place habitable rooms away from the line of site of any noise sources
- d) use of insulation of the building envelope to mitigate noise.⁽³⁾
and
- e) **reducing the noise at source ”**

Reason: To align with Section 41A – Conditional grant of planning permission: noise-sensitive developments of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning (Scotland) Act 2019.

7. Modification:

Modify paragraph 5.2.4 of the supplementary guidance to read:

“It is desirable that external noise levels in gardens, patios and amenity space of residential properties do not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T, where T is the daytime period of 16 hours, 07:00 to 23:00, **development that cannot meet these guidelines should be avoided**. Where proposed development cannot meet these criteria with the provision of the most effective noise mitigation measures in place, the number of affected properties and the level to which the guideline is exceeded, **the following factors will be considered**, will be considered by the planning authority when determining the suitability of the development:

- **The number of affected properties;**
- **The level by which the guidelines are exceeded;**
- **The impact on the amenity and wellbeing of the occupiers, in the context of all the proposed mitigation measures for the property.”**

Reason: To align with Policy 23 of NPF4.

8. Modification

Modify the table at 5.2.5 of the supplementary guidance to read:

Sound Source	Relevant Standard for Assessment	Target Levels	Standard from which target levels are derived
Road Traffic	Calculation of Road Traffic Noise 1998 [CTRN]; Design Manual for Roads and Bridges 2012	External Day time: LAeq[16hours]=50 – 55 dB*; or Lden < 53 dB External Night time: LAeq[8hours]= 45dB** ; or Lnight < 45 dB Internally Night time: LAmix= 45 dB ***	WHO Guidance for Community Noise 1999, WHO Night Noise Guidelines for Europe, 2009, BS 8233:2014; WHO Environmental Noise Guidelines for Europe, 2018
Rail Traffic	Calculation of Railway Noise 1995[CRN]	External Day time: LAeq[16hours]=50 – 55 dB*; or Lden < 54 dB External Night time: LAeq[8hours]= 45dB** ; or Lnight < 44 dB Internally Night time: LAmix= 45 dB ***	WHO Guidance for Community Noise 1999, WHO Night Noise Guidelines for Europe, 2009, BS 8233:2014; WHO Environmental Noise Guidelines for Europe, 2018
Air Traffic	Guidance in BS 8233:2014; Civil Aviation Authority	Lden < 55 dB Lnight < 40 dB	WHO Environmental Noise Guidelines for Europe, 2018

Reason: Text originally not included in error by North Lanarkshire Council.