



Department  
for Environment  
Food & Rural Affairs

T: 03459 33 55 77 or  
08459 33 55 77  
helpline@defra.gsi.gov.uk  
www.gov.uk/defra

Redacted name

**Your ref:**  
**Our ref:** RFI 6996  
**Date:** 12 December 2014

Dear Redacted name

### REQUEST FOR INFORMATION: NOISE POLICY STATEMENT FOR ENGLAND

Thank you for your request for information, which we received on 6 November, about the Noise Policy Statement for England. We have handled questions 1, 2, 6, 7 and 8 of your request under the Environmental Information Regulations 2004 (EIRs). The remainder are being treated as routine correspondence because they are not concerning recorded information. Please accept my apologies for the delay in responding.

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA). Your questions 1, 2, 6, 7 and 8 have been considered under the EIRs on the basis that the information you have sought disclosure of does, in our view, fall within the definition of "environmental information" as stated in the EIRs.

I enclose below a copy of the information you requested. I have quoted each of your questions and provided Defra's response directly below:

**Your question 1: "Which minister or department requisitioned the policy?"**

**Response:** Defra was the lead Government Department responsible for drafting and agreeing the Noise Policy Statement for England (NPSE). At the time of its publication in March 2010, the Rt Hon Hilary Benn MP was the Secretary of State for Environment, Food and Rural Affairs and therefore the lead Minister for this cross-Government policy. The NPSE was subsequently endorsed by the current government.

**Your question 3: "How is the policy to be interpreted by local authorities?"**

**Response:** This is not a request for information under the EIRs. However in answer to your question, the interpretation of the NPSE is at the discretion of local authorities, taking account of specific local circumstances. It may in addition interest you to know that information on the application of the NPSE is set out in the document's explanatory notes.<sup>1</sup>

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<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69533/pb13750-noise-policy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69533/pb13750-noise-policy.pdf)



INVESTORS  
IN PEOPLE

**Your question 4: “Can local authorities choose to ignore the policy and increase environmental noise?”**

**Response:** This is not a request for information under the EIRs. However in answer to your question the NPSE is a national policy document that applies in England. The NPSE is not legislation and local authorities are not legally bound to it. However Defra has an expectation that local authorities will take it into account in relevant situations. As set out in the document itself, by describing a clear policy vision and aims the NPSE provides the necessary clarity and direction to enable decisions to be made regarding what is an acceptable noise burden to place on society.

It should be noted that the key principles of the NPSE are reflected in wider policy documents. For example, the NPSE is referenced at paragraph 123 of the National Planning Policy Framework,<sup>2</sup> which sets out the Government’s planning policies for England and how these are expected to be applied. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

**Your question 5: “If the answer to 4 is yes please inform us as to the point of the policy and its meaning”**

**Response:** This is not a request for information under the EIRs. However in answer to your question the point of the policy and its meaning is explained in the explanatory note to the NPSE. In particular, section 2.6 states:

“The application of the NPSE should mean that noise is properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage.”

**Your question 6: “The policy seems loosely based on European policy the END. Was the noise policy for England compiled to placate or fulfil our obligations for our membership?”**

**Response:** No. The Environmental Noise Directive (2002/49/EC) (END) only applies to environmental noise (comprised primarily of noise from roads; railways, and aviation). The scope of the NPSE is broader. As explained within the document itself, it also encompasses neighbour noise (which includes noise from inside and outside people’s homes) and neighbourhood noise (which includes noise from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street).

The END places specific requirements on Member States, to produce strategic noise maps and noise action plans covering certain transport and industrial sources and for large urban areas. The NPSE provides the policy framework to assist the implementation of the END and the transposing Regulations. See section 1.4 of the 2014 Noise Action Plan for Agglomerations:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/276228/noise-action-plan-agglomerations-201401.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/276228/noise-action-plan-agglomerations-201401.pdf)

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<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60777/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf)

**Your question 7: "What bodies or departments was the policy rolled out to?"**

**Response:** Our records indicate that a copy of the attached letter was sent to contacts in all English local authorities and published on Defra's website on 15 March 2010. Please see:

<http://archive.defra.gov.uk/environment/quality/noise/environment/documents/actionplan/stakeholders-100315.pdf>

**Your question 8: "Please supply a copy of any documents issued to local authorities in the form of guidance at the time of the rolling out of the policy."**

**Response:** Our records indicate that a copy of the attached letter was issued to all local authorities on 15 March 2010 and published on Defra's website on this date. See:

<http://archive.defra.gov.uk/environment/quality/noise/environment/documents/actionplan/stakeholders-100315.pdf>

Explanatory notes are annexed to the NPSE.

**Your question 9: "The noise policy statement has not been embraced or indeed taken seriously as it is called a vision. Is this term the voice of the policy compilers or was it to dilute the policy on behalf of the requisitioning minister or department?"**

**Response:** This is not a request for information under the EIRs. However in answer to your question the NPSE has been embraced and forms part of a number of recent key Government policy documents. For example, it is referenced in the Aviation Policy Framework, the National Planning Policy Framework and Planning Policy Guidance on noise.

The NPSE sets out the long-term vision of government policy because noise is generated by activities that the economy and society rely upon – such as travel and entertainment. Therefore the NPSE aims to promote the management and mitigation of noise, rather than achieve the cessation of noise. The explanatory note to the NPSE recognises that there is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.

**Your Question 10: "As a business owner if I breached the policy could the policy be used against me in any legal or planning matter?"**

**Response:** This is not a request for information under the EIRs. However in answer to your question, Defra is unable to provide legal advice on this matter and we recommend that you seek your own independent legal opinion.

Following a search of our paper and electronic records, I have established that some of the information that you have requested is not held by Defra.

**Your Question 2: "What was the final cost of the policy to the taxpayer?"**

**Response:** We have undertaken a search of our records and have been unable to locate information that provides a final cost of developing the policy.

The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received.

Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in this case.

However, under our duty to advise and assist applicants in pursuance of regulation 9, I can confirm that to the best of our knowledge the information is not held by another public authority.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on [www.gov.uk](http://www.gov.uk) together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact the address below.

Yours sincerely,

Redacted name

**Defra FOIA and EIRs Team**

[InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@defra.gsi.gov.uk)

## **Annex A**

### **Copyright**

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the Intellectual Property Office's website.

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## **Annex B**

### **Complaints**

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [requestforinfo@defra.gsi.gov.uk](mailto:requestforinfo@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

