

Local Planning Authority's Position Statement on Matters Relating to Noise & Vibration

The LPA acknowledges local residents have strong concerns about the effect of the proposed development on the living conditions of nearby residents with regard to potential noise and vibration.

These concerns were expressed in a number of representations received following consultation on the application which have been summarised in the Case Officer's report to Planning Committee.

The impact of the development on local resident's living conditions was considered carefully in the assessment of the application with noise and vibration considered one of the main issues (section 6.0 p70).

LCC's Environmental Health Team reviewed the Noise & Vibration chapter of the Environmental Statement submitted with the application and provided the following comments.

It is noted that the document only gives brief consideration of the potential for the piling/dock infilling aspects of the construction phase to cause significant (albeit temporary) adverse noise impacts to the nearby noise-sensitive properties (residential apartments in Waterloo Quay/Waterloo Warehouse). It is also noted that a large number of complaints were received about the piling operations associated with dock infilling in the adjacent Plot C01, to facilitate construction of the Isle of Man Ferry Terminal (under application 20F/2453).

The disruption to residents arising from that development was aggravated by the fact that residents have recently been confined to their homes far more than could have been anticipated, as a result of the Covid-19 lockdown. Due to the spatial relationship of the current application site, the nearby noise-sensitive receptors and the intervening body of open water (West Waterloo Dock), physical measures to mitigate against noise from the piling operations are unlikely to be practical. These concerns were raised with the applicant's acoustic consultants and in response they issued a Draft Addendum to the Noise Chapter of the E.S., which accords with concerns expressed about the practical

limitations of any possible noise mitigation measures.

In these circumstances it is concluded the proposals will cause a significant adverse noise impact to nearby residents. Whilst this would be a short-term impact, it is likely to aggravate the previous noise disturbance which only occurred recently, and to affect the same cohort of residents. It is recognised that a case exists that the wider economic and societal benefits, that the new Ferry Terminal infrastructure project brings to the City, outweigh the short-term adverse noise impact caused by the piling operations that were necessary to facilitate the Isle of Man Terminal. However, it is not clear that the current development proposals would generate similar benefits to outweigh the unavoidable noise impact it would cause.

It is therefore recommended that if planning consent is granted it should be subject to a condition requiring the submission of a robust Construction Environmental Management Plan (the standard condition which also takes into account Highways requirements for construction management). It is also advised that the residential units within the proposed development facing the Isle of Man Ferry Terminal may also need a package of acoustic insulation in relation to noise arising from operation of the ferry terminal and vehicles queueing up prior to embarkation and a condition should be applied to any permission requiring the premises to be acoustically insulated in accordance with a scheme to be submitted to and approved by the local planning authority (in consultation with the Council's Environmental Health Service). The commercial units that form part of the proposals would also need conditions relating to standard matters such as hours of operation; kitchen extract; refuse collection; and noise control measures.

On this basis it is acknowledged that the proposals will cause a significant adverse noise impact to nearby residents and there are few practical measures that can be employed to avoid this bearing in mind the proximity of the site and nature of piling and construction works required. Whilst the adverse impact would be a short-term impact, it is likely to aggravate the previous noise disturbance which only occurred recently, and to affect the same cohort of residents.

This factor has to be considered as part of the planning assessment overall. In this respect it is a matter of weighing whether that the wider economic and societal benefits that the project offers outweigh the short-term adverse noise impact caused, or whether the unavoidable noise and vibration impact that would be caused would be so disruptive that the proposals are unacceptable because of the impact on residents living conditions.

As set out in the Committee Report whilst fully recognising resident's concerns it is considered that on balance restricting development for disturbance reasons alone would not be warranted in the circumstances (p71).

This view is based on the understanding that the area is allocated for development in the Local Plan, the fact that the site benefits from outline permission through the wider Liverpool Waters outline permission, and critically the importance of re-purposing this key link site for the long term benefit of regenerating this part of the City's waterfront.

Given these factors the Local Planning Authority's position is not that development of this site would always have such an adverse impact on the living conditions of residents, as a result of noise and vibration, that it would be unacceptable in any circumstance and the development proposed should therefore be refused for this reason in this case.

Having reached this conclusion it is recommended that should planning permission be granted any consent should be conditional on the submission and approval of a robust Construction Environmental Management Plan in order to control site operations with the aim of minimising impact as far as this can be achieved. It is also advised that the residential units facing the Isle of Man Ferry Terminal should be acoustically insulated in accordance with a scheme to be submitted to and approved by the local planning authority in consultation with the Council's Environmental Health Service. Also the commercial units that form part of the proposals should be subject to conditions relating to hours of operation; kitchen extract; refuse collection; and noise control measures.