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TO	Council
DATE	Thursday, 31 October 2019
EXECUTIVE MEMBER	Leader of the Council

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Petition: M25 Noise Pollution
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RECOMMENDATIONS
<p>(i) That Full Council supports the first part of the petition request, and that the Leader of the council writes to Highways England on the issue of M25 Noise Pollution, and in doing so engages with Mole Valley District Council, Surrey County Council, and local MPs. In addition, that the Leader forwards the petition to the Chairman of the Reigate & Banstead Local Committee for its consideration.</p> <p>(ii) That - in relation to the second part of the petition - Full Council notes that the Council's powers to combat noise pollution from roads is limited to engaging with the statutory highway authorities. Where there is evidence of new or increased resident disturbance from local roads this will be drawn to the attention of Surrey County Council, including via the Reigate & Banstead Local Committee.</p>

EXECUTIVE SUMMARY
<p>Under the Council's Petition Scheme, any petition with more than 400 signatures is referred to the Council for debate.</p> <p>The Council has received a petition of 605 signatures relating to M25 noise pollution. The petition requests the Council coordinates with nearby councils and local MPs and writes to Highways England highlighting residents' concerns about noise pollution from the M25 (specifically between junctions 8 and 9); also that the Council considers how it can combat noise pollution from roads. The full details of the petition are set out in paragraphs 5 and 6.</p>

Options open to the Council in considering this petition are to:

- 1) Refer the petition to the Executive decision maker for consideration.
- 2) To support the action requested on the petition; or
- 3) Note the request of the petitioners and take no further action.

It is recommended that Full Council supports the action requested to the extent that it is able to within its statutory powers.

STATUTORY POWERS

1. The Council approved a revised Petition Scheme in May 2013 taking account of the Localism Act 2011. The scheme sets out how the Council will respond to petitions.
2. The Localism Act 2011 revoked requirements placed on Councils in relation to petitions, however the Executive agreed to retain its Petition Scheme. Council Procedure Rule 11 requires that the Council adhere to its Petition Scheme.

BACKGROUND

3. The Petition Scheme sets out the type of response the Council will provide, based on the number of signatories to the petition.
4. The table below summarises the Council's approach:

Number of signatories	Response
Less than 20	Response from Officer (treated as standard correspondence)
20 – 199	Response from relevant Member of the Executive
At least 200	Referred to Executive
At least 400	Debated at a meeting of the Full Council

KEY INFORMATION

The Petition

5. An e-petition was accepted on 14 August 2019 which requests that Reigate & Banstead Borough Council:

“coordinate[s] with Mole Valley DC, Surrey CC, Crispin Blunt MP, Paul Beresford MP and Chris Grayling MP and write[s] to Highways England highlighting residents’ concerns about noise pollution from the M25, specifically referencing motorway resurfacing of the atypical concrete slabs installed between M25 junctions 8 and 9 and requesting additional man-made sound barriers and tree planting along this section of motorway to protect residents”

6. It also:

“call[s] on Reigate & Banstead [Borough] Council to consider how it can combat noise pollution from roads directly via planning policy or other powers under its control”

7. The petition closed on 9 October 2019, and at its close had received 605 signatures, meaning that the threshold for reporting to Council (400) has been exceeded.
8. In line with the Petition Scheme, details of the petition have been published and are available from the Council's website along with the e-signatories. The Petition Scheme indicates that the Council will decide how to respond to the petition. They may decide to support the action the petition requests, or not, or refer the matter to the Executive (or the Executive decision maker) for further consideration. The petition organiser will receive written confirmation of the Council's decision.
9. Under the Petition Scheme, a spokesperson for the petitioners may present the petition and speak at the Council meeting for up to 5 minutes. A representative of the Petitioners will be attending the meeting to address Council.

National policy and legislation

10. Highways England (HE) is the government agency with responsibility for the strategic road network, including the M25. HE's regional priorities for their network are set out in a series of route strategies. The current Route Strategy covering 'London Orbital and M23 to Gatwick' confirms that HE recognises 'the challenge of maintaining the concrete road surface and air pollution and noise problems' associated with the M25.
11. There is, however, no legal limit to road noise. This means that recompense for those impacted by road noise is limited. Information published by the Government¹ confirms that:
 - If noise from a *new* road exceeds certain levels, residents may be able to get sound insulation provided for them²
 - Residents may be able to get compensation if compulsory purchase of land by a public authority means they become affected by noise; and
 - Residents can apply for compensation if their property value goes down, but only if this is due to the use of a new or altered road.
12. Information published on behalf of HE³ shows the parts of the borough most affected by motorway noise.
13. HE does recognise that it has a responsibility to reduce noise impact associated with the strategic road network. It has a current programme of funding for noise insulation projects in identified Noise Important Areas⁴ and noise barriers, however this funding is only confirmed until the end of 2019/20 and is understood to be fully allocated. It is not known what the future approach to funding measures to reduce noise impact will be beyond this date for HE's next investment planning period (2020-2025).
14. HE representatives have confirmed to Council officers that there are no current plans to replace the concrete surfacing (which is accepted as being more hardwearing than asphalt) between junctions 8 and 9; nor to upgrade noise barriers. Further information in relation to potential funding opportunities has been requested from HE, however at the time of writing no response has been received.
15. The company Connect Plus Services operates and maintains the motorway network on behalf of Highways England. It is understood that it is continuing to roll out a

¹ <https://www.gov.uk/noise-pollution-road-train-plane/noise-from-roads>

² It is understood that residents in proximity to the M25 received compensation at the time it was constructed

³ <http://www.extrium.co.uk/noiseviewer.html>

⁴ See the online map identified above for more information about the location of Noise Important Areas

programme of renewing the joints between the concrete slabs, including transverse joints, which may go some way towards addressing the amount of noise generated.

Responding to the petition

16. The petition comprises two separate requests, which are dealt with in turn below.

Writing to Highways England:

17. As outlined above, responsibility for the strategic road network, including the M25, lies with Highways England.

18. The Petition Scheme confirms that if a petition is about something over which the Council has no direct control, the Council will consider making representations on behalf of the community to the relevant body.

19. This is what the first part of the current petition requests, recognising that the issue in question is not confined to Reigate & Banstead borough.

20. It must be recognised that HE has no current plans to undertake strategic works in this location, and its future activities will continue to be constrained by access to funding and national strategic priorities. However, it is nonetheless considered that there would be value in the Leader of the Council writing to Highways England explaining residents' concerns, and in doing so, engaging with Mole Valley District Council and local MPs. It is therefore recommended that Full Council supports the first part of the petition request.

21. In addition, given the topic subject of the petition, it is recommended that the Leader of the Council forwards the petition to the Chairman of the Reigate & Banstead Local Committee for its consideration.

Council powers:

22. The second part of the petition calls on the Council to consider how it can combat noise pollution from roads directly via planning policy or other powers under its control.

23. In terms of Planning Policy, the Council has recently adopted its Development Management Plan. Policy DES9 deals with Pollution and Contaminated Land.

24. In relation to noise-generating activities, it explains that the Council will only permit development where it can be demonstrated that the development (on its own or cumulatively) will not result in significant or unacceptable impact on the natural or built environment, [residents'] amenity or health and safety. This includes noise impact.

25. In relation to noise-sensitive activities (such as residential development), it explains that new development will not normally be permitted where pollution (including noise) is unacceptable and there is no reasonable prospect that the impact can be mitigated against to satisfactory levels.

26. These policies have been accepted to be appropriate by an independent planning inspector; and will now be a material consideration in the determination of planning applications, putting the Council in a strong position to manage noise pollution arising from new development. It should, however, be noted that there are some development activities that fall outside the control of the Council as Local Planning Authority and which are subject to a separate consent process. This includes

strategic highways projects (such as those relating to motorways), local transport projects, and minerals and waste operations.

27. In terms of Environmental Health, the Council has some statutory powers in relation to noise. However, the definition of statutory nuisance does not cover noise from roads or road traffic. The Council therefore has no powers to investigate complaints about noise from the M25 or any other road or take action with regard to this type of noise disturbance.
28. In terms of the second part of the petition request, therefore, it is recommended that Full Council notes that the Council's powers to combat noise pollution from roads is limited to engaging with the statutory highway authorities.
29. Surrey County Council is the statutory highways authority for the local road network. The Reigate & Banstead Local Committee provides one forum by which noise issues arising from local roads can be raised with the County Council. Where there is evidence of new or increased resident disturbance from local roads this will be drawn to the County Council's attention.

OPTIONS

30. The Petition Scheme provides that Council will decide how to respond to the petition at this meeting. The options for the Council in relation to the petition are:
 1. Refer the petition to the Executive decision maker for consideration.
 2. To support the action requested on the petition; or
 3. Note the request of the petitioners and take no further action.
31. It is recommended that Full Council support the action requested (option 2) to the extent that it is able to do so within its statutory powers.

LEGAL IMPLICATIONS

32. The statutory position is set out in paragraphs 1 and 2 of this report.

FINANCIAL IMPLICATIONS

33. There are no direct financial implications in respect of this report.

EQUALITIES IMPLICATIONS

34. We have a statutory duty to consider equalities implications in all of our decisions.
35. The activities suggested by the petition and those recommended to Council are not considered to disadvantage any equality target groups.
36. In the future, should measures to reduce noise pollution be proposed by either Highways England or Surrey County Council, they would need to assess the equalities impact of any such scheme(s).

ENVIRONMENTAL IMPLICATIONS

37. The activities suggested by the petition and those recommended to Council are not considered to have any direct environmental implications. If in the future measures

to reduce noise pollution are proposed by either Highways England or Surrey County Council it would be expected that these would deliver environmental (noise reduction) benefits.

BACKGROUND PAPERS

1. Reigate & Banstead Petition Scheme (http://www.reigate-banstead.gov.uk/downloads/download/439/petition_scheme_pdf)
2. E Petition (<https://reigate-banstead.moderngov.co.uk/mgEPetitionDisplay.aspx?ID=39&RPID=615636&HPID=615636#>)