

Consultation on proposed amendments to the Environmental Noise (England) Regulations 2006, issued by the Department for the Environment, Food and Rural Affairs



Response from the Aviation Environment Federation

The Aviation Environment Federation (AEF) is the principal UK non-profit making environmental association concerned with the environmental effects of aviation and supported by individuals and community groups affected by the UK's airfields and airports. We promote a sustainable future for aviation which fully recognises, and takes account of, all its environmental and amenity effects.

Aircraft noise has always been a key issue for our members. Since aviation is exempt from noise nuisance claims local communities have no legal protection from excessive aircraft noise, and must rely either on the goodwill of airport operators or on local or central government regulation of airports' noise impacts.

The effectiveness of the former approach has been put into question not only by many residents' own experiences, but by a recent piece of research for the European Commission. The 2008 review of Directive 2002/30/EC¹, which implements the 'balanced approach' to aircraft noise management, found that very few airports had exercised the powers given them by the Directive (such as a phase out of noisier aircraft), and that the number of people affected by noise, including during the sensitive night period, had increased since the Directive came into force and was likely to continue going up in future.

External regulation of aircraft noise would therefore seem to be essential if the UK Government is to have any possibility of meeting its aim to 'limit and, where possible, reduce noise impacts over time'². We are disappointed, therefore, that the general aim of the proposed amendments appears to be a watering down of any commitments from central government to ensure that communities have some protection from noise. The Government's desire to leave decisions about how much noise pollution is acceptable to be determined locally results, our experience suggests, in a general levelling down of any noise policies, as airports will consistently argue that the imposition of noise-related operating restrictions will leave them at a competitive disadvantage. Our answers to the consultation questions, particularly question 3 about which we feel most strongly, reflect our belief that the Secretary of State's duties to set national policy in this area must be strengthened, not side-stepped.

¹ 2008, Report from the Commission to the European Council and the European Parliament: Noise operation restrictions at EU Airports

http://ec.europa.eu/transport/air_portal/environment/doc/2008_15_02_com_2008_0066_en.pdf

² 2003, The Future of Air Transport White Paper, Executive Summary

<http://www.dft.gov.uk/about/strategy/whitepapers/air/executivesummary>

Question 1: Do you agree with the proposed amendment to regulation 13 regarding the identification of quiet areas?

We note that the proposed amendment removes any reference to dates by which the Secretary of State must dispatch his duties. The original version required the Secretary of State to identify quiet areas, in the form of regulations, a) by 30th September 2007 for first round agglomerations and b) by 30th September 2012 for agglomerations. The Government has failed to meet the first of these deadlines. We do not consider this a good reason for removing any reference to a timeframe.

We are concerned that by giving the Secretary of State total freedom to decide not only the form in which quiet areas should be identified by the date by which this must be completed means that the task could be deferred indefinitely and we therefore oppose this amendment.

Question 2: Do you agree with the proposal to revoke the duty as regards consolidated noise maps in regulation 14(2) and to replace this with a power on the Secretary of State to produce consolidated noise maps in respect of any area?

As noted above, we are disappointed that the general tone of the proposed amendments is to weaken the role of central government in noise management. The proposed change to regulation 14 (2) is one example of this and we cannot support it.

Consolidated noise maps would offer our members and others a better understanding of the impact of aviation noise in context and we believe the Secretary of State should be required to produce them. The suggestion that this duty should be revoked because of the cost of the measure is not convincing.

Question 3: Do you agree with the proposal to revoke the specific duty on the Secretary of State to publish guidance in regulation 14(1) and to replace this with a general power to publish guidance?

No. We strongly disagree with this proposal. For airports, the Competent Authority for the drawing up of action plans is to be the airport operators themselves. It is hard to believe that airport operators would impose any constraints on their own operations that may lose them business. In fact, as outlined in our introduction, there is evidence that European airports do not take such measures.

Limit values set by central government are therefore essential if these Regulations are to achieve anything meaningful rather than simply acting as a licence for airports to do as they wish. Offering no certainty for those affected by aircraft noise about how bad things could get can only, we believe, generate antagonism among local communities who are likely to feel that they must fight every possible increase in noise exposure.

As we argued in question 1, the fact that the Secretary of State has failed to comply with the deadline set out in the 2006 Regulations should not be a reason to remove from him a duty which we consider pivotal for credibility of this legislation.

Question 4: Are there any other comments relating to the proposed amendments that you would like to make?

No – none at present.

11th May 2009