



environmental
protection uk

By Email

28th November 2008

Environmental Protection UK Response

Consultation on the guidance for airport operators to produce action plans under the terms of the Environmental Noise Regulations 2006

About Environmental Protection UK

Environmental Protection UK brings together organisations from across the public, private and voluntary sectors to promote a balanced and innovative approach to understanding and solving environmental problems, through policy development and education. We are a registered charity with 110 years experience of environmental campaigning, public information provision, producing educational resources and policy formulation. Our members include regulators and practitioners from local authorities, consultants, developers, academics and industry. As such we are able to draw on a wide range of expertise and views.

Policy Context

This action planning guidance should be aiming to achieve the following policy goals, and our comments are made in this context.

“... protecting the countryside from further intrusion of noise is not a luxury. It is about preserving and promoting a feature that is genuinely valued by residents and visitors alike. Noise can also disturb the breeding of vulnerable species, and thereby undermine biodiversity.”

Defra Rural White Paper, 2000

The aim is “to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise.”

Environmental Noise Directive 2002

The aim is “to limit, and where possible reduce the number of people in the UK significantly affected by aircraft noise.” *Airport White Paper “The Future of Air Transport” 2003*

“reducing transport noise both at source and through mitigation measures.”

2006 EU sustainable development strategy

“action plans designed to manage noise issues and effects, including noise reduction if necessary.” “...plans shall also aim to protect quiet areas against noise.”

Environmental Noise Directive 2002

Overview

We are pleased to see draft guidance published for consultation – although somewhat behind the EU timetable. There is an increasingly urgent need to address the impact of noise on residents around airports and under flight paths, as the evidence for adverse health impacts mounts. We want to see firm guidance in place to manage noise from airports, to avoid the further intrusion of this noise into homes, schools, and into existing rural areas of quiet. While there are conflicts of interest here and some compromise will have to be made, guidance should help operators to manage these conflicts, and take into account potential development in the future. This is particularly critical in view of Government plans for airport expansion. It is also important in the context of increasing evidence on the adverse impact of noise on health, particularly night time disturbance, and the associated (to date unquantified in the UK) economic costs. We believe that policy on managing noise from airports should be developed on the basis of sound research on the health and associated impacts of that noise. In the current absence of contemporary uncontested research, a precautionary approach must be adopted, until such time as robust research to establish current public perception of aircraft noise and health impacts is carried out. We have asked Government to build on the ANASE¹ research to establish this information, but have received no response to date.

1. Do you agree with the approach being adopted in this document? Especially, bearing in mind the requirement of the END that we should address priorities based on the results of the noise mapping.

a. The appointment of Airport Operators as the competent authority responsible for producing airport Noise Action Plans is not likely to inspire public confidence that anything other than the interest of the operators, who are on the whole private companies, will be served. We recognise that for reasons of pragmatism this approach has been adopted. However, as there is no independent body tasked with overseeing the environmental impact of airports, we seek assurance that operators will be very strongly encouraged to meet the objective of the END, that is “to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise.” It is in the interest of Government, as the competent authority for noise action planning for road, rail and agglomerations to ensure that there is consistency of approach across all sectors. This is crucial if the action planning process is to have any public credibility.

b. This document does not make it clear how the priorities based on the results of noise mapping are to be determined.

2. Do you agree with the issues outlined in the guidance that Airport Operators should take into account when preparing their action plans?

Priorities to be addressed must be clearer:

a. Quiet Areas - The draft guidance acknowledges the potential conflicts between preserving urban and rural quiet (2.06 – 2.10), but provides no indication of how this might be resolved. Also, it states that for the current round of action planning (2.06), the aim is to protect quiet areas in first round agglomerations only – this is short sighted and more emphasis should be put on the longer term END objective of

¹ Letter asking for health research: http://www.environmental-protection.org.uk/assets/library/documents/Aviation_Noise_and_Health_Environment_Minister_Letter_Feb08.pdf

protecting quiet areas against noise. Also, 2.07 mentions management of the impact of departing aircraft – what about arrivals?

b. **Cost Benefit Analysis** - 2.30 states that a cost benefit analysis must underpin any action. Firstly, Annex V of the Directive states that cost-benefit is only to be included 'if available'. 3.13 appears to make it obligatory.

We are not confident that this is a driver to adequate management of noise. The poor state of current knowledge on impacts of aircraft noise on health would make it unlikely that any cost benefit analysis would account with any degree of accuracy for costs to health (and subsequent impacts economic activity) of populations affected by noise, particularly as not all of these health effects are acknowledged in the guidance (see 3. below)

This could divert resources towards unnecessary administration, where they would be better used in managing noise (which is the primary purpose of this guidance).

3. Do you agree with the process set out in the guidance for the development and adoption of the action plans?

a. **Effects of noise** In listing the effects of noise (3.04 – 05), the guidance sidesteps any clear acknowledgment of the increasing evidence that aircraft noise disturbance, particularly at night, can have a cardiovascular impact², also, the long established knowledge that excessive noise can disrupt children's learning.

b. We welcome the statement that END action plans will assist the management of environmental noise in the context of sustainable development (3.06)

c. **Determination of the acceptability of noise** - we are extremely disappointed that the only parameter put forward for determination of acceptability of noise is 69 dBA Leq. If noise action plans are to have any impact, there must be a more substantive requirement for finding 'if the current noise impact is acceptable'. With Government funded research (ANASE) unable to determine this, we are not confident that airport operators are able to do so independently. For example, ANASE and other research has strongly indicated that the 57dBA contour currently used to mark the onset of annoyance is no longer valid. Annoyance is acknowledged (3.03) as an effect. We believe that the guidance should give some indication of the parameters within which acceptable and unacceptable noise fall, beyond the extreme of 69dBA Leq cited in the current draft, which is deemed to make homes uninhabitable. Guidance should provide a clearer framework for establishing priorities, including reference to established best practice in aircraft noise management. We reiterate that further research is needed on the impact of aircraft noise, if present and future noise management policies are to have a real effect, and the END aim of reducing the impact of noise is to have any chance of being met.

c. **Issues for consideration** – The language of 3.12 is not pitched to drive further action from the airport operator – using phrases such as “consider” measures that “might be taken”, “might reasonably contribute”. Will there not be situations where action must be taken for the protection of health, and to comply with the requirement of the END? This is In contrast to the statement that they ‘must’ assess cost benefit at 3.13.

² HYENA – Babisch et al, 2008

d. **Balancing actions** - At 3.13, the approach would be more balanced if insert “The costs of failing to implement a measure, both direct and indirect”, as against the cost of the measure itself.

e. **Consultation** - The minimum consultation period of 12 weeks is too short – and does not account for the length of meeting cycles for local authorities, local area consultative committees, or periods where a consultation might fall over a lengthy holiday period. We would therefore like to see this extended to 16 weeks., particularly in view of 4.6.

f. **Integrated approach I** - As the Secretary of State for Transport is to see draft noise action plans(4.9), and have the power over their adoption or otherwise, the Secretary of State for Transport must do this with full knowledge of the issues around airport noise action planning, and therefore must see the comments submitted during this consultation.

g. **Integrated approach II** To ensure a co-ordinated approach to managing noise, airport operators should not be required to commence noise action planning until the process for developing and adopting plans for Agglomerations, Major Roads and Major Railways, and for identifying ‘quiet areas’ has been established. For these to work, the processes must run in parallel if they are to be able to co-ordinate, as required at 4.6.

4. Is there any additional guidance that should be included in this document that would assist with the process?

a. As stated in 3.a, we repeat that guidance is needed on the determination of ‘acceptability’ of noise. Guidance on criteria should be provided.

b. No reference is made to ANASE or to other annoyance data in use around Europe. Guidance should refer operators to this and to other available data, which they must consider when considering the ‘acceptability’ of noise.

c. Guidance should be given on what constitutes ‘an effective complaint handling system’ 3.12.

d. Guidance should be included on measures currently in use and which are becoming available to reduce aircraft noise, with examples of good practice.

e. In view of the requirement at 4.6 that airport operators must liaise with the competent authority where an agglomeration is affected, guidance should be included advising on best practice in management of significant noise sources such as ground noise generated by airport operations.

f. We feel that further guidance is required on situations where the use of ‘averaged’ noise map contours could be misrepresentative, for example at Heathrow, where there is runway alternation.

If you require any further information on the comments above, please contact:

Mary Stevens, Policy Officer – 01273 878781
Mary.stevens@environmental-protection.org.uk

Environmental Protection UK, 44 Grand Parade, Brighton, BN2 9QA