

ITEM 5: CONSULTATION BY DEFRA ON THE GUIDANCE FOR AIRPORT OPERATORS TO PRODUCE ACTION PLANS UNDER THE TERMS OF THE ENVIRONMENTAL NOISE DIRECTIVE

DRAFT SASIG RESPONSE

Summary

SASIG, in common with a wide range of other organisations, has been consulted by Defra on draft guidance for airport operators who are required to produce noise action plans. Responses are required to be submitted by Friday 28 November 2008.

The draft Guidance is long-awaited, and long overdue, in that it should have been published in its final form by July 2007, so that action plans could be prepared by airport operators and submitted by 30 April 2008.

The draft Guidance sets out the general requirements for Airport Noise Action Plans, the issues to be addressed by airport operators and the overall process. It is a less than helpful document, particularly as it completely fails to identify limit values that are needed to prevent or reduce environmental noise. It also makes no mention of Local Authorities as being an important part of the process.

Responses are requested by answering 4 questions. Whilst suggested answers have been drafted at the end of the report a response in that form is judged too limiting. Additional material in the form of the whole of this report should be submitted.

Recommendation

That this report be considered by SASIG, updated as necessary and sent to Defra - and the DfT - as a formal response to the consultation.

Introduction

- 1 The European Union's Environmental Noise Directive (END) 2002/49/EC was transposed into English law by the Environmental Noise (England) Regulations 2006 (2006 No. 2238). In this report they are generally referred to as END and ENR, or 'Regulations'.
- 2 The draft Guidance is long-awaited and long overdue in that it should have been published in its final form by July 2007 so that action plans could be prepared by airport operators and submitted by 30 April 2008.
- 3 The aim of the legislation is stated as being to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. The Regulations require the noise mapping and action planning process to be taken forward on a five-year rolling programme.
- 4 Under the Regulations there is a requirement for strategic noise maps to be prepared for all the UK's main airports that have over 50,000 air transport movements annually and then for the relevant airport operator to produce an action plan for the airport. There are additional requirements in respect of roads, railways, and major urban areas.

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- 5 The first round of mapping was submitted to the European Commission by the end of 2007. Those noise maps are available at: www.noisemapping.org. The original programme required action plans to be submitted to the Commission by 18 January 2009.
- 6 The Regulations require the Secretary of the State to publish guidance setting out limit values and other criteria for the identification of priorities for action plans. Draft guidance has just been published by the Department for Environment, Food and Rural Affairs (Defra) and comments are required by 28 November 2008. The document can be downloaded from <http://www.defra.gov.uk/corporate/consult/aviation-actionplans/index.htm> It now seems likely that the final guidance will not be available until late January or early February 2009 and on that basis all action plans will be late.
- 7 Defra is specifically requesting feedback on the four main questions in the box below.

- 1 Do you agree with the approach being adopted in this document? Especially, bearing in mind the requirements of the END that we should address priorities based on the results of the noise mapping.
- 2 Do you agree with the issues outlined in the guidance that Airport Operators should take into account when preparing action plans?
- 3 Do you agree with the process set out in the guidance for the development and adoption of the action plans?
- 4 Is there any additional guidance that should be included in this document that would assist the process?

- 8 The Guidance for Airports Operators is Annex A of the consultation document. It comprises four sections and three appendices, each of which is detailed below, together with suggested comments.

Section 1: Introduction

- 9 The introduction explains the requirement for operators of civil airports to develop Action Plans designed to manage noise issues and effects arising from aircraft departing from and arriving at their airport, including noise reduction if necessary. It explains the legal requirement for Action Plans, and that the operators must draw up an Action Plan in 2008, 2013 and every five years thereafter, based on the results of the noise mapping. The Regulations also require Action Plans to be reviewed when a major development occurs, such as the bringing into use of a new runway.

SASIG comment on section 1:

- 10 Airport operators have not been able to prepare Action Plans in advance of seeing this Defra guidance. There is now no way they can be submitted in 2008 and without a specific target date being given there is a danger of further slippage in the programme. The eventual Guidance needs to set a clear date by which airports must submit Action Plans.
- 11 The Guidance should also provide a clearer statement on the review of Action Plans in relation to major development. In that any major development will require planning permission the Guidance could indicate that any planning application for major development should be accompanied by an updated Action Plan.

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Section 2: General requirements for Action Plans

- 12 Action Plans should cover those places affected by noise from the airport operations as shown in the noise mapping. The more detailed requirements for Action Plans (mostly defined in the Regulations) are:
- to prevent and reduce environmental noise when necessary and particularly where exposure levels can induce harmful effects on human health, and to preserve environmental noise quality where it is good;
 - to manage noise issues and effects, including noise reduction if necessary;
 - to protect quiet areas in first round agglomerations against an increase in noise (this only applies to those airports where aircraft noise affects agglomerations - Coventry, Southend and Shoreham);
 - to address priorities which must be identified having regard to any guidance published;
 - to apply to the most important areas as established by the strategic noise maps;
 - to meet the requirements of Schedule 4 to the Regulations.
- 13 The Guidance then reproduces Annex V of END, which shows the minimum requirements of Action Plans. These are:
- A description of the airport and any other noise sources taken into account – based on the submitted noise maps, noting the exclusion of other noise sources such as ground noise from airport activities;
 - The authority responsible – the name of the airport operator;
 - The legal context – referring to the Regulation and also existing national and local frameworks of control directly or indirectly relating to the management of noise from the airport, e.g. Master Plans, noise preferential routes, planning and voluntary agreements etc.;
 - Any limit values in place – planning or other agreements that set a constraint on the airport operations, e.g. contour area limits, noise limits on departure, or aircraft movement limits;
 - A summary of the results of the noise mapping – to include the area enclosed by the various contours on the noise maps, together with the number of noise sensitive premises such as houses, hospitals and schools;
 - An evaluation of the estimated number of people exposed to noise, identification of problems and situations that need to be improved – Defra is generating population exposure information which will be provided to the airport operators;
 - A record of the public consultations organised in accordance with Article 8(7) – this is more specifically detailed in section 4 of the Guidance;
 - Any noise reduction measures already in force and any projects in preparation - this is intended to record existing noise mitigation measures and any appropriate dating;
 - Actions that the airport operator intends to take in the next five years, including measures to preserve quiet areas – this is intended to be a description of the action planning process, and the Guidance recognises that the issue of quiet areas is confined to those airports whose operations affect an agglomeration;
 - Long-term strategy – this should be a description of the likely development of the airport with reference to the Air Transport White Paper and any Master Plan,

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together with reference on how the consequential noise impact would be managed;

- Financial information (if available): budgets, cost-effectiveness assessment, cost-benefit assessment - this should indicate the cost of implementation and the likely to benefit to be accrued;
- Provisions envisaged for evaluating the implementation and the results of the Action Plan – this must show how the expected outcome will be monitored and reported locally; and
- Estimates in terms of the reduction of the number of people affected (annoyed, sleep-disturbed or other).

SASIG comment on section 2:

- 14 This seems a very comprehensive list of what is largely factual information about the existing situation. The topics could well become chapter headings of an Action Plan. The extent to which any new proposals mitigate the effects of noise are dependent upon the next section of the Guidance.

Section 3: Guidance on the determination of actions to be implemented

- 15 Airport Operators, armed with a knowledge of the current noise impact of their operation and the current noise control measures are required to consider:
- is the current noise impact acceptable? (Note: acceptability is said to be defined by later paragraphs in Section 3).
 - if the answer is yes, then it can be assumed that the current noise control measures are adequate.
 - if the answer is no, then further action is required and this action will be proposed as part of the Action Plan under the terms of the Regulations.
- 16 Before seeking to define acceptability, the Guidance explains that individuals experience different effects of noise to different degrees. Annoyance and complaints can arise from noise which is a general distraction, or results in speech interference, disruption of work and/or sleep disturbance. Psychological effects, including stress and other health effects, are also noted together with an acknowledgement of the Government's intention to continue with research on the effects of noise on human health.
- 17 This is then followed by a paragraph (3.05) which sets out the benefits of aviation and the need to strike a balance when looking at environmental noise.
- 18 Paragraphs 3.06 to 3.12 then seek to explain how an Airport Operator should determine acceptability and the other issues which should be taken into consideration. There is reference back to the Airport White Paper and its requirement that airport operators should take action in relation to those properties where the noise level exceeds 69dBA L_{eq16h} . Thereafter there are no numerical criteria and it is left to Airport Operators to consider the results of the noise mapping and identify any noise impacts that might be managed further. It is suggested they should look at, for example, the effectiveness of the complaints handling system; noise complaints data; feedback from Consultative Committees; additional noise abatement objectives; engagement with the land-use planning process; and protection of quiet areas.
- 19 Paragraphs 3.13 to 3.15, under a heading of wider considerations, seek to put the new noise management measures into a wider context, particularly balancing the cost of implementation against the benefits.

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SASIG comment on section 3:

- 20 This section is of critical importance. In reality it is a rather poor attempt to define the action Airport Operators should be taking to mitigate any existing noise problems.
- 21 Paragraph 3.02 implies that it is the Airport Operator that makes the judgement about the acceptability of the existing noise impact. This should be made clearer by specifying that it is the Airport Operator's duty to make that judgement and then justify it in the Action Plan.
- 22 Paragraphs 3.06 to 3.11 are covered by the main heading of "How to determine the acceptability or otherwise of the current noise impact". But there is little numerical guidance (see para 16 above).
- 23 Even so, the draft Guidance is very inadequate in trying to set any form of criteria in that it only gives some very general criteria and only the highest of limit values. Lower noise limit values, such as derived from World Health Organisation guidelines or from the ANASE research, would be more appropriate. The Future of Air Transport published December 2003 is not the current key document for judging aviation noise impact. Nevertheless, even that document recognises that significant noise impact occurs at aircraft noise levels of 57 L_{Aeq16h} .
- 24 There is no practical reason why the Guidance should not require Airport Operators to set real targets for achieving noise mitigating measures such as: the annual percentage of chapter 4 aircraft in use; changes to landing fees to encourage quieter operations; increasing percentage of continuous descent approaches (CDA); improved complaints procedures; limitations on night movements; etc..
- 25 The way in which quiet areas are covered in the Guidance is also likely to lead to confusion. At this stage in the process it would appear (para. 2.08 & 2.09) that it is only quiet areas within major urban areas (called agglomerations) that need to be considered and that this part of the process only applies to those airports that are within the agglomerations. But in section 3 of the draft Guidance, one of the issues for consideration is not only protection of quiet areas in agglomerations but also more generally. In that it is always a requirement for aircraft to be routed away from urban areas there is then a tendency for them to overfly quiet areas and in some cases Areas of Outstanding Natural Beauty. The draft Guidance needs heavily amending to give Airport Operators better instructions about the treatment of quiet areas in their Action Plans.
- 26 It seems inevitable that unless Defra identifies more specific topics for limit values, and the actual limit values themselves, then there will be a wide variety of interpretations by Airport Operators such that the public, including local authorities, are likely to see little improvement in the noise environment around their airports. This will discredit the whole process of producing Action Plans.

Section 4: Process including Public Consultation, Adoption and Publication

- 27 The draft Guidance relies on the Regulations to identify the stages of public consultation. They say that, in preparing and revising Action Plans, Airport Operators must ensure that:
- the public is consulted about proposals for Action Plans;
 - the public is given early and effective opportunities to participate in the preparation and review of the Action Plans;
 - the results of the public participation are taken into account;

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- the public is informed of the decisions taken; and
- reasonable time frames are provided allowing sufficient time for each stage of public participation.

28 Defra adds detail by suggesting that Airport Operators should engage with Consultative Committee's in the development of draft Action Plans, that the formal public consultation exercise should last a minimum of 12 weeks, and then any comments should be reflected upon prior to submitting the revised draft Action Plan to the Secretary of State for Transport, copied to the Secretary of State for Environment, Food and Rural Affairs. It is the former that then decides if the draft Action Plan meets the requirements of ENR.

SASIG comment on section 4:

29 The process suggested seems to be generally reasonable, except for two particular matters.

30 First, those Local Authorities within the areas delineated on the noise maps should have more engagement in the process at the same time as it is suggested that airport operators engage with the Consultative Committee.

31 Second, the suggestion of a minimum of 12 weeks for consultation with the general public is too short and too narrow. Most airports will have prepared Master Plans and will have undertaken extensive public consultation with Local Authorities, local organisations and the general public. All those bodies could reasonably expect to take part in the consultation process on a draft Action Plan. Many of the organisations consulted are likely to have a planned sequence of their normal meetings that would make it difficult to respond within the suggested 12 weeks, particularly when it encompasses the main holiday season. In that Defra have delayed the whole process by not being able to produce this draft Guidance in less than 12 months, then they should not be too restrictive in the suggested timescale for public and Local Authority consultation. 16 weeks should be the minimum.

Appendices A, B and C

32 These cover the Glossary of Acoustic and Technical Terms; the definition of airports for which noise maps are required (more than 50,000 movements a year or close to an agglomeration); and the schedule of those 18 airports that had produced noise maps.

SASIG comment:

33 These all seem uncontentious. In the Glossary of Terms the range of noise maps for the various parts of the day are usefully identified.

Conclusions

34 It is suggested that a copy of this report, amended to take account of views expressed at SASIG should be sent to Defra and copied to DfT with a request that they look at the detailed responses set out above, rather than relying on the answers to the specific questions posed. In addition SASIG's response to those questions could be as follows:

35 Question 1

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

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SASIG response to Q1:

- 36 YES, in principle. However:
- (a) the draft Guidance is badly written and seems to represent a rather cautious approach to Noise Action Plans;
 - (b) it is obviously correct to rely on the noise mapping but those maps do not identify priorities, merely contours, and the draft Guidance does not differentiate between the level of appropriate action in the various contour bands.

37 **Question 2**

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

SASIG response to Q2:

- 38 NO, because much more specific criteria and values should be specified with an indication of appropriate action based on up-to-date scientific knowledge.

39 **Question 3**

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

SASIG response to Q3:

- 40 YES. However, the important role of Local Authorities in environmental protection should be acknowledged such that those closest to the airport are involved in the early stages of the preparation of the draft Action Plan and then part of the formal consultations process.

41 **Question 4**

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

SASIG response to Q4:

- 42 Overall it is difficult to envisage that most airport operators, who have been addressing noise mitigation for many years, are likely to come up with anything new in their noise action plan if it merely follows the draft Guidance. Considerable strengthening of the Guidance is needed by setting more specific criteria and limit values. As presently written it appears that the draft Guidance has more the flavour of the Department for Transport, and does not represent truly cross-departmental work.

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Date: 24.10.08