

Control of noise from civil aircraft

The Government's conclusions -summary

In July 2000 the Department of the Environment, Transport and the Regions issued a consultation paper about *Control of noise from civil aircraft* which invited comments on proposals to improve measures to tackle operational aircraft noise. The Government's conclusions were published on 17th December 2003. The key points are as follows:

1. The Government intends to take powers to give all non-designated¹ aerodromes greater powers to regulate flying behaviour including:
 - powers to set and deliver noise contour or quota controls
 - clarification of powers to permit surcharging of aircraft that deviate from noise preferential routes (NPRs) on departure
 - powers to put beyond doubt that aerodromes could voluntarily implement noise control measures within a reasonable range beyond the airfield itself.

It is not the intention that these new powers should be used to unpick existing arrangements (including any planning permissions/conditions and s106 agreements).

2. The Government will not specify in detail the sanctions for users that fail to comply with the terms of an amelioration scheme. The Secretary of State will, however, provide non-statutory guidance setting the minimum and maximum sanctions that aerodromes should adopt. The Government will work with relevant bodies to draw up non-statutory guidance on sanctions in due course.
3. The new powers will operate within and immediately outside the traffic circuit as defined in ICAO Annex 11 but they should reach out also to include the full extent of noise preferential routes. However, the Secretary of State would have discretion (after consultation with the CAA, local authorities and local organisations) to authorise the extension of the boundary of a particular scheme (by order) upon application from an aerodrome.
4. The Government has concluded that agreements between aerodromes and their users on noise amelioration measures should generally continue to be underpinned by civil, as opposed to criminal, law.
5. The Secretary of State will not be taking powers to compel an aerodrome to prepare a noise amelioration scheme and there will be no such powers for local authorities. In taking this decision the Government was mindful of its powers to specify/designate an aerodrome under section 5 or 80 (for s78) of the Civil Aviation Act 1982 – these provide an adequate safeguard should an aerodrome's voluntary amelioration measures be regarded as inadequate. Nor will there be legislation for dispute resolution (or provisions relating to duration or review arrangements) in respect of noise amelioration schemes that have been drawn up voluntarily.
6. Section 5 of the Civil Aviation Act 1982 (which empowers the Secretary of State to place a duty on the CAA to take environmental factors - including noise and emissions - into account when licensing an aerodrome specified for the purpose) is not to be repealed and replaced (as to noise) with new powers. The

¹ "Designated" aerodromes are those designated by the Secretary of State under s. 80 of the Civil Aviation Act 1982 so that the control of noise is the responsibility of the Secretary of State. So far only Heathrow, Gatwick and Stansted airports are designated for this purpose.

Government believes it is appropriate to retain section 5 for the time being as an alternative to s78 if and where voluntary arrangements prove problematic.

7. The government will not be seeking amendments to section 35 of the 1982 Act as to consultation at Airports. However, after discussions with a selection of interested parties, the Department has produced revised guidance for airport consultative committees.
8. Section 38 of the 1982 Act is to be strengthened to make it clear that charges can be directly related to compliance with noise mitigation procedures
9. There is to be no change to section 76 of the 1982 Act which protects pilots and airlines from being sued for trespass or nuisance because they have overflown anyone's property as part of normal flight.
10. It is proposed to seek amendments to section 78 of the 1982 Act as follows:
 - (a) clarification and expansion of the powers in section 78(3)(b), to enable the Secretary of State to specify a constraint or constraints which would have the effect of limiting how often aircraft (or certain types of aircraft) could take off or land at the aerodrome in 24-hour periods or between specified times of the day or night. The constraint could, for example, take the form of noise quota limits or a limiting noise contour area.
 - (b) clarification of section 78(6) to make explicit that the Secretary of State may direct an aerodrome manager, subject to overriding considerations of safety, to direct take-offs and/or landings onto a particular runway;
 - (c) explicitly enabling 'designated' aerodromes to make surcharges, or the Secretary of State to stipulate the range of fines to be levied by the courts based upon their standard scale, for violations of the requirements of a notice under section 78 places on aircraft operators.

Section 78 applies to designated airports only.

11. The fines are to be increased for failure by an airport operator to comply with duties under section 78(8) of the 1982 Act or section 68(1) of the Civil Aviation Act 1986. These relate to noise-measuring equipment and noise measurement reports at designated airports and, more widely, to equipment to monitor the movements of aircraft and provide reports. (This is seen simply as an updating measure – the powers have not so far been used.)
12. There will be no change to section 79 of the 1982 Act which empowers the Secretary of State to make a scheme requiring an aerodrome operator to make grants towards the cost of providing noise insulation for buildings in the vicinity of the aerodrome. The White Paper on *The Future of Air Transport* sets out nationally applicable criteria for airport noise insulation schemes, with the details to be set by airports. The power to designate for the purposes of section 79 will remain available, if airports fail to make appropriate voluntary schemes.