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Environmental Noise Team
Department of Environment, Food and Rural Affairs
Area 2A
Nobel House
17 Smith Square
London SW1P 3JR

Dear Sirs

Consultation on proposed amendments to the Environmental Noise (England) Regulations 2006

Although Stop Stansted Expansion ('SSE') has not been formally invited to respond to the above consultation, I trust you will welcome our comments, particularly since it is the Government's policy to support the expansion of Stansted Airport to a size larger than Heathrow is today. Furthermore, while this consultation's main focus is on larger agglomerations, its outcome could well set a precedent for rural areas at a later stage.

SSE represents 7,500 members and registered supporters, including some 150 parish and town councils, residents' groups, national and local environmental groups and other organisations. SSE was established in 2002 in response to the Government's SERAS consultation on expanding UK airports and particularly to address the threat posed by expansion plans for Stansted subsequently included in the 2003 White Paper, *The Future of Air Transport* (the 'ATWP'). SSE's objective, in summary, is to contain the development of Stansted Airport within limits that are truly sustainable, and noise is a primary concern amongst our support base. Our parent organisation, the North West Essex and East Herts Preservation Association ('NWEHHPA'), was founded in 1965 in response to a similar expansion threat. SSE operates as a working group of NWEHHPA.

Stansted Airport is predominantly surrounded by rural and relatively tranquil areas and has no agglomerations in the near vicinity. The nearest agglomerations to Stansted are Chelmsford (15 miles) and Cambridge (23 miles), with the centre of London approximately 35 miles away. The airport is located in the district of Uttlesford and adjacent to the district of East Hertfordshire. Both districts are characterised by settlements comprised of a large number of villages and a few market towns. The closest town to the airport is Bishop's Stortford, whose centre is within three miles of the runway. Bishop's Stortford is a market town with a population of some 35,000 adjacent to the busiest aircraft departure routes.

In the recent NATS' consultation for the Terminal Control North ('TCN') Airspace Change Proposal, the three main issues raised by respondents were concerns about aircraft noise in rural areas, aircraft noise in general and the loss of tranquillity, all of which are particularly relevant to the region around Stansted Airport.

Patron: Terry Waite CBE

Stop Stansted Expansion is a working group of the North West Essex and East Herts Preservation Association

Herewith is our response to the four questions contained in the consultation on your proposed amendments to the Environmental Noise (England) Regulations 2006 ('the Regulations'):

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

No. We are concerned that the proposed amendment removes any reference to dates by which the Secretary of State must exercise his duty to identify and publish a list of quiet areas. We are also concerned that the phrase, 'in such form as the Secretary of State considers appropriate' (describing the form in which identified quiet areas should be published), is too discretionary and could weaken the Regulations.

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?*

No. Again, we are concerned that the proposed amendment would weaken the Regulations. Consolidated noise maps could provide a useful additional source of information for the public and we believe that the Secretary of State should continue to have a statutory duty to produce them.

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. The fact that the Secretary of State has failed to comply with the requirement to publish guidance setting out limit values or other criteria for the identification of priorities for noise action plans by no later than 17 July 2007 (as required by Regulation 14(1)) should not be used as a reason to remove the duty upon him to publish such guidance and replace it with merely a discretionary power. This would further weaken the Regulations which have already failed to live up to their original promise and, in our view, the original intentions of the EU Environmental Noise Directive ('END') (Directive 2002/49/EC). We regard the issue of defined noise limit values as pivotal to the credibility of this legislation.

DEFRA has already greatly undermined the potential benefits of the END to people living in the vicinity of airports by deciding that the Competent Authority for drawing up noise action plans is to be the airport operators themselves. It is hard to believe that airport operators will volunteer to compromise their commercial objectives for the benefit of local communities. Limit values, set by the Government, are therefore essential if the Regulations are to achieve anything meaningful for people affected by aircraft noise. We note that your current *Guidance for Airport Operators* to produce airport noise action plans, published in March 2009, does not contain adequate limit values or other criteria that would make it possible to satisfactorily determine whether the END requirements can be met; for instance:

1. No guidance or limit values are provided for the new noise metrics of L_{day} , $L_{evening}$, L_{night} and L_{den} . The noise action plans must be based on the noise mapping results using these metrics for which noise contours are given for L_{den} of 55 dB(A) or greater and L_{night} of 50 dB(A) or greater.
2. No guidance or limit values are provided to preserve environmental noise quality where it is good and with particular regard to the quiet areas in the rural surroundings of Stansted Airport.

3. No guidance or limit values are provided for individual aircraft noise events for sleep disturbance in L_{Amax} or SEL values. The World Health Organisation ('WHO') *Guidelines for Community Noise* provide a limit value of 60 dBA $L_{maxfast}$ for the effects of sleep disturbance for non-continuous noise such as aircraft noise events.
4. While your *Guidance for Airport Operators* refers to the WHO *Guidelines*, it does not incorporate any of the WHO's recommended limit values.¹

In addition, no revisions have been made or proposed to *Planning Policy Guidance 24: Planning and Noise* to take account of the new noise metrics for evening and night measurements. Planning authorities need to take proper account of the new noise metrics when exercising powers to minimise the adverse impact of noise both for noise-sensitive developments and for those facilities which generate noise.

In the absence of adequate specified and measurable limit values for levels of noise to help protect communities living near airports and under the associated flight paths, it appears to us extremely unlikely that the original objective of the END will be met, namely, *'to define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise.'*

In summary, we strongly oppose the proposed amendment to revoke this specific duty on the Secretary of State to publish guidance in Regulation 14(1) and to replace this with a general (discretionary) power to publish guidance.

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

All three of your proposed amendments to the Regulations seek to remove responsibilities placed upon the Secretary of State by Parliament, replacing them with discretionary powers. In addition, all three of your proposed amendments would in our view have the effect of undermining the worthy aim of the original EU Directive. For these reasons we are copying our response to our local Members of Parliament and MEPs.

Yours faithfully



Peter Sanders
Chairman

cc The Rt Hon Sir Alan Haselhurst MP
Mark Prisk MP
Chris Beazley MEP
Richard Howitt MEP
Robert Sturdy MEP
Andrew Duff MEP
Geoffrey Van Orden OBE MEP
Jeffrey Titford MEP
Tom Wise MEP

¹ WHO Guidelines for Community Noise, Table 4.1.