

Summary of 'LADACAN comments on REP3-060' applying to noise envelope design IP ref 20040757

This document summarises comments made in “LADACAN comments on REP3-060” relating to the process followed during the Noise Envelope Design, so they may easily be referred to in ISH8.

The Noise Envelope Design process for this Application did not follow Civil Aviation Authority guidance, particularly in the areas summarised below by reference to the CAP1129 document.

1 Top-level process

“The key stages in the process of implementing a noise envelope at an airport are likely to include: (summarised from p46/47)

1. Establishing the need (Provided for context)

A noise envelope would be necessary for a new major airport or a major airport undergoing significant expansion.

2. Identify stakeholders (Provided for context)

These are the groups of people for which the noise envelope is intended to provide assurances over the future growth and associated noise impact of the airport. (We have no issue with this)

3. Set up an envelope design team

including technical and legal representatives from stakeholder groups.

“The Government intends that noise envelopes provide a means of giving certainty to both local communities on future noise levels, and to developers on how they can use their airports in the future. Therefore, consideration must be given to the opinions of local community and industry stakeholders in the development of a noise envelope concept if it is to function as intended.” (p11)

The opinions of community stakeholders regarding noise impacts of the proposed development were given insufficient consideration in the development of the noise envelope.

4. Produce a proposal for the noise envelope design

including appropriate metrics and respective limit values

“The parameters should be set based on an agreement reached between industry and local community stakeholders in line with the vision defined by the Noise Policy Statement for England (NPSE)8 , reiterated as to ‘promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development’. In other words, an appropriate balance between minimising noise impacts and maximising sustainable growth must be struck.” (p39)

“A noise envelope should address precisely the noise issues local to the airport under consideration. Different airports are subject to different constraints. Any noise envelope would therefore have to take these into account.” (p45)

The production of the final noise envelope design was not approached in this way. The ‘magnitude’ of the envelope was not discussed with a view to striking an appropriate balance between growth and noise impacts.

1.1 Relevant considerations

“Stansted has made a series of successful applications to increase its throughput to over three times its original permitted limit. At each step change local communities have experienced corresponding increases in permitted traffic levels, while industry has benefitted from growth as and when it has needed it.” (p39)

“The stepped growth of the limits since 1991 and the lobbying of local residents against expansion at the airport which has occurred over the years highlights that an envelope will not function as intended and provide reassurance to both the aviation industry and local residents if it is permitted to grow in this way” (p37)

the Government recognises that people do not experience noise in an averaged manner and that the value of the Leq indicator does not necessarily reflect all aspects of the perception of aircraft noise. (p21)

“It may be that a scheme is agreed which permits a breach, if this is then offset in some way, perhaps with a corresponding tightening of the limit in the subsequent year.” (p56)

The planning history and history of noise growth at Luton Airport was not taken into account in designing the scope or the controls and metrics of the final noise envelope, nor does the primary (noise contour) metric give adequate control over individual noise events which affect the wider community.

1.2 Sharing the benefits

“If limits based on inputs are held at a constant level, once they are met, no further growth would be permitted and any improvements in quiet aircraft technology would be of greatest benefit to local communities rather than to industry.

Conversely, if limits based on noise exposure or impact are held at a constant level, the improvements in quiet aircraft technology would most likely be used to permit increased numbers of movements. As such, the greatest benefit would be to industry rather than to local communities.” (p40/41)

The noise envelope design was not properly informed by the inputs and impacts since values for these were not provided to the Noise Envelope Design Group (NEDG) until the very last moment.

1.3 Reaching agreement

“Having identified what a noise envelope could comprise, and having set the limits to achieve the appropriate balance between the needs of stakeholders, this section covers the process of implementing an envelope at an airport. It looks specifically at the process of obtaining agreement amongst stakeholders and the legal basis for implementing the envelope.” (p46)

The need for ‘unilateral agreement’ is mentioned in three contexts:

“Again, the stepped growth of the airport and the vociferous protests identify that an envelope must handle growth clearly and transparently and with unilateral agreement if it is to function as intended.” (p43)

“In general terms, where unilateral agreement cannot be achieved using standard metrics,

consideration should be given to designing envelopes using other metrics provided that they are scientifically valid and robust.” (p47)

“As part of the design of a noise envelope, a local monitoring and enforcement plan should be established with unilateral stakeholder agreement, and published.” (p57)

Unilateral agreement means “a single agreement, in other words a consensus between airport and stakeholders. If you note the reference to ‘unilateral agreement’ on page 47, it is directly followed by the Schiphol Alders platform, which was the platform used to get consensus between airport and stakeholders there.” (Civil Aviation Authority)

“In the event that agreement between stakeholders cannot be achieved ...,there may be a role for an independent and impartial third party ... to act as a broker between stakeholder groups in order to reach an agreement. An independent expert, or group of experts, in the field of aviation noise and economics could be set up to undertake this mediation role for an airport that requires it.”

Unilateral agreement was not reached, and this is documented in the Final Report of the NEDG. No attempt was made to undertake mediation in order to reach agreement once the views of the stakeholders had been ascertained.

1.4 Implementation

“Having identified what a noise envelope could comprise, and having set the limits to achieve the appropriate balance between the needs of stakeholders, this section covers the process of implementing an envelope at an airport.” (p46)

The work of the NEDG was brought to a premature close after the limit values had been provided by the Applicant in its penultimate meeting.

5. Undertake an appropriate consultation exercise,
with the extent of coverage, means of informing and duration agreed between stakeholders.

“consideration ... to the opinions of local community and industry stakeholders in the development of a noise envelope concept if it is to function as intended.”

The final noise envelope design has never been consulted on, either within the stakeholder groups or during consultation on the DCO Application. Limit values were not provided until October 2022.

6. Revise envelope design in light of consultation responses.

“The proposed noise envelope design must be consulted on, and the design revised in light of consultation responses.”

The feedback from a confidential disclosure of an extract from the draft NEDG Report to a limited set of decision-makers in local community groups, prior to the limits having been established, was not used by the NEDG to revise the design.

7. Write the envelope criteria into the planning agreement
between the local authority and the airport.” (p46)

“To maintain public confidence in the planning system it is important that planning controls are

enforced effectively. Although enforcement action is not mandatory, local planning authorities should take proportionate action in responding to suspected breaches of planning controls.

Clearly, any enforcement measures should be agreed during the design of the noise envelope and the writing of the associated planning controls. Such measures could include fines levied on the airport payable to a community fund, or a proportionate tightening of the controls in the subsequent measurement period as described above.”

Enforcement measures were not discussed and agreed with the NEDG during the design of the noise envelope. CAP1129 indicates in its conclusion 1 (below) that this is part of the function of the stakeholder team set up for the purpose, and a matter on which full agreement is required.

2 The key conclusions and messages arising from this study are as follows: (p7)

- 1. For an envelope to function as intended, it is essential that full agreement is achieved between all stakeholders on the envelope’s criteria, limit values and means of implementation and enforcement.*
- 2. The benefits of future technological improvements must be shared fairly between industry and local communities. This is fundamental to the noise envelope concept, and will be considered when defining parameters and setting limits.*
- 3. An envelope is likely to be defined by a combination of parameters.*
- 4. The life-span of an envelope must be agreed, and its parameters defined to maintain appropriate sharing of the benefits over its intended life-span.*
- 5. The parameters and limits, and means of implementation and enforcement of a noise envelope must be tailored to individual airports and their respective local conditions.*
- 6. The current planning system offers limited flexibility in the means available to implement a noise envelope. A change in primary or secondary legislation may be required for noise envelopes to be implemented effectively and enforceable by law.*
- 7. A possible need has been identified for independent third parties to assist stakeholders to reach agreement where necessary.*

The imperatives and suggestions in the above conclusions 1-5 and 7 were not achieved during the process which led to the noise envelope design proposed as part of this Application.