

The legal overview



Who is responsible for regulating aircraft noise in the UK? What is BAA's role?

There are three main tiers of regulation which govern aircraft noise in the UK: International; European and national.

International regulation

The International Civil Aviation Organisation (ICAO) is an inter-governmental organization. It aims to develop the principles and techniques of international civil air navigation and foster the planning and development of international air transport. ICAO establishes International Standards, Recommended Practices and Procedures regarding the technical areas of aviation, including aircraft noise. The Standards, once adopted, are put into effect by each ICAO member state in its own country.

ICAO has set progressively tighter certification standards for noise emissions from civil aircraft. Aircraft operating in member states must conform to these standards, which are known as Chapters. The Chapters set maximum acceptable noise levels for different aircraft during landing and take-off. Aircraft falling within Chapter 2 have been banned from operating within the EU since 1 April 2002, unless they are granted specific exemptions. The vast majority of civil aircraft now operating therefore fall within Chapters 3 and 4, i.e. they are quieter than the previous Chapter 2 aircraft.

All new aircraft manufactured from 2006 onwards must meet the requirements of Chapter 4. The standard for Chapter 4 has been set at 10dB quieter than Chapter 3. This is based on an aggregate of reductions in noise measured at three standardised locations close to an airport. During the process of agreeing the Chapter 4 standard, BAA sought a stricter level at 18dB below the current Chapter 3, which would have reflected best available technology. As yet, there is no agreed date for the phase out of Chapter 3 aircraft. Further details regarding these standards can be found at www.dft.gov.uk and www.caa.co.uk.

ICAO also requires Member States to adopt a "balanced approach" to noise management. The balanced approach goes beyond individual aircraft to consider:

- Reducing aircraft noise at source
- Land planning use
- Changes to operational procedures
- Restrictions on the use of the noisiest aircraft.

European Regulation

The EU works to define the approach towards a common aviation policy in Europe. The EU has issued various directives relating to environmental issues and is increasingly assuming responsibility for the regulation of aircraft noise standards. Member States are obliged to comply with the requirements of the directives and incorporate them into national legislation.

The directives of most relevance to aircraft noise are:

EC Directive 92/14/EEC – This directive banned Chapter 2 aircraft from landing in the EU from 1 April 2002.

EC Directive 2002/30 – This directive has various elements:

- It introduced discretionary powers to restrict the operation of marginally compliant Chapter 3 aircraft, where circumstances support this measure
- It requires the publication of environmental noise objectives for the airport
- It requires the adoption of a balanced approach to noise management, including the four elements agreed by ICAO (see above).

EC Directive 2002/49 ("Environment Noise Directive") – This requires Member States to create noise maps from all transport sources in urban areas by 2007 and to adopt action plans to manage noise by 2008. The directive also aims to harmonise

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methods for measuring noise across the EU. Please see the draft noise action plan, which is available on our website.

National regulation

The UK government has an important role in setting and developing the policy for aircraft noise control at UK airports. It does this in various ways:

The Future of Air Transport White Paper

In December 2003 The Future of Air Transport White Paper (ATWP) set out a strategic framework for the development of UK airport capacity over the next 30 years. It also outlined several new policies for airports which control, mitigate and compensate for aircraft noise with the aim of reducing and limiting the number of people significantly affected by aircraft noise.

Aeronautical Information Package

A range of noise controls relating directly to aircraft operations are set out in statutory notices and are published in the UK Aeronautical Information Package (UK AIP) and elsewhere as appropriate. These controls cover aspects such as Continuous Descent Approaches (CDAs), noise abatement procedures and night flight restrictions.

Planning policy

Government policy for aircraft noise includes land use and planning policies. These are set out in planning policy guidance (PPG) note 24¹, which gives advice to local authorities on how the planning system can be used to minimise the adverse effects of aircraft noise. It outlines the main considerations which local authorities should take into account when determining planning applications.

¹Planning Policy Guidance 24: Planning and Noise published September 1994

Acts of Parliament and regulations

The UK government also enacts Acts of Parliament and regulations which deal with aircraft noise. The relevant legislation is:

The Civil Aviation Acts 1982 and 2006 – these Acts grant the government powers to introduce noise control measures to limit or mitigate the effect of noise and vibration connected with taking off or landing aircraft at designated airports (the Secretary of State has currently designated Heathrow, Gatwick and Stansted).

These powers are widened by the Civil Aviation Act 2006. The Act also permits an airport authority to charge aircraft operators for use of the airport based on noise and emissions. Airport operators can thereby introduce differential charges to incentivise the use of quieter and cleaner aircraft. The Act also permits airport operators to levy financial penalties on aircraft operators who breach noise abatement requirements imposed by the Secretary of State. A sum equal to the penalties received must then be paid for the benefit of people who live in the vicinity of the airport.

At Heathrow Airport, we enforce this power to charge noisier aircraft more than quieter aircraft and to fine airlines. This has been our practice since long before 2006. This money has been used for projects in the local community including environmental and noise mitigation projects for local schools and community groups. In 2009 we are launching a new large grants scheme for schools, charities and other local groups to bid for funds of up to £50,000 for community and environmental projects.

The Aerodromes (Noise Restrictions) (Rules and

Procedures) Regulations 2003 – The Secretary of State and airport operators are subject to these regulations. These regulations transposed the EC Directive 2002/30/EC into UK law. (See above) They apply to major airport operators (i.e. above 50,000 aircraft movements of civil sub-sonic jet aeroplanes per year) and reflect the adoption of the ICAO balanced approach to achieving noise objectives. The regulations also set out the procedures which airports should follow when considering noise related operating restrictions. These include:

- taking into account costs and benefits of new measures
- being non-discriminatory on grounds of nationality or identity of air carrier or aircraft manufacturer and
- being no more restrictive than necessary in order to achieve the environmental objectives for a specific airport
- Ensuring any performance-based operating restrictions are based on the noise performance of the aircraft as determined by ICAO certification procedures.

The Environmental Noise (England) Regulations 2006 –

These regulations transpose the requirements of EC directive 2002/49/EC (Environment Noise Directive – see above) into UK law. These are the regulations under which the Secretary of State must produce strategic noise maps and airport operators must produce noise action plans based on the strategic noise maps. The adopted noise action plans must be reviewed and, if necessary, revised, at least every five years and whenever a major development occurs affecting the noise situation. Please see the draft noise action plan, which is available on our website.

Airports Act 1986 – This Act gives power to the Secretary of State to make orders if it appears to him that the existing runway capacity of the airport is not fully utilised for a substantial proportion of the time during which it is available. It includes powers to limit the number of occasions on which aircraft may land or take off at an airport and schemes to allocate airport capacity.

Aeroplane Noise Regulations 1999 – These regulations set out the noise certificate requirements for both propeller and jet aeroplanes registered in the UK. It provides that no aircraft can land or take off in the UK without a noise certificate issued by its competent authority which meets at least equal requirements to those for UK registered aircraft. The regulations refer to noise certification standards and limits issued by ICAO and gives a list of aircraft that are exempt from the ICAO noise certification.

Pursuant to its powers under the Civil Aviation Acts, the Department for Transport (DfT) has direct control over noise at Heathrow, Gatwick and Stansted airports. Following a lengthy

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consultation, the DfT has also implemented the following specific noise abatement objectives for the course of the current night flight regime which runs from 2006 to 2012:

- Minimise sleep disturbance resulting from overflight of the noisiest types of aircraft
- Mitigate the effects of noise, in particular sleep disturbance. This will be done by encouraging the airport to adopt night noise related criteria in order to determine which residents of domestic or noise sensitive premises should be offered insulation schemes
- Limit the 6.5 hour, 48 dB(A) Leq contour (for the winter and summer seasons combined) to 55km² by 2011 – 2012.

Environmental noise objectives

Additionally, in June 2006, the Secretary of State published long term statutory environmental noise objectives for the Heathrow, Gatwick and Stansted airports.

For Heathrow Airport these are:

- Progressively to encourage the use of quieter aircraft by day and by night
- To avoid allowing the overall noise from aircraft during the night quota period to increase above what was permitted in 2002 – 2003
- To support the principal daytime noise abatement objective as set out in the The Future of Air Transport White Paper, namely that if a third runway is built, the 57dBA daytime noise contour should not exceed its area in 2002 (127km²)
- To meet noise-abatement objectives as adopted from time to time.

Local authorities

Additional noise-related controls are introduced by local planning authorities as part of the planning system. This is often done by way of planning obligations contained in section 106 agreements made between the airport operator and the planning authority. At Heathrow Airport there are a series of planning conditions that relate both to the planning permission for Terminal 4 and Terminal 5. These conditions restrict various modes of an aircraft operation at different times of the day relative to the location of the activity on the airfield.

What does all this mean for BAA?

BAA runs Heathrow Airport and is therefore bound by a lot of legislation and requirements regarding the control of noise.

Although the DfT has direct control over noise at Heathrow, BAA Heathrow has also had a detailed noise management strategy for a number of years. We work with airlines, NATS (who provide air traffic control) and Government to do something about it. Whilst we can't cut noise out completely because

aircraft will continue to fly, we do and will work to minimise it as far as reasonably practicable.

However, we don't and can't tell the planes where to fly (that's the job of Air Traffic Control) or set the routes they have to fly (that's Government) or even fly the planes (that's the airlines). However, since the mid 1990s, we have been responsible for delivering the policy set out by the DfT. This includes working with airlines, NATS and the DfT to improve compliance to policy and also achievement of noise abatement procedures. Additionally, we have provided the important role of ensuring effective communications with and between all stakeholders. This includes employing a dedicated team whose role is to respond to enquiries of the public relating to flights to and from Heathrow Airport and how airport operations may affect them. Therefore, in many ways we act as a go-between between the public and industry bodies.

Our other factsheets

Please see our other fact sheets which provide information on:

- Arrivals
- Departures
- Go arounds
- Aircraft stacks
- Night flights
- Aircraft noise on the ground
- Heathrow and helicopters.

Further information

If you would like further information, please contact the Flight Evaluation Unit:

By telephone: 0800 344 844

By e-mail: noise_complaints@baa.com

By post: Flight Evaluation Unit
Second Floor Meridian
The Compass Centre
Nelson Road
London Heathrow Airport
Hounslow
TW6 2GW

Website: Make an enquiry on our website:
www.heathrow.com/noise

Please note that the freephone telephone number is an answerphone. Please leave your name, contact details and brief details of your enquiry. A member of the FEU will contact you as soon as possible.