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Summary of responses to the consultation on proposed amendments to the Environmental Noise (England) Regulations 2006

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Summary

This consultation was undertaken during the period 16th February 2009 – 11th May 2009 and sought views on the proposed amendments to the Environmental Noise (England) Regulations 2006 (SI 2006 No 2238) (the “Regulations”). These Regulations transpose Directive 2002/49/EC, the Environmental Noise Directive (END), into English Law. Following a previous consultation, minor amendments to the Regulations were made by the Environmental Noise (England) (Amendment) Regulations 2008.

The proposed amendments detailed in this consultation are designed to improve the procedures for implementing the action planning element of the Regulations.

The proposed amendments are:

1. Amendment to Regulation 13 of the Environmental Noise (England) Regulations 2006 (Identification of Quiet Areas), to replace the duty on the Secretary of State to identify and publish a list of quiet areas in the form of Regulations to a duty for the Secretary of State to identify and publish quiet areas in such published form as the Secretary of State considers appropriate.

2. Amendment to regulation 14(2) to the Environmental Noise (England) Regulations 2006 (production of consolidated noise maps) to replace the duty on the Secretary of State to produce consolidated noise maps with providing the Secretary of State with a discretionary power to produce a consolidated noise map for any area covered by more than one strategic noise map.

3. Amendment to Regulations 14(1) and 30 of the Environmental Noise (England) Regulations 2006 (guidance) to remove regulation 14(1) and to amend regulation 30 so as to provide a revised power for the Secretary of State to publish guidance under Regulation 30, but maintaining the duty to publish information regarding the identification of priorities and important areas.

The aim of the consultation was to set out our proposed amendments and invite views and comments from all interested parties on the proposals contained therein.

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Consultation questions

The consultation requested that respondents focussed on four main questions.

These were:

Question 1

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

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?

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?

Question 4

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

Summary of responses

In total, 34 responses were received. The list of respondents can be found in Appendix 1 and can be categorised as shown in table 1 below:

Table 1 – Respondents by category

Respondent category	Number of responses	Percentage of total*
Airport Operator (responsible for more than 1 airport)	2	5.9 %
Airport Operator (responsible for one airport only)	1	3.4 %
Local Authority (including the GLA and local authority environmental health partnerships and groups)	6	17.6. %
Pressure Group	11	32.4 %
Professional Organisation	7	20.6 %
Consultative Committees	6	17.7 %
Individuals	1	3.4%
Total	34	100 %*

* Please note that the total does not add up to 100 % due to rounding.

7 responses (20.6%) were received and accepted after the deadline for the closure of the consultation.

Response Analysis

The responses to each question by each of the category of respondents have been summarised in the tables below. Where a respondent has not specifically stated “yes” or “no” to a question, but has provided a general response or comment which are pertinent to the question asked, this has been categorised as “no view expressed either way”. Only where no relevant comments were made regarding a question has this been categorised as “no answer provided”.

Table 2 – Summary of responses to consultation questions

Question 1 – Do you agree with the proposed amendment to regulation 13 regarding the identification of quiet areas?

Category of respondent	Yes	No	No view expressed either way	No answer provided	Total
Airport Operator (responsible for more than one airport)	2	0	0	0	2
Airport Operator (responsible for one airport only)	1	0	0	0	1
Local Authority	5	1	0	0	6
Pressure Group	3	4	2	2	11
Professional Organisation	6	0	1	0	7
Consultative Committees	4	1	1	0	6
Individuals	0	1	0	0	1
Total	21	7	4	2	34

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?

Category of respondent	Yes	No	No view expressed either way	No answer provided	Total
Airport Operator (responsible for more than one airport)	1	0	1	0	2
Airport Operator (responsible for one airport only)	1	0	0	0	1
Local Authorities	3	3	0	0	6
Pressure Groups	2	6	1	2	11
Professional Organisations	4	3	2	0	7
Consultative Committees	4	1	1	0	6
Individuals	0	1	0	0	1
Total	15	14	5	2	34

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?

Category of respondent	Yes	No	No comment provided either way	No answer provided	Total
Airport Operator (responsible for more than one airport)	1	0	1	0	2
Airport Operator (responsible for one airport only)	0	1	0	0	1
Local Authorities	2	4	0	0	6
Pressure Groups	1	8	2	0	11
Professional Organisations	1	2	4	0	7
Consultative Committees	1	4	1	0	6
Individuals	0	1	0	0	1
Total	6	20	8	0	34

Question 4 – Is there any additional guidance that should be included in this document that would assist with this process?

Category of respondent	Yes	No	No view expressed either way	No answer provided	Total
Airport Operator (responsible for more than one airport)	0	1	1	0	2
Airport Operator (responsible for one airport only)	0	1	0	0	1
Local Authorities	4	1	1	0	6
Pressure Groups	5	3	0	3	11
Professional Organisations	3	3	0	1	7
Consultative Committees	2	1	3	0	6
Individuals	0	0	0	1	1
Total	14	10	5	5	34

Overview

A detailed analysis of the responses was undertaken and the key points raised by respondents are set out below. It should be noted that there was not always a clear agreement between respondents on the key issues raised.

The key points raised by respondents were:

- It appeared that where the proposed amendment altered a duty to a power, there was a belief that the relevant power would never be exercised.
- In particular, with regard to the proposed removal of the duty in regulation 14(1) regarding the production of guidance, and the proposal to replace it with a more general power under regulation 30, there seemed to be concern that the outcome would mean that no such guidance would be issued.

Defra's response: This is not the case: Guidance has been published regarding aircraft noise. However, given that the Secretary of State is the competent authority for producing action plans for major roads, major railways and agglomerations, it seemed an unnecessary burden to prepare guidance effectively for himself.

- Some respondents, did seek a strong lead from Government regarding how important areas and priorities would be identified.

Defra's response: It was always our intention to provide such a lead and such information will be found in the noise action plans prepared by the Secretary of State.

- A similar point arose with consolidated maps. However, some respondents indicated that they felt that consolidated maps were a way for people to obtain a fuller picture of the noise in any one area.

Defra's response: The Secretary of State will publish consolidated maps for areas covered by more than one strategic noise map as appropriate.

- Some respondents felt that there was a need for the Secretary of State to provide further guidance to Airport Operators before an airport noise action plans are published.

Defra's response: We will monitor this situation as the process of airports developing their action plans continue.

- There was an opinion amongst some respondents that consideration should be given to the establishment of an independent body that would oversee the noise action planning process.

Defra's response: This will be considered.

- Concern was expressed at the timing of the identification of quiet areas in relation to the publication of the Airport Noise Action Plans. It was viewed that the process of identifying quiet areas could be compromised by the publication of the Airport Noise Action Plans.

Defra's response: We are aware of this issue, but the guidance to airport operators requires that appropriate liaison takes place between the operator and the Competent Authority responsible for producing the agglomeration action plans to address this point.

- Some respondents felt that the amendments to the regulations further weakens the UK's ability to manage noise and are not in line with the intentions of the END.

Defra's response: We do not agree. The amendments do not weaken the ability to manage noise. Instead they will improve the process for developing noise action plans.

- Some respondents felt it would be beneficial for the process of liaison to be more formalised, it was felt this could be achieved by consultation rather than liaison.

Defra's response: This situation will be monitored, but, at present, we feel the balance is right.

- Finally, a number of respondents felt that whilst it is a good idea to involve local knowledge in the identification of quiet areas, leadership was still required from central government in the designation of these quiet areas. Overall, though that the majority of respondents were in favour of the proposed amendment on the identification of quiet areas, although some did not feel that the proposed approach went far enough.

Defra's response and the way forward

As indicated above, it appeared that some comments made in response to this consultation were based on a lack of clarity amongst respondents regarding the interpretation of the process and the meaning of certain terms. For example, it seemed that some respondents believed that converting a duty to a power would mean that the Secretary of State would never exercise that function. Instead, the intention is to avoid having to exercise a duty when no benefit would be achieved.

Some issues raised were not directly relevant to this consultation. Comments were received regarding airport noise action plans, but these were the subject of a previous consultation undertaken at the end of 2008 and therefore could not be considered as part of this process. Issues raised relating to the noise action plans for agglomerations, major roads and major railways have been considered and are being taken into account during the final drafting of these plans prior to formal public consultation.

The responses made to this consultation were analysed and have been carefully considered. The main thrust of the proposed amendments will be unaltered, although some minor changes, mainly a legal process nature, have been made to the Regulations which will be formally laid in due course.

Appendix 1
List of respondents

Airport Operators (Responsible for more than 1 airport) (2)

BAA

Manchester Airport

Airport Operator (responsible for only one airport) (1)

Blackpool Airport

Consultative Committees (6)

Bournemouth International Consultative Committee

East Midlands Independent Consultative Committee

London City Airport Consultative Committee

London Luton Airport Consultative Committee

Manchester Airport Consultative Committee

Stansted Airport Consultative Committee

Individuals (1)

Andy Osborne

Local Authorities (6)

Bristol Gloucestershire and Somerset Environmental Protection Committee

Greater London Authority

Greater Manchester Public Protection Partnership

Hampshire and Isle of Wight Environmental Control Advisory Committee

London Borough of Hillingdon

West Sussex County Council

Pressure Groups (11)

Aviation Environment Federation

Campaign to Protect Rural England

The Chiltern Society

Ealing Aircraft Noise Action Group

Environmental Protection UK

LADACAN

M40 Chilterns Environmental Group

Private Wagon Federation

The Parish Councils Airport Association

Saffron Walden and District Friends of the Earth

Stop Stansted Expansion

Professional Organisations (10)

Association of Noise Consultants

Chartered Institute of Environmental Health

Institute of Acoustics

LACORS

Merseytravel

Strategic Aviation Special Interest Group (SASIG)

Telent Technology Services Limited