
Implementation of New Powers under the Civil Aviation Act 2006 Consultation from the Department for Transport

Summary and Decision

The Department for Transport (DfT) has asked all consultative committees to advise them on how airports have used the new powers of the Civil Aviation Act 2006 that allow controls to be imposed on noise and emissions. This report records the situation at London Luton Airport and shows that many noise controls have been in existence for some time but that the new powers provided for in the Act are being used as the basis for new emission charges which are to be put in place from September 2008.

The Committee **agreed** to send this report to the DfT and to draw the Working Group's comments to the attention of LLAO.

Background

- 1 Paragraph 11.1 of the minutes of the last meeting records the receipt of a consultation from the DfT on the use made of the new powers under the Civil Aviation Act 2006 (the Act). It was agreed that the DfT should be asked to extend the deadline for responses to enable the Committee to consider a report at this meeting (that has been granted). It was also agreed that a small group would meet to draft a response.
- 2 The Chairman, Vice Chairman, Peter Hunt, Stephen Bailes and Jeff Charles met with Neil Thompson and Stephen Turner on 16 June. This report is the result of that Working Group meeting and subsequent liaison.
- 3 A response to DfT is now required by 31 July 2008.
- 4 The letter from DfT (reproduced at Annex A) refers to The Future of Air Transport Progress Report published in December 2006, in which the Department for Transport recommended that airport consultative committees should monitor how well airports implement the new powers in the Civil Aviation Act 2006.
- 5 The DfT indicate that their review will look at the extent to which airports have identified a need to implement any of the new powers they were given on noise and emission controls in the Civil Aviation Act 2006 which came into force in March 2007.
- 6 In discussion with DfT it has been made clear that there is also an interest in the effectiveness of the Act.
- 7 The Act, among other things, strengthened and clarified powers to control aircraft noise and emissions, in line with commitments in the 2003 White Paper *The Future of Air Transport*. In particular airport operators were given statutory powers to introduce noise control schemes and fine aircraft that breach noise controls. The Act also provided powers for all licensed airports to introduce charges that reflect the pollution generated by each aircraft type.
- 8 This report seeks to provide the DfT with the answers as far as London Luton Airport (LLAO) is concerned. It takes the main provisions and records the current situation,

indicating (*in italics and boxed/shaded*) whether or not those provisions have been introduced since the Act came into force and (*also in italics*) any comments from the Working Group.

Information

- 9 In part 1 of the Act, new sections 38 (1) and 38 (2) empower an authority owning or managing a licensed aerodrome to fix its charges by reference to:
- the noise caused by an aircraft or the inconvenience resulting from that noise so as to encourage the use of quieter aircraft and reduce inconvenience from aircraft noise;
 - the amount or nature of emissions produced by an aircraft or the atmospheric pollution resulting from those emissions so as to encourage the use of aircraft which produce lower emissions;
 - the effect of an aircraft on noise or atmospheric pollution in the vicinity of the aerodrome so as to control noise and atmospheric pollution; or
 - any failure of an aircraft operator to comply with noise or emission limits so as to promote compliance with those limits.
- 10 LLAO publish all its charges on its web site at:
<http://www.london-luton.co.uk/en/content/8/160/operations.html>. These have recently been revised, particularly to introduce a pollution charge for NO_x emissions from 1 September 2008. This is a complex charging structure, as at all or most airports, for a variety of services (e.g. a passenger charge for departing; a security charge; a landing fee; a charge for navigation services; a night operating charge; etc.).
- 11 In respect to:
- Noise.** LLAO have, for many years, surcharged non-Chapter 3 jet aircraft at a rate of an extra 100% of the normal landing fee. There is also an additional charge of around 50% for landing or taking-off between 2300-0600 local time based on weight. In addition there are commercial discussions with operators, particularly new ones, to encourage the use of quieter aircraft. The charges imposed on the main Luton-based operators are covered by commercial arrangements on an individual basis.
 - *LLAO has imposed no new noise charges resulting from the Act.*
 - **Working Group comments.** *The Airport has worked with the airlines to achieve very modern aircraft fleets at Luton Airport such that the Luton-based airlines already fly the quietest types currently available. However the extent to which published charges influence decisions on aircraft purchase and use by the main operators is not clear. The effect of a noise charging system, as at Heathrow, which differentiates between Chapter 4, Chapter 3, and marginally Chapter 3 aircraft has not been tested.*

The Airport has regularly reported to LLACC on tracks flown both by departing and arriving aircraft. Due, as LLACC has been advised, to the specific manufacturer's radar track keeping equipment it has not been possible to provide the statistics on NPR compliance that is provided at other London Area Airports. There is therefore no penalty system for deviations from NPRs on take-off but the Airport management has agreed to consider this and will be reporting to a future meeting of the Consultative Committee. It would be helpful if DfT would collect and

publish data on which airports do have a charging or other scheme for non-compliance. Because of the recent Terminal Control North proposals by NATS, compliance monitoring of NPRs will be necessary.

Whilst CDA compliance is also monitored at Luton and reported to the Consultative Committee there is no provision for encouraging a higher rate of compliance other than the continuation of the present informal discussions between the Airport and the operators. There is currently no guidance on what % CDA compliance should be reasonably sought at Luton Airport. The Consultative Committee notice that Heathrow adopted 87% as their CDA target in 2005/2006. Again, it would be helpful if DfT would collect and publish data on which airports do have a charging or other scheme for non-compliance with CDA provisions.

- b. Emissions. Until recently (see below) there has been no emissions charge at London Luton Airport but the Government has recently consulted moving to a system of Aviation Duty (i.e a tax related to aircraft emissions) instead of Air Passenger Duty (i.e a tax on each passenger).

• *From 1 September, resulting from the CAA 2006, LLAO will impose a NOx Levy to all departing aircraft where the engine NOx emission exceeds 400 grammes per passenger and on non-passenger aircraft. The full text of the published charges is at Annex B.*

- **Working Group comments.** *The concept of the new charge is welcomed, particularly as it is designed to incentivise the use of the newer, cleaner aircraft operating with high load factors. The Consultative Committee has not yet opportunity of considering the scheme in detail, nor measuring it against other airports.*

- c. Noise and atmospheric pollution. It is not clear what is meant by the word “effect”. In discussion with DfT they have indicated an interest in understanding more about the “effectiveness” of these provisions.

• *LLAO has imposed no other new charges to control the effects of noise and atmospheric pollution resulting from the Act.*

- **Working Group comments.** *The effect of the current and proposed charges for noise and pollution is not known. The Working Group has no data on the number of aircraft movements that pay any of these charges.*

The effectiveness of the charging regime may be a relevant consideration when the Airport prepares its Noise Action Plan under the Environmental Noise Directive.

- d. Compliance. Again it is not clear what information the DfT is seeking, particularly as the Airport is able to levy these charges and therefore compliance should be 100%. But again in discussion with DfT they have indicated an interest in understanding more about the “effectiveness” of these provisions.

• *LLAO has imposed no new mechanisms to control failure of an operator to comply with limits, resulting from the Act.*

- **Working Group comments.** *Whilst the Airport can, and presumably does, enforce its charging regime, the same comment applies as above in that the effect of the current and proposed charges for noise and pollution is not known. It would be beneficial if the DfT would produce comparative*

data on all airports so that the effectiveness of charges to minimise noise and pollution could be assessed and, perhaps under its own control mechanisms for the noise designated airports of Heathrow, Gatwick and Stansted, could give a lead over the noise and pollution levels that should trigger differential charges.

- 12 Parts 2 and 3 of the Act only apply to designated aerodromes (currently Heathrow, Gatwick and Stansted).
- 13 In part 4 of the Act, new sections 38A (1) to (5) provide operators of non-designated aerodromes with powers to set up noise and vibration control schemes similar to the powers conferred on the Secretary of State.
- 14 Section 38A (2) specifies that a noise control scheme may:
- a. require operators of aircraft which are to take off or land at the aerodrome to secure that specified requirements are complied with in relation to the aircraft after they take off, or before they land, that the aerodrome;
 - b. prohibit aircraft of specified descriptions from taking off or landing at the aerodrome during specified periods;
 - c. specify the maximum number of occasions on which aircraft of specified descriptions may take off or land at the aerodrome during specified periods;
 - d. impose other restrictions for limiting the cumulative amount of noise caused by an aircraft of specified descriptions taking off or landing at the aerodrome during specified periods.
- 15 In respect to:
- a. Noise control scheme. Planning permission was granted by Luton Borough Council in 1998 for a new terminal building; with planning conditions that required the Airport to put in place both a day to day noise control scheme and an annual noise control scheme. The Airport has therefore operated for the last ten years with these noise control schemes with regular reporting and monitoring to the London Luton Airport Consultative Committee. In summary the annual scheme involves noise contouring to ensure the Airport operates within the set contour areas both during night-time and day time.

The day-to-day scheme involves fixed point continuous noise monitoring of departures but not arrivals and a system of financial penalties to promote the quietest operations. A surcharge is imposed on departing aircraft that are above 94 dB(A) at the noise monitoring points.

With respect to night noise the Airport has had in place specific policies for many years in the form of a Night Jet Policy originally for the period 1994-2002, and recently updated to apply from 1 April 2007 – 31 March 2009. For the purpose of this policy “night” is defined as 2300 – 0559 Sunday to Friday inclusive & 2300 – 0659 on Saturdays.

The current Policy, implemented after dialogue with LLACC includes:

- need for monitoring, and reporting
- surcharges on departures creating high noise levels at night
> 85 – 87 dB(A) - 300% surcharge

- > 87 – 91 dB(A) - 500% surcharge
- > 91 dB(A) - 600% surcharge
- ban on use of non Chapter III aircraft with a maximum take off weight less than 34,000 Kg but greater than 11,600 Kgs
- restrictions on training aircraft at night
- ban on scheduling QC8 type aircraft, and operations unless in special circumstances

The full text of the published charges, for day and night, is at Annex B. These are the lowest night noise limits of any of the major London airports, having been lowered as part of last years review.

Operations at the Airport are also subject to the Borough of Luton Byelaws – Control of Aircraft Noise.

- *LLAO has made no changes to its penalties resulting from the Act, albeit the noise limit for surcharging was lowered from 87 to 85 dB(A) from April 2007.*

- **Working Group comments.** *There are very few occasions when aircraft exceed the noise limits such that a surcharge is applied. It should also be noted that the surcharges only apply to departures whereas the Act also provides for controls over landing. Whilst landing noise is monitored for westerly arrivals at Luton it is not regularly reported to the Consultative Committee.*

Also Luton Airport is working with NATS to achieve CDA approaches at the Airport. Their CDA achievements are regularly reported to LLACC. The Airport also reports regularly on the results obtained from their radar track monitoring system.

- b. Prohibition. LLAO have, for many years, banned QC16 aircraft and scheduled operations by QC 8 aircraft.

- *LLAO has imposed no new prohibitions resulting from the Act.*

- **Working Group comments.** *It should be noted that QC 8 aircraft are not totally banned and there is no restriction on QC 4 aircraft, although the latter do not generally operate at Luton.*

- c. Number of occasions. No provisions.

- d. Other restrictions. As mentioned under the Noise Control Scheme heading above, the airport has to operate within limits on the area of the day and night contours, set by planning conditions in 1998 when the new terminal was approved. These, and the 2007 situation, are:

	Daytime (57dB L _{Aeq,16h}) in Km ²	Night-time (48 dB L _{Aeq,8h}) in Km ²
Not to be exceeded	31.5	85.0
Noise reduction action plan to be implemented	19.6	60.6
Actual 2007	15.38	33.19

In essence the Airport is operating well within its planning limits and is some way off the requirement to prepare a noise reduction plan.

In addition LLAO has a specific night noise policy, reproduced at Annex C. This expires on March 31 2009 and arrangements are in hand to start a review.

• *LLAO has imposed no new prohibitions resulting from the Act.*

- **Working Group comments.** *Although the Airport is operating well within its planning limits the Executive Summary of the Annual Monitoring Report 2007 mentions that, since 2004, the daytime contour has increased by about 5% annually and the night-time contour by about 15% annually. The controls therefore currently do not provide an incentive to curb the noise impact. The Act empowers the Airport to control and limit operations at night should it choose to do so. It has already been noted by LLACC that the Night Noise Working Group will need to start meeting later in 2008. It is likely that pressure will be brought on the Airport to lower the size of the limiting noise contours.*

- 16 New section 38B defines the area over which the noise control scheme can have effect, particularly any measures promulgated under section 38A (2) (a) or how that area might be defined. The default distance at which these measures can apply is within no more than a radius of 40 kilometres from the centre of the longest runway at the airport or in an area is to be specified it must be no more than 60 kilometres in a straight line from the centre of the longest runway at the aerodrome.

• *LLAO has imposed no new schemes or areas resulting from the Act.*

- **Working Group comments.** *The DfT should be invited to review the phraseology used in that, by using both a radius figure and a length there could be confusion.*

- 17 New section 38C allows the scheme to define the penalties that would be incurred by aircraft operators that breach and also provides an appeal mechanism. Section 38C (6) requires aerodrome operators to redirect any monies received from penalties etc to the benefit of “persons who live in the area in which the aerodrome is situated.”

• *LLAO has imposed no new penalties resulting from the Act but the recently published Community Engagement Strategy provides a substantial sum of money, including a recently appointed full time officer (known as the Community Relations Executive) to help implement a wide range of initiatives.*

- **Working Group comments.** *It is noted that the amount now collected in fines is very small and has been used in the past to help offset the costs of the noise monitoring process. This amount is not reported in detail but would appear to be insignificant in relation to the funds for the new Community Engagement Strategy that are used for the benefit of people who live in the area.*

It was resolved:

- 18 That this report (amended to take account of the Committee’s views) be sent to the Department for Transport.
- 19 That the Working Group comments be passed to LLAO for consideration.

Jim Bailey: Chairman of LLACC
18.07.08

8 April 2008

Dear Chairman/Secretary

CIVIL AVIATION ACT 2006 - IMPLEMENTATION OF NEW POWERS

The Department for Transport is currently conducting a review as to the extent to which airports have identified a need to implement any of the new powers they were given on noise and emission controls provided by the Civil Aviation Act 2006 which came into force in March 2007. The Act, among other things, strengthened and clarified powers to control aircraft noise and emissions, in line with commitments in the 2003 White Paper *The Future of Air Transport*. In particular airport operators have been given statutory powers to introduce noise control schemes and fine aircraft that breach noise controls. The Act also provided powers for all licensed airports to introduce charges that reflect the pollution generated by each aircraft type. (A brief summary of the main provisions is attached as an annex to this letter).

In *The Future of Air Transport Progress Report* published in December 2006, the Department recommended that airport consultative committees should monitor how well airports implement the new powers in the Civil Aviation Act 2006. The Progress Report also noted that the Government was continuing to work hard to deliver its aim – set out in the 2003 White Paper - that the number of people in the UK significantly affected by aircraft noise should be limited and, where possible, reduced. The White Paper acknowledged that this was a challenging objective.

Given that the Act has been in force for a year, we are proposing to review implementation of the powers so far. We are therefore contacting airport consultative committees - in respect of those airports designated under section 35¹ of the Civil Aviation Act 1982 - to seek their views on how airports have used these powers to date. We appreciate that circumstances vary from airport to airport both in size and type of usage. Accordingly noise control and mitigation measures introduced by one airport may not be appropriate for another. Local circumstances are the key factor.

During the passage of the Bill the Government emphasised that where existing arrangements were working satisfactorily the expectation would be that such arrangements would carry on but that the enabling provisions were designed to help those airports which may be looking to refresh or enhance arrangements in the future. Although the Government recognised that noise control arrangements were frequently incorporated into planning conditions/agreements or as part of an airport's conditions of use it had given a commitment to clarify and enhance airports powers in statute. The Department had been aware of one major airport for example which was awaiting statutory powers before imposing discretionary financial penalties for aircraft deviating from noise preferential routes. We would therefore welcome your views in respect of your airport both in respect of noise and charging. Given the cyclical nature of consultative committee meetings, it would be helpful to have responses by the end of June.

I trust that this is all reasonably clear but should you have any questions please do not hesitate to contact me on the above number or one of my colleagues Roy Strapp (020 7944 4856) or Jerry Harrison (020 7944 3953). We will do our best to answer any questions that you may have. I am copying this letter to the airport operator.

Yours sincerely,

Frank Evans

Frank Evans

¹ Airports/Aerodromes to which section 35 of the Act applies have a responsibility to provide adequate facilities for consultation.

Civil Aviation Act 2006: Environmental Provisions

Section 1: Aerodrome charges

Section 1 replaces section 38 of the CA Act 1982 with a new section on aerodrome charges. Section 38 applies to licensed aerodromes. These are aerodromes licensed by the Civil Aviation Authority under an Air Navigation Order for the landing and take-off of aircraft which can be used for the public transport of passengers, or for giving instruction in flying to a person, or for conducting a flying test.

The new section 38(1) empowers an authority owning or managing a licensed aerodrome to fix its charges by reference to:

- a. the noise caused by an aircraft or the inconvenience resulting from that noise;
- a. the amount or nature of emissions produced by an aircraft or the atmospheric pollution resulting from those emissions;
- b. the effect of an aircraft on noise or atmospheric pollution in the vicinity of the aerodrome; or
- c. any failure of an aircraft operator to comply with noise or emission limits.

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The new section 38(2) sets out the purposes for which such charges can be made, namely:

- d. to encourage the use of quieter aircraft and reduce inconvenience from aircraft noise;
- e. to encourage the use of aircraft which produce lower emissions;
- f. to control noise and atmospheric pollution in the vicinity of aerodromes; and
- g. to promote compliance with noise and emission limits.

The new section 38(4) empowers the Secretary of State to direct specified aerodrome authorities to fix their charges using the powers in subsections (1) and (2) of the new section 38. In determining whether to make use of this power, and if so how, the Secretary of State will be required by new section 38(5) to have regard (amongst other things) to the interests of people who live in the area of the aerodrome.

Section 2: Regulation by Secretary of State of noise and vibration from aircraft

This section amends section 78 of the CA Act 1982. Section 78 enables the Secretary of State to take steps to limit or mitigate the effect of noise and vibration connected with the taking off or landing of aircraft at designated aerodromes (currently Heathrow, Gatwick and Stansted).

Subsection (2) inserts a new subsection (6A) after section 78(6) of the CA Act 1982, to augment the powers of the Secretary of State to give to the manager of a designated aerodrome such directions as the Secretary of State considers appropriate for the purpose of avoiding, limiting or mitigating the effect of noise and vibration connected with aircraft landing or taking off. The manager is placed under a duty to comply with any such directions. New section 78(6A) will allow directions under subsection (6) to be given for the purposes of avoiding, limiting or mitigating the effect of noise and vibration either generally or in any particular area, for example arising from use of a particular runway.

Section 78(8) empowers the Secretary of State to require the manager of a designated airport to install, operate and maintain noise measuring equipment and to provide noise measurement reports as specified by him. The manager is placed under a duty to comply with any such requirements.

Where an airport manager fails to perform any of the requirements set down in an order under subsection (8), section 78(9)(a) empowers the Secretary of State to take such steps as he considers appropriate to remedy that failure, including the provision, operation and maintenance of equipment. The Secretary of State may recover any expenses he has incurred in so doing: section 78(9)(b). Where the airport manager has failed to provide reports to the Secretary of State, he is guilty of an offence: section 78(9)(i) and (ii).

Subsection (3) amends section 78(9) to provide that the maximum fine laid down in subsection (9)(i) is increased to level 5 on the standard scale (currently £5,000) and the daily fine in subsection (9)(ii) is not to exceed 10% of level 5.

Section 3: Penalty schemes

This section inserts into the CA Act new sections 78A and 78B.

Section 78 of the CA Act does not explicitly provide for aerodromes to impose financial penalties on aircraft operators for breaches of noise requirements set under section 78. The effect of new section 78A is to confer on the manager of a designated aerodrome a power to levy financial penalties on an aircraft operator in respect of any breach by that aircraft operator of noise abatement requirements imposed by the Secretary of State under section 78.

New section 78A(8) requires the aerodrome manager to make payments, equal to the amount of penalties received, for the benefit of persons who live in the area in which the aerodrome is situated.

New section 78B(1) to (4) enables the Secretary of State to direct an aerodrome manager to make, amend or revoke a penalty scheme and sets out the duty to consult before doing so.

New section 78B(5) makes it an offence to fail to comply with a direction given under section 78B(1) with a provision for a daily fine if failure continues after any conviction.

Section 4: Power of aerodrome authorities to make noise control schemes

This section inserts into the CA Act 1982 new sections 38A, 38B and 38C.

Although the CA Act 1982 contains a number of provisions relating to environmental issues, those provisions do not include any explicit statutory provision for aerodrome operators to implement noise control schemes.

New section 38A(1) to (5) provides operators of non-designated aerodromes with powers to regulate noise and vibration from aircraft similar to those conferred on the Secretary of State by section 78 of the CA Act 1982 (as amended by *section 2* of this Act).

New section 38A(8) excludes any aerodrome already designated under section 78 of the CA Act 1982 because in that situation the noise control regime would be set by the Secretary of State rather than the aerodrome operator.

New section 38A(10) provides that the use of the powers contained in the new sections 38A, 38B and 38C does not prejudice the use of any other power at the aerodrome operator's disposal to control aircraft noise.

New section 38B makes supplementary provision for noise control schemes.

New section 38B(2) defines the maximum area within which the aerodrome operator's powers to control aircraft noise apply. There is also provision for the Secretary of State to define (by order) this maximum area, in respect of individual aerodromes.

New section 38B(5) provides for consultation by the Secretary of State before making an order under subsection (2).

New section 38C provides aerodrome operators with the power to impose penalties where the noise control scheme it is permitted to establish is not complied with.

New section 38C(2) and (3) provide for a financial penalty to be imposed on an aircraft operator if he breaches the requirements of a noise control scheme.

New section 38C(4) and (5) ensures that the scheme will provide for aircraft operators to be able to make representations to the aerodrome operator as regards the imposition of penalties and for the aerodrome operator to take such representations into account.

New section 38C(6) requires the aerodrome authority to make payments, equal to the amount of penalties received, for the benefit of persons who live in the area in which the aerodrome is situated.

Section 12: Scotland

Section 12 amends the Scotland Act 1998 (Transfer of Functions to Scottish Ministers) Order 1999 to reflect the amendments to the CA Act 1982 being made by *sections 1, 3 and 4*. The Order provides that certain functions conferred on a Minister of the Crown by the CA Act 1982 are, in or as regards Scotland, exercisable by the Scottish Ministers instead.

ANNEX B**London Luton Airport – Extract from airport charges schedule****NOx Levy – Commencing 01 September 2008**

A NOx Levy applies to all departing aircraft where the Engine NOx Emission exceeds 400 grammes per passenger.

“Engine NOx Emission” means the figure expressed in grammes for emissions of Oxides of Nitrogen for the relevant engine derived from the ICAO landing and take-off (LTO) cycle as set out in ICAO Annex 16 Volume II published in Document 9646 AN1943 (1995) as amended. This data can be accessed at: www.caa.co.uk/default.aspx?categoryid=702&pagetype=90

In the case of non-jet aircraft engines the Engine NOx Emission shall be the figure provided by the engine manufacturer or if no such figure is provided then as provided in the table below.

Aircraft (thrust)	grammes NOx per engine (LTO)
Piston	12
Piston (200-	24
Piston	48
Heli (<1000hp)	458
Heli (>1000hp)	845
Biz Jets	454
Biz Jets	845
Turbo Props	845

In the absence of any of the above sources being available then the Engine NOx Emission shall be that which LLAOL may reasonably determine.

For passenger aircraft the NOx Levy is calculated as follows: the relevant Engine NOx Emission is multiplied by the number of engines and the resulting figure is divided by the number of departing passengers; aircraft will be charged at £0.005 per gramme of Engine NOx Emission above 400 grammes per passenger.

A NOx Levy also applies to cargo, empty and positioning aircraft at a rate of £1.10 per kilogramme of Engine NOx Emission.

The Company may request Engine NOx Emissions levels from the Operator. Where the Operator, or its handling agent, fails to provide the information or it is unavailable, the Company shall be entitled to assess the NOx Levy payable by the Operator by reference to the maximum Engine NOx Emission of the aircraft type.

Noise Limit Violations surcharges

A surcharge of between 300% and 600% of the combined Landing and Navigation Service Charge will be applied in respect of any landing prior to a take-off on which noise limits, as set out below, are exceeded.

For Day Flights	0600 - 2259 Local Time (Monday to Saturday) 0700 - 2259 Local Time (Sunday) Above 94 dB(A) 400% surcharge
For Night Flights	2300 - 0559 Local Time (Monday to Saturday) 2300 - 0659 Local Time (Sunday) 85 - 88 dB(A) 300% surcharge 89 - 92 dB(A) 500% surcharge Above 92 dB(A) 600% surcharge



**NIGHT NOISE POLICY
ISSUE 7**

Department: Airfield Environment - Airfield Operations

Authority: Airport Operations Director

Distribution: Aircraft Operators
UK Aeronautical Information Publication (UK AIP)
Luton Based Handling Agents
Airport Operations
London Luton Airport Consultative Committee
London Luton Airport Noise & Track Sub-Committee
London Luton Airport Night Noise Working Group
Upon Request

Effective Date: April 1, 2007 to March 31, 2009

Review Status: Amended February 21, 2007

ISSUE	DATE	DESCRIPTION
1	March 28 2002	First Issue
2	April 05 2002	Insertion on policy for departing aircraft below 34,000 kg
3	April 26 2002	Amendments following Night Jet Working Group Consultation
4	May 13 2003	Authority title changed to Airport Services Director
5	October 1 2003	Amendment to Aerodrome Flying Training Restrictions at night
6	September 4 2006	Amendments incorporating review of Night Noise Working Group
7	February 21 2007	Amendments incorporating review of Night Noise Working Group

Purpose

LLAO has previously operated a Night Jet Policy with the specific aim of accelerating the removal of Chapter II aircraft from its night operations. This policy was successfully achieved and expired on the 31st March 2002, which coincided with the implementation of national regulations regarding Chapter II aircraft from the 1st April 2002.

As well as implementing the Night Noise Policy, LLAO has had in operation various monitoring and control mechanisms relating to the noise impact of its night operations.

The purpose of this new policy is to formalise those activities, describing the various arrangements, and setting out additional monitoring which will occur. The policy is designed to demonstrate that LLAO will continue to monitor and manage the impact of its night operations, providing information to stakeholders and enabling the Airport management to continue to balance the economic and social benefits of its night operations with the consequential noise impact.

Background

- 1.0 London Luton Airport Operations Ltd (LLAO) is licensed by the Civil Aviation Authority for 24-hour operations under its Public Use Aerodrome License issued in accordance with the Air Navigation Order (1995).
- 2.0 With regards to night noise, LLAO operates within Condition 11 associated with the planning consent granted in 1998. This requires the Airport to operate in such a manner that the night

noise contours do not exceed the impact, which occurred in 1984 in terms of land area affected. In particular, the area within the 48 dB(A), $L_{Aeq,8h}$ contour for an average summer's night shall not exceed 85 km². If results show that the 1999 predicted values have been exceeded, an action plan will be implemented to avoid the possibility of exceeding the 1984 values.

Current Monitoring and Control Activities

- 3.0 LLAO will continue to comply with the planning conditions which, apply to it and, in particular, that concerned with Night Noise.
- 4.0 LLAO will continue to monitor and manage the number of aircraft movements at night and report them quarterly to the LLACC.
- 5.0 LLAO will continue to monitor and respond to any complaints made to the airport about its night operations and report details of these complaints, quarterly, to the LLACC.
- 6.0 LLAO will continue to monitor the noise of departing aircraft at fixed monitors at each end of the airport runway and report the results quarterly to the LLACC. LLAO will continue to operate a fining system related to infringements of night noise limits.
- 7.0 LLAO will continue to produce annually noise contours for the average summer's night (mid-June to mid-September) based on actual movements and similar contours predicted for the forthcoming summer in accordance with Condition 11 attached to the 1998 planning consent.
- 8.0 LLAO will continue to apply surcharges on the Landing and Navigation Service Charge in respect of any landing immediately prior to a take-off during which the following maximum noise levels are recorded at any of the monitors during the night period:
2300 – 0559 Sunday to Friday inclusive & 2300 – 0659 on Saturdays:
>85 – 87 dB(A) – 300% surcharge
>87 – 91 dB(A) – 500% surcharge
>91 dB(A) – 600% surcharge

Additional Monitoring and Control Activities

- 9.0 $L_{Aeq,8h}$ noise exposure contours for an average night in each quarter (Jan–Mar; Apr–Jun; Jul–Sep; and Oct–Dec) for the night period commencing at 48 dB(A) and showing increasing values in 3 dB(A) steps will be produced and reported to the LLACC.
- 10.0 LLAO has developed a programme of noise monitoring at night to understand further the impact of its night operations on the local community. This programme and the location of the sites monitored is developed in consultation with the affected local authorities and community representatives. The results of the monitoring are reported to the LLACC.
- 11.0 LLAO will comply with the Aeroplane Noise Regulations 1999, which state that:
With effect from 1st April 2002, all subsonic jet aircraft with a maximum take off weight of more than 34,000 kg and a capacity of more than 19 seats operating to airports in the EEA must comply with Chapter 3 noise standards regardless of the age of the aircraft.
Aircraft hushkitted or modified to Chapter 3 standards comply with these requirements.
There are special agreed EC Provisions, which LLAO will have to comply with and these provide exemptions to certain aircraft registered in developing nations and meeting specified criteria. The UK is also obliged by the EC Directive to recognise exemptions granted by other states in respect of Chapter 2 aircraft registered in those states.
Details of exempted aircraft are available from the CAA's Economic Regulation Group, CAA House, 45-59 Kingsway, London, United Kingdom.
Additionally the CAA would normally be prepared to grant exemptions in respect of Chapter 2 aircraft visiting the UK solely for the purposes of maintenance provided that the aircraft operates empty on both inbound and outbound sectors. Chapter 2 aircraft under such exemptions may be permitted to operate into Luton.

- 12.0 In addition LLAO will extend the restriction described in Para 11.0 above to aircraft with a maximum take-off weight of more than 11,600 kg between the hours of 2259 to 0559 Sunday to Friday nights and from 2259 to 0659 on Saturday nights for departure movements only. Arrival movements remain unrestricted 24-hours per day.
- 13.0 The exceptions to the restrictions set out in paras 11.0 and 12.0 above are:
- Delayed departures of any aircraft exempted by the CAA from the requirements of the Aeroplane Noise Regulations;
 - Departures permitted in emergency situations;
 - Relief Flights where urgent need exists;
 - Military and support aircraft for military operational reasons;
 - Delays to aircraft which are likely to lead to serious congestion at the aerodrome or serious hardship or suffering to passengers and/or animals;
 - Off scheduled movements from major disruption of air traffic;
 - VIP flights, which include flights by members of the Royal Family, UK Government Ministers and Service Chiefs of Staff, and members of foreign Royal Families, Heads of State and senior ministers, but excludes show business and sports personalities.
- 14.0 Details of any such exceptions will be reported quarterly to the LLACC.
- 15.0 Provide aircraft operators and pilots with noise and track keeping data at the quarterly Flight Operations Committee meetings in order to monitor trend data and share such data with aircraft operators.
- 16.0 Flying Training at London Luton Airport is currently only permitted between 0600-2300 (0800-2300 on Sundays) for aircraft required to comply with Noise Preferential Routing (NPR) procedures. Aircraft which are NPR exempt are those below a maximum take-off weight (MTOW) of 5,700kg although jet aircraft below 5,700 kg are NOT NPR exempt.
- Effective October 1, 2003, LLAO will extend the Flying Training Restriction to the hours of 2000 – 0800. This means no jet aircraft training or air testing can be undertaken between these hours. All aircraft movements to and from London Luton Airport between these hours will be expected to be associated with an arrival and/or a departure.
- NPR exempt aircraft will not be subject to this restriction.
- The definition of Flying Training also includes Air Testing where aircraft under maintenance are technically required to conduct an actual flight, which may involve circuits at approved altitudes.
- In exceptional circumstances Operators can apply to London Luton Airport Operations for permission to carry out Flying Training or Air Tests.
- 17.0 The conditions under which LLAO may grant exceptional permission for Flying Training or Air Tests are;
- Delays to aircraft which are likely to lead to serious congestion at the aerodrome or serious hardship or suffering to passengers and/or animals where an Air Test is required to enable a planned flight to operate a service.
 - Unplanned technical repair of an aircraft scheduled to operate a passenger or cargo revenue service.
 - VIP flights, which include flights by members of the Royal Family, UK Government Ministers and Service Chiefs of Staff, and members of foreign Royal Families, Heads of State and senior ministers, but exclude show business and sports personalities.
- 18.0 Effective April 1, 2007, LLAO will implement a scheduling ban on all QC8 type aircraft (e.g. Boeing 747-200) with no aircraft allowed to arrive or depart with the exceptions listed in Para 13.0 of the Policy.

19.0 Engine ground running and the testing of engines in the night period will be further managed by LLAO.

Notes

20.0 Any changes in legislation or regulation by the Government or other national authority shall take precedence over the clauses within this policy.

21.0 This policy shall apply from 1st April 2007 to 31st March 2009.