

From the Ministries

COMMISSION WELCOMES NEW EU RULES TO IMPROVE TRANSPARENCY OF DECISIONS ON AIRPORT NOISE

The European Commission has welcomed the decision by the European Parliament to make the rules on noise-related operating restrictions more transparent and evidencebased. Commission Vice-President Siim Kallas, responsible for transport, said: “These new rules will make it easier to find solutions that will satisfy citizens living close by the airports without losing sight of the important economic impact that those airports have on local economies, and in full respect of international rules.” With these new rules, national and local authorities keep responsibility for concrete decisions about noise-related operating restrictions, tailored to the particular characteristics of each airport. However, those decisions will be taken following an EU harmonised process. This will guarantee a fair outcome for all. The role of the Commission will be to review the quality of the process and, if necessary, take appropriate legal action before restricting measures are implemented, in order to guarantee the rights of citizens, businesses and all interested parties. Noise restrictions are

measures affecting the capacity of an airport to operate, for instance by introducing noise quotas, restricting the use of runways, phasing-out the noisiest aircraft or imposing night bans. The process for any future decision on airport noise focuses on: • Evidence gathering on the basis of internationally recognized data and methods; • Timely and substantial consultations with all stakeholders; • Provision of sufficiently long notification times to the impacted operators. National authorities will decide what is the acceptable level of noise for each specific case and find the most cost-effective solution to mitigate the noise impact. According to the commission, air traffic noise affects some 2.5 million citizens in Europe. At the same time, aviation activities boost local economic growth and employment. The challenge is to pursue regional and local policies which maximize connectivity, whilst mitigating the environmental impact of noise. The new rules will facilitate this process. They clarify the relationship with strategic noise mapping actions undertaken under the Environmental Noise Directive and they strengthen the evidence base for decision makers so that the most cost-effective measures can be selected.

DRONES BANNED IN ALL NATIONAL PARKS

Unmanned Aerial Vehicles, known as “drones,” have been banned in all National Parks in the United States. On June 20, National Park Service Director Jonathan B. Jarvis signed a policy memorandum that prohibits launching, landing, or operating unmanned aircraft on lands and waters administered by the National Park Service. “We embrace many activities in national parks because they enhance visitor experiences with the iconic natural, historic and cultural

landscapes in our care,” Jarvis said. “However, we have serious concerns about the negative impact that flying unmanned aircraft is having in parks, so we are prohibiting their use until we can determine the most appropriate policy that will protect park resources and provide all visitors with a rich experience.” In May, Yosemite National Park became one of the first parks to ban the use of drones. They were being used to capture unique views of the valley’s stunning scenery but concerned managers because “drones can be extremely noisy, and can impact

the natural soundscape. Drones can also impact the wilderness experience for other visitors creating an environment that is not conducive to wilderness travel,” according to the NPS. Unmanned aircraft have already been prohibited at several other national parks, which initiated bans after noise and nuisance complaints from park visitors, an incident in which park wildlife were harassed, and park visitor safety concerns. According to the NPS, an unmanned aircraft flew above evening visitors seated in the Mount Rushmore National Memorial Amphitheater in September. Rangers confiscated the unmanned aircraft. In April, visitors at Grand Canyon

National Park were interrupted by a loud unmanned aircraft flying back and forth and eventually crashing in the canyon. Later in the month, volunteers at Zion National Park witnessed an unmanned aircraft disturb a herd of bighorn sheep, reportedly separating adults from young animals. The memorandum does not affect the primary jurisdiction of the Federal Aviation Administration over the National Airspace System. The NPS says that this is a temporary measure until permanent regulations are crafted, a process that can take “considerable time.” The process includes public notice of the proposed regulation and opportunity for public comment.

ATSUGI RESIDENTS AWARDED \$70M OVER MILITARY AIRCRAFT NOISE

The Japanese government must pay \$70 million to residents living near the US Naval Air Facility Atsugi as compensation for noise created by aircraft at the base, a Yokohama District Court has now ruled. The court also barred Japan Self-Defense Forces aircraft from flying between 10 p.m. and 6 a.m., in a ruling believed to be the first time such a ban has been imposed at the district court level, officials said. The court threw out an argument made by lawyers for the case’s 7,054 plaintiffs to ban U.S. military night operations at Atsugi. The United States is supposed

to pay 75 percent of the costs associated with the verdict, according to the U.S.-Japan treaty obligations. In past noise lawsuits, the Japanese government has always paid the full amount, Japanese officials said. However, the \$70 million verdict represents the largest known compensation figure for a noise lawsuit since World War II, and the plaintiffs called on the U.S. to contribute. “We ask the U.S. government, therefore, to pay their responsibility this time, by taking seriously the fact that the Japanese court acknowledged the serious health hazards the noise has been inflicting on residents in the neighboring communities,” Tokio Kaneko, deputy leader of the plaintiff’s group, said.

MIAMI SPRINGS COUNCIL BANS ANONYMOUS NOISE COMPLAINTS

With much attention lately focused on “late-night noise” from loud music and subsequent complaints, many of them of the anonymous variety, the Miami Springs council made the subject one of its primary focal points at its May 27 meeting. A unanimous vote was taken by council to make a slight alteration in the current ordinance that previously allowed all phone calls to remain completely anonymous.

Effective immediately, anyone who calls to complain about loud music or noise will be required to at least give their “general location.” “There was an objection to the fact that anonymous complaints were being accepted for noise complaints because noise complaints have a component in it that deals with distance, so how can you possibly verify or dispute whether a complaint is justified or not unless you know at least where it’s coming from,” said City Attorney Jan Seiden. “In a memo I stated we don’t really care if

the person gives their name but we need to know an address so then the police can go to that address to see if

there is noise at that address. Without an address to go to there's no way to verify."

CROSS BORDER NOISE ENFORCEMENT

Trafford nightclub the Victoria Warehouse was ordered to turn the music down - after residents living across the Manchester Ship Canal complained. Noise officials ordered the 5,000-capacity venue, on Trafford Wharf Road, in Trafford, to reduce the volume in the early hours of Sunday 4 May. Residents living at Merchants Quay, in Salford, had been disturbed by the repetitive thud coming from the club.

The club's managers were served with a noise abatement notice by Salford council workers, ordering them to turn the music down or face court action. The officials took a noise reading from across the canal - around half a mile from the club - and found it to breach maximum legal levels. Under the law, council environment officials can serve noise abatement notices on venues outside their boundaries - if they are disturbing residents over the border.

ALFAZ DEL PI BRINGS IN NOISE CONTROLS

Alfaz del Pi (nr Malaga, Spain) has introduced by-laws to combat noise pollution and protect the environment. The legislation comprises a total of 56 articles aimed at controlling excessive noise and vibrations, said town hall spokesman Toni Such. The bylaws set out procedures to be followed in the case of noise pollution "in all surroundings whether public or private," according to Such. They also allow the town hall to

"adopt and apply corrective measures, define limits and take whatever steps it deems to be necessary." Premises with music must keep to specific hours and should be equipped with the required levels of soundproofing and a limiter subject to permanent inspections, Such continued. "All this will take time," the spokesman conceded, not least because the new regulations imply a change of habits. "But the initiative will bear fruit and benefit the general wellbeing of all residents," Such added.

PLAYING CHILDREN 'NOT NOISE NUISANCE'

In Austria, MPs are fighting to amend a law allowing people to take legal action over the nuisance caused by noisy children. A group of liberal MPs has filed a bill to take noise coming from nurseries and playgrounds off a list of possible complaints. The current law treats the sound of children playing alongside other noise pollution such as lawnmowers. The rules have already

been changed in the states of Upper Austria and Styria. But federal law still lets homeowners ask for compensation for nuisances caused by noise, smells, sewage or smoke. Lawyers representing children have reportedly welcomed the initiative. One of them, Anton Schmid, warns that real change will only come once "people's mindsets change". But legal provisions are "hugely important" for the authorities and judges, he says.