

CABINET MEMBER DECISION

Decision:

Petitions – Helicopter Noise

(i) Details of decision

That the response attached at Appendix 1 be approved.

(The Strategic Aviation Special Interest Group papers are available on request)

(ii) Reasons for decision

To respond to the petition.

(iii) Details of any alternative options considered and rejected

None

(iv) Details of any consultation and representations received not included in the published report

Six members of the public attended the meeting, including the petitioner, Mr Andy Lush, and Mr Nigel Eastment.

Following their representations, the Cabinet Member for Transport and Environment agreed to:

- (i) contact both Epsom & Ewell Local Committee and Runnymede Local Committee in relation to their concerns.
- (ii) write to the CAA re. the height restrictions for helicopters.
- (iii) write to Redhill Aerodrome.

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)

None

Decision taken by:

- (i) Name:** John Furey
- (ii) Portfolio:** Cabinet Member for Transport and Environment

Date of Decision: 13 March 2013

Date of Publication of Record of Decision: 14 March 2013

Date decision effective (i.e. 5 working days after date of publication of record of decision unless subject to call-in by the Environment and Transport Select Committee): 22 March 2013

RESPONSE TO PETITION CONCERNING HELICOPTER NOISE

The Petition

“We the undersigned petition Surrey County Council to help stop excessive helicopter noise over the county from non essential flights.”

Submitted by Mr Andy Lush
Signatures: 241

Further details from petition creator:

Surrey is regularly overflowed by noisy commercial and private helicopters, causing serious environmental health issues. The Civil Aviation Authority will not act. The vast majority of these flights are non-essential leisure and commuting trips. Affected residents in Surrey have had enough. We call on Surrey County Council to raise this issue at the highest level, and insist on protection for its residents from this extremely unpleasant and intrusive noise pollution.

Response

Firstly I would like to thank Mr Lush and the residents who signed the petition for raising this issue. The Council fully supports residents' rights to the peaceful enjoyment of their homes free from excessive noise pollution and recognises the concerns felt by those affected by aircraft noise.

The Council recognises the deficiency of the current regulatory framework and shares the petitioner's concern that this is an area which requires action at a national level. In this response I will set out the action which the Council is pursuing both to see strengthened controls over aircraft noise pollution, including helicopters, at a national level and measures which could be taken at a local level to help address local issues in Surrey.

The national picture – current regulations

Whilst there are regulations surrounding safety issues associated with helicopter flights, there are currently few controls over their noise. The main safety regulations regarding helicopters are incorporated within the Rules of the Air Regulations (2007), which form part of the Air Navigation Orders (2009). Safety regulations include:

- The 500 feet rule - Except with the written permission of the CAA, an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.
- The 1,000 feet rule - Except with the written permission of the CAA, an aircraft flying over a congested area of a city town or settlement shall not fly below a height of 1,000 feet above the highest fixed obstacle within a horizontal radius of 600 metres of the aircraft.
(Police helicopters are exempted from both the 500 feet and 1,000 feet rules).

The Civil Aviation Authority (CAA) is the organisation that deals with helicopter noise complaints. Helicopters flown according to the 'Rules of the Air' are given immunity from controls in relation to noise under the Civil Aviation Act 1982, the Air Navigation Regulations and the Environmental Protection Act 1990.

Section 76 of the Civil Aviation Act 1982: "No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of an aircraft over any property at a height above the ground which, having regard to wind, weather and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of any Air Navigation Order... [broadly, the regulations governing licensing, air-worthiness, rules of the air and air traffic control] have been duly complied with."

There are specific restrictions for helicopters flying in the London and London City Control Zones. Single-engine helicopters are required to fly along designated routes; multi-engine helicopters can travel on more direct routes. Outside of these areas and Air Traffic Controlled airspace, helicopters are free to fly routes in accordance with the height restrictions set out above.

Further details can be found in the attached SASIG paper "The Impact of Helicopters". Also attached is a copy of Civil Aviation Authority report on planning controls - Helicopter Activity and Private Landing Sites.

The national picture – lobbying for change

Surrey County Council is a member of SASIG, the Strategic Aviation Special Interest Group of the Local Government Association. SASIG is a national group of local authorities with an interest in strategic aviation issues. These local authorities comprise a population of around 12 million people, over a fifth of the total population of England.

Surrey County Council works through SASIG to coordinate with other Local Authorities in a strategic manner on national aviation policy so as to reconcile economic, social and environmental issues.

In March 2011, the Government launched a scoping exercise towards developing a new sustainable policy framework for UK aviation. The Council and its partners in SASIG used this opportunity to call on the Government to include helicopter noise in the aviation framework as follows:

"Helicopter activity should be included in a new noise management regime, to address the associated impacts. Impacts from helicopter flights are related to the fact that the craft are flown using visual reference to the layout of buildings, transport routes, open spaces, etc. on the ground ('visual flight rules'), i.e. not along any predefined routes; the craft tend to be flown at lower altitudes than aircraft; and helicopters have specific noise characteristics." (Par. 6.10, pg.25)

Following the initial scoping exercise, the Government launched a consultation on its draft aviation policy framework in June 2012. The consultation included the following information in relation to helicopter noise:

4.90 We received a number of responses on the subject of helicopter noise, particularly in London. Unlike commercial aircraft, helicopters do not fly very high and therefore their noise has the potential to impact on people living along the entire length of their flight path. This means that in an area which experiences a concentration of helicopter movements, there is scope for considerable disturbance. Many people have commented on the relatively greater annoyance from helicopter noise.

4.91 Helicopters must meet internationally agreed noise standards prior to the issue of a Certificate of Airworthiness. While it is possible to regulate airports and

aerodromes, in many cases helicopters may not use these facilities. Helicopters are subject to Rules of the Air Regulations, which require minimum heights to be maintained, but there are no restrictions on helicopter movements within uncontrolled airspace. Within the London area, single engine helicopters are required to follow certain routes, though these are designed for safety rather than noise purposes. We would encourage NATS and the CAA to look at these issues overall, as well as in the context of work to review London airspace and we will consider how to address noise from helicopters in our review of the 2002 guidance.

The consultation ran until 31 October 2012. SASIG again took this opportunity to lobby for the inclusion of measures to address helicopter noise impact in the proposed legislation. SASIG's response to the consultation and the report informing its comments, setting out the regulations for helicopters and the community impacts and focusing on noise and controls, are attached to this response.

The Government's approach to the management of noise from general aviation and helicopters has been that it is not appropriate for the Government to intervene. The Government maintains the stance that local environmental issues are best resolved at a local level where possible.

SASIG does not agree that there are sufficient local powers for adequate local resolution of noise from general aviation and helicopters. SASIG has therefore called for the application of the Secretary of State's 'section 5 power' (Civil Aviation Act 1982), placing a duty on an aerodrome operator to have regard to the need to minimise adverse effects on the environment.

The Government should also take a proactive approach to reducing the impact of helicopters by using incentives to phase out noisier helicopters. In order to encourage newer and less noisy types of helicopters SASIG believes it is necessary to reduce the noise standard from the current level of 81 dB(A). In general, in seeking to reduce the number of older and noisier helicopters, the Government could use incentive/disincentive schemes to encourage phasing out of these helicopters.

SASIG has also lobbied for the development of a system of monitoring helicopter movements across additional areas of the UK and not just London. Currently, the CAA only monitors helicopter movements in London. In order to understand and quantify the impacts of helicopters in the UK, it is necessary to undertake more effective monitoring of helicopter movements across the UK and not just in the London Control Zone.

SASIG has called on the Government to recognise the role of heliport consultative groups in establishing local regulations to reduce impacts on communities and involve them and other groups in the development of legislation to address helicopter noise.

In addition to lobbying through SASIG, Surrey County Council also submitted its own separate response to the Government consultation on its draft aviation policy framework which directly addressed the issue of helicopter noise and shows the seriousness with which the Council takes this matter. The Council's response, which is set out in the attached letter (see questions 12, 20 and 21), included the following views:

Unlike commercial aircraft, helicopters do not fly very high and therefore their noise has the potential to impact on people living along the entire length of their flight path. This means that in areas which experience a concentration of helicopter movements, there is scope for considerable disturbance. There is much feedback from the public in Surrey on helicopter noise and the relatively

greater annoyance this causes. Policies included in the Framework to address this issue would be most welcome.

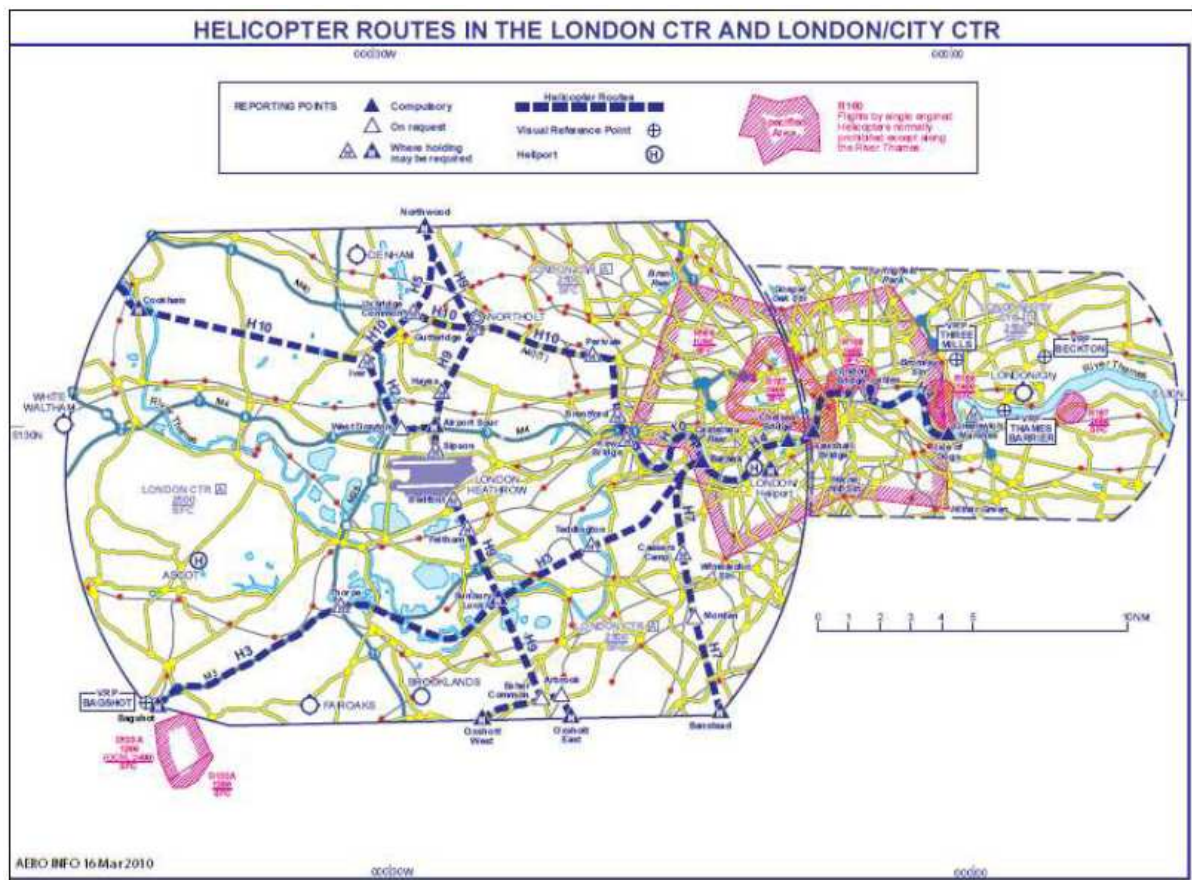
Legislation should be introduced to address helicopter noise and to extend the movement restrictions applicable to London. Permitted development rights for landing areas could be removed. The current exemption with regard to helicopter noise in the Environmental Protection Act 1990 could be revised.

The Government's response to the consultation and details of any proposed legislation is currently awaited. The petitioner will be advised of the response once received. Surrey County Council will continue to lobby both through SASIG and directly to promote the need for long-term, sustainable aviation policies that lead to a reduction in the environmental impact of aviation whilst securing appropriate social and economic benefits.

Local context – issues raised by the petition

In addition to continuing to lobby for effective controls on the adverse impacts of helicopter noise, the Council has also worked with partners at a local level to examine some of issues affecting Surrey residents.

An analysis of the location of signatories to the ePetition has shown that the majority reside in the north of the county and, in particular, grouped parallel to the boundary with London. This coincides with the alignment point of one of the main routes for helicopter flights into London (route H7 on the map below).



Further investigation, including work carried out into this issue by the London Heliport Consultative Committee, has pointed to one of the significant contributing factors to the

complaints being leisure and social helicopter flights from Surrey airfields, particularly Redhill Aerodrome, lining up with the entry point to the set entry route to London over specific areas in the north of the county. This traffic 'funneling' leads to a number of flights taking place over the same areas and, therefore, often affecting the same residents disproportionately. This situation is added to by the presence of key racing events (Epsom Derby etc) in the area which can lead to significant additional number of helicopter flights at certain times of year.

I commend the steps already taken by the operator of Redhill Aerodrome to advise pilots using its airfield of the issues experienced by residents (attached). The aerodrome operator has asked its pilots to adhere to voluntary measures, including travelling at additional height and re-routing away from areas where complaints have been reported, to improve the situation for those residents affected. I will be contacting the aerodrome operator's consultative committee to see if there are other ways to improve the sharing and effectiveness of this advice with the aerodrome's users. Also, as a matter of local concern, I will be copying in the Local Committee Chairmen for the affected areas. They will be able to consider how best to take any local issues forward with their Borough and District colleagues at a future date.

Monitoring and reporting

Having considered the ways in which the Council is working at both the national and local levels on this issue, it is worth noting the positive direct role which local residents can play. In addition to the complaint reporting which can be made via the CAA, the operator of Redhill Aerodrome has put in place local arrangements for the public reporting of aircraft noise issues (<http://www.redhillaerodrome.com/index.php/flying-complaint>). The aerodrome operator has shown a willingness to engage with the local community to address issues which have been raised and I urge residents who feel they have been affected to make use of those reporting arrangements. Such reports can be most effective when they include any details the resident might have about the aircraft/helicopter involved, the time and location of any instances and contact details for any follow up questions.

The aerodrome consultative committee receives regular reports on the noise complaints which have been submitted. If residents engage with the aerodrome operator it should be possible to identify if part of the problem does originate with these flights and whether or not voluntary measures are proving successful in encouraging pilots to fly with additional consideration of the potential impact on residents. Should it be discovered that there is another identifiable source of helicopter traffic affecting the area, then the same arrangements could also be used.

I hope residents will support the measures being taken at both the national and local level to address their concerns.

Mr John Furey
Cabinet Member for Transport and Environment
13 March 2013

CABINET MEMBER DECISION

Decision:

Licencing of the Surrey Hills Trademark to Surrey Hills Enterprises Community Interest Company

(i) Details of decision

1. That the Trademark be licensed to Surrey Hills Enterprises to use commercially for an initial period of three years at no cost, and to be reviewed at the end of that term.
2. That the final wording of the Trademark licence be agreed by officers and signed off by the Cabinet Member for Transport and Environment
3. That the Trademark be licensed to the Community Interest Company (CIC) once the Head of Legal Services has advised that the CIC is properly established and the Area of Outstanding Natural Beauty (AONB) Board have approved the licence.

(ii) Reasons for decision

The Surrey Hills AONB Board and the County Council are keen to see the Surrey Hills Trademark developed into a significant brand for Surrey, to support businesses in the County and to encourage visitors. The CIC has the ability to trade freely and can therefore sub licence the Trademark and generate an income and as the company has a community interest that income has to be used for the purposes set out in the CIC Memorandum and Articles of Association. In addition, the CIC has an asset lock whereby anything transferred into the company has to be retained by the company for the community interest.

This will help develop the Surrey Hills brand, help promote local businesses and allow the income to be used to fund activities in the Surrey Hills that deliver the AONB management plan. The licence will only be for three years initially to see how it works and ensure that all parties are getting the expected benefit from the Trademark.

(iii) Details of any alternative options considered and rejected

None

(iv) Details of any consultation and representations received not included in the published report

Subject to the following amendments, the recommendations were agreed:

- (i) paragraph 8 – changing ‘Surrey Community Foundation’ to ‘Community Foundation for Surrey’ (CFS)
- (ii) paragraph 15 – delete ‘£41,000 for each of these 2 years’ and replace with ‘£10,000 for 2013/14’

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)

None

Decision taken by:

- (i) **Name:** John Furey
- (ii) **Portfolio:** Cabinet Member for Transport and Environment

Date of Decision: 13 March 2013

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