

From the Ministries

U COURT BACKS STATE FINES FOR EXCESSIVE AIRLINE NOISE

European Union member states are entitled to penalise airlines that make too much noise in built-up areas near airports, an adviser to the EU's highest court has argued.

Advocate General Pedro Cruz Villalon wrote in a non-binding opinion that EU rules on maximum noise levels and operating restrictions do not prevent member states from imposing their own penalties if airlines make too much noise, as measured on the ground.

DHL group's European Air Transport EAT.L airline had asked the court to reject a fine imposed in Belgium for excessive night-time noise made by its

aircraft.

But the court adviser found the Belgian regulations did not constitute operating restrictions that prevent access to an airport, they simply imposed penalties if maximum noise levels were exceeded.

Cruz Villalon also pointed out the European Court of Human Rights has found noise pollution forms part of the environment and that EU states can take protective measures against it.

"The protection of fundamental rights - in particular the fundamental right to private and family life, and home, and the right to environmental protection - justifies the adoption of such measures," the advocate general wrote in his opinion.

MINISTER STANDS BY AUSTRALIA NOISE EXPOSURE FORECASTS

Australia's Federal Transport Minister Anthony Albanese says the government's decision not to fund insulation for homes near Perth airport is based on science. The government has rejected Senate inquiry conditions calling for changes to the Australian Noise Exposure Forecasts (ANEF) used to determine which houses are eligible for publicly-funded insulation. Perth homes near the flight path lie outside the noise contours determined by the ANEF so miss out on government-provided insulation. The government also rejected a recommendation that it

should review changes to the Western Australian flight path. The ANEF system was established in 1980 and measures the intensity, duration, tonal content and spectrum of audible frequencies of aircraft noise during take offs, landing and fly-overs. MP Steve Irons, whose Swan electorate encompasses Perth airport, slammed the government's "weak response" and said the ANEF needed to be changed. "It is considered by many to be outdated and to under-estimate real noise in the community," Mr Irons said. "The measure clearly underestimates the extent of the noise problem in Perth yet the government has used it to deny Perth noise amelioration measures."

NIGHTTIME JET CURFEW

After decades of wrangling over nighttime jet noise, San Fernando Valley lawmakers have introduced a bill they hope will help silence the skies over Bob Hope and Van Nuys airports. The Valley-wide Noise Act submitted to a House transportation committee would institute a nighttime curfew on all jet flights at the airports. The proposed

legislation follows the FAA's rejection in 2009 of a 10 p.m.-to-7 a.m. curfew after a nine-year, \$7 million study by the agency that governs Bob Hope Airport. "Valley residents living under the flight path and near Bob Hope and Van Nuys airports should be able to enjoy a restful night without the roar of jet engines," said a statement by Rep. Brad Sherman, who introduced the bill.

NOISE POLLUTION COSTS EUROPEANS 'ONE MILLION YEARS OF LIFE'

Environmental noise, most of which comes from transport, is the second

biggest environmental problem affecting health after air pollution in the EU and Norway, according to a new report from the World Health Organisation (WHO).

MAINE SUPREME COURT REJECTS WIND TURBINE NOISE APPEAL

The Maine Supreme Court has issued two opinions rejecting appeals of permits granted for the development of the Record Hill wind project in Roxbury and the Oakfield wind project in Oakfield. The opinions upholding the Maine Board of Environmental Protection's (BEP) approval of both projects mean that the projects' permits are now final and non-appealable. The court unanimously affirmed the BEP determination that both wind power projects comply with all relevant permitting standards, including the state's strictest sound limits. The opponents had claimed that the Board was required to have held a public hearing, should have found that the

projects would result in adverse health effects and did not satisfy standards related to decommissioning and financial capacity. The court disagreed, rejecting all of the opponents' arguments. Writing for the Court in *Concerned Citizens to Save Roxbury (CCSR) et al. v. Board of Environmental Protection et al.*, Justice Ellen Gorman found that, with respect to the Record Hill wind project, "the Board's findings concerning the health effects of wind turbine noise are supported by substantial evidence in the record. The report of the [Maine Center for Disease Control] and the [Department of Environmental Protection's] noise control consultant's opinion both support the finding that the Record Hill wind project will not generate unreasonable adverse health effects."

NARROWING THE GAP BETWEEN LEGISLATION AND REALITY

Salem City Council (Ma) is considering changes to its noise ordinance. Brady Rogers, administrator for the neighborhood enhancement division, said that many of the changes will make the noise ordinance more explicitly in line with the way it already is being interpreted and enforced. Proposed changes: The changes will

- add "barking dogs" to the list of noises that may be cited by police after a complaint;
- make it clear that a noise violation can happen any hour of the day, not just between the quiet hours of 10 p.m. and 7 a.m.;
- streamline the noise variance process

and make it into a permit process. Presently, when people petition for a specific noise-making event, such as an outdoor concert or fireworks show, the approval can take several months, and neighbors within 400 feet are notified if the event spans more than 72 hours. If it became a permit process, Rogers said, it would drastically cut down on staff processing time, and events that last less than 24 hours might not require any notification;

- categorize the downtown parking district as a "commercial" zone, which would allow more noise than a residential zone. As it stands now, anywhere that people live, which includes many downtown buildings, is subject to much stricter noise regulations at night.

CLEAR RULES ARE GOOD

Omaha's Douglas County District Judge, Thomas Otepka ruled the local noise law is vague and defective. His decision came after Omaha Track Materials appealed a city order to cease operations due to excessive noise. O-T-M breaks old railroad rails into smaller pieces for recycling. Neighbors across the tracks from the company near 126th & M said noise levels exceed 80 decibels which violate the noise ordinance. However, Judge Otepka stated city officials didn't seem sure if the

acceptable level of noise was 80 decibels or 60 decibels and that the term adjacent property wasn't clear in the ordinance. Judge Otepka wrote in his decision, "It will not be the court that cures the defect in the ordinance. Rather it will be the city council that ultimately changes the law so that it will be understandable—not just for the planning department and zoning board of appeals but persons of ordinary intelligence including the next person who may be considering Omaha as a place to do business."

NOISE COMPLAINT ABOUT POLICE STATION FAILS

A civil servant who mounted a private prosecution against Croydon police station may have to pay more than £25,000 in cost after losing his case. Conrad De Souza complained that noise generated by food delivery vehicles arriving at and leaving the police station deprived him and his family of sleep, infringing on his human rights, amounting to torture. The Borough Commander, Chief Superintendent Adrian Roberts and police canteen manager Phill Minns were called to Croydon Magistrates court to answer Mr De Souza's summons. De Souza claimed his three children and his wife were woken in the early hours of the morning by the bleeping of sirens from, milk, bread and food delivery trucks and Veolia bin vans. He alleged drivers to the station slammed the gate, dragged the bolt along the concrete and revved their engines loudly. He told the court: "The stress required me to have chiropractic treatment. It has caused me stress and sleep deprivation. It is a situation close to torture conditions." However, Judge Robert Hunter said: "I am not satisfied that the alleged noise nuisance exists. Therefore the complaint fails."

STEREOS SEIZED IN NOISE CRACKDOWN

Nearly 40 stereos, televisions and games consoles, were seized by a Leicestershire noise pollution team in 2010. Hinckley and Bosworth Borough Council's team said the items were confiscated after the offenders failed to stop regular bouts of loud music. The authority had permission to destroy the items but instead donated them to a training charity.

POWER AT A PRICE: COMPLAINTS

As power supply in areas south of Washington DC becomes more erratic, more people are equipping their houses with generators as a back-up. But they are generally very noisy. The noise "has definitely become more of an issue," said Stan Edwards, chief of Montgomery's Environmental Policy and Compliance Division. His Agency responded to 15 complaints of generator noise last year, up from an average of one or two in the past years.

EX-FODEN WORKERS SEEK DAMAGES FOR HEARING LOSS

Dozens of former employees of Sandbach's Foden truck firm could be in line for compensation after suffering hearing loss. Attwood Solicitors has already successfully pursued about 20 claims against the former manufacturing plant. Claimants have received up to about £20,000. The Stoke-based solicitors firm has been running a series of Hearing Day events across the area. Principal solicitor Ashley Attwood said: "We have many clients who worked at Foden between 1959 and 2001. There is evidence that all areas were noisy with clients being exposed to noise from a variety of loud, air-powered hand tools – yet there was no hearing protection.

NO NOISE, NO PAIN?

Scientists at King's College London Dental Institute have created a machine to counter the noise of a dentist's drill. The device integrates a microphone and chip to analyse the sound waves from the drill, then emits sounds that cancel the noise. It tracks volume and frequency, so it works even as the sound changes. The researchers have created a prototype and are seeking to bring it to market.

GLASGOW – ITS NOT AS BAD AS YOU THOUGHT

Results of noise mapping in Glasgow show that 533,800 people suffer noise levels from traffic of 55 decibels, around 171,000 experience 65 decibels, while 3900 live 75 decibels or more.