

▪ **Item 18 – Report from STAAP on the night flights consultation**

▪

Committee: Stansted Airport Advisory Panel Agenda Item

Date: 13th February 2017

Title: Department for Transport (DfT) consultation on proposed night flight restrictions at Heathrow, Gatwick and Stansted

Author: Jeremy Pine, Planning Policy / Development Management Liaison Officer (01799 510460)

Summary

1. This consultation was launched on 12th January 2017, with the new restrictions due to cover a 5-year period until October 2022. The Government says that its intention is to continue to balance the economic benefits of night flights with the effect they have on communities.
2. The Government wants the new restrictions to maintain the status quo in terms of the number of flights, but also to give the industry incentives to continue the improvements in noise performance that are already taking place. The consultation sets out what the Government's new environmental objective is, and how it intends to achieve it through proposed new limits on the number of night flights and noise quotas. The consultation also explains the adjustments to the structure of the regulations that are required in order to ensure that changes in aircraft technology are taken into account.
3. The consultation seeks views and evidence relating to these proposals and is accompanied by an impact assessment looking at the costs and benefits of night flights.

Recommendations

4. That the Panel considers this report and the suggested response to the consultation questions, and advises officers of any changes or additions that it considers ought to be made.
5. That the Panel recommends to Cabinet that it endorses the response, which must be sent to the Government by the deadline date of 28th February.

Financial Implications

6. None.

Background Papers

7. None.

Impact

8.

Communication/Consultation	<p>The consultation runs from 12th January to 28th February 2017. The Council's response will be ratified by Cabinet on 16th February.</p> <p>The consultation document includes a list of the consultation questions, which are appended to this report along with the Council's suggested reply to each. Not all the questions are relevant to Stansted Airport.</p> <p>An impact assessment has also been published, which contains detailed information on the evidence base that the Government has used.</p>
Community Safety	To be taken into account by the Government.
Equalities	To be taken into account by the Government.
Health and Safety	To be taken into account by the Government.
Human Rights/Legal Implications	To be taken into account by the Government.
Sustainability	To be taken into account by the Government.
Ward-specific impacts	Noise from night flights affects those wards which are overflown by departing and / or arriving aircraft at Stansted Airport.
Workforce/Workplace	Officer and Member time in drawing up the Council's response to the consultation.

Situation

9. Night flight restrictions have existed in some form at Stansted Airport since 1978. Since 1993, there has been a limit on the number of flights and the amount of noise energy that can be emitted via a movement limit and a noise quota limit. These limits apply in the night quota period (23:30 – 06:00). In relation to the noise quota limit, each aircraft is assigned a quota count (QC) depending upon its noise performance, some aircraft having a different QC rating for arrival or departure. Many aircraft are less noisy on arrival than on departure. Currently, aircraft are rated in one of seven bands between QC/16 – QC/0.25, although aircraft classified as lower than 84EPNdB are QC–exempt. The very noisiest aircraft (QC/16 and QC/8) are banned from operating at night (23:00 – 07:00) and no QC/4 aircraft can be scheduled in the night quota period. There are procedures within the restrictions for an unused shortfall of the limits to be carried over into the next season; also for an overrun to be carried over but with consequential deductions in the next season’s allocation.

10. A dispensations system is also in operation whereby certain types of movements can be disregarded from the restrictions. These include some flights involving VIPs and relief flights which are given dispensation by a notice from the Secretary of State. Others involve operational matters where the decision is made by the airport manager under powers granted by the Secretary of State.

Current Night Operations

11. The current restrictions run from October 2014 – October 2017. This is deliberately shorter than the usual 5-year period because the Government wanted to wait for and consider the outcome of the Airports Commission’s work on airport capacity before considering any substantial changes. The limits are set seasonally. Stansted’s current limits, which have not changed since 2006, are as follows:

Summer season night movement limit	– 7,000
Summer season noise quota limit	- 4,650
Winter season night movement limit	- 5,000
Winter season noise quota limit	- 3,310

12. This inertia since 2006 has meant that local residents have not experienced any real benefit from the restrictions other than through reduced levels of activity due to the economic downturn: a situation which is now being reversed.

13. The consultation document explains how the night flight restrictions work, and sets out the current position at the 3 designated airports which the Government regulates (Heathrow, Gatwick and Stansted). In relation to

operations at Stansted, the main points to note are:

1) *The entire movement limit was used in summer 2016, and carryover was used. Winter 2015/16 usage was about 62%. In relation to the quota count, summer usage was just under 100% and winter about 67%.*

2) *Low cost carriers constitute about 45% of night movements, largely concentrated at the beginning and end of the night quota period. Freight services are about 35% of night movements.*

3) *There were over 1,000 exempt movements in summer 2016, which is about 5 per night compared to a summer night average of 34 movements that do count under the restrictions. Most of these are small turboprop freighters and business jets, although some of the new larger commercial passenger aircraft could fall into the exempt category under the current restrictions.*

4) *Compared to Heathrow and Gatwick, Stansted uses a far higher proportion of its noise quota limit – approximately 100% in summer 2016 compared to 45% and 79% respectively for the other two airports.*

14. The consultation document details usage of movement limits and quota points since Winter 2006/7. Broadly, summer usage reflects the economic downturn that took place in 2008; winter usage less so, but at lower levels of take-up.

Setting New Restrictions – the Proposed Broad Aims

15. The Government is proposing to set a 5-year regime until October 2022 but, if there are appropriate opportunities to do so before then, to allow more bespoke arrangements to be made that reflect specific local circumstances. Paragraph 2.20 of the consultation document states as follows, referring to Manchester Airports Group's intention to seek planning permission to increase its 35mppa passenger cap:

“Stansted’s intention to seek planning permission in the coming months will give them the opportunity to seek to reach a local agreement on night flight restrictions that is acceptable to both the airport and local communities. Maintaining the existing benefits of night flights while encouraging quieter aircraft and, at the same time, ensuring the airport is not allowed to make more noise than is currently allowed, would avoid making changes that pre-empted these future considerations”.

16. The environmental objective that the Government is proposing for the new restrictions is to:

“Encourage the use of quieter aircraft to limit or reduce the number of people significantly affected by aircraft noise at night, while maintaining the existing benefits of night flights”

Delivery of this objective would be measured by:

- The area of and number of people in the 48dB LAeq 6.5hr night contour
- The average QC per movement, and
- Number of movements in the night quota period

17. Using the 48dB contour reflects increased evidence about the impacts of lower noise levels on sleep disturbance and health. This is welcome, but the Government is not proposing to adopt the World Health Organisation's standard definition of the night noise period, which is 8 hours.

Options and the Balanced Approach

18. To achieve its environmental objective, the Government is proposing 5 policy options. These are (in summary):
1. *Do Nothing – i.e. continue the existing restrictions*
 2. *Implementation of QC/0.125 category, and incorporate QC/0 aircraft into movement limits for all three airports*
 3. *As 2, plus uplift movement limits at Stansted by the current number of QC/0 movements*
 - 4a. *As 3, plus reduce noise quota limits at Heathrow and Gatwick*
 - 4b. *As 4a, plus reduce quota limits gradually over the 5 year regime at all three airports by 20%, for example*

The Government's preferred option is either 4a or 4b, although at Stansted Option 4a has no additional effect over and above Option 3.

19. The consultation document sets out how it could achieve its environmental objective using the "Balanced Approach", which is defined as:

"guidance developed by the International Civil Aviation Organisation to address aircraft noise problems at individual airports in an environmentally responsive and economically responsible way".

20. The sequential options looked at are i) reduction of noise at source, ii) land-use planning and iii) operational procedures before considering the need for operating restrictions. The Government's conclusion on these options is that the first three will offer some benefits, but that the failure to impose any operating restrictions would mean communities would not be adequately protected from the harmful impacts of aircraft noise. As a result, the Government would fail to meet the environmental objective.

Setting New Restrictions – the Proposed Details

21. The proposed changes to the restrictions as they affect operations at Stansted are set out below in bold.

A new QC/0.125 category

22. The justification for setting a new QC/0.125 category is that many airlines are ordering new aircraft that would be QC/0 under the current restrictions, such as the Boeing 737-MAX (Ryanair). This would enable airlines to operate a potentially unlimited number of these aircraft during the night quota period, exposing communities to harmful impacts. A large number of exempt operations would not be in the interests of transparency as communities would not have any idea of the total number of night flights they could be exposed to. The carry over and overrun procedures already add to uncertainty for local residents during each quota season.

All operations by aircraft that remain as QC/0 count towards the movement limit

23. The Government says this would add to transparency and certainty for local communities whilst maintaining incentives for producing and purchasing quieter aircraft. This would have an impact on the total number of flights in the night quota period as only movements granted a dispensation would remain outside the regulations. Few dispensations are granted at Stansted.

***Stansted's winter season movements limit increases from 5,000 to 5,600
Stansted's summer season movements limit increases from 7,000 to 8,100***

24. The Government's reasoning behind this is that the proposal to introduce a QC/0.125 category would have a disproportionate impact at Stansted, as even if the airport operator had used its full carryover and overrun allowances under the existing restrictions it would not have been able to accommodate all of the extra movements if they had counted towards the movement limit. During the recent summer season, 13% of the total night movements were by aircraft that would have been classified QC/0.125.

25. Effectively, the proposed increase in the movements limit authorises a continuation of the status quo at Stansted so that, in the words of the consultation:

"it does not prejudice any local considerations at this stage by making radical changes to the number of flights that are permitted" (Paragraph 3.19)

This again is a clear reference to agreeing a local scheme as part of any future grant of planning permission to raise the passenger cap. The proposal to increase the summer and winter movement limits, albeit to accommodate less noisy aircraft to maintain the status quo, would seem to have the effect of locking in any benefits of extra night flights into the regulatory system without taking into account the effect on local residents.

The current noise quota limits serve as the starting point for considering reductions for the next regime. These are: 3,310 in the winter, 4,650 in the summer

26. By referring to a “starting point” this does not seem to be entirely clear as to its intentions. At Heathrow and Gatwick, the Government is proposing to cut the quota limit by a total of about 20% over the 5-year period because of the greater headway between the quota limit and usage that exists at Heathrow and Gatwick compared to Stansted. Option 4b, however, clearly refers to reducing the quota limit gradually over the 5 year period at Heathrow, Gatwick and Stansted.
27. The Government has published some forecasts of the total estimated movements and noise quota usage under the policy options it has set out from winter 2017/18 to summer 2022. These forecasts are based on a number of assumptions which are set out in the impact assessment. At Stansted, the assumptions are that the airport operator will seek to maximise the number of summer night flights by using up to 10% carry over and overrun, but not the full 20% due to the higher penalties involved.
28. Under Option 4b, significant headway would continue to exist at Stansted between winter movements and quota usage and the relevant caps. In the summer, total movements and quota usage would exceed the caps in all instances except movements in summer 2022. This would require action by the airport operator, most likely using the carry over and overrun procedures as assumed by the Government. A 20% reduction in the noise quota limit over 5 years would result in about 5,500 fewer flights in the night quota period compared to Option 1, resulting in 350 fewer people (around 9%) in the 48dB LAeq 6.5hr night contour

A Locally Negotiated Scheme

29. At this point in time, the Council is not in a position to form a view on whether a local scheme would be desirable and/or achievable. However, the principles of a local scheme are set out by the Government in the 2013 Aviation Policy Framework (Paragraph 3.3);

“We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements”.

Risk Analysis

- 30.

Risk	Likelihood	Impact	Mitigating actions
That there will be increased noise and disturbance for local residents from night flights at Stansted Airport.	2. This is a possibility because the consultation makes it clear that DfT needs to balance the economic benefits of night flights and their environmental effects.	3. More relaxed night flights restrictions could have an adverse effect on the quality of life of local residents.	Reply to the consultation setting out the Council's case for tightening the existing restrictions.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Night flight restrictions consultation

Q1a. How strongly do you agree or disagree with our proposed environmental objective for the next regime?

The Council agrees with the proposed environmental objective, insofar as there needs to be pressure and drivers on the industry to continually reduce the negative impacts that night flights impose on local communities. The environmental objective also recognises the need to balance the economic benefits of night flights with community impact. However, in addition to encouraging the use of less noisy aircraft, it should also ensure that a significant reduction in night time noise occurs. The phrase “limit or reduce” in the environmental objective does not give certainty to local residents that reductions will occur.

Q1b. Do you have any additional comments on our proposed environmental objective for the next regime?

The Council notes the Government's comments on reaching a locally agreed scheme in relation to further development at Stansted Airport. Whilst the Council welcomes the Government's approach in encouraging the use of less noisy aircraft, a firm commitment to reducing night time noise impact over time (such as Option 4b) would be a positive step forward in protecting local communities, and would set a marker for any negotiations between the Council as the local planning authority and the airport operator.

Q2a. How strongly do you agree or disagree with our proposal for the length of the next regime?

The 5-year timescale of the regime should not necessarily be rigidly applied. Whilst there may be a case for controls to be agreed locally, the Council looks to the Government to take a balanced approach and set a regime considering all available evidence. There may be merit in aligning the regime with the consultations on airspace policy and any significant evidential studies on impact.

Q2b. Do you have any additional comments on our proposal for the length of the regime?

Given that there are evidence gaps concerning the long term impact of night noise on health, it is incumbent on the Government to take a precautionary approach when setting the length of the regime. As further evidence becomes available, such as new WHO guidelines, the timetable for reviewing the new regulations should be looked at.

Q3a. How strongly do you agree or disagree with our proposal to introduce a new QC/0.125 category for aircraft between 81 and 83.9 EPNdB?

The Council strongly agrees. Without the introduction of the proposed category, there is the potential for unlimited night time flights to occur, that would have an adverse impact on the local community. The proposal is will assist with transparency over the number of movements and noise quota.

Q3b. How strongly do you agree or disagree with our proposal for all aircraft quieter than this to remain QC/0 but count towards the airports movement limit?

The Council disagrees that all aircraft quieter than 81 EPNdB should remain QC/0. Unless evidence is presented that aircraft under this noise descriptor will not cause adverse impact, it is appropriate that the aircraft should count towards the overall QC and be included within QC/0.125.

Q3c. Do you have any additional comments on proposals for the Quota Count System?

The existing QC system is logical and provides the airports with good levels of flexibility, incentivising the use of quieter aircraft. However, to ensure progress is made, the quota should be reduced over the period of the proposed regime as is implied in Option 4b.

Q4a. How strongly do you agree or disagree with the proposal for movement limits to remain unchanged at Heathrow?

No comment

Q4b. Do you have any additional comments on our proposal for Heathrow's movement limit?

No comment

Q5a. How strongly do you agree or disagree with the proposal for movement limits to remain unchanged at Gatwick?

No Comment

Q5b. Do you have any additional comments on our proposal for Gatwick's movement limit?

No Comment

Q6a. How strongly do you agree or disagree with the proposal to raise Stansted's movement limits to reflect the current number of exempt aircraft in operation?

The Council agrees very strongly that there is a valid and reasonable case for including currently exempt aircraft within the movements limit. Raising the movement limits initially indicates that there is no net benefit to communities, other than for reasons of transparency etc. The Council seeks assurances that this change will not lead to adverse impacts on the community, particularly when considering the potential implications of increased use of carry over and overrun provision.

The Council is concerned that the motive for raising the movements limit appears to be to retain the status quo pending a local agreement, which may or may not prove possible in the future. The impact assessment sets out the general costs and benefits of night flights, but the Council sees no evidence of a specific analysis having been carried out on the costs and benefits of including the 1,700 currently exempt flights a year within the movements limit. Do all these flights have benefits that exceed their costs, or is it just operationally convenient to include them in the movements limit? The 1,700 currently exempt flights would add 16% to the total number of night movements.

Q6b. Do you have any additional comments on our proposal for Stansted's movement limit?

No

Q7a. How strongly do you agree or disagree with our proposals to encourage the use of quieter aircraft at Heathrow

No Comment

Q7b. Do you have any additional comments on how you feel noise quotas can best be set in order to encourage the use of quieter aircraft at Heathrow?

No Comment

Q8a. How strongly do you agree or disagree with our proposals to encourage the use of quieter aircraft at Gatwick?

No Comment

Q8b. Do you have any additional comments on how you feel noise quotas can best be set in order to encourage the use of quieter aircraft at Gatwick?

No Comment

Q9a. How strongly do you agree or disagree with our proposals to encourage the use of quieter aircraft at Stansted?

The Council agrees that the proposals should encourage the use of less noisy aircraft. However, even less noisy aircraft can cause an adverse impact if the quota limit allows more movements to take place and communities perceive that there is more overflying as a result. Therefore, the Government's approach should not only encourage less noisy aircraft but also reduce the overall noise impact on communities.

Q9b. Do you have any additional comments on how you feel noise quotas can best be set in order to encourage the use of quieter aircraft at Stansted?

The Council strongly suggests that the noise quota limit should be reduced year on year to provide on-going pressure in the industry to adopt technological improvements that will reduce the existing impact. It is also now time for there to be additional restrictions on the QC system to prohibit particular aircraft with a high QC from operating at night. It is evident from Figure 11 of the consultation document that QC/4 aircraft now form only a small fraction of one percent of movements at Stansted, and these should now be subject to the same night ban as QC/8 and QC/16 aircraft. Over the last three years, QC/2 aircraft have formed between 8.5% - 4% of total night time movements according to Figure 11. The Government should consider whether the new restrictions should contain a requirement that QC/2 night movements are gradually phased out over the period.

Q10. Do you have any further views on our proposals, or their potential impact on the Government's ability to fulfil the requirements of the Public Sector Equality Duty?

The Council wishes to see the phasing out of the carry over and overrun arrangements. Prolonged use of these at Stansted would disguise and perpetuate higher summer limits which are not transparent and which are not evident from the movement and quota limits set under the restrictions. Certainty and transparency for

local residents can only be achieved by absolute limits, which airport operators will be able to plan for in setting their schedules.