

**Committee:** Stansted Airport Advisory Panel

**Agenda Item**

**Date:** 28<sup>th</sup> January 2014

**4**

**Title:** DfT: Night Flying Restrictions at Heathrow, Gatwick and Stansted, Stage 2 Consultation

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Key decision: No

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## SUMMARY

1. This report is about the DfT's Stage 2 consultation on the new night flying restrictions which are due to be introduced at Stansted when the current restrictions end in October 2014. The DfT's proposal is to roll forward the current restrictions for 3 years, but with some minor modifications.
2. The consultation asks 13 questions (one of which is not relevant to Stansted) and a further 3 questions about the accompanying impact assessment. All the questions are set out for the Panel's information at the end of the report, along with the officers' suggested replies. The Council's response has to be sent to the DfT by 31<sup>st</sup> January.

## RECOMMENDATIONS

3. That the Panel notes the report and advises officers what additional points, or proposed changes, it wishes to be included in the response to the DfT.

## FINANCIAL IMPLICATIONS

4. There are no financial implications associated with this report and its recommendation.

## BACKGROUND PAPERS

5. None.

## IMPACT

- 6.

Communication/Consultation	The DfT has embarked on a two-stage consultation to replace the existing night flying restrictions. The Stage 1 consultation looked at how the existing restrictions have operated and asked for views on the structure and content of the
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	<p>new restrictions. The consultation also sought views on how to assess the costs and benefits of night flying in drawing up the new restrictions. The Panel received a report on the Stage 1 consultation on 11/4/13. The Council's response was sent on 19/4/13.</p> <p>This Stage 2 consultation sets out the Government's proposals for the new restrictions, taking into account the views it received in Stage 1 (which have been published as a Stage 2 consultation annexe), the recently published Aviation Policy Framework (APF) and the results of the Heathrow Operational Freedoms trial.</p> <p>An impact assessment has also been published, which contains detailed information on the evidence base that the DfT has used.</p>
Community Safety	None.
Equalities	None.
Health and Safety	In drawing up the new restrictions, the Government will need to balance any perceived economic benefits of night flights against the effect on human health, especially sleep disturbance.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	The new restrictions will impact all parts of the district overflowed by aircraft at night.
Workforce/Workplace	Officer and Member time in preparing this response.

## THE PROPOSED NEW NIGHT FLYING RESTRICTIONS FOR STANSTED

7. The Government is proposing to roll forward the existing restrictions for a further 3 years until October 2017. The main reason for this is because the Government considers that it would be sensible not to make any significant changes before the Airports Commission has completed its work and the Government has had time to consider the recommendations contained in its final report.

### Movement and quota limits

8. The rolled-forward movement limits for Stansted that will be allowed within the night quota period (23:30 – 06:00) are 5,000 in each of the winter periods from 2014/15 – 2016/17 and 7,000 in each of the summer periods from 2015 – 2017. Since the start of the current restrictions in 2006, the average use of the movements limit at Stansted has been 78%. In winter 2012/13, the total number of movements was 2,876 (57.5%) and in summer 2013 it was 6,003 (85.8%).
  
9. In the impact assessment, the DfT anticipates that a high growth scenario at Stansted would result in the summer movements limit being exceeded round about 2016. In that case the airport operator could exercise its right to carry-over a 10% overrun into the next winter season with a corresponding reduction in the winter allocation. As the DfT does not anticipate that winter movements would exceed 3,500 by 2016/17 (70%), a 10% reduction in the allocation as a result of a previous summer overrun is not likely to challenge the airport operator. The Government is not proposing to change the carry-over rules.
  
10. The DfT's central growth scenario for summer movements and both its high and central growth scenarios for winter movements would not result in the movement limits being exceeded.
  
11. The rolled-forward noise quota limits for Stansted that will be allowed within the night quota period are 3,310 in each of the winter periods from 2014/15 – 2016/17 and 4,650 in each of the summer periods from 2015 – 2017. Both quota limits were reduced annually from the inception of the current restrictions but were frozen from winter 2011/12 onwards. Since the start of the current restrictions in 2006, the average use of the noise quota limits at Stansted has been 71.6%. In winter 2012/13, the number of quota points used was 2,023 (61.1%) and in summer 2013 it was 3,513 (75.5%).
  
12. In the impact assessment, the DfT's high and central growth scenarios do not indicate that either the winter or summer quota limits would be exceeded, although the high growth scenario would be close to the limit by 2017. If the quota limit had continued to be reduced after 2012 however, it is likely that a high growth scenario would exceed the limit in summer 2017. In that theoretical case, the airport operator could again exercise its carry-over rights.

### Ban of noisiest aircraft (QC8/16)

13. At the moment, QC8/16 rated aircraft are not permitted to take off in the night period (23:00 – 07:00) except between 23:00 – 23:30 when:
  - scheduled take-off was prior to 23:00
  - the take-off was delayed for reasons beyond the control of the aircraft operator;and

- the airport operator has not given notice to the aircraft operator precluding take-off.

14. In 2011, there was one QC8 cargo departure at Stansted between 23:00 – 23:30, and in 2012 there was one QC8 passenger departure (a privately operated flight by a state owned aircraft). There were no QC16 departures at Stansted in either year. Unscheduled arrivals rated at QC8/16 are not currently prohibited during the night period, but an aircraft this noisy on arrival would most likely be a “Chapter 2” aircraft which was phased out in 2002.

15. The Government is proposing to extend the operational ban on QC8/16 aircraft to include 23:00 – 23:30. The costs to the aviation industry are described as negligible, but in support of the change the DfT says (paragraph 4.46):

*“The operational ban will, however, have the benefit of giving greater certainty that no such noise events may occur and so should prevent any awakenings caused by movements (albeit rare) of these noisier aircraft types”.*

Your officers’ view is that this extension to the operational ban would, of itself, be a minute benefit to residents affected by noise from Stansted Airport. It will not outweigh the uplift in night movements that rolling forward the existing regulations will support as airport throughput increases.

16. There currently is a scheduling ban on QC4 aircraft in the night quota period, and the Government is not proposing to change this.

#### Dispensations

17. Dispensations are movements that occur during the night quota period but which may be disregarded from the night restrictions. The Government considers that it needs to retain the power to issue dispensations in exceptional circumstances. It also considers that airports need to retain the power to issue dispensations in circumstances prescribed by the Government, such as long delays caused by disruption outside their control. At Stansted there have been 14 summer dispensations since 2007 and none in the winter.

18. The guidelines have been revised by the Government to give further examples of dispensations in exceptional circumstances such as closure of airspace due to volcanic ash, changes to airspace arrangements that may impact on flight schedules, and to allow for future trials such as might result from the work of the Airports Commission.

#### The health effects of night flights

19. The consultation includes a brief commentary on new or emerging evidence. It recaps the 2009 WHO guidelines that no adverse effects on sleep occur at exposures below 40dB L<sub>night</sub>. Above 55dB L<sub>night</sub>, the situation is considered “increasingly dangerous” for public health. It mentions the CAA’s review “Aircraft

Noise, Sleep Disturbance and Health Effects”, which was published in January alongside the Stage 1 consultation. The conclusions of the CAA review were that findings were not conclusive and were often contradictory, highlighting the practical difficulties in designing studies of this nature. It acknowledged that, based on existing evidence, it is possible that exposure to aircraft noise may be a risk factor for cardiovascular disease.

20. The consultation refers, amongst other studies, to the recently published research in the British Medical Journal by Imperial and Kings Colleges, London (Small Area Health Statistics Unit – SAHSU) comparing data on day and night-time aircraft noise with hospital admissions and mortality rates among a population of 3.6 million people living near Heathrow Airport. The risks were around 10 to 20% higher in areas with the highest level of aircraft noise compared to areas with least noise, raising the possibility that aircraft noise is a contributory factor to the incidence of strokes, heart disease and high blood pressure.

21. The DfT’s conclusions are (paragraph 2.27):

*“As the SAHSU results for night noise exposure are broadly consistent with the previously published work from the World Health Organisation, we do not consider that there is a need to change the balance which we currently propose to strike between the costs and benefits of the current night flying restrictions. There are still a number of uncertainties in the studies which would need to be explored further. The results of the studies will be fully evaluated, and alongside other existing evidence will be used to help inform our policy development in the future”.*

#### Environmental Objectives

22. As indicated in the Stage 1 consultation, the Stage 2 consultation sets out the proposed environmental objectives that the Government will set at the level of individual airports before adopting operating restrictions. The proposed objectives apply to all three airports.

23. The proposed objectives are set out in the table below. The rationale for each is that set out by the DfT in the consultation document. Other current environmental objectives were related to the 2003 Air Transport White Paper and are no longer relevant as they do not reflect current Government policy.

<b>Environmental Objective</b>	<b>Rationale</b>	<b>How it will be measured</b>
1. Limit and where possible reduce the number of people significantly affected by aircraft noise at night.	Reflects the Government's overall policy on aviation noise set out in the APF.	Area and number of people within the 6.5 hour night quota period contours, and in particular the 55dB contour.
2. Reduce sleep disturbance resulting from use of the noisiest types of aircraft.	Similar to one of the existing noise abatement objectives. The operational ban extension proposed for QC8/16 aircraft will result in QC4 being the noisiest types in operation.	Number of movements of the noisiest types of aircraft (QC4 and above) during the night quota period.
3. Maintain a stable regulatory regime pending decisions on future airport capacity and, at Gatwick and Stansted in particular, to allow growth in movements up to existing night movement limits and within noise quotas.	To allow sustainable growth at Stansted back to pre-recession levels whilst ensuring that the average QC points per movement, assuming full use of the movement and noise quota, will be below that permitted under the current regime. This is consistent with the promotion of the development of airport capacity in harmony with the environment.	Movements and noise quota used in the night quota period
4. Encourage the use of quieter aircraft during the night quota period so as to maintain the historic reduction in noise emitted per aircraft movement during the night quota period.	Adapted from two of the current objectives. QC points per movement are a key indicator of historic trends and of the contribution of noise reduction at source.	Average QC points per movement.

### Other matters

24. The DfT notes the willingness of the aviation industry to explore steeper approaches up to 3.25 degrees. Given the possible resultant noise benefits, the DfT believes that it would be realistic to implement trials during the next regime to assess fully the operational implications and changes in noise. The Council supports such trials.
25. The Stage 1 consultation raised the possibility of a night-time runway preference scheme being introduced at Stansted. The Council was sceptical about the overall benefits of a scheme, and the DfT agrees that there is no conclusive data to

suggest that there would be any major benefit in operating a scheme.

26. The DfT has looked at the evidence that was provided during the Stage 1 consultation about implementing displaced landing thresholds. The Council supported this, subject to technical considerations, but the DfT considers that the costs are likely to outweigh the benefits. It was considered that there might be some small benefit to residents to the northeast of the runway, but the airport operator argued that there would be significant infrastructure costs as well as an increase in taxi time, fuel burn, ground noise and emissions.

## Risk Analysis

27.

Risk	Likelihood	Impact	Mitigating actions
<p>That the new night flights restrictions implemented in 2014 have a detrimental impact on the quality of life of local residents.</p>	<p>2. There is some risk because the Government has to balance the economic case for night flights against the local environmental considerations.</p> <p>Whilst the Government is proposing to roll forward the existing movement and quota limits, Stansted currently operates well within both. However, the headway will be reduced as passenger (and cargo) throughput</p>	<p>2. Any increase in night flights would affect the quality of life of local residents.</p>	<p>The Council has the opportunity to respond to the DfT's Stage 2 consultation.</p>

	increases along with the number of air transport movements.		
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- 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.

Summary of Questions (*Officers' comments are included in italics under the relevant question*).

CONSULTATION DOCUMENT QUESTIONS

Q1: Do you agree with our preliminary view as to the new studies on health effects?

*The preliminary view is that there is no need to change the balance which the DfT proposes to strike between the costs and benefits of the current restrictions. The Council welcomes the conclusions of the SASHU study which reinforce those of the WHO that adverse effects on sleep become increasingly dangerous above 55 dB Lnight. The Council is concerned, however, that uncertainties about causality (especially at below 55 dB but above 40 dB) will always be used as a reason to do nothing further. An inherent problem with all health studies of this type is the transient nature of the surrounding resident population.*

Q2: Do you have any further views on the costs and benefits, including health impacts, which we should take into account in our decision?

No.

Q3: Do you agree with the proposed environmental objectives?

E01: *Yes as a short term aim, but the wording of the objective does have an inbuilt bias against those who are affected by night noise but who live in the countryside. Whilst the objective is perfectly measurable via the 55 dB contour, it could be argued that future expansion at Stansted (instead of, say, at Heathrow) would automatically meet the objective's wording simply because fewer people live within the Stansted 55 dB Lnight contour than within the similar one for Heathrow. This objective reflects the noise efficiency metric proposed by the Airports Commission, to which this Council has objected. This objective is not therefore suitable in the longer term. The Council is pleased to note that the Airports Commission has not shortlisted a hub airport at Stansted for Phase 2 consideration citing, amongst other things, its lack of potential to address noise impacts compared to a Thames Estuary hub (Paragraph 6.50 of the Commission's interim report).*

E02: *Yes, but the Council questions what the actual effect of this objective would be on*

*local residents. Table 9 of the Stage 1 consultation annex shows that even aircraft rated as QC2 account for only 5% of movements during the night quota period at Stansted. QC2 aircraft represent a similarly low percentage at Gatwick, but a much higher percentage at Heathrow (about 48%), mainly due to Boeing 747-400 arrivals. No doubt airlines would argue a strong business case for the continuation of QC2 movements at night at Heathrow, but the case seems less obvious at Stansted. As background noise levels are lower in the countryside, the DfT should include QC2 rated aircraft within the definition of “noisiest types of aircraft” at Stansted.*

*E03: Yes in so far as rolling forward the existing regime is a reasonable interim proposal pending the outcome of the Airports Commission. It is disappointing that the freeze in the noise quota limit that has been in place since 2012 will again be rolled forward until 2017, as this gives little incentive for airport operators to seek to improve the night noise climate.*

*E04: No. Whilst the aim is laudable and the objective is measurable via the average QC points per movement, it is unclear what is meant by “encourage”. Would there be any sanction if the average QC points per movement increased?*

**Q4:** Do you agree that the next regime should last until October 2017?

*Yes, in order to be able to meet the stated aim of taking into account the Airports Commission’s final report, which is due to be published in 2015. The Council remains of the view that it would be better in the longer term for regimes to become aligned with noise action plans produced by the airport operator.*

**Q5:** Do you have any views on the revised dispensations guidance?

*Dispensations do not seem to be a significant issue at Stansted, but the revised guidelines do seem fair.*

**Q6:** Do you agree that we should maintain the existing movement and noise quota limits until October 2017? If not, please set out your preferred options and reasons – this could include the noise and economic impact of any alternatives.

*No. It is disappointing that the proposed restrictions yet again roll forward the noise quota limits of 3,310 and 4,650 which have been in place since winter 2011/12 and summer 2012 respectively. As passenger and cargo throughput at Stansted Airport is expected to grow from now until 2017, the restrictions are unlikely to prove challenging to the airport operator as there is considerable unused headroom within the existing scheme, plus scope to use the 10% overrun arrangements should the need arise.*

*The impact assessment accompanying the consultation forecasts only a possible small exceedance of the summer movement limit at Stansted in 2017 under the high growth scenario. However there is no similar exceedance of the quota limit, which indicates to the Council that the summer quota limit is too generous. It is during the summer months that residents may wish to sleep with windows open. A simple extrapolation repeating the rate of quota limit reduction that took place from summer 2007 to 2012 would cause a summer exceedance in 2017, and would be more challenging for the airport operator.*

Q7: Do you have any comments on our forecasts to October 2017?

*Looking at Tables 1 to 10 in Annex B, the areas contained within the 3 dB stepped contours are remarkably consistent between the three airports in both the central and high growth scenarios. Stansted, of course, has a lower population and household density within each contour compared to Heathrow and Gatwick because of its countryside location. The Council's response to proposed Environmental Objective 1 is relevant here.*

Q8: Do you have any views on how the benefits of quieter aircraft can be shared in future between communities living close to the airport and the aviation industry?

*On this issue, paragraph 4.40 of the consultation suggests trading off quieter flights for increased capacity, or more predictable periods of respite with higher numbers of total flights. In the Council's view, the use of less noisy aircraft should not be rewarded by more night flights as this would seem to partly defeat the object. The Council has supported the provision of a respite period at Stansted between 02:00 – 06:00, but not at the expense of increased night flights during the rest of the night period.*

Q9(a): Do you agree with extending the operational ban of QC8/16 aircraft to the entire night period (23:00 – 07:00)?

*Yes, but in relation to night flights at Stansted Airport this represents only a minute benefit. It will not outweigh the uplift in night movements that rolling forward the existing regulations will support as the airport's throughput increases.*

Q9(b): Do you agree with our assessment of the costs and benefits in the draft IA?

*See answers to IA questions 2 and 3 below.*

Q10: Are there any other changes to the regime which we should consider?

*No.*

Q11: Do you have any further comments on the scope for trialling new operational procedures which have potential noise reduction benefits in the period up to 2017?

*The Council still considers that there is a good case for trialling a respite period at Stansted from 02:00 – 06:00, especially as the consultation says in paragraph 5.30 that Heathrow's voluntary agreement appears to be working well. Also, voluntary curfews are supported in the APF. As only 25% of Stansted's night movements are after 02:00, it is not clear why it would be impractical to trail one in the short term. Paragraph 5.30 of the consultation says that it is clear that there would be a number of costs and benefits which would have to be explored further in taking forward options in the future. The implication from this is that a trial would not be initiated until after 2017, pushing the prospect of a*

*finalised arrangement further into the medium or longer term. One of the best ways to evaluate these costs and benefits would be to initiate a trial. It is always easy to find reasons not to do things.*

*The Council agrees that it should be realistic to trial 3.25 degree descents during the next restrictions period.*

Q12: Are there any other matters you think this consultation should cover?

No.

Q13: *(Question specific to the operation of Heathrow)*

## IMPACT ASSESSMENT QUESTIONS

Q1: Do you agree with our assessment of how movements and quota usage are likely to change over the period to the end of the summer season 2017 at Stansted?

*Winter movements at Stansted have been erratic during the night quota period since 2008/09, and this has been reflected in the usage of quota points. The impact assessment acknowledges that there is inherent uncertainty surrounding future growth in night movements at the airport. The Council agrees with this, and a large unknown will be the marketing success (or otherwise) of M.A.G in attracting new airlines to Stansted during the period to 2017. However, use of observed night movement growth rates prior to the economic downturn and DfT forecasts of atm growth up to 2020 would seem to be prudent.*

Q2: Do you agree with our assessment of the costs and benefits of option 1 at Stansted? Would you expect there to be any additional costs and benefits?

*(Note: Option 1 is rolling forward the existing restrictions)*

*Yes. The existing restrictions are being rolled forward in a situation where the movement and quota limits do not restrict the current number of night flights, and are unlikely to do so until 2017 using the DfT's forecasts in the impact assessment. No additional costs and benefits are anticipated.*

Q3: Do you agree with our assessment of the costs and benefits of option 2 at Stansted? Would you expect there to be any additional costs and benefits?

*(Note: Option 2 is rolling forward the existing restrictions plus extending the existing operational ban on QC8/16 aircraft to 23:00 – 23:30)*

*See answer to Question 9(a). The impact assessment says of the extension to the operational ban: "It will, however, have the benefit of certainty that no such noise events will occur and will prevent any awakenings caused by movements of these noisier aircraft"*

*types". The Council thinks this is an overestimation of the overall benefit to residents living around Stansted as recently there has been only one QC8 departure between 23:00 – 23:30 each year. Being awakened by an aircraft that is not as noisy as it could have been does not seem to the Council to be much of a benefit.*