



Uttlesford District Council

Chief Executive: Dawn French

Stansted Airport Advisory Panel Remote Meeting

Date: Wednesday, 19th May, 2021

Time: 6.00 pm

Venue: Zoom - <https://zoom.us/>

Chairman: Councillor D Eke

Members: Councillors M Caton, A Dean, P Fairhurst, M Foley, V Isham,
G LeCount, M Lemon, S Luck and N Reeve

AGENDA

1 Election of Chair

To receive nominations and elect a Chair in the absence of Councillor Eke.

2 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

3 Minutes of the Previous Meeting

3 - 8

To consider the minutes of the previous meeting.

4 Night Flights Consultation

9 - 36

To consider Government consultation on night flight restrictions at Heathrow, Gatwick and Stansted Airports beyond 2024, plus national night flights policy.

5 Government Consultation on Aviation Tax Reform

37 - 50

To consider Government consultation on aviation tax reform

6 General Update on Aviation Matters

51 - 58

To consider the general update on aviation matters.

For information about this meeting please contact Democratic Services

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STANSTED AIRPORT ADVISORY PANEL held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on TUESDAY, 26 FEBRUARY 2019 at 7.00 pm

Present: Councillor K Artus (Chairman)
Councillors P Fairhurst, D Jones and M Lemon

Officers in attendance: A Mawson (Democratic Services Officer) and J Pine (Planning Policy/Development Management Liaison Officer)

SP1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors T Farthing, M Foley, A Gerard, T Goddard, G LeCount, H Ryles. T Cobden (Principal Environmental Health Officer) and R Harborough (Director – Public Services).

SP2 **MINUTES OF THE PREVIOUS MEETING**

The notes from the previous meeting held on 20 March 2018 were received and signed as an accurate record.

SP3 **UTT/18/0460/FUL - ARRANGEMENTS FOR MONITORING THE S196 AGREEMENT AND PLANNING CONDITIONS**

The Chairman said that from the last meeting they were very concerned with how the expansion of Stansted and the transport infrastructure outside the airport related to the Local Plan. The Chairman asked the Planning Policy/Development Management Liaison Officer to bear that in mind when the S106 agreements were discussed.

The Chairman requested that the next update to the Panel on S106 should focus more on outcomes.

The Planning Policy/Development Management Liaison Officer took the Panel through the report, and the Panel noted the monitoring arrangements that would be put in place.

The Planning Policy/Development Management Liaison Officer noted the following points for the Panel:

The S106 was in its draft form. The Secretary of State for Housing, Communities and Local Government (SSHCLG) had not yet determined whether to call in the application or to leave the council to issue the decision notice. The process is also subject to a challenge from Stop Stansted Expansion against the Secretary of State for Transport in concluding that the proposals did not constitute a Nationally Significant Infrastructure Project. The action is currently stayed until a date to be arranged in March.

The Panel discussed the intention of rolling the S106 agreements into one for monitoring, and the reasons as to why this had not happened. The S106 monitoring was now the remit of the development management team and a new S106 monitoring and enforcement officer had been appointed. The Development Management team would manage the obligations in all of the three agreements.

The Chairman asked the Planning Policy/Development Management Liaison Officer that the triggers in the agreements should relate to throughput rather than time or construction where possible. It was noted that in the past some obligations had not been triggered as a result of the economic downturn and construction changes.

Councillor Fairhurst said that he had concerns about timing; there was a possibility that permission would be granted before mitigation is established. He said that the previous agreements had been aspirational with no real outcomes.

The Chairman agreed with Councillor Fairhurst, and cited noise as an example.

The Chairman asked the Planning Policy/Development Management Liaison Officer when the Panel could expect to see a draft of the S106 agreement.

The Planning Policy/Development Management Liaison Officer said it would be available once counsel had advised that it was ready to be published.

Councillor Fairhurst asked if it would make more sense to have a discussion about it before it was published, so that the Panel could have an input in the process. The Panel agreed that it would be good to see it and make comments before publishing.

Councillor Jones asked that the Panel have a close look to ensure that everything in the S106 was enforceable.

The Chairman asked the Planning Policy/Development Management Liaison Officer to provide the Panel with the S106 schedule, and to communicate the Panel's wishes to management.

The Panel discussed the Airport's Transport Forum and raised concerns that the forum was more of a monitoring body. The Panel said that it wanted more action from the Forum.

Councillor Fairhurst asked if the Panel could be involved in highways issues as one of the major impacts of the airport was on the district's roads.

The Planning Policy/Development Management Liaison Officer said that when dealing with rail and highways, the Forum had less ability to secure action in the short term because of the nature of the infrastructure planning process. However, funding was available to mitigate effects on local roads that were caused by airport related traffic. Proposals regarding busses could be turned

around more quickly because bus and coach operators worked to shorter lead-in timescales and had good buy-in to the Forum.

The Chairman said that there is a disconnect with the expansion of the airport and the Local Plan, and the Stansted Airport Transport Forum should be looking more strategically at those issues as well, its remit should be more encompassing.

Councillor Fairhurst asked if it was possible to have decision makers present at the Forum, such as the ECC Highways Cabinet member and a rail franchisee. The Planning Policy / Development Management Liaison Officer pointed out that both ECC Highways and the rail operators already attended the relevant Forum working groups and Steering Group.

The Chairman asked the Planning Policy/Development Management Liaison Officer to question the overall remit of the Airport Transport Forum at the Annual Assembly on Thursday. The Planning Policy/Development Management Liaison Officer said that he would raise these matters at the Forum Steering Group as that would be the most appropriate audience. Revised terms of reference for the Forum were being launched at the Annual Assembly.

The Panel said that there was a disconnect between land use and airspace planning, and various government documents.

Councillor Lemon told the Panel that despite best efforts representatives from Stansted Airport have not attended the Uttlesford Transport Forum. The Chairman asked who he wanted to attend and said he would approach them.

The Panel said that there was also a disconnection between the different modes of public transport in and around the airport site, and that timetables did not meet the needs of airport commuters. The Planning Policy / Development Management Liaison Officer explained that this was particularly an issue with rail where track repossession for overnight maintenance was required.

The Planning Policy/Development Management Liaison Officer said he would explore the representation of the Development Management team at the Panel in view of the internal reorganisation within planning services.

Actions:

- Consideration be given to using throughput triggers in the S106 agreements rather than time or construction where possible.
- To request that the Panel be provided with the draft S106 agreement schedule, to enable the Panel to make comments before it was published.
- The Panel's concerns that the conditions in the S106 should be enforceable would be addressed.
- A review of the remit of the Airport Transport Forum should be raised with the Forum.
- Appropriate representation of the Development Management team at the next Panel meeting to be arranged.

SP4 **AIRCRAFT MOVEMENTS DATA**

The Planning Policy/Development Management Liaison Officer took the Panel through the Aircraft Movement Data.

The Panel said that Stansted Airport should not be permitted to carry over unused night flight quota allowances into the following season. They also wanted an annual quota rather than different quotas for the summer and winter periods.

The Panel noted that the night movement data reported to the Stansted Airport Advisory Committee reported to the council by MAG contained some discrepancies for January to March 2018. MAG had acknowledged these discrepancies and had confirmed that the QC and movement quotas for that winter period had not been exceeded.

The night noise restrictions regime is set by the government. The Chairman said that he would seek clarification of the discrepancies from MAG.

The respective merits of using LEQ contours and N-numbers for noise metrics were discussed. The Chairman said that averaging noise exposure did not reflect the experience of those affected, but the number of noise events would.

The Planning Policy/Development Management Liaison Officer said that the Government was currently consulting on a new UK Aviation Strategy to 2050, and that a consultation on the next night flight restrictions would start in the latter part of the year.

Action

- Chairman to clarify points on aircraft movement data with MAG.

SP5 **AIRPORT CAR PARKING UPDATE**

The Planning Policy/Development Management Liaison Officer took the Panel through the Airport Car Parking Update.

Councillor Jones said that there had been a marked improvement now that NEPP were monitoring the area more closely.

Councillor Fairhurst raised concerns about moving the problem elsewhere. He said that there were already huge pressures on people trying to get to the airport. As a result the residents in the local areas suffer.

The Panel discussed what is done around other international airports abroad. Councillor Fairhurst said that alternatives that actually work needed to be discussed.

Councillor Jones said that the problem of local opportunist car parks was rife. Unlicensed agents parked cars elsewhere in places like Priors Green generating

local traffic movement. Councillor Lemon said that this was starting to happen in Hatfield Heath too, mentioning Pond Lane in particular.

The Chairman said that there needed to be a simpler way of controlling on-street parking that distinguished airport related parking from residents parking. He suggested using an automatic number plate recognition system.

Councillor Fairhurst asked if systems could be deployed on an experimental basis. He specifically mentioned off-airport licensed car parking using shuttle busses.

The Chairman said the Panel could recommend that the Cabinet explore alternatives for controlling airport parking, and that the new Local Plan Policy SP11 had been amended to allow for this in appropriate circumstances.

Councillor Jones also said that there were large areas suitable for parking within the airport boundary which were not being used.

The Chairman said that the Panel could make a recommendation to Cabinet that Stansted Airport consider opening these areas.

The Panel said that the airport needs to take responsibility and provide solutions to the local issues that arise from airport parking.

The Planning Policy/Development Management Liaison Officer and members discussed the actions currently being taken as set out in paragraph 26 of the report.

Action

- The Panel propose ideas for alternative airport parking ideas and ask MAG about the potential for additional parking within the airport site.

SP6

ENVIRONMENTAL HEALTH (COMMERCIAL REPORT IMPACT AND RISK PLANNING EU EXIT - NO DEAL SCENARIO

The Planning Policy/Development Management Liaison Officer advised that the Principal Environmental Health Officer was not at the meeting however he would take any questions that the Members had about the report back to be answered.

Councillor Fairhurst said that Stansted would be one of the main points of contact with complex planning for risk. He asked how advanced these plans were and how much UDC knew about them. There was already chaos at passport control when things were working normally and a number of planes landed close together.

SP7

DRAFT NOISE ACTION PLAN

The Chairman took the Panel through the Draft Noise Action Plan 2019-2023 which is appended to these notes.

Councillor Fairhurst asked whether the Noise Action Plan would be reviewed by a noise specialist.

The Chairman said that the Noise Action Plan was not legally binding. It was aspirational and that there were no sanctions on an airport operator for not having one, but that it would be worth commenting on it.

SP8 **ANY OTHER BUSINESS**

Councillor Jones asked the Chairman for an update on pedestrian access to the airport.

The Chairman said that he had been in contact with the airport's Planning Manager about the pedestrian and cycle access plans into the facilities from the roundabout on Parsonage Road just outside the perimeter, but he had not received a response.

The Chairman thanked the Planning Policy/Development Management Liaison Officer for his assistance.

Finally the Chairman drew the Panel's attention to a topical article in the Daily Express.

The meeting ended at 8.35pm.

Committee:	Stansted Airport Advisory Panel	Date:	Wednesday, 19 May 2021
Title:	Government consultation on night flights restrictions at Heathrow, Gatwick and Stansted Airports beyond 2024, plus national night flights policy.		
Portfolio Holder:			
Report Author:	Jeremy Pine, Senior Planning Policy Officer jpine@uttlesford.gov.uk	Key decision:	N

Summary and Context

1. The consultation as originally published in December 2020 had two main purposes. The first was to consult on a proposal to maintain the existing night flight restrictions at the designated airports (Heathrow, Gatwick and Stansted) from October 2022 until October 2024 and to ban QC4 rated aircraft movements during the Night Quota Period (NQP) between 2330 and 0600. The second purpose (the subject of this current consultation) is to seek early views and evidence about future night flight policy both at the designated airports and nationally beyond 2024.
2. Publication was delayed due to the pandemic and to Department for Transport (DfT) staff being seconded from their normal roles to restart and recovery.
3. The consultation on the first purpose closed on 3rd March. The Council submitted its response by that deadline following an informal meeting of members of the Panel on 16th February. The Government's decision on the night flights regime that is to commence in October 2022 is anticipated this July. Officers understand that the results of the most recent night-time social survey study (SoNA-14 Night) were to have been published by DfT in time for this consultation, but that will not now occur. DfT will need to decide how this is to feed into the consultation once it is published.
4. This report sets out how officers think the Council should respond to this current consultation. A virtual meeting between DfT and the Strategic Aviation Special Interest Group (SASIG) of the Local Government Association to discuss the consultation took place on 20th April. The consultation was also discussed at a virtual meeting of DfT's Airspace and Noise Engagement Group on 22nd April, at which SASIG was represented.
5. This consultation, coupled with the earlier one, is Stage 1 of a two-stage process. The early views and evidence gathered at this stage will be used to inform policy options for the long-term proposals. The Stage 2 consultation

(which is due to be launched in summer 2022) will include specific proposals for national night flight policy and for the subsequent restrictions regime at the designated airports beyond October 2024.

Recommendations

6. That the Panel:
 - i) considers the officers' response to the second purpose of the consultation and advises of any changes it would like made, and
 - ii) endorses the final response which will then be put to Cabinet for ratification.

Financial Implications

7. None.

Background Papers

8. None.

Impact

- 9.

Communication/Consultation	This consultation runs until <u>31st May 2021</u> .
Community Safety	To be considered by the Government.
Equalities	To be considered by the Government.
Health and Safety	To be considered by the Government.
Human Rights/Legal Implications	To be considered by the Government.
Sustainability	To be considered by the Government.
Ward-specific impacts	Those parts of the District affected by night flights.
Workforce/Workplace	Officer and Member time in considering the Council's response.

Situation

10. The consultation is available on gov.uk, an updated link to which is given here - <https://www.gov.uk/government/consultations/night-flights-restrictions-at-heathrow-gatwick-and-stansted-airports-beyond-2024-plus-national-night->

11. The consultation is an industry-wide one. It is not expected that consultees will respond to every question. Some questions seem to be directed towards the aviation industry, and others to individual consultees rather than groups or organisations. Responses are preferred via an online form, or by email, but can be submitted by letter.
12. It is not intended to go through each question individually in this report, but rather to concentrate on the main issues that could affect the District. Once the response has been agreed, it is suggested that officers complete the detailed reply via the online questions as set out in [Appendix A](#). In the remainder of this report, officers' comments are in **bold** to distinguish them from the explanatory text.
13. [Appendix B](#) sets out how the existing night flight restrictions work, and how they evolved from the previous ones which expired in October 2017.

Background

14. In the consultation, the Government says that it:

“recognises that noise from aircraft taking off and landing at night is often regarded by communities as the most disturbing form of airport operations. We also recognise that there is evidence, including in the World Health Organisation’s revised Environmental Noise Guidelines for the European Region, that sleep disturbance caused by aircraft night operations can have adverse health impacts on overflowed communities.

At the same time, the aviation sector has material value to the economy and night flights are an important contributor to this at many airports. The aviation industry plays a significant role in the UK economy and it connects people and UK businesses with the world. Prior to the coronavirus (COVID-19) pandemic, the UK’s aviation network was the third largest in the world, after the USA and China. In 2019, UK airports served over 370 destinations in around 100 countries and handled over 297 million passengers. Aviation also facilitates global trade with £95 billion of goods exported by air extra-EU countries in 2018. The sector directly provided around 230,000 jobs with many more employed indirectly and the sector contributed at least £22 billion annually to UK gross domestic product (GDP).

The COVID-19 pandemic has had a profound impact on the aviation sector. The core focus in government at this time is combatting coronavirus and working with the sector on restart and recovery. The report of the Global Travel Taskforce, published in November, is the next step towards recovery

for the travel and tourism sectors. It is nevertheless important that we continue to work on longer-term priorities, including those relating to aviation noise and night flights.

COVID-19 has meant that many people have had to profoundly change the way they live, work and travel. It is therefore sensible that the government explores how these changes in behaviours should influence future policy decisions.

It is also important the government finds the right balance between limiting the adverse environmental impacts that night flights have on communities, while supporting the aviation sector (passenger, freight, general aviation and so on), and the businesses that depend on the availability of night flights to deliver critical goods and services”.

Dispensations

- 15.** At this stage, the Government is seeking views on its night flights dispensation policy. The way the policy operates is set out in Appendix B. Annex E of this consultation contains a review of airport dispensation reports between 2016-19.

- 16.** In summary, the Government says that it does not have significant concerns over the use of dispensation powers. It does say that interpretation of the accompanying guidance by some has meant that some movement dispensations may not strictly meet the criteria. The Government intends to refine the guidance to improve clarity particularly around delays caused by weather, industrial action and network capacity and publish before October 2022. The Government also proposes that the guidance clarifies the process by which an airport’s decision to grant a dispensation can be rejected by the Secretary of State where the dispensation does not meet the criteria.

- 17.** In relation to Stansted Airport, Annex E advises that dispensations are generally not applied for during the winter season as there is greater unused capacity at that time and an ability to absorb unscheduled night movements into the seasonal quota. However, the airport is particularly prone to disruption and delay during the summer season, possibly due to the low-cost business model that requires multiple rotations of aircraft and which does not provide much resilience. The charts provided within Annex E indicate that in summer 2018 there were 1,722 dispensations granted at Stansted, which:
 - constituted 17.9% of total night movements
 - were mostly granted for arrivals between 23:30 – 00:30,
 - were mostly for network capacity reasons, and
 - were mostly granted to Ryanair (88% of the total).

18. In Annex E the Government comments that network capacity delays mostly result from restrictions, imposed by air traffic control (ATC), on particularly busy ATC sectors due to high volumes of traffic and staffing levels to safely transit aircraft through the sector. It wrote to each designated airport in summer 2018 to state that this type of delay, without an underlying cause that is exceptional, does not meet the dispensation criteria. The Government does, however, acknowledge the efforts made to address the need for dispensations, which reduced to 379 at Stansted in summer 2019.

19. To improve dispensations transparency, the Government proposes to:

- make the dispensation process more transparent through greater scrutiny at an airport's noise and track keeping group (at Stansted this is a sub-group of the Stansted Airport Consultative Committee),
- provide guidance to airports on the information they should share with the public and on websites, and
- implement periodic reviews of dispensations, which could be commissioned either from the Independent Commission on Civil Aviation Noise (ICCAN) or the Civil Aviation Authority (CAA).

20. The measures set out in paragraph 19 are all sensible and should be adopted without delay. An obvious question to ask is what the greater scrutiny at the noise and track keeping group would involve, including if there would be any powers to act if the group considered that the airport operator was being, or was still being less than transparent.

21. The review responsibility should ideally go to ICCAN, which was established at the start of 2019 as an impartial advisory body on all matters relating to civil aviation and how it affects communities. ICCAN's new Corporate Strategy 2021-2024 includes a longer-term ambition to empower people through being engaged and informed on issues related to aviation noise. ICCAN could also publish the guidance on the information that airports should share with the public and how it is provided, including ease of accessibility on websites.

22. The Government's aim in redefining and clarifying its guidance to airport operators should be to prevent the return of a high level of post-pandemic dispensations.

Structure of the restrictions regime beyond 2024

23. The Government is consulting on the length of the next regime beyond 2024. It asks whether there would be benefits from a much longer regime (10+ years). Historically, regimes have been for 5 years or shorter, which some stakeholders have indicated does not allow for long-term planning. The

Government has remarked that it has not proposed a regime of shorter than 3 years, as consultation and notification requirements would mean that consultations on the subsequent regime would need to start soon after the new regime was coming into effect. On page 1 of Annex C, the Government says:

“it is equally important to acknowledge that there are still two years remaining of the current night flight regime and further evaluation of the regime will take place and be set out as part of the second stage consultation on the night flights regime in 2022”.

24. With shorter regimes, there is little time to analyse their effect once implemented before consultation starts on the next regime. In this current case, the start of the consultation was delayed due to the pandemic. If it had not been delayed, there would still only have been about 18 months to assess the effect of the introduction of the new QC0.125 category before the new consultation started. With proposed shorter regimes, the temptation is always to roll forward the previous one under a stopgap pretext (as has occurred) on the presumption that a longer regime that can incorporate more change will follow. Rolling forward is often an easy way out, although understandable from 2022-2024 to allow a fuller appreciation of the effects of the pandemic.

25. It is considered that there would be benefits to having longer regimes (10+ years). In particular:

- there would be adequate time for a mid-regime review (led perhaps by ICCAN) that could feed into the consultation on the next regime,
- airport operators and airlines would have more time to plan to meet medium and longer term targets, which could justifiably be more challenging due to the longer lead-in times, and
- there should be more certainty for residents over what would happen in the longer term.

The QC system and related matters

26. The Government is of the view that the QC system (which has been in place since 1993) continues to be the best for limiting noise at the designated airports. Annex B contains more information on how the system works (as does Appendix B), as well as a CAA study on QC classifications. The QC system is an averaging based one, as it allows the operation of a larger number of less noisy aircraft or a smaller number of noisier ones within the same tariff.

27. Disturbance and dissatisfaction are events-based issues and not averaged or aggregated ones. What matters today to residents is the

number of night flights and whether they are genuinely needed. In ICCAN's 2020 review of aviation noise metrics and measurement, it continues to support use of averaging metrics for noise monitoring and statutory reporting where appropriate. However, it also recommends that supplementary single event metrics are routinely published by airports to better reflect the way in which noise is experienced on the ground. The 2022 Stage 2 consultation should consider the efficacy of a trial regime at one of the designated airports (or a volunteer airport) based on single event metrics that could perhaps replace both QC and movement limits in the longer term.

A new QC category

28. An option is to introduce a new QC category (QC0.0625) for aircraft between 78 – 80.9 EPNdB. QC0 would then relate to aircraft rated 77.9 EPNdB and below. Annex H contains a list of aircraft expected to be covered under the new category and contains some illustrative footprints at 60dBLA_{max} compared to the Airbus A320neo, which is QC0.125 on arrival and departure. Generally, QC0.0625 aircraft would be business jets and propeller-driven aircraft. On westerly Clacton departures, for instance, the population size and number of households within the footprint would halve. The Government says in Annex H that:

“whilst the noise footprints of a new QC0.0625 rated aircraft would be significantly smaller than the A320neo, the impacts of a QC0.0625 aircraft are not insignificant”.

Reintroduce an exempt category

29. Under the 2017 restrictions, the Government removed an exempt category for the least noisy aircraft, to provide more transparency, meaning that all QC0 aircraft still counted towards the movements limit (see Appendix B). This has led to the business general aviation sector stating that there have been times when it could not obtain, at short notice, sufficient night slots to deliver services which were previously able to operate at night as exempt flights. According to Annex D, there were 297 QC0 flights at Stansted during the winter 2018/19 and summer 2019 seasons compared to 0 at Heathrow and 18 at Gatwick.
30. The Government is suggesting reintroducing an exempt category which could be QC based, or based on aircraft size and/or weight, passenger loading or variations thereof. It asks whether the economic benefits of these movements outweigh the adverse health impacts. An option to reintroducing an exempt category would be a ring-fencing system for QC0 aircraft to ensure a fair share of night slots are available for commercial passengers, dedicated freight and business general aviation. The ring-fencing system could include guidance to airports and/or the scheduling committees, or a legal mechanism supported by the night flights regime.

Re-baseline the noise quota system

31. In recent years, new QC categories have been introduced to account for less noisy aircraft that were not in operation when the system was introduced in 1993. Decimalisation has been used for aircraft in categories less noisy than QC1, progressively QC0.5, QC0.25, QC0.125 with a now proposed QC0.0625. This seems very complicated, and the Government is suggesting re-baselining to ensure there is no current classification less than QC1. For instance, the current noisiest aircraft would become QC16 and QC8 and the QC0.5 - 0.125 categories would become QC4 – 1. The simpler decimalised categories could then be reserved for future generations of aircraft with lower noise signatures.

Night Quota Period (23:30 – 06:00)

32. The Government says it is open to broadening the NQP to 23:00 – 07:00 to be consistent with the full Night Period. Movement and QC limits would need to reflect movements that already take place in the shoulder periods. A mechanism might be needed if evidence shows certain periods of the night are more sensitive for communities than others.

Banning the noisiest aircraft

33. The Government says it is open to extending the operational ban that it is proposing on QC4 aircraft during the NQP up to 2024 (see Part 1 consultation) to the full Night Period beyond 2024. It also remarks that there are relatively few QC2 rated aircraft operating at night at the designated airports and is interested in exploring whether there is potential to introduce a scheduling ban on QC movements beyond 2024 during the NQP and eventually to the full Night Period.

34. Introducing a new QC0.0625 category would be a logical progression of technological advance, coupled with scheduling and/or operational bans referred to in Paragraph 33. In summer 2019, QC2 movements at Stansted during the NQP were only 3% of the total (277/8455), which is approximately the percentage that they have been for a while now. Moving aircraft from QC0 to QC0.0625 would be in line with Paragraph 3.3 of the 2013 Aviation Policy Framework, which expects the aviation industry to share the benefits of technology improvements between itself and local communities.

35. Re-baselining the system would make it easier to understand, but any “rounding up” or “rounding down” that is necessary should have an overall neutral effect.

36. On the evidence of what has happened in the past at Stansted, the reintroduction of an exempt category is not favoured due to the

potentially high number of exempt aircraft that could operate at the airport (170 during summer 2019) according to Annex D). Basing an exemption on aircraft size and/or weight, passenger loading or variations thereof (see Paragraph 30) could be complicated and lack transparency. A ring-fencing system would seem the best option to meet the concerns of the business general aviation sector, but this really is a matter for the airlines and airport operator. The abolition of an exempt category was bound to result in teething problems, but that is no reason to reverse the decision now.

37. If the NQP is broadened to the full Night Period, the QC and movement limits would need to be adjusted to reflect movements in the existing shoulder periods, which are busy – especially 06:00 – 07:00. At Stansted, the declared summer 2020 and winter 20/21 capacity for the runway is a maximum of 33 departures from 06:00 – 06:59 within an overall declared capacity of 50 2-way movements (summer) and 44 (winter). It would not be acceptable for any broadening of the NQP to allow (in particular) the earlier or later movement of aircraft in the first and last waves unless part of a prior consultation with local communities.
38. Any such consultation should also consider whether respite should be offered (say between 01:00 – 05:00) when no movements other than emergencies would be allowed. In the background section to the national night flight policy part of the consultation, the Government says it expects the industry to seek ways to provide respite wherever possible and to minimise the demand for night flights where alternatives are available. It is a pity that the results of the SoNA-14 Night study are not yet available, which DfT has acknowledged is unfortunate. According to information contained in Stansted Airport's Noise Complaints Analysis Report 2020, from 2016-2020 the greatest intensity of complaints registered were during the evening shoulder period, followed by the morning shoulder period.

Managing night noise through QC limits only

39. Subject to changing primary legislation, the Government thinks it would be possible to have a future regime based on QC limits only, without any movement limits. It thinks this could incentivise the use of quieter aircraft.
40. Whilst this may be possible, it is certainly not desirable. Movements limits are an integral part of the International Civil Aviation Organisation's (ICAO) Balanced Approach to dealing with aviation noise and have consistently been imposed at Stansted. In the absence of a movements limit, it would be possible for an airport operator to double the number of movements (say by operating QC0.25 instead of QC0.5 aircraft) and stay within a QC limit, which would certainly be noticeable to local communities.

Unused allocation during seasons

41. The Government explains that the movement and QC limits are split into separate quota pools by the respective airports' scheduling committees. Within the scheduled service pool, each airline that has a service during the NQP is allocated a proportion of the pool, and they report to the airport when they use part of their allocation. If a service that is scheduled for the NQP actually operates during the day period, it can "bank" that allocation for use later in the season.
42. **So long as the "banked" allocation is used during the season, either by that airline or another and not as carry-over (see next paragraph), there should be a neutral effect.**

Carry-over of limits between seasons

43. The existing regime allows airport operators to carry over limits between seasons and borrow from future seasons (see Appendix B). The Government comments that an important aspect of this is to allow operators to manage Easter movements which can fall in either the winter/spring or summer seasons. However, airports have often used the process to increase the limit on a regular basis, calling into question whether the current process remains appropriate and proportional. Annex D indicates that Stansted has exceeded its summer movements limit (whilst staying within the QC limit) from 2016 – 2019.
44. **The Council should again urge the phasing out of the carry over and overrun arrangements. Prolonged use of these at Stansted both disguises and perpetuates 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. If the new regime were to be longer than 5 years in duration, this would assist airport operators in their longer-term planning. Easter dates are known for many years ahead and should be able to be planned for within existing and proposed QC and movement limits.**

National night flight policy

45. The Government's approach to managing aircraft noise is based on the principles of the ICAO Balanced Approach, which takes into account both health and economic factors. The Balanced Approach sets out four pillars to managing noise, which are sequential in nature:

1. Noise reduction through technology

2. *Improving noise perception through better noise planning*
3. *Noise reduction through better operation*
4. *Operating restrictions on aircraft if the other three pillars are exhausted*

46. Under the Balanced Approach (the operation of which is set out in Annex A), operating restrictions should only be introduced at airports if there are no other ways of achieving the desired benefits. The APF recognises that the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance. However, it also recognises the importance to the UK economy of certain types of flights, such as express freight services, which may only be viable if they operate at night.

47. The Government has consistently argued that night flight restrictions under Pillar 4 are needed at the designated airports, and it is not changing its view in this consultation.

48. The Government says it expects the aviation industry to make extra efforts to reduce and mitigate noise from night flights, such as by encouraging the use of best-in-class aircraft and best practice operating procedures. It also expects the industry to seek ways to provide respite wherever possible and to minimise the demand for night flights where alternatives are available (see paragraph 38 of this report).

49. The Government is keen to explore how future technology will benefit communities, consumers and the industry. Noise at source (and carbon) has been reduced through advances in airframe and engine technology, but it is unclear what future technological advances will be, and whether there will continue to be reductions in both forms of environmental emission.

50. Noise reduction through technology is Pillar 1 of the Balanced Approach, but this is insufficient in itself to adequately mitigate the adverse environmental effects of night flights. The Government is right to exercise caution over the future contribution that technology can make, particularly in the short term. Technological improvements tend to come mainly in steps from the introduction of new generations of aircraft rather than gradually year-on-year, and Stansted has a relatively modern fleet mix. There is also a need to fully understand how new aircraft and engine technologies will affect noise signatures and noise mapping.

Proposal to include a night noise reference in the Government's noise objective

51. In the APF, the Government's overall policy on aviation noise is:

“to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry”.

52. The Government is asking whether there should be specific reference to the balance between the impacts of night noise and the economic benefits of both passenger and freight operations. It is suggesting the following addition:

“There should be a balance between the local and national economic and consumer benefits of night flights, both in terms of passenger and freight operations, against their social and health implications, in line with the ICAO Balanced Approach”.

53. The intent of this expanded overall policy would be to provide a framework when competent authorities set individual noise abatement objectives at airports. In particular, the Government would expect local planning authorities, when assessing a planning application, to consider this overall policy and ensure that both national and local factors are taken into account when making its decision.

54. The Council should support the proposal to include a night flights reference in the Government's overall policy. This would be consistent with Section 2 of the National Planning Policy Framework which sets out overarching but interdependent objectives (*economic, social and environmental*) as a means of achieving sustainable development. The expanded policy would put airport operators on notice that the full effects of night flights should be set out in environmental statements that accompany planning applications at both designated and non-designated airports.

Airport designation

55. Stansted has been designated for the purpose of avoiding, limiting or mitigating the effect from aircraft noise since 1971. The Government recognises that there are currently no criteria for deciding whether an airport should be designated in England or Wales. There could be a number of factors, such as population affected, number of night flights, or the strategic importance of any airports. The Government is not proposing to designate or de-designate any airport as part of this consultation but is open to considering criteria for designation.

56. As Stansted is already a designated airport, and its de-designation is not proposed, this is somewhat of a redundant issue for the Council. SASIG's view, as expressed at the meeting with DfT, is that any

proposals for the designation of other airports would need clear grounds and a degree of pragmatism. Many smaller airports are less noise sensitive, and noise is locally managed via discussions with communities. Officers suggest that the Council endorses SASIG's view on the designation of other airports.

Risk Analysis

57.

Risk	Likelihood	Impact	Mitigating actions
The Government is not able to take the Council's views into account as part of the consultation process.	1 The consultation process is designed to allow all views to be considered.	2 Greater weight could be given to the economic case for night flights than to the environmental case for their restriction.	Respond to the consultation.

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.

STANSTED AIRPORT ADVISORY PANEL

Night flights consultation.

Appendix A Consultation Questions – Suggested Response

What are your views on the findings of the night flight dispensation review?

The findings are not a surprise, and generally seem to reflect a lack of scheduling resilience in the low fares airline model, with the final leg of the last rotation taking place close to the Night Quota Period. The reduction in dispensations granted at Stansted in summer 2019 compared to summer 2018 is encouraging, although the 8,100 movements limit was still exceeded. Current operating conditions are clearly unrepresentative, but the Government's aim in redefining and clarifying its guidance to airport operators should be to prevent a high level of post-pandemic dispensations returning.

What are your views on the proposals for the night flight dispensation review?

The three proposals to increase transparency are all sensible and should be adopted without delay. An obvious question to ask is what the greater scrutiny at the noise and track keeping group would involve, including if there would be any powers to act if the group considered that the airport operator was being, or was still being less than transparent.

The responsibility for periodic reviews of dispensations should ideally go to ICCAN, which was established at the start of 2019 as an impartial advisory body on all matters relating to civil aviation and how it affects communities. ICCAN's new Corporate Strategy 2021-2024 includes a longer-term ambition to empower people through being engaged and informed on issues related to aviation noise. ICCAN could also publish the guidance on the information that airports should share with the public and how it is provided, including ease of accessibility on websites.

Should disruption due to local weather qualify for dispensations?

Not in situations where adverse local weather is forecast and can be planned for, Annex E highlighting snow and ice, particularly in relation to departures. However, the Government does acknowledge in the consultation that the guidance is unclear where the threshold for wide-spread and prolonged weather disruption is. This should be clarified, although no two instances will be the same.

Should disruption due to en-route weather qualify for dispensations?

Yes, but only in the circumstances set out in Annex F – *“Unscheduled landings in the night period arising from diversions from other airports due to weather conditions provided an aircraft had taken off unaware that its intended destination was unavailable”*.

Should disruption due to foreign airport weather qualify for dispensations?

See answer to previous question.

Should disruption caused by ATC industrial action qualify for dispensations?

No. The point of industrial action is to inconvenience the aviation industry, not local residents.

Should disruption caused by industrial action by airport staff qualify for dispensations?

See answer to previous question.

Should disruption caused by industrial action by airline staff qualify for dispensations?

See answer to question on ATC industrial action.

Should network capacity delays qualify for dispensations?

No. The Government’s letter to each designated airport in 2018 made it clear that airspace capacity related delays, without an underlying cause that is exceptional, do not meet dispensation criteria. Airlines and airport operators should plan summer schedules with “headroom” built into the QC and movement limits to accommodate these delays.

Should delays caused by serious criminal or terrorist activity that affect multiple flights qualify for dispensations?

The Government says in the consultation that it does not expect drone incursions or other criminal or terrorist activity to become more frequent. In these circumstances dispensations could be allowed to ensure public safety, but this would be a judgement call between the airport operator and the police.

Should cumulative delays qualify for dispensations?

Not after the point that the circumstance that led to the delay is no longer ongoing.

Should dispensations be permitted for flights delayed to the NQP due to a medical emergency that has passed?

This would probably be a relatively local effect, so dispensations should only be granted for aircraft that were en-route at the time the emergency started.

Should dispensations be permitted for flights delayed to the NQP due to a police emergency (for example a disruptive passenger) that has passed?

See answer to previous question.

Should dispensations be permitted for the repositioning of emergency service (including medical transplant) aircraft?

Yes, where the judgement is that an out-of-position aircraft may pose a risk to health.

Should dispensations on the basis of reducing carbon emissions be permitted?

No, and it is doubtful whether affected local residents would be sympathetic to this type of dispensation on a flight-by-flight basis. Reducing carbon emissions is already the main policy goal for airspace management above 7,000 feet where noise is less of a factor and is also a prime motivator for airspace modernisation. In the Aviation 2050 consultation, the Government proposed a new measure to set a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This would bring national aviation noise policy in line with airspace policy in the DfT's 2017 Air Navigation Guidance to the CAA.

Should pre-emptive dispensations be permitted?

No. The Council understands that this is a practice adopted only at Heathrow in order to land aircraft early on poor weather days to avoid later knock-on effects that could extend into the night period. This would seem to imply that the weather has been forecast and can therefore be planned for.

Should dispensations be granted for information technology failures?

No. The industry should have back-up plans to deal with IT failures.

If you have further views on the guidance allowing airport operators to grant dispensations, please provide it here?

The Council acknowledges that it is very difficult to tailor guidance to fit all situations where the duration and nature of incidents will inevitably vary. However, the general point made in Annex F that dispensations would not be appropriate when airport operators have reasonable time to rearrange their schedules should apply.

What are your views on government dispensations overall?

The Council notes that the Secretary of State has provided dispensations in exceptional circumstances to allow aerodromes to recover from prolonged disruption. Whilst there are no objections to this, the Government should clarify in guidance that dispensations will generally only be granted for a limited period to allow replanning.

What length should the night flight regime beyond 2024 be?

It should ideally be 10+ years in length.

How do you think the length of regime will affect you?

With shorter regimes, there is little time to analyse their effect once implemented before consultation starts on the next regime. In this current case, the start of the consultation was delayed due to the pandemic. If it had not been delayed, there would still only have been about 18 months to assess the effect of the introduction of the new QC0.125 category before the new consultation started. With proposed shorter regimes, the temptation is always to roll forward the previous one under a stopgap pretext (as has occurred) on the presumption that a longer regime that can incorporate more change will follow. Rolling forward is often an easy way out, although understandable from 2022-2024 to allow a fuller appreciation of the effects of the pandemic.

It is considered that there would be benefits to having longer regimes (10+ years). In particular:

- there would be adequate time for a mid-regime review (led perhaps by ICCAN) that could feed into the consultation on the next regime,
- airport operators and airlines would have more time to plan to meet medium and longer term targets, which could justifiably be more challenging due to the longer lead-in times, and
- there should be more certainty for residents over what would happen in the longer term.

Do you think that QC is the best system for limiting noise at the designated airports?

Not on its own. Disturbance and dissatisfaction are events-based issues and not averaged or aggregated ones. What matters today to residents is the number of night flights and whether they are genuinely needed. In ICCAN's 2020 review of aviation noise metrics and measurement, it continues to support use of averaging metrics for noise monitoring and statutory reporting where appropriate. However, it also recommends that supplementary single event metrics are routinely published by airports to better reflect the way in which noise is experienced on the ground. The 2022 Stage 2 consultation should consider the efficacy of a trial regime at one of the designated airports (or a volunteer airport) based on single event metrics that could perhaps replace both QC and movement limits in the longer term.

What do you think are the:

- advantages of changing to a new system?
- disadvantages of changing to a new system?

This would depend upon what system is chosen. A new system could be advantageous if it is events-based, allows only night flights which are genuinely needed, and which allows targets to be set that share the benefits of technological improvement between the industry and local communities as set out in the 2013 Aviation Policy Framework (APF). The main disadvantage of a new system might be inability to compare historically if different metrics are used.

Do you have evidence of other noise management regimes being used elsewhere and how they compare with the current system?

No, but the Council is aware of a 2004 European Commission study on the different aspects of noise limits at airports.

Should we introduce an additional QC category for quieter aircraft in the longer-term?

Yes. Introducing a new QC0.0625 category would be a logical progression of technological advance, coupled with scheduling and/or operational bans referred to in the consultation. Moving aircraft from QC0 to QC0.0625 would be in line with paragraph 3.3 of the APF, which expects the aviation industry to share the benefits of technology improvements between itself and local communities.

Should the government reintroduce an exempt category?

No. On the evidence of what has happened in the past at Stansted, the reintroduction of an exempt category is not favoured due to the potentially high number of exempt aircraft that could operate at the airport (170 during summer 2019 according to Annex D). Basing an exemption on aircraft size and/or weight, passenger loading or variations thereof could be complicated and lack transparency.

Do you think we should re-baseline the night quota system in the longer-term?

Yes. Re-baselining the system would make it easier to understand, but any “rounding up” or “rounding down” that is necessary should have an overall neutral effect.

What factors should we consider when anticipating how to best future proof a re-baselined QC system?

This will depend partly upon how far is looked into the future. A main issue to consider will be future fleet mixes – are they more likely to be dominated by smaller aircraft doing point-to-point journeys? What will be the uptake of electrical aircraft

and would this change noise signatures?

What costs, if any, would you anticipate in re-baselining the QC system?

No specific direct costs for local authorities, other than familiarisation time for both officers and members.

Would you be impacted if the NQP was extended to 11pm to 7am?

For local communities, this would depend upon whether there was a material impact on the occurrence of noise throughout the extended NQP. According to information contained in Stansted Airport's Noise Complaints Analysis Report 2020, from 2016 – 2020 the greatest intensity of complaints registered were during the evening shoulder period followed by the morning shoulder period.

If the NQP is broadened to the full Night Period, the QC and movement limits would need to be adjusted to reflect movements in the existing shoulder periods, which are busy – especially 06:00 – 07:00. At Stansted, the declared summer 2020 and winter 20/21 capacity for the runway is a maximum of 33 departures from 06:00 – 06:59 within an overall declared capacity of 50 2-way movements (summer) and 44 (winter). It would not be acceptable for any broadening of the NQP to allow (in particular) the earlier or later movement of aircraft in the first and last waves unless part of a prior consultation with local communities. Any such consultation should also consider whether respite should be offered (say between 01:00 – 05:00) when no movements other than emergencies would be allowed.

Do you think night flights in certain hours of the NQP have a greater impact on local communities than other times of the NQP?

Not sure, but in the background section to the national night flight policy part of the consultation, the Government says it expects the industry to seek ways to provide respite wherever possible and to minimise the demand for night flights where alternatives are available. It is a pity that the results of the SoNA-14 Night study are not yet available, which DfT has acknowledged is unfortunate.

Would a mechanism that disincentivises aircraft movements in periods of the night that are more sensitive for communities impact you?

This really is a question for individual residents to answer based on their own experience.

What would be the impact on you if QC4 rated aircraft movements were banned between 11pm and 7am after October 2024?

Unlikely to be very significant at Stansted due to the nature of the fleet mix at that time. However, within the APF requirement to share the benefits of technology

between the industry and local communities it would be worthwhile.

What would be the impact on you if a scheduling ban was placed on QC2 rated aircraft movements between 11.30pm and 6am after October 2024?

Unlikely to be very significant at Stansted due to the likely nature of the fleet mix at that time. However, within the APF requirement to share the benefits of technology between the industry and local communities it would be worthwhile. In summer 2019, QC2 movements at Stansted during the NQP were only 3% of the total (277/8455), which is approximately the percentage that they have been for a while now.

What would be the impact on you or your business if a scheduling ban was placed on QC2 rated aircraft movements between 11pm and 7am after October 2024?

Unlikely to be very significant at Stansted due to the likely nature of the fleet mix at that time. However, within the APF requirement to share the benefits of technology between the industry and local communities it would be worthwhile.

If bans are introduced should the implementation be staged?

No. See answers to the three previous questions.

In a future regime how should we manage the number of aircraft movements (detailing the airport or airports relevant to your view)?

In relation to Stansted Airport, there should continue to be a movements limit which should be reduced over time to accommodate only night flights that are deemed essential.

In a future regime how should we manage an airports' noise allowances (detailing the airport or airports relevant to your view)?

In relation to Stansted Airport, there should continue to be a quota cap which should be reduced over time to accommodate only night flights that are deemed essential and to share the benefits of new technology between the industry and local communities.

Should we remove the movement limit and manage night flights through a QC limit only?

No. Movements limits are an integral part of the International Civil Aviation Organisation's (ICAO) Balanced Approach to dealing with aviation noise and have consistently been imposed at Stansted. In the absence of a movements limit, it

would be possible for an airport operator to double the number of movements (say by operating QC0.25 instead of QC0.5 aircraft) and stay within a QC limit, which would certainly be noticeable to local communities.

Should we introduce a ring-fencing mechanism to ensure night slots are available for:

- commercial passengers?
- dedicated freight?
- business general aviation?

This is a matter between the airport operator, airlines and the slot coordinator.

Should an airline be able to use unused allowances later in the season?

Yes, within that same season.

If the government decided that unused allowances should be returned to the airport's pool, what would be the impacts on:

- communities?
- airports?
- airport users?
- airlines?
- business in and around airports?

So long as the "banked" allocation is used during that season, either by that airline or another one and not as carry-over, there should be a neutral effect.

Do you agree or disagree that the current carry-over process benefits you?

Disagree that the current carry-over process benefits local residents. The Council again urges the phasing out of the carry over and overrun arrangements. Prolonged use of these at Stansted both disguises and perpetuates 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. If the new regime were to be longer than 5 years in duration, this would assist airport operators in their longer-term planning. Easter dates are known for many years ahead and should be able to be planned for within existing and proposed QC and movement limits.

What changes, if any, would you like to see to the carry-over process and how would this impact you?

The Council would like to see this process phased out.

How fair a balance between health and economic objectives do you think our current night flight approach is?

The current approach seems skewed towards economic objectives rather than health ones. A weighting towards health would imply an 8-hour NQP, rather than the current 6.5 hours. The 6.5 hour NQP would seem to allow 4 rotations of each aircraft under the low fares model, which causes issues of dispensations to arise as dealt with earlier in the consultation.

What are your views on the health impacts of aviation noise at night, including potential impacts on different groups in society?

The Council's view is that they are serious, and notes what the Government says in the consultation that it expects the aviation industry to make extra efforts to reduce and mitigate noise from night flights, and to seek ways to provide respite where possible and to minimise demand for night flights where alternatives are available. This reflects the Government's ambition in Aviation 2050 to reduce noise and minimise health effects, including by reviewing and improving noise insulation schemes. (Council underlining).

What are your views on the economic value of night flights, including the potential value on different businesses and aviation sectors?

The Council's view is that the economic benefits of night flights are always presumed but are not set out on a type-by-type basis. There needs to be a balanced assessment of their economic value against environmental effects and the establishment of a new post-pandemic baseline ought to be a good opportunity for this.

What are your views on changes to aircraft noise at night as result of the COVID-19 pandemic?

At Stansted this should be reduced due to a severe downturn in passenger traffic, but with cargo operations holding up. Information provided by Stansted Airport's Managing Director to the meeting of the Stansted Airport Consultative Committee in April 2021 indicates that, in the year to February 2021, the total number of NQP movements and QC points used approximately halved from the same period to February 2020, just before the first lockdown. This can be seen in the context of an 88% fall in passenger numbers (with overnight terminal closures) and a 70% fall in all movements in the same period, but an 8% increase in cargo ATMs.

Interestingly, when comparing noise complaints received at Stansted Airport in 2019 compared to 2020, there were more complaints in 2020 in the evening shoulder and core night periods than in 2019, although a slightly reduced number in the morning shoulder period. These figures exclude multiple complainers.

What are the advantages or disadvantages that the emergence of new technology will have in relation to night noise from aircraft within the next 10 years?

This is difficult to say with any certainty. New propulsion technologies are likely to take longer than 10 years to become operational to any degree, so what will be locked in will be benefits from new generation aircraft coming onstream within that period. Emerging navigation techniques such as PBN could change noise signatures depending upon the solutions that they enable, such as “concentration versus dispersal” of flightpaths.

Should we include a reference to night noise when we publish a revised aviation noise objective?

Yes.

What factors relating to night noise should we include if we do introduce a noise reference in our revised aviation noise objective?

The additional statement set out in the consultation seems appropriate. From the Council’s point of view as a local planning authority, it would be consistent with Section 2 of the National Planning Policy Framework which sets out overarching but interdependent objectives (*economic, social and environmental*) as a means of achieving sustainable development. The expanded policy would put airport operators on notice that the full effects of night flights should be set out in environmental statements that accompany planning applications at both designated and non-designated airports.

Should the government set criteria for airport designation?

No comment, as Stansted is a designated airport and there are no proposals to de-designate it.

What do you think are the:

- advantages to the government setting criteria for airport designation?
- disadvantages to the government setting criteria for airport designation?

No comment.

What factors, if any, do you think we should consider when setting criteria for designation?

Any proposals for the designation of other airports would need clear grounds and a degree of pragmatism. Many smaller airports are less noise sensitive, and noise is locally managed via discussions with communities.

How should any criteria for designation be agreed?

No comment.

What impact, if any, do you think the designation of an airport have on:

- communities?
- airports?
- airport users?
- airlines?
- business in and around airports?

No comment.

What impact, if any, do you think the de-designation of an already designated airport (Heathrow, Gatwick, Stansted) will have on:

- communities?
- airports?
- airport users?
- airlines?
- business in and around airports?

A potentially disastrous effect on communities in the absence of a suitable replacement scheme. Much would therefore depend upon what is put in its place and who the responsible authority would be for running any replacement scheme. The Council would expect any replacement scheme to be based both on an up-to-date assessment of the economic benefits vs the environmental disbenefits of night flights and on research into which types of night flights are truly essential to the economy. Flights deemed to be non-essential should either be rescheduled for the day period or, if they do still fly during the night period, incur a higher tariff.

Any other comments? *(Note: this question seems to have been omitted from the latest version of the online consultation, but officers will work these comments into the Council's response).*

There should not be a presumption on returning to the pre-pandemic night flying status quo, which might not occur anyway with a new baseline. For instance, new integrators, such as Amazon, do more daytime flying. The Council strongly considers that, post-pandemic, there is a good opportunity to establish a new night flights baseline and to fully review the economic need for each category of night flights against their environmental disbenefits. From the Council's perspective, the starting point should be that any benefits which have accrued to local communities from reduced night flying over the pandemic period should be captured into a new regime.

Appendix B The Existing Night Flights Restrictions

The Current Restrictions

1.1. The current restrictions were published in July 2017, took effect in October 2017 and are due to expire in October 2022.

1.2. The restrictions are based on a winter and a summer season, the triggers for which are the change to and from Greenwich Mean Time and British Summer Time, resulting in the summer season being longer. The restrictions work by placing limits within both seasons on the number of aircraft that can fly at night (movement limit) and the total amount of noise energy that they can generate (noise quota). The restrictions apply within the night quota period (23:30 – 06:00), which is not the same as the night period (23:00 – 07:00). The remaining hours of 23:00 – 23:30 and 06:00 – 07:00 are known as the shoulder periods within which there are some restrictions on the type of aircraft that can fly. At Stansted Airport, the morning shoulder period is particularly busy with the first wave of departures of home-based aircraft on quick rotations as part of the low fares business model. The evening shoulder period is busy with last wave arrivals.

1.3. The noise quota is the seasonal total of the quota counts (QC) ascribed to each individual aircraft arrival or departure during the night quota period. The QC is the weighting attributed to the arrival or departure of a specified aircraft type by reference to its certified noise performance, divided into 3EPNdb bands¹. Aircraft types can be rated in a different QC band for arrivals and departures. The following table sets out the current aircraft noise classifications. When referring to aircraft by QC type, they are known as QC16, QC4, and QC0.125 etc:

Noise classification (EPNdb)	Quota Count (QC)	Comments
More than 101.9	16	Operational ban within night period.
99 – 101.9	8	Operational ban within night period.
96 – 98.9	4	Scheduling ban within night quota period, but no outright operational ban at the moment.
93 – 95.9	2	Commonly operate during the night quota period.
90 – 92.9	1	Commonly operate during the night quota period.
87 – 89.9	0.5	Commonly operate during the night quota period.
84 – 86.9	0.25	Commonly operate during the night quota period.
81 – 83.9	0.125	From October 2018, this was added as a new category in the current restrictions as these aircraft can still expose affected communities to noise levels capable of causing sleep disturbance. This category prevents a proliferation of exempt aircraft and incentivises the

¹ EPNdb is Effective Perceived Noise Decibels – a specialized noise unit used for aircraft noise certification tests.

		use of quieter aircraft at night. Many of these aircraft are business jets.
Less than 81	0	Count towards the movements limit, but not the quota count. The reason for this is to ensure greater transparency and certainty for communities whilst maintaining incentives for producing and purchasing quieter aircraft.

Dispensations

1.4. Under Section 78(5)(f) of the Civil Aviation Act 1982, the Secretary of State for Transport can grant dispensations such that particular movements are disregarded from the night flight restrictions. As a general principle, these dispensations relate to state matters, where they are required as a result of a Government decision, or where circumstances are so exceptional that the airport's operations become a matter of national interest. The headline categories are as follows:

- 1. Flights involving VIPs – but this does not include businesspeople or celebrities, and also excludes positioning flights,*
- 2. Relief flights – but this does not include the carriage of the media or their equipment*
- 3. Military aircraft, war / hostilities – to meet contingency arrangements, but not once time has been had to assess the situation and make alternative arrangements,*
- 4. Exceptional circumstances – such as recovering from prolonged disruption – (the volcanic ash crisis in 2010 was an example), and*
- 5. Changes to airspace arrangements as a result of Government decisions – such as flypasts where aircraft scheduled to land or depart during the day have had to be delayed, or the establishment of air exclusion zones (2012 Olympic Games).*

1.5. Under Section 78(4) of the same Act, the Secretary of State has the power to specify in a notice circumstances in which movements may be disregarded by the airport manager, who is then under a duty to notify the Secretary of State in writing within one week of the dispensation occurring. As a general principle, these dispensations should be used in relation to operational matters affecting a small number of flights. The headline categories are as follows:

- 1. Emergencies – where there is an immediate danger to human or animal life or health,*
- 2. Widespread and prolonged air traffic disruption – such as caused by computer problems or localised weather conditions that were not anticipated, and*
- 3. Delays as a result of disruption leading to serious hardship and congestion at the airfield or terminal.*

The movement and noise quota limits at Stansted Airport

1.6. The following table sets out the current limits for Stansted. For comparison purposes, it includes the limits from the previous restrictions which ran from October 2014 to October 2017.

Type of limit	2014-17	Current restrictions
Summer night movement limit	7,000	8,100
Summer night quota limit	4,650	4,650
Winter night movement limit	5,000	5,600
Winter night quota limit	3,310	3,310

1.7. In the DfT’s decision document of July 2017, the following explanation was given for the upward adjustment of the movement limits in both summer and winter (Paragraph 5.16):

“in order to accommodate the number of movements of aircraft that have until this point been exempt from the restrictions. Airlines have planned their operations at Stansted under the rules that have been in place for many years and failing to make this adjustment would mean we would not achieve the aspect of the environmental objective concerned with maintaining the existing benefits of night flights. While this will not reduce Stansted’s movement limits to below the airport’s current level of movements, the combination of changes that we are proposing will mean communities do experience a benefit through being exposed to fewer flights that would otherwise be expected if no action was taken to prevent a proliferation of exempt aircraft”.

1.8. Similarly, the following explanation was given (Paragraph 6.26) for freezing the quota limits:

“We continue to think the current noise quota represents a suitable level given that more aircraft movements will have to be accommodated within it. This will incentivise airlines to use quieter aircraft so they can make full use of Stansted’s adjusted movements limits”.

Carry-over (and overrun)

1.9. One feature of the restrictions is what is known as carry-over and overrun arrangements which give the airport flexibility to defer or bring forward movements and quota allowance from one season to the next. These arrangements were also part of the earlier restrictions. In the DfT’s January 2017 consultation document, it gave the following explanation for these arrangements (Paragraph 1.15):

“As these seasons (summer and winter) vary in length, airports are given flexibility to manage their allowance, and may carry-over unused movements or quota from one season to another, or may over-run in one season which leads to a deduction in the following season. The rules for carrying-over or over-running are as follows:

- If required, a shortfall in use of the movements limits and/or noise quota in one

season of up to 10% may be carried-over to the next season;

- Conversely, up to 10% of an overrun in movements and/or noise quota usage in one season (not being covered by carry-over from the previous season) will be deducted from the corresponding allocation in the following season;

- An overrun of more than 10% will result in a deduction of 10% plus twice the amount of the excess over 10% from the corresponding allocation in the following season, and

- The absolute maximum overrun is 20% of the original limit in each case”.

Committee:	Stansted Airport Advisory Panel	Date:
Title:	Government consultation on aviation tax reform	Wednesday, 19 May 2021
Portfolio Holder:		
Report Author:	Jeremy Pine, Senior Planning Policy Officer jpine@uttlesford.gov.uk	Key decision: N

Summary

1. The Government committed to consult on aviation tax reform in the 2020 Budget and, in particular, the case for amending the Air Passenger Duty (APD) treatment of domestic flights and for increasing the number of international distance bands.
2. This consultation sets out the Government's current approach to levying APD. It then seeks views on the Government's initial policy position that in order to support Union and domestic connectivity, the effective rate of APD on domestic flights should be reduced and the potential options through which this could be achieved. It also seeks views on a potential increase to the number of distance bands, in order to align the tax on international flights more closely with UK environmental objectives.
3. The consultation also sets out the Government's initial position on a potential Frequent Flyer Levy (FFL).

Recommendation

4. That the Panel:
 - i) considers the officers' response to the consultation and advises of any changes it would like made, and
 - ii) endorses the final response which will then be put to Cabinet for ratification

Financial Implications

5. None.

Background Papers

6. None.

Impact

7.

Communication/Consultation	The consultation runs from 23 rd March to 15 th June 2021.
Community Safety	To be carried out by the Government.
Equalities	To be carried out by the Government.
Health and Safety	To be carried out by the Government.
Human Rights/Legal Implications	To be carried out by the Government.
Sustainability	To be carried out by the Government.
Ward-specific impacts	Districtwide – passengers and those affected by airport activity.
Workforce/Workplace	Officer and member time in considering the Council's response.

Situation

8. This consultation is available on gov.uk, a link to which is given here: <https://www.gov.uk/government/consultations/consultation-on-aviation-tax-reform>
9. The consultation is an industry-wide one and contains 25 questions in total. It is not expected that consultees will respond to every question. Many of the questions are directed towards the aviation industry and, in particular, those who collect APD. Responses are requested by email.
10. It is not intended to go through each question individually in this report, but rather to concentrate on the main principles behind the imposition and levying of APD. Once the response has been agreed, it is suggested that officers complete the detailed reply via the online questions as set out in Appendix A. In the remainder of this report, officers' comments are in **bold** to distinguish them from the explanatory text. Much of the explanatory text is taken from the wording of the consultation document.

Current operation of APD

11. APD is the UK's principal aviation tax as tickets are VAT free and there is no aviation fuel duty. APD raised £3.6bn in 2019-2020. Due to the pandemic, from April to September 2020 APD receipts were down 86.9% compared to the equivalent period the previous year. APD is paid by airlines on a per-passenger basis on all flights departing UK airports. The rates differ according

to class of travel, distance and, to a degree, aircraft weight and specification. International arriving passengers do not pay APD.

12. There are two APD distance bands, 0-2,000 miles (Band A) and 2,000 miles + (Band B) as measured from capital city to capital city. From 1st April this year, the amount of APD paid per flight varies from £13 to £541. Band A includes all domestic flights.

13. The Government's objectives are that aviation tax:

- supports Union and international connectivity;
- aligns with environmental objectives, particularly the commitment to net zero emissions by 2050; and
- ensures the aviation sector makes a fair contribution to public finances.

14. **The Climate Change Committee's (CCC) December 2020 report on the Sixth Carbon Budget mentions APD once in its aviation sector summary. It says:**

“The particular policies that might be utilised to manage demand could have different impacts on ticket prices (e.g. carbon pricing, frequent flier levy, VAT, fuel duty, APD reform, airport capacity management). CCC analysis has focused on the outcomes (demand, fuel and emissions), rather than prescribing or modelling the policy method for achieving the demand levels required”.

15. **The CCC does not therefore express an opinion on what future rates of APD should be or whether it should be retained or abolished.**

Domestic air connectivity

16. The Government cites domestic air connectivity as vital to UK integration and social cohesion, particularly travel between Great Britain and Northern Ireland as well as connections from the Scottish Highlands and Islands to the mainland. Also, regional airports in all UK nations play a crucial role, acting as hubs for growth by serving local businesses and aiding tourism. Finally, domestic air connectivity into international hubs (such as Heathrow) can foster greater global connectivity.

17. The Government currently supports UK air connectivity via Public Service Obligations (PSOs). A PSO is a domestic air route that is deemed essential for connectivity but is commercially unviable, and therefore benefits from a direct subsidy and an APD exemption. There are currently 22 such routes in the UK, which connect Anglesey to Cardiff; Dundee, Derry and Newquay to London;

and 18 further routes connecting Scottish airports.

18. In 2019, according to CAA data, Stansted handled about 1.55 million domestic passengers mostly to Edinburgh, Belfast International and Glasgow. Other destinations included Derry, Guernsey and Dundee. Domestic passengers made up about 5.5% of the airport total for that year. 2020 date will be unrepresentative due to the pandemic, and the extent of recovery to former levels is not known.

19. The Government has received several representations from the aviation sector, including in response to Sir Peter Hendy CBE's Union Connectivity Review, that a reduction in the rate of APD on domestic flights could provide a further boost to Union air connectivity, by supporting the economic viability of domestic air routes, potentially leading to the introduction of new domestic air routes or increased frequency on existing routes. Previously, the Prime Minister has remarked on the apparent unfairness of a return passenger from Belfast to London being liable to twice the rate of APD compared to a Dublin to London passenger.

20. In the Aviation 2050 (the future of aviation) consultation, in the section on supporting regional growth and connectivity, the Government stated that without APD, aviation would be relatively under-taxed compared to other sectors. It also said that the economic competitiveness of the UK's regions and nations remained a priority, recognising the benefits that new air routes can bring, both in terms of better connecting UK regions to each other and providing connections to the rest of the world.

21. The Government's initial policy position is that the effective rate of APD on domestic flights should be reduced, in order to support Union and regional connectivity. Such a proposed reduction would apply to all flights departing from a UK airport to a destination within the UK. There are two potential policy options that could achieve this outcome, namely: (1) the introduction of an APD exemption for the return leg of domestic return flights; or (2) the introduction of a new band for domestic flights. Option 1 could effectively halve the rate of domestic APD in certain circumstances – the effect of Option 2 would depend upon the amount of the levy.

Policy Option 1: return leg exemption

22. Domestic flights would continue to be treated within the lowest APD band, but airlines would not be liable to pay APD for passengers travelling on the return leg of a domestic flight. The exemption could operate as follows:

- evidence required that a passenger was travelling on a return ticket, i.e. that both legs of the journey were purchased at the same time, although there would be no time limit on when the return leg took place:

- APD would still be due on the outbound leg:
- exemptions would only apply to passengers travelling between the same UK airports:
- both the outbound and return service would need to be provided by the same carrier; and
- the exemption would apply across all classes of travel including business jets.

23. The Government's view is that a return leg exemption could be administratively complex for both Her Majesty's Revenue and Customs (HMRC) and airlines and would not benefit domestic travellers on a single ticket. Modern ticketing practices may make it less likely for passengers to purchase a return ticket.

24. When APD was first introduced in 1994 it did include a return leg exemption. This was removed in 2001 in response to concerns from the European Commission.

Policy Option 2: a new APD band for domestic flights

25. The Government is considering introducing a new, separate domestic band within APD for routes between UK airports, which would be set at a lower rate than the shortest international band.

26. The introduction of a new domestic band would ensure that all domestic flights benefited from a lower rate of APD, including single leg journeys. The Government considers that such an approach would be simpler for HMRC and airlines to administer than a proposed return leg exemption, because it would apply to all domestic flights, not just those on a return ticket.

27. The Government's position is that the introduction of a new domestic band is favoured above a return leg exemption.

28. In its response, the Council should refer to the climate and ecological emergency that it declared in 2019 (along with many other local authorities) with an aim to achieving net-zero carbon status by 2030. Whilst domestic aviation only contributed 1.4MtCO₂e in 2019 (3.6% of the UK's total 2019 aviation emissions), APD reform should not result in a total tax burden on domestic passengers that is lower than before the reform took place. It is not clear how a tax policy that would encourage more domestic flights is a sustainable one in either the short or longer term.

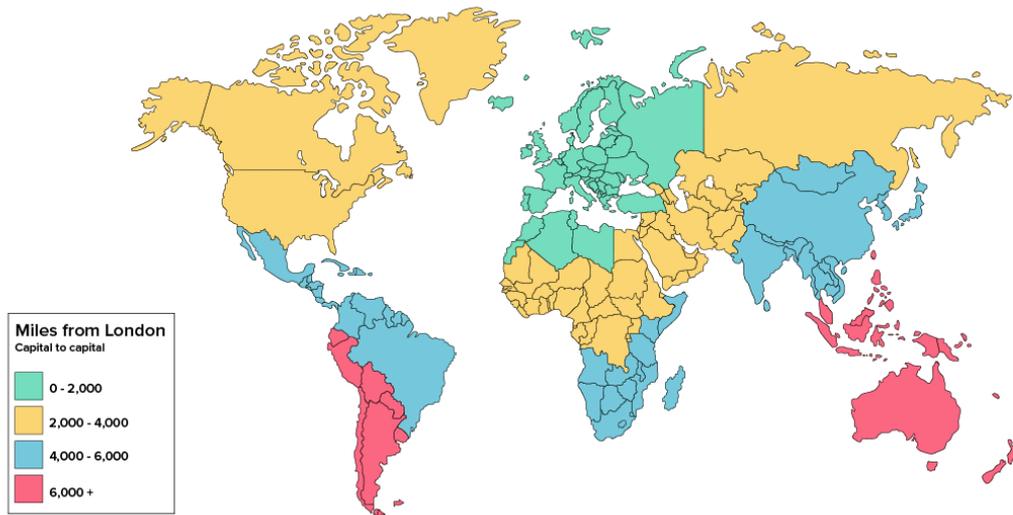
29. **Of the two options being proposed, Option 2 seems the easiest to impose because it would be per passenger per flight, as now. The main problem with Option 1 is that the rationale behind it is not obvious – why, for instance, should passengers benefit from an exemption for booking a return flight rather than two singles. However, neither option would incentivise the use of more sustainable domestic travel modes if others were possible.**
30. **Through the Council’s membership of the Strategic Aviation Special Interest Group (SASIG) of the Local Government Association, it is clear that many member authorities (particularly in the south west and north) attach considerable importance to domestic air connectivity for economic and social wellbeing. APD exemptions should continue to apply to PSO routes, and it is noted that this consultation is not proposing the removal of this exemption.**

International distance bands

31. The Government states that aviation is currently responsible for 8% of the UK’s Greenhouse Gas emissions. Emissions from international aviation are responsible for the majority of the sector’s environmental impact, contributing 37MtCO₂e in 2019, and have more than doubled since 1990. The majority of the increase came in the 1990s and early 2000s, however emissions have also been increasing since 2012. UK domestic aviation contributed 1.4 MtCO₂e in 2019, representing less than 1% of UK Greenhouse Gas emissions. The aviation sector’s proportion of UK emissions is forecast to increase nearer to 2050, as other sectors decarbonise more quickly. The sector also contributes to Nitrogen Oxide (NO_x) and noise pollution amongst others.
32. The Government’s position is that the number of international distance bands should be increased to align APD more closely with environmental objectives, including the “polluter pays” principle. This means that those who travel furthest internationally, and consequently have the greatest impact on the environment, pay the most APD. Increasing international APD revenue could also make up any shortfall from decreasing the domestic levy, but if the new post-pandemic baseline is less international flying that might not be the case.

Policy Option A; revert to the 2008 distance band structure

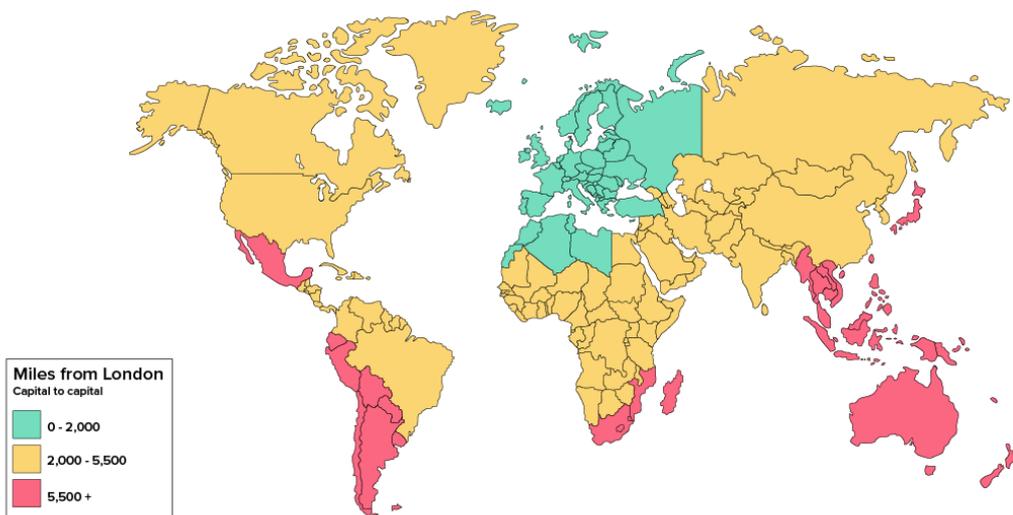
33. Under this option, the 2008 band structure could be reintroduced as shown in the chart below, which is taken from the consultation document. This reversion should be relatively simple for airlines.



34. However, there were some practical issues, notably between Bands B (yellow) and C (blue). The whole of the USA was in Band B whereas the Caribbean was in Band C because of the distances between the respective capital cities. For this reason, the current two-band structure has been used since 2014 (see paragraph 12).

Policy Option B: design a new distance band structure

35. Under this option, there would be three distance bands as shown in the chart below, which is also taken from the consultation document.



36. As with Option A, this would strengthen the “polluter pays” principle, but it would reduce the number of destinations that were subject to differential APD

treatment.

- 37. International APD should be reformed so that it increases the tax burden on those who fly more frequently and furthest. This would be consistent with the bringing of Carbon Budget 6 into law, including international aviation and shipping emissions for the first time rather than the existing “headroom” provision. Option B would seem to overcome the tax calculation anomalies that would occur with Option A, although any banding system is likely to throw up some inconsistencies.**

Frequent flyer levy

38. The Committee on Climate Change and several environmental stakeholders have suggested that the Government should introduce an FFL, in order to tackle the environmental impacts of flying in an equitable way. An FFL would seek to constrain overall demand for flights, by increasing the amount of tax liability due, according to the number of flights a passenger had previously taken. Unlike APD, FFL would be levied on the individual, rather than the airline.
39. The Government considers that an FFL would be significantly more complex to administer than APD, for both airlines and HMRC, on the basis that it could require the collection and storage of personal information on each passenger. The Government would have to be able to record and identify every flight an individual took from a UK airport for the purposes of calculating how many flights they had taken within a given period. This would not only increase complexity (because of the significant increase in taxpayers) but may also pose concerns around data processing, handling and privacy. There may be additional compliance issues, particularly with passengers who were able to travel under multiple passports. It may also pose challenges for individuals who have an essential need to fly frequently.
40. The Government points out that airlines ordinarily pass on the cost of APD to passengers, so those who fly more will already pay more under the APD structure. The Government says it is minded to retain APD as the principal tax on the aviation sector and not introduce an FFL.
- 41. Imposing an FFL would seem to be administratively difficult, as the Government acknowledges and should not be preferred to retaining and reforming APD. APD, by the way it is levied, already picks up the more frequent flyers and international distance band reform would enhance the “polluter pays” principle.**

Risk Analysis

42.

Risk	Likelihood	Impact	Mitigating actions
The Government is not able to take the Council's views into account as part of the consultation process.	1 The consultation process is designed to allow all views to be considered.	2 Aviation taxation is a national issue, but aviation is one of the most difficult industries to decarbonise, so treatment of taxation is an important factor to consider.	Respond to the consultation.

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

STANSTED AIRPORT ADVISORY PANEL

Aviation tax reform consultation.

Appendix A Consultation Questions – Suggested Response

The government's initial policy position on domestic APD:

1 Do you agree with the government's initial policy position that the effective rate of domestic APD should be reduced? In your view, what would be the positive and negative effects of such a change, particularly in light of the government's objectives for aviation tax?

No. Along with many other local authorities, the Council declared a climate and ecological emergency in 2019 with an aim of achieving net-zero carbon status by 2030. Whilst domestic aviation only contributed 1.4MtCO₂e in 2019 (3.6% of the UK's total 2019 aviation emissions), APD reform should not result in a total tax burden on domestic passengers that is lower than before the reform took place. It is not clear how a tax policy that would encourage more domestic flights is a sustainable one in either the short or longer term.

Through the Council's membership of the Strategic Aviation Special Interest Group (SASIG) of the Local Government Association, it is clear that many member authorities (particularly in the south west and north) attach considerable importance to domestic air connectivity for economic and social wellbeing. APD exemptions should continue to apply to PSO routes, and it is noted that this consultation is not proposing the removal of this exemption.

2 What evidence can you provide about the impact of an effective reduction in the domestic rate of APD on Union and regional connectivity?

No comment.

3 How would a reduction in the effective rate of domestic APD affect airlines? Will the benefits be passed onto consumers in ticket prices or retained by airlines?

It might increase demand for domestic flights if the benefits are passed on to passengers. Each airline will no doubt have its own policy.

4 Which domestic air routes, if any, are likely to be introduced/restart following any effective reduction in the domestic rate of APD, and what wider benefits would these routes provide?

No comment.

5 Which existing domestic air routes, if any, would benefit from an increased number of services following any effective reduction in the domestic rate of APD, and what wider benefits would these routes provide?

No comment.

6 By how much would you estimate that the number of passengers currently flying domestically increase?

No comment.

7 What could the environmental impact of reducing the effective domestic rate of APD be? How could any negative impacts be mitigated?

If this led to increased domestic flying, the main impacts would likely be more noise from aircraft for local communities under flightpaths, more greenhouse gas emissions from aircraft and more local road congestion around airports. Mitigation proportionate to the increased level of impact could include enhanced sound insulation schemes, verifiable carbon offsetting and measures to increase the use of public transport to and from airports.

8 What could the impact of reducing the effective domestic rate of APD be on other modes of transport (e.g. road/rail)?

It could reduce the use of road travel and public transport for longer journeys where air travel can be more competitive. However, if more people travel to airports that could increase local congestion.

9 If the effective rate of domestic APD is reduced, would you favour the introduction of a return leg exemption or a new domestic rate? What would you see as the comparative risks and benefits of these options?

A new domestic rate seems the easiest to impose because it would be per passenger per flight, as now. The main problem with a return leg exemption is that the rationale behind it is not obvious – why, for instance, should passengers benefit from an exemption for booking a return flight rather than two singles. However, neither option would incentivise the use of more sustainable domestic travel modes if others were possible.

10 Is there an alternative approach to reducing the effective rate of APD on domestic flights, that you think would be more appropriate than either of the options identified?

No comment.

A return leg exemption

11 What are your views on the way a return leg exemption could operate as set out in paragraph 2.8? What are the benefits and risks of this proposal? What amendments would you suggest, if any?

See answer to Question 9.

12 Do airlines currently differentiate between single and return tickets in their booking systems and, if so, how?

No comment.

13 What evidence could airlines provide to HMRC to demonstrate that a passenger was travelling on a return ticket?

No comment.

14 If the return leg exemption were to be introduced, how quickly could airlines integrate it within their operating systems to allow them to provide evidence to HMRC on their APD liabilities?

No comment.

15 Are there any particular considerations around the application of a return leg exemption to business jets, in light of how business jets are operated?

No comment.

A new band for domestic flights

16 Do you agree with the government's initial position that a new domestic band would be the most appropriate approach to reducing the rate of APD on domestic flights?

See answer to Question 9.

17 What are your views on the way a new domestic rate could operate as set out in paragraph 2.11? What are the benefits and risks of this proposal? What amendments would you suggest, if any?

No comment.

18 If a new domestic rate were to be introduced, how quickly could airlines integrate it within their operating systems to allow them to them to provide evidence to HMRC on their APD liabilities?

No comment.

International distance bands

19 Do you agree with the government's initial policy position that the number of APD distance bands should be increased? In your view, what would be the positive and negative effects of such a change, particularly in light of the government's objectives for aviation tax?

Yes, as part of reforming International APD so that it increases the tax burden on those who fly more frequently and furthest. This would be consistent with the bringing of Carbon Budget 6 into law, including international aviation and shipping emissions for the first time rather than the existing "headroom" provision.

20 What could the impact on the environment of a change to the banding structure? How could any negative environmental impacts be mitigated?

No comment.

21 What evidence can you provide about the impact of an increase in the number of APD distance bands on international connectivity?

No comment.

22 Which of the policy options for increasing the number of international distance bands do you think is most appropriate? Please explain your answer.

Option B would seem to overcome the tax calculation anomalies that would occur with Option A, although any banding system is likely to throw up some inconsistencies.

23 Is there an alternative banding structure that could better meet the government's objectives as outlined in paragraph 1.1?

No comment.

24 If a new international distance band structure were to be introduced, how quickly could airlines integrate it within their operating systems to allow them to them to provide evidence to HMRC on their APD liabilities?

No comment.

Frequent flyer levy

25 Do you agree with the government's assessment that APD should remain as the principal tax on the aviation sector? Would you propose any alternative tax measures which could further align the aviation tax framework with the government's environmental objectives?

Yes. Imposing an FFL would seem to be administratively difficult, as the Government acknowledges and should not be preferred to retaining and reforming APD. APD, by the way it is levied, already picks up the more frequent flyers and international distance band reform would enhance the "polluter pays" principle

Agenda Item 6

Committee: Stansted Airport Advisory Panel

Date:

Title: General update on aviation matters

Wednesday, 19
May 2021

Report Author: Jeremy Pine, Senior Planning Policy Officer
jpine@uttlesford.gov.uk

Summary

1. This report updates the Panel on what has happened since the last formal meeting on 26th February 2019 and what is likely to come up in the near future.
2. There was an informal meeting of Panel members on 16th February this year to discuss the Council's response to the first part of Stage 1 of the night flights consultation. The response to the second part is the subject of a separate report to this meeting.

Recommendation

3. That the Panel notes the update.

Financial Implications

4. None

Background Papers

5. None

Impact

- 6.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.

Ward-specific impacts	Airport operations have the most effect on those wards closest to the airport, but aviation is a high-profile national issue.
Workforce/Workplace	Since the last Panel meeting, responsibility for monitoring compliance with planning agreements and conditions now lies with the development management team. The planning policy team will deal with aviation related consultations, be they either at a national or local level, with input from other specialisms as required.

Situation

Monitoring of Planning Agreements

7. The Panel has received periodic monitoring reports on the two existing planning agreements that relate to previous grants of planning permission for expansion at Stansted Airport. These are:
 - An agreement signed on 14th May 2003 in relation to expansion to 25mppa (UTT/1000/01/OP)
 - A unilateral undertaking dated 26th September 2008 in relation to expansion to 35mppa (UTT/0717/06/FUL – “Generation 1”).
8. Monitoring information has been reported to the Panel using a summary table. Most recently, and with the Panel’s consent, reporting concentrated on Generation 1. There was a delay in the implementation of Generation 1 due to the economic downturn in 2008-9, which occurred shortly after the planning permission was granted. This delay pushed back many of the unilateral undertaking trigger points.
9. Should planning permission be granted for expansion to 43mppa following the recent public inquiry, officers intend to devise a new comprehensive monitoring spreadsheet for planning obligations. Should planning permission not be granted for 43mppa, officers anticipate that the existing monitoring arrangements will continue.

Forthcoming issues

Aviation strategy

10. In June of 2019, Cabinet ratified the Council’s response to the Government’s Aviation Strategy Green Paper entitled “Aviation 2050: The

future of UK aviation”. Since that date the pandemic struck, and the Government says that it is continuing to develop a strategic framework for the longer-term recovery of the sector, which will focus on building back better and ensuring a successful aviation sector for the future. This strategic framework will be published later this year. The Government’s focus is very much at the moment on restart and recovery, which has included the establishment of a Global Travel Task Force to consider a safe return of international travel.

11. Many Department for Transport (DfT) staff were seconded to restart and recovery roles, leading to delays in many projects deemed non-essential. Staff are now returning to their original roles.

Airspace modernisation

12. The Government and the Civil Aviation Authority (CAA) have developed a new shared objective for modernising UK airspace, which is currently governed by ground-based technology devised 40 or 50 years ago, requiring a high degree of air traffic controller intervention. The overall objective for airspace modernisation is to deliver quicker, quieter and cleaner journeys and more capacity for the benefit of those who use and are affected by UK airspace.
13. The Government has recognised that airspace modernisation up to 2040 is a national infrastructure programme, and it will be initiated via the CAA’s Airspace Modernisation Strategy (AMS) published in 2018. The AMS sets five parameters to achieve the overall objective. Summarising, these are:
 - sufficient airspace capacity to deliver safe and efficient commercial aviation growth,
 - quieter operating procedures and consideration of noise impacts of growth airports through the airspace design process,
 - use of the minimum volume of controlled airspace consistent with safe and efficient operation,
 - to facilitate safe and ready access to airspace for all airspace users, and
 - no conflict with national security requirements.
14. In relation to the first parameter, the Government has stated that airspace capacity will not become a constraint to airport growth – that will be determined via the planning process. As a result of the pandemic, the CAA is reviewing the AMS and a revised version is expected towards the end of this year.
15. Airspace modernisation will involve changes to flightpaths to one degree or another. Applications for an airspace change proposal are submitted to the CAA for determination under its consultative seven-stage airspace change process which was also introduced in 2018. [Appendix A](#) to this report sets out

more detail of this process. Each change is proposed by an airspace change sponsor, usually an airport operator (up to 7,000ft) or a provider of air navigation services (such as NATS En-Route plc – NERL, which manages upper airspace and its design). In the crowded airspace in the south of the UK, it is likely that there will be a number of co-dependent changes being proposed more or less at the same time by up to 16 airports.

16. To coordinate these changes, the Government and the CAA commissioned NERL to establish an independent Airspace Change Organising Group (ACOG) to create an implementation plan (masterplan) for airspace changes in the south of the UK. This airspace change programme is known as Future Airspace Implementation South (FASI-S). The masterplan becomes, on acceptance by DfT and CAA, part of the CAA's Airspace Modernisation Strategy. Acceptance of the masterplan into the Strategy makes it, together with CAP 1616, the legal basis against which the individual airspace change decisions will be made by the CAA. The first iteration of the masterplan was published in February of this year, although by that time it was regarded as out-of-date due to the impact of the pandemic. ACOG is currently reviewing the masterplan with a view to publishing iteration 2 later this year.

17. The main purpose of the masterplan is to set out where airspace change could be taken forward to provide benefits, to consider potential conflicts, trade-offs and dependencies, and set out a preferred implementation plan. The masterplan does not set the detail of individual airspace designs or solutions – these will be determined via CAP 1616. It identifies where any airspace changes are needed to deliver a range of benefits, including to reduce noise, deliver air quality or fuel efficiency benefits or where more direct routes are possible that could reduce the amount of controlled airspace that needs to be provided. Airspace change sponsors will have to take the masterplan into account when drawing up their airspace change proposal(s), particularly in understanding the cumulative impacts with the proposals of other sponsors.

18. Under CAP 1616, it is anticipated that there will be a single consultation on any series of co-dependent changes proposed by sponsors, but there is no confirmation of this at the moment. In July of last year, DfT and CAA issued a joint statement confirming a continued commitment to airspace modernisation and the need to consider how individual organisations may progress airspace change in response to a report from ACOG on remobilising the airspace change programme post-pandemic. Airspace modernisation remains critical, but airports looking to sponsor an airspace change have paused their activities during the pandemic, mainly due to furlough. This is particularly so at Heathrow, which has the highest level of co-dependency of airspace change. Restart will require short-term funding, and the CAA is working with ACOG and change sponsors regarding the distribution of funds.

19. Due to delays caused by the pandemic, it is not known when any single consultation would be run. The intention is to complete the roll-out of airspace modernisation in the south of the UK by 2025. Any changes that are not co-dependent could be consulted upon earlier by the relevant sponsor.
20. The CAA has set up an on-line airspace change portal where airspace change proposals are submitted and monitored, stakeholder comments can be made and relevant documentation viewed. Officers are monitoring the portal for proposed changes that could affect the district.
21. One active proposal for airspace change at Stansted Airport is for the modernisation of airspace arrangements for arriving and departing aircraft at altitudes of 7,000 ft and below. This proposal was commenced in February 2019 and is currently at Stage 2A (Develop & Assess). There was member-level involvement as a stakeholder in Stage 1 (Define) in 2020. At the meeting of the Stansted Airport Consultative Committee in April this year, the Managing Director indicated that Stage 2 stakeholder engagement will be in two phases, June and September this year. He also said that Stage 2 gateway sign-off will be in March 2022. Full public consultation under Stage 3 will be after that date. The CAA portal describes the purpose of this airspace change proposal as:
- “London Stansted Airport wishes to modernise airspace arrangements for aircraft operating to and from the Airport at altitudes of 7,000 feet and below. In 2017, London Stansted introduced performance based navigation (PBN) to two existing departure routes. The Airport now seeks to make further use of the new technologies so that the operational efficiency and environmental benefits that modern aircraft offer can now be fully realised. In so doing, the optimised procedures that will be developed will integrate fully with other airports and the wider changes to the airspace system and remove the Airport’s reliance on ground based navigational aids”.*
22. The two PBN routes introduced in 2017 were 22 Clacton and 04 Detling.

Carbon

23. On 9th December 2020, the Climate Change Committee (CCC) published its advice on the level at which to set Carbon Budget 6 (CB6) covering 2033-2037. The CCC recommended that CB6 should be set at 965MtCO_{2e}, reducing emissions by 78% from 1990 to 2035, including international aviation and shipping (IAS) emissions. Previous carbon budgets have formally excluded IAS emissions, instead leaving “headroom” for them. The Government says that CB6 will ensure the UK remains on track to end its contribution to climate change while remaining consistent with the Paris Agreement temperature goal to limit global warming to well below 2°C and pursue efforts towards 1.5°C.

24. IAS emissions are included in the Government's 2050 net zero target, which was set on a whole economy basis.
25. On 21st April, the Government laid a draft Statutory Instrument (Carbon Order 2021) to set CB6 at the level recommended by the CCC, and subject to Parliamentary approval this will become law by the end of June. The Government emphasises that setting CB6 relates to the ambition to cut emissions rather than announcing specific policies that will deliver the emissions reduction.
26. The Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation - CORSIA) Order 2021 has been published. This implements the monitoring, reporting and verification requirements of CORSIA adopted by the Council of the International Civil Aviation Organisation on 27 June 2018. This Order extend to the whole of the United Kingdom. It comes into force on 26th May 2021.
27. In the coming months, the Government is intending to consult on a Net Zero Aviation Strategy. This could include the role of technology, and the role of capacity constraint in the meantime or until technology is cost effective. Another main issue could be what is the budget for allowable aviation emissions, and what can be offset or extracted to reach net zero. Later this spring, the Government will publish a Transport Decarbonisation Plan setting out its vision for transitioning to net zero and how the public can be supported to take up low carbon technologies. DfT says there is likely to be some overlap between the two.
28. The cross-government Net Zero Strategy will also be published ahead of COP26, which is due to take place in Glasgow later this year.

Other matters

29. Periodically, the Chair of the Panel has invited representatives from Stansted Airport Limited and Stansted Airport Watch (formerly Stop Stansted Expansion) to give an update on their recent activities, but not necessarily at the same Panel meeting. These updates have taken place before Panel meetings commence. These updates did not take place during the assessment of the 43mppa planning application and subsequent appeal but could recommence once the final post Inquiry hearing opportunities for further written representations have closed.

Risk Analysis

- 30.

Risk	Likelihood	Impact	Mitigating actions
None	None	None	None

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.

STANSTED AIRPORT ADVISORY PANEL

General update on aviation matters

Appendix A The Airspace Change Process

1.1. The new seven-stage process was introduced in 2018 mainly because of concerns over a lack of transparency about how the CAA used to make airspace change decisions. The new process is summarised in Paragraphs 54-56 of CAP 1616 Airspace Change (March 2021 version). There are “gateways” at three points in the process where the change sponsor must satisfy the CAA via a sign-off procedure that it has followed the process correctly before advancing to the next stage.

1.2. Paragraphs 54-56 of CAP 1616 state as follows:

*“The seven stage process begins with the change sponsor preparing a Statement of Need setting out what issue or opportunity it is seeking to address and meeting the CAA to discuss it. This is followed by engagement by the change sponsor with those potentially affected by the proposed change on the underlying design principles (**Stage 1 – completion of the “Define” gateway**). At this point, the CAA will agree with the change sponsor the timeline against which we can accept the proposal, having regard to submissions by other parties. This is essential if we are to give certainty to the timescales set out in this guidance.*

*Continuing to liaise with stakeholders, the change sponsor develops one or more options and carries out an initial appraisal of the impacts, both positive and negative (**Stage 2 – completion of the “Develop and Assess” gateway**). The change sponsor then prepares a consultation and assesses who should be consulted (**Stage 3 – Steps 3A and 3B – completion of the “Consult” gateway**). The change sponsor consults with those interested parties, including, where appropriate, local communities (**Stage 3 – Step 3C**). In the light of responses (categorized in **Stage 3 – Step 3D**), the change sponsor may modify the proposals before making a formal submission of the proposal to the CAA for a decision (Stage 4).*

*The CAA assesses the proposal, may hold a “Public Evidence Session”, may issue a draft decision and subsequently will issue a final decision, or alternatively a “minded to” decision at the request of the Secretary of State who may have called-in the proposal (**Stage 5**). If the proposal is approved, and after it has been implemented (**Stage 6**), the CAA carries out a review of the change (**Stage 7**), usually after 12 months of operation”.*

1.3. A typical timeline for the full seven-stage process is 110 weeks given a 12-week consultation period in Stage 3 - Step 3C.

1.4. The CAA has set up an airspace change portal which gives full details of all airspace change proposals that are under development, including all relevant documents and information. The database can be searched by postcode, place or airport. The portal address is www.airspacechange.caa.co.uk