



# Uttlesford District Council

Chief Executive: Dawn French

## Stansted Airport Advisory Panel

**Date:** Tuesday, 30th April, 2024

**Time:** 5.00 pm

**Venue:** Committee Room - Council Offices, London Road, Saffron Walden,  
Essex CB11 4ER

**Chair:** Councillor J Evans

**Members:** Councillors M Coletta, A Dean, M Foley (Vice-Chair), M Lemon,  
J Moran and M Sutton

### AGENDA

**1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.

**2 Minutes of the Previous Meeting**

3 - 6

To consider the minutes of the previous meeting.

**3 Consultation on Night flight restrictions at Heathrow, Gatwick and Stansted Airports from October 2025.**

7 - 21

To consider the response to the Government's open consultation on night flight restrictions at Heathrow, Gatwick and Stansted Airports from October 2025.

**4 Update and discussion on Sound Insulation Grant Scheme (SIGS) (verbal)**

To receive a verbal update and discussion on the Sound Insulation Grant Scheme (SIGS).

**For information about this meeting please contact Democratic Services**

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**STANSTED AIRPORT ADVISORY PANEL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 17 AUGUST 2023 at 3.00 pm**

Present: Councillor J Evans (Chair)  
Councillors A Dean, M Foley (Vice-Chair), J Moran and M Sutton

Officers in attendance: P Heath (Principal Planning Policy Officer), D Hermitage (Strategic Director of Planning) and C Shanley-Grozavu (Democratic Services Officer)

Also

Present: M Belcher, N Robinson (Manchester Airport Group)

## 1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Introductions were made by those present.

There were no apologies for absence.

The Chair and Vice-Chair both declared that they lived under a Noise Preferential Route (NPR).

Councillor Dean declared that he lived near to the Airport's runway and was also member of Stansted Airport Watch (SAW), formerly known as Stop Stansted Expansion (SSE).

## 2 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were approved as a correct record.

## 3 **PRESENTATION ON STANSTED AIRPORT'S NOISE ACTION PLAN**

Members received a presentation from Neil Robinson of the Manchester Airport Group (MAG) on Stansted Airport's Noise Action Plan (NAP).

The Chair requested that MAG provided their data on listed building under the airport's NPRs.

Members discussed the draft NAP, and the following was noted:

- The Sound Insulation Grants were being publicised through a number of channels including outreach sessions, a community newsletter, communications with Parish Councils and advertisement on the UDC website. MAG welcomed any further ideas from members as to how to generate greater and deeper publicity.
- The Sound Insulation Scheme was least successful when it was over-prescriptive, with a frame-work contractor with a standardised product. Under the new scheme, homeowners were given the freedoms to make decisions of the best way to insulate their homes and MAG provided a

financial contribution for the acoustic benefits.

- Stansted Airport had a greater number of night flights, compared to other airports, when measured against the Department for Transport's 6 ½ hour definition of "night". This was however not the case when the World Health Organisations' definition of night as an 8-hour period was applied.
- Freight operators typically used QC2 rated aircraft as there was not much alternative in the market. Manufacturers were often a model cycle behind in freight aircraft, compared to passenger aircraft.
- Currently the airport had variable charges on their night flight slots and managed night noise with a Quote Point budget which would be reviewed under the plan. MAG intended to speak to STAAC about the practicalities of having graduated incentives and how to manage the expectations of airlines, especially when established operators often had historic rights to their flight slots. The Chair said that it would be interesting to see if reality matches the expectation when it comes to the pricing and aspiration of driving out. Moreover, it was important to create the right incentives within the framework.
- Some freight operators, such as FedEx, had a preference for nighttime slots as this complimented their business model of offering international next-day delivery for high value, time critical freight. If these operators were unable to obtain nighttime flights slots, the business model and subsequent premium that they charge wouldn't be viable.
- Whilst passenger flights generally did not fly through the night, there were a greater number of early morning flights offered between 6am to 8am as this was around the most popular slot of 7am. In addition, the Ryanair business model relied on intensive rotations to generate enough passengers to offer low prices which resulted in night departures and arrivals. By removing one element out, such as a rotation, the company wouldn't be able to operate as effectively and would take business elsewhere.
- There had been some timetable slippage in the summertime which had resulted in a greater number of late arrivals and the accumulation of delays during the day meant that more flights ran into the night. This was for a number of reasons, including strikes, loss of airspace and difficult weather. Members advised MAG to consider looking into a night flight quota without financial penalty, and to review the timetables in order to manage this in future.
- The Airport monitored operational components daily and these were regularly reported to the relevant sub committees of STAAC, as well as the Council's Environmental Health department.
- MAG was statutory consultee on planning applications where they had a sphere of influence, and they did usually comment. However, it was noted that when developers chose to build near the airport, a source of sound, it was their responsibility to ensure the acoustics were resolved, and not the Airport.
- Stansted Airport were working towards airspace modernisation, as part of the Civil Aviation Authority (CAA) Airspace Modernisation Strategy. They had completed Gateway 2 of the formal airspace change process in 2022 but had made minimal progress since as there was a need to integrate with the other airports who weren't up to the same point in the process.
- When delivering flight paths, it was not in the Airport's interest to change

the current 6-mile arrival approach as there currently was not a system approved in the UK that could be used for more accuracy. Members highlighted that technology had moved forward, and the arrival corridor could be calculated to not fly over populated areas, such as Thaxted.

During discussion, Councillor Dean emphasised the need to co-operate and work more closely with the airport.

The Chair thanked Mr Robinson for his attendance and contribution to the meeting.

#### **4 RESPONSE TO STANSTED AIRPORT'S NOISE ACTION PLAN 2024-2028**

The Director of Planning presented a report on the proposed consultation response to the Stansted Airport Noise Action Plan for 2024-2028. He noted the areas of concerns raised by members during the discussions on the previous agenda item and requested that any additional comments be sent in writing to him.

In response to comments from Councillor Dean regarding the annual reporting of aircraft operations noise within the noise contour areas, officers clarified that this was a requirement of the Planning permission.

#### **5 ANY OTHER BUSINESS**

Mike Belcher was invited by the Chair to provide an update on the ongoing Land Compensation dispute between local residents and Stansted Airport.

He explained that the matter began in 1985, when Stansted Airport Ltd (STAL) obtained planning permission to expand to a throughput of 8 million passengers per annum (mppa). This would be followed by approval of Phase 2 in 1999 which allowed expansion to 15mppa. As both of these phases had an adverse impact on local house prices, due to factors such as increased noise, STAL agreed to compensate local homeowners for the devaluation of their homes, in accordance with its obligations as the statutory "Compensating Authority" under the 1973 Land Compensation Act. However, a long-term dispute had arisen around the airport's legal obligation to pay until it has completed everything listed in Phase 2 planning permission.

In response to questions from members, Mr Belcher clarified that he was not seeking the support of the Council, who had no involvement in the matter, and his attendance at the meeting was to provide members with an update.

The Chair reminded members that STAAP was a working group of Cabinet with broad Terms of Reference. Moving forward, he hoped to bring information from STAAC and SASIG, as well as reports from interested parties including SAW.

In addition, the Chair highlighted that officers in Planning Enforcement were taking steps to stop the operation of unauthorised parking sites around the airport. This included serving a 28-day temporary stop notice.

*Meeting ended at 16:45*

# Agenda Item 3

**Committee:** STAAP

**Date:** 30 April 24

**Title:** Response to Government's Open consultation:  
Night flight restrictions: Heathrow, Gatwick and  
Stansted airports from October 2025.

**Key Decision:** No

**Report Author:** Dean Hermitage – Strategic Director of  
Planning

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## Summary

1. The government is seeking views on continuing the existing night flight regime for its three 'designated' airports, one of which is Stansted Airport.
2. Starting from October 2025, the proposed regime would continue to limit the number of flights that take off and land at Stansted between 11:30pm and 6am every day.
3. Officers recommend continuing the existing quotas and limits on night flights set in 2021 (which themselves, were rolled over from the previous regime).
4. The council's own Corporate Plan 2023-27 seeks to deliver economic priorities and attract investment and also seeks to protect and enhance the environment.

## Recommendations

5. i) That the Panel provides its views on the matters set out in this report  
ii) That the Panel makes recommendations to form the council's response to the consultation

## Financial Implications

6. None.

## Background Papers

7. Open consultation - [Night flight restrictions: Heathrow, Gatwick and Stansted airports from October 2025 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/night-flight-restrictions-heathrow-gatwick-and-stansted-airports-from-october-2025)
8. Planning Inspectorate decision dated 21 June 2021 for UTT/18/0460/FUL (43mmpa appeal)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1176880/utt.18.0460.ful\\_appeal\\_decision.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176880/utt.18.0460.ful_appeal_decision.pdf)

## Impact

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9. As per table:

|                                 |     |
|---------------------------------|-----|
| Communication/Consultation      | n/a |
| Community Safety                | n/a |
| Equalities                      | n/a |
| Health and Safety               | n/a |
| Human Rights/Legal Implications | n/a |
| Sustainability                  | n/a |
| Ward-specific impacts           | n/a |
| Workforce/Workplace             | n/a |

## Situation

### *Overview of night flights and summary of government's position*

10. The government report sets out that night flights play a vital role in various aspects of travel and commerce and that the proposed continuation of the current regime seeks to strike a balance between facilitating these activities and addressing concerns regarding noise pollution and community welfare.
11. It is widely recognised that commercial night operations are integral to the global aviation industry, contributing significantly to the regional and national economy. They facilitate the movement of people, goods, and services, thereby supporting jobs. However, night flights are also arguably the most intrusive form of aircraft noise and there is evidence that they can harm both the physical and mental health of residents that experience them. The government has commissioned an 'aviation night noise effects' (ANNE) study, to examine the relationship between aviation noise on sleep disturbance however, the final report is not due until 2025.
12. In 2023 this Panel responded to the government's 'Night time Noise Abatement Objectives for the Designated Airports'. Following analysis of consultation responses, the government published its noise abatement objective for the next night flight regime (Oct 2025-Oct 2028). This is,

*"To limit, and where possible reduce, the adverse effects of aviation noise at night on health and quality of life while supporting sustainable growth and recognising the importance to the UK of commercial passenger and freight services".*



13. The government report's recommendation is largely to maintain the current quotas and limits on night flights, however it proposes an additional option only for Stansted Airport. It states that its thoughts are informed by considerations of post-pandemic recovery, economic sustainability, and community well-being. It is suggested that by maintaining the existing regulatory framework, it will provide stability and certainty for both businesses and residents. It would remain in place until 2028 at which point the government will have considered the ANNE study and evidence awaited from the Civil Aviation Authority (CAA) on noise.
14. The government has also published updated guidance on night flight dispensations. This guidance sets out the process for applying special considerations to permit flights outside of usual restrictions. It does not appear to be seeking views on this guidance nor the exemptions it discusses, however the Panel may wish to comment on it (*see Appendix 1*).

### *Options for Stansted Airport*

15. The government report states that it recognises that there has been a material change with respect to Stansted since the last regime was set in 2021; that being the 2021 planning permission for the airport to serve up to 43 million passengers per annum (MPPA) within the airport's annual air transport movement (ATM) limit of 274,000. This was granted on appeal by the Planning Inspectorate. A planning condition attached to that permission imposes a night noise limit for the 8-hour night period (23:00 to 07:00). See background papers for more information.
16. In response to the 2021 permission, the Airport has drafted a new noise action plan<sup>1</sup> (NAP) covering 2024 to 2028, which includes a new 8-hour night quota count (QC) limit for the summer 2026 season. This Panel commented on the NAP in August 2023. The NAP suggests that it could set restrictions to cover both the summer and winter season periods thereby providing a second full raft of controls alongside the government's night noise regime. The Airport has a Consultative Committee (STACC) made up of elected Members from surrounding local authorities, community groups and user groups. The Committee has three sub-groups, including the Environmental Issues Group (EIG) which considers noise performance and proposed noise strategy and fed into the production of the NAP.
17. The planning conditions and NAP appear to have prompted the government's consideration of other options for Stansted. Essentially it asks whether or not its own controls are now needed being that Stansted Airport has 'locally set' controls.
18. The report invites comments on three options for Stansted Airport:

#### **Option 1**

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- <sup>1</sup> Stansted Airport Noise Action Plan 2024-28 [Noise Action Plan | London Stansted Airport](#)

*Place reliance on the planning condition and Stansted's introduction of an 8 hour night QC limit for the summer season of 2026. At this point, Government night controls would then be removed.*

## **Option 2**

*The same as option 1, but with Stansted also introducing an 8 hour night QC limit for the winter season 2025 to 2026. At the start of the winter 2025 to 2026 season, Government night controls would then be removed: when the current night flight regime comes to an end.*

## **Option 3**

*Government controls for the night quota period remain, to run alongside Stansted's new QC limit for summer 2026. Government night controls would continue.*

### *Assessment of the options*

19. The government considers options 1 and 2 both have merit, as they fit with its expectation that appropriate noise controls are best set locally through the planning system. This is the case at all other UK airports, except the three noise-designated airports.
20. Options 1 and 2 would therefore see the removal of government set ATM limits. Currently (and at option 3) the Airport is limited to 5,600 night time movements in winter and 8,100 in summer under the Night Flights regime. Options 1 and 2 rely on the planning condition limiting night flights, planning restrictions on noise contours, and the NAP.
21. Arguably, these options would make night time restrictions simpler and perhaps easier to understand. Enforcement would fall solely to Uttlesford Planning Enforcement Team. If breached, it would amount to a breach of a planning condition for which a corrective notice could be served by the council. There can be no appeal against a planning 'breach of condition' notice however, the planning enforcement process can be protracted and cumbersome. These options would likely result in less monitoring being required in having fewer controls to monitor.
22. However, options 1 and 2 would remove the ATM limits and thus has the potential to create uncertainty for residents. The government itself also recognises that the Inquiry which resulted in the 2021 planning permission envisaged both sets of controls working together. The Inspectors stated,

*"There are currently no noise restrictions imposed by planning condition for night flights and Stansted, as a designated airport, is controlled by separate night flight operating restrictions imposed by the DfT. These operate on a QC system over a 6.5 hour night-time period, meaning that there is a 1.5 hour period that remains uncontrolled, beyond the 16 hour*

*daytime period imposed by condition 7. In order to ensure certainty that the noise impacts of the development will be as anticipated in the ES/ESA, and to avoid harm to the living conditions of local residents, it is considered necessary to impose a night-time restriction by condition in this case, alongside the daytime restrictions and notwithstanding some existing DfT control”.*

23. A QC limit alone, without an ATM limit, could see an increase in night-time movements which may or may not affect residents. A precautionary approach would be to maintain the status quo, Option 3, until any such impacts are known.
24. Options 1 and 2 rely on planning conditions. It is well known that planning conditions can be varied under S73 of the Town & Country Planning Act 1990. A refusal by a council to vary a condition can also be appealed under the Act. For clarity, there is no suggestion of a variation of the condition at Stansted Airport; the above scenario is hypothetical.
25. The consultation asks specific questions with respect to Stansted Airport (Qs 2 and 3 relate to other airports),

**Question 3**

*To what extent do you agree, or disagree, with option 1 for the next night flight regime at Stansted Airport? Provide evidence to support your view.*

**Question 4**

*To what extent do you agree, or disagree, with option 2 for the next night flight regime at Stansted Airport? Provide evidence to support your view.*

**Question 5**

*To what extent do you agree, or disagree, with option 3 (our preferred option) for the next night flight regime at Stansted Airport? Provide evidence to support your view.*

**26. The Panel may wish to consider answers to the three questions.**

27. On assessment, officers recommend the Panel supports option 3 and maintains the status quo for now. Once further government studies and the CAA study are published we will see a further consultation and this Panel should be convened to formulate a response.

28. **Members of the Panel are invited to make any further comments on the general night flight regime.** It is envisaged that the Panel's comments will be used to formulate a response to the consultation which will be submitted to government under delegated powers by the Cabinet Member for

Planning, Infrastructure and the Airport (who is also the Chair of this Panel) in consultation with the Vice Chair and the Strategic Director for Planning.

29. The consultation closes on 22 May 2024.

### **Risk Analysis**

30. None identified.

| Risk | Likelihood | Impact | Mitigating actions |
|------|------------|--------|--------------------|
| 1    | 1          | 1      | 1                  |

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.

Appendix 1: Government guidance on night flight dispensations 2024

## Guidance

# Night flight dispensations

Published 22 February 2024

## Contents

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This publication is available at <https://www.gov.uk/government/publications/night-flight-dispensations/night-flight-dispensations>

This guidance provides airport managers and airline operators with greater clarity on the use of night flight dispensations.

It sets out an expectation that from the summer 2024 season the airport manager will write and publish a letter to the Secretary of State for Transport regarding dispensations granted at their airport that season. Further detail on this letter can be found below.

The remaining changes to the guidance come into effect from the start of the winter season of 2024 to 2025.

The [existing night flight dispensation guidance, \(PDF\)](https://assets.publishing.service.gov.uk/media/5fca6562e90e0762ae0f6a22/annex-f-guidelines-on-dispensations.pdf) (<https://assets.publishing.service.gov.uk/media/5fca6562e90e0762ae0f6a22/annex-f-guidelines-on-dispensations.pdf>) remains in place and should be continually followed until the winter season of 2024 to 2025.

## **Guidelines on flights that may be given dispensation from night restrictions**

This guidance is intended to provide greater clarity on the use of dispensations by covering situations that have arisen during the current regime – it does not cover every conceivable situation. It also takes account of responses we received to questions asked about dispensations in our 2020 to 2021 consultation.

Under Section 78(5)(f) of the Civil Aviation Act 1982, the Secretary of State may by a notice given in the prescribed manner to the person managing an aerodrome determine that a particular occasion or series of occasions on which aircraft take off or land at the aerodrome shall be disregarded from the restrictions made under section 78(3). These may include night flight restrictions.

In addition, the Secretary of State has the power under Section 78 (4) of the Civil Aviation Act 1982 to specify in a notice circumstances when movements may be disregarded by airport managers, or a person authorised by the airport manager, from the restrictions made under Section 78(3). That person shall then determine whether a particular occasion or series of occasions when aircraft take off or land at the aerodrome should be disregarded from the night restrictions due to these circumstances. It is the duty of the person managing the aerodrome, or the person authorised by an airport manager, to notify the Secretary of State in writing within one week of every such occasion that occurs. It is important reporting is completed on time to ensure accuracy and transparency.

To increase transparency around the dispensation process, from the summer 2024 season, there will be a requirement for the airport manager to write and publish a letter to the Secretary of State for Transport setting out the following:

- reasons why the airport has had the dispensations recorded that season
- if they see dispensations for the same reasons being required in future equivalent seasons
- if so, why these dispensations would be justified

## **A: Section 78(5)(f) Dispensations under a notice given by the Secretary of State**

As a general principle, dispensations issued under Section 78(5)(f) are used in relation to:

- state matters
- where dispensations are required as a result of a government decision
- where the circumstances are so exceptional that the airport's operations become an issue of national interest (for example, in the case of prolonged closure of the airport)
- other ad hoc flights considered in the national interest

Flights considered in the national interest may be related to major unplanned events affecting air travel (for example, a computer outage affecting air traffic control systems at multiple airports) or to major planned events (for example, the EURO 2020 football tournament).

## **Flights involving VIPs on official visits**

Flights would include:

- senior members of the Royal Family
- UK government Ministers and Service Chiefs of Staff
- senior members of foreign Royal Families, Heads of State, and senior Ministers or Service Chiefs of Staff on an official visit or business where the person is being met by a government representative (status to be checked with the FCDO or MoD when in doubt)

Repositioning flights preceding or following the use of that aircraft for carriage of a VIP would not normally be disregarded and, therefore, not allowed if the



aircraft is classified as QC/4, QC/8, QC/16 - consistent with the ban on these types of aircraft in the night period.

For the avoidance of doubt, VIPs for this purpose would not include businesspersons on commercial or private jets, or 'celebrities' from the world of show business or sport.

## **Relief flights**

These would include flights carrying cargoes such as medical supplies required urgently for the relief of suffering during a period of emergency – for example, during a refugee crisis or following an earthquake.

They would exclude medical or other supplies intended for humanitarian purposes where there is no particular urgency. It would also not include the carriage of the media and their associated equipment to trouble spots.

## **Military aircraft war/hostilities**

Except at a time of war/hostilities, movements by military aircraft should not take place at night unless one of the following applies:

- the aircraft has been classified for night operation
- special approval has been given by the Department for Transport in exceptional circumstances such as security from escalated threats

In the past, dispensations have been given for troop movements through Heathrow where there has been an outbreak of war or similar hostilities, and this requires contingency arrangements. Dispensations would not be appropriate once airlines have had time to assess the situation and make alternative arrangements.

## **Exceptional circumstances**

In the past, the Secretary of State has provided dispensations in exceptional circumstances to enable flights during the night quota period and to allow aerodromes to recover from prolonged disruption.

Examples include the:

- periods following the volcanic ash crisis in 2010
- severe prolonged winter weather in December 2010
- Gatwick Airport drone incident in December 2018

Dispensations will be considered in similar exceptional circumstances.

## **Changes to airspace arrangements due to government decisions**

Where there is a temporary change in airspace as a result of government decisions with consequences for airline schedules, dispensations would be granted so as to protect airports/airlines from financial consequences of matters wholly beyond their control.

Past examples have included:

- flypasts on ceremonial occasions, such as for the King's Birthday
- Olympic celebrations where scheduled flights due to land or depart during the day were pushed into the night quota period

### **B: Section 78 (4) – Dispensations under a notice granted by the airport manager or a person authorised by the airport manager**

As a general principle, dispensations issued under Section 78(4) should be used when they relate to operational matters that affect a small number of flights and the airport manager is better placed to take the decision. These dispensations are intended to cover abnormal and/or extraordinary circumstances, which are outside of the control of the airlines or the airport manager.

Dispensations should not be issued for flights that are scheduled to arrive or depart within the night quota period (23:30 to 06:00) but which are subsequently delayed and arrive or depart in a subsequent night quota period, as in this scenario, the flight is deemed to already have a night flight allocation.

For example, if a flight was scheduled to land at 05:50am on Monday but was heavily delayed and landed almost a day late, at 01:10am on Tuesday, the flight was always scheduled to use up a night-time movement if the landing had happened according to plan. Therefore, it would not be appropriate for this delayed flight to then be given a dispensation.

It is widely recognised within the aviation sector that providing an arrival or departure is within 15 minutes of its scheduled time, the flight is still considered to be technically 'on-time'. Some airlines choose to schedule operations very close to the start of the night quota period, which commences at 23:30. In such circumstances, a dispensation should not be granted for arrivals or departures that take place just into the night quota period when the movement is less than 15 minutes late.

Pre-emptive dispensations have been used previously to land flights early on poor weather days. This is to reduce the risk of delays during the airport's early morning busy hours, which could then have knock-on effects throughout the day, and possibly into the night period.

While recognising that the practice has been employed sparingly and in a controlled fashion this practice should not continue.

## **1. Emergencies**

Flights involving emergencies (other than those constituting relief flights) where there is an immediate danger to life or health – whether human or animal.

For example, a flight is scheduled to land at 06:20am, but a passenger is taken ill during the journey, and it therefore becomes necessary to hasten the arrival. The flight subsequently lands at 05:50am, within the night quota period, where the emergency services are waiting. This flight would qualify for a night flight dispensation.

## **2. Widespread and prolonged air traffic disruption**

Disruption to air traffic is intended to cover disruption affecting air traffic flow such as strikes by Air Traffic Controllers (ATC) or from political difficulties abroad or ATC computer problems. It would also cover disruptions to air traffic from strong winds, snow, ice and fog resulting in low visibility procedures.

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, would also be covered.

Problems arising from snow and ice should not in themselves constitute sufficient reason for dispensations, especially for departures. This is because the likelihood of adverse weather conditions should be considered in operations planning – however, see the [government exemption for exceptionally severe weather](#).

### **3. Delays as a result of disruption leading to serious hardship and congestion at the airfield or terminal**

Delays would cover disruption to air traffic as set out under ‘widespread and prolonged air traffic disruption’. It would also cover emergencies – such as the fire to an aircraft on the ground at Heathrow in July 2013, which led to severe terminal disruption, or disruption caused by any hijacking activity.

It would not cover:

- strikes by baggage handlers because this is within the control of the airport
- delays that arise from additional security checks that should be considered when planning operations

Flight delays that occur due to staffing issues within air traffic control towers, for example, everyday sickness in the control tower, would not be covered, as this is deemed to be in the airport’s control. This is regardless of whether services are contracted to other ATC providers.

However, staff sickness at times of a national pandemic or emergency – such as COVID-19 – would be covered.

Disruptions are not abnormal and we believe adequate provision should be made within the airport’s night restrictions and operational measures – such as at Heathrow under tactically enhanced arrivals measures to help mitigate disruption and facilitate recovery and the need for dispensations. Operational difficulties cannot be precisely predicted but experience indicates they can be expected to occur.

Airport managers must use their own judgement to decide what constitutes serious hardship or suffering for the purposes of the above. Serious hardship or suffering is intended to cover cases when passengers are subjected to long delays when the terminal buildings are overcrowded, and their facilities strained, with insufficient hotel accommodation available. Only the minimum number of flights required to reduce overcrowding to a tolerable level should be disregarded.

Mere inconvenience to passengers does not constitute hardship for these purposes. The same considerations apply if serious hardship at an originating airport is the reason for disregarding a landing.

Delayed cargo flights (other than those that carry animals and meet one of the criteria above) and extra night shuttle flights to meet demand may not be disregarded for reasons of serious hardship and congestion. All these movements must count against the movements limit and the noise quota according to their QC classification.

Dispensations would not be appropriate when aircraft operators have reasonable time to rearrange their schedules and accordingly would fall outside the scope of these Section 78(4) dispensations. All dispensations in times of air traffic disruption (ATC, political crisis, weather-related) are NET. This means any movements scheduled for the night period but that do not occur (or occur in the daytime) because of that disruption must be offset against this, with only the excess counting as dispensations from the movement limits and the noise quotas.

## Monitoring

All dispensations granted by the airport will be subject to monitoring by the Department for Transport.

## Testing and calibration of instrument landing systems

Airborne safety calibration checks of the Instrument Landing Systems (ILS) used by arriving aircraft at the 3 London airports are carried out on behalf of the Civil Aviation Authority (CAA) usually twice a year and generally at night. Normally, the aircraft used for this purpose are exempt from the night restrictions – they are classified QC/0.

However, any landings and take offs for the purpose of testing the ILS or other navigation equipment, by aircraft classified QC/0.5 or above, are not given dispensations and would count against the movement limits and noise quotas. Such flights should fall outside the scope of this suggested dispensation.

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