

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.

