

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

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

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 plan¹ (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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- ¹ Stansted Airport Noise Action Plan 2024-28 [Noise Action Plan | London Stansted Airport](#)

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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