

Report to Aviation Forum
Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 Consultation

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PURPOSE OF REPORT

The purpose of this Briefing Note is to provide an outline of the key elements of the recent consultation document issued by the Department for Transport (DfT) in January 2013 entitled; '*Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 Consultation*'

The Aviation Forum is being asked to consider the suite of documents attached or related to this briefing report and the key messages that need to be contained within a response to the Secretary of State, representing the views of Borough residents.

The matter is to be considered by Cabinet on 25th April 2013.

BACKGROUND INFORMATION

The first restrictions on night flights were introduced at Heathrow in 1962, at Gatwick in 1971 and at Stansted in 1978, in recognition of the disturbance caused to local people. The Government has always claimed that the underlying principle of restrictions has been to strike a balance between the airline's need to operate services at night, taking account of the user and economic benefits, and the impact on people living around the airports particularly under the departure and arrival tracks.

The basis of the current night flying restrictions was brought in for the period 1993 to 1999. The original objectives of the regime were to:

- Revise and update the arrangements as appropriate;
- Introduce common arrangements for night restrictions at the three airports;
- Establish further restrictions at Stansted as promised in the 1985 White Paper;
- Continue to protect local communities from excessive aircraft noise levels at night;
- Ensure that the competitive influences affecting UK airports and airlines and the wider employment and economic implications are taken into account.

Further revisions were made for the period 1999 onwards when the objectives were to:

- Strike a balance between the need to protect local communities from excessive aircraft noise levels at night and to provide for air

- services to operate at night where they are of benefit to the local, regional and national economy;
- Ensure that the competitive factors affecting UK airports and airlines and the wider employment and economic implications are taken into account;
 - Take account of the research into the relationship between aircraft noise and interference with sleep and any health effects;
 - Encourage the use of quieter aircraft at night;
 - Maintain common arrangements for night restrictions at the three airports;
 - For the night quota period (11.30pm to 6.00am), to put in place at Heathrow arrangements which will bring about further improvements in the night noise climate around the airport over time;

It was the introduction of the 1993 regime that was subsequently the subject of joint Local Authority Judicial Review proceedings through the UK courts that led to a case being taken to the European Court of Human Rights (ECHR) by a group of affected residents living around Heathrow airport in 1997. The Government subsequently successfully appealed against the initial ruling in July 2003 and considers this has provided 'clarity and has cleared the way' for a thorough review of its policy on night flights at Heathrow, Gatwick and Stansted.

CURRENT CONSULTATION

Appendix 1 is the Executive summary of this latest consultation. A copy of the full document is available at: <https://www.gov.uk/government/publications>. The deadline for response is 22nd April 2013.

Under the Civil Aviation Act the Secretary of State has powers to set noise levels at Heathrow, Gatwick and Stansted airports, termed the three 'designated' airports. These are the only airports where the Government takes responsibility for setting the night flight regime.

This latest consultation is the first of two phases. Phase-1 is essentially a 'call for evidence' and is a critically important phase of the consultation process as responses will be used to formulate options for the purposes of framing a new night flying regime.

Phase-2 will relate to specific proposals, such as the number of flights, and will be informed by the views of the various interest groups. The government is pledging it will seek to strike a fair balance between the interests of those affected by noise and those of the airports, passengers and the UK economy. The phase-two consultation is scheduled for Autumn 2013. The Government will need to have firm, final plans in place by March 2014 as the current agreement with the airlines runs out in October 2014 and the airlines need at least 6 months to readjust their schedules.

The results of the consultations will be fed into the Davies Commission (which

is looking at whether there is a need for extra capacity and London's airport and, if so, where it should be). As things stand, the Davies Commission is due to publish an Interim Report at the end of this year, with its final report coming out in Summer 2015, two months after the next General Election, though there is pressure on the Government to bring this forward.

The consultation lists a series of **70** set questions for comment. These are reproduced in **Appendix 2** attached to this report. Aviation Forum stakeholders are invited to offer comments on all/any of the questions that are of particular relevance to Borough communities.

Structure of the Phase 1 Consultation

The first stage consultation:

- Clarifies the information which must, in so far as it is appropriate and possible to do so, be considered in taking decisions on night time operating restrictions;
- Sets out the facts on how the current regime has operated;
- Calls for detailed evidence on the effectiveness of the current regime, analysing its usage and seeking comments on our (*DfT*) analysis;
- Seeks views on the structure of the next regime;
- Sets out possible options for the next regime and seek views on their feasibility, their respective costs and benefits and evidence of airlines' fleet replacement plans; and
- Reviews the current evidence on the costs of night flights, particularly noise, and the benefits of these flights, and seek views on how we (*DfT*) should go about assessing these costs and benefits when drawing up an impact assessment for our (*DfT*) proposals in the second stage consultation.

The consultation covers the following themes:

- Policy and legal landscape
- Factual Information
- Structure of the current night noise regime
- Exploration of options for the next night noise regime
- Night flights evidence review
- Summary of questions

Wards Affected

Given the proximity and impact of aircraft noise arriving and departing Heathrow Airport most areas of the Borough will be affected by the outcome of the consultation process but particularly those of Bray, Castle Without, Park, Clewer East, Clewer North, Clewer South, Old Windsor, Datchet, Eton and Castle, Horton and Wraysbury

Discussion

Many of the issues contained within the consultation document will be of particular significance to RBWM given the adverse impact upon local

residents from operations arising from aircraft using Heathrow Airport and the Borough's active and historical involvement in seeking to mitigate such impacts. A number of matters being brought forward in the latest consultation reflect upon those very same issues that the local authorities around Heathrow sought to address through the Night Flight judicial reviews, the T5 Inquiry in 1997/98 and reiterated in previous responses by the Council. Several of the issues were specifically highlighted by the T5 Inspector in his final report and recommendation to the Secretary of State. In that respect, there is some comfort that these issues are at least being brought forward for consideration at the same time as the Aviation Policy Framework is being considered.

The likely key concerns for Borough residents are focused around the following;

- Relative timetables for the various strands of the APF process e.g. publication deadlines; Davies Airports Commission; Operational Freedoms Trials; abandonment of the Cranford Agreement (and easterly alternation).
- WHO standards and acceptability criteria in the absence of credible research in the UK on community noise thresholds.
- Mitigation packages for day- and night time.
- The current strength of the economic debate.

The key issues for consideration for inclusion in the Borough's response would suggest a leaning towards the following:

- Continuation of the Borough's policy position calling for a ban on night flights (2330-0600).
- Seeking a compromise position e.g. trading off night flights for increased day time activity.
- Quota periods and Quota Counts.
- Incentivisation instruments.
- Mitigation packages.
- Introduction of periods of respite.
- The economic arguments.
- CDA (>3⁰) during 'shoulder periods and night – (*a new thought we might like to consider as a mitigation measure/suggestion*).
- WHO Community Noise Guidelines.

Some consideration also needs to be given to the Borough's role and methods for raising community awareness, engagement, messaging and media channels with respect to this issue.

The Aviation Forum comments are sought

Appendix 1: Executive Summary - *Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 Consultation*

Appendix 2: Summary of Questions

APPENDIX 1

Night Flying Restrictions at Heathrow, Gatwick and Stansted Stage 1 Consultation

January 2013

1. Executive Summary

1.1 The aviation sector is a major contributor to economic prosperity by providing the international connectivity needed to support economic growth. The Government supports the growth of the sector within a framework which maintains a balance between these economic benefits and its costs, which include the impact of noise on local communities around airports.

1.2 Despite the significant improvements in aircraft technology in recent years and the associated noise reduction benefits, noise from aircraft operations at night remains widely regarded as the least acceptable aspect of aviation noise and government has long recognised this. If airport capacity is allowed to grow, it is essential that the aviation industry continues to tackle its noise impact in order that the benefits are shared between airports and local communities.

1.3 At the three airports at which it has the power to set noise controls -Heathrow, Gatwick and Stansted -the Government has historically set restrictions on the operation of aircraft at night. When it is setting restrictions, the Government's existing high-level policy objective on aircraft noise is to limit and, where possible, to reduce the number of people in the UK significantly affected by aircraft noise.

1.4 The restrictions, collectively known as the 'night flying regime', have been based on:

- setting a limit on the overall number of night flights;
- placing restrictions on the noisiest aircraft types; and
- setting noise quotas which cap the amount of noise energy which can be emitted at night over the course of the regime. This takes account of the noise emitted by aircraft type -the noisier the aircraft, the fewer that can be operated within the cap, thereby also providing a built-in incentive for airlines to use less noisy aircraft where practicable.

1.5 On 26 March 2012, the Government announced that it would extend the existing night flying regime at the three airports for a period of two years until October 2014. At this stage the Government has taken no decisions on its preferences for the next regime, but the regime will need to be consistent with the high level noise policy which the Government will set out in spring 2013 when we publish our Aviation Policy Framework document.

<https://www.gov.uk/government/speeches/night-flying-restrictions-at-heathrow-gatwick-and-stanstedairports>

1.6 Recognising the importance of aviation to the UK's future, in September 2012 the Government announced the setting up of an independent Airports Commission, chaired by Sir Howard Davies, to examine the scale and timing of any requirement for additional capacity to maintain the UK's position as Europe's most important aviation hub, and it will identify and evaluate how any need for additional capacity should be met in the short, medium and long term. As night flying restrictions may be relevant to questions of airport capacity, we will want to be able to take account of relevant recommendations which may emerge from the Airports Commission during the process to set the next night flights regime.

Equally, the Commission may want to make use of the evidence gathered from this consultation.

1.7 As a first step to setting the next night flights regime we therefore want to gather evidence now which we would like to inform both our development of options for the next regime, and also the work of the Airports Commission.

1.8 This first step is an open call for evidence and we are seeking views on options which have not been considered in the past. Some options may prove to be more costly or difficult to implement, while others may not realistically be achievable until later in the period covered by the next regime, or even until a future regime. Nevertheless we want to gather evidence now to help us assess the relative feasibility of each option.

1.9 We are aware of the economic arguments for operating night flights. So, as well as looking at options for reducing the noise impact of night flights, this consultation is also an opportunity for interested parties to make the case for night flights and how they can contribute to economic growth.

1.10 Specific proposals for the next regime, such as the number of permitted night flights, will form the second stage consultation. These proposals, which will be informed by the evidence we receive from this first stage consultation, will need to strike a fair balance between the interests of those affected by the noise disturbance and those of the airports, passengers and the UK economy, taking account also of our obligations under EU law. We will produce a full impact assessment of our specific proposals in the second stage consultation, but for now we are seeking evidence on the high-level costs and benefits of the possible options. We are also consulting on our proposed framework for appraising the policy options for the next regime.

1.11 This consultation is structured as follows:

Chapter 2 -Policy and legal landscape. This explains the policy context in which we are conducting this work, and the legal requirements which we must take into account.

Chapter 3 -Factual information. This provides relevant information for stakeholders about current night operations and noise objectives and performance at each of the airports.

Chapter 4 -Structure of the current night noise regime. Here we explain the components of the current regime, including the length of the night quota period, the quota count system, length of the next regime, rules on dispensations and carry-over rules. It invites views on whether any of these arrangements should change.

Chapter 5 -Exploration of options for the next night noise regime. This Chapter considers future developments at the three airports and options for the next regime. It sets out our initial assessment on the operation of the current restrictions and invites views on how these might change in the next regime. It

also seeks evidence on the feasibility, costs and benefits of further options to reduce noise. These options include:

- operational procedures, including increasing the angle of descent on approach; introducing a night-time easterly preference at Heathrow and extending the use of displaced landing thresholds;
- changing the existing scheduling or operating bans which affect the noisiest aircraft types;
- guaranteed respite periods;
- trade-offs which could include an increase in the number of permitted flights in the night quota period.

Chapter 6 – Night flights evidence review. This Chapter reviews current evidence on the costs of night flights, particularly noise, and the benefits of these flights. It sets out our thinking on how we would expect to appraise the policy options for the next night flights regime and seeks views on our approach. The proposals reflect our review of relevant recent studies and incorporate the methodology proposed by the Civil Aviation Authority for estimating the cost of sleep disturbance from aircraft noise.

Chapter 7 -Summary of Questions

How to respond

The consultation process is being run as a two stage process to ensure we have a robust evidence base to inform the development of options for the next regime. We anticipate this consultation will be of most interest to the aviation sector and local authorities as well as residents living under or near the flight paths to Heathrow, Gatwick and Stansted airports. The consultation document has been sent to relevant organisations for which we have contact details, including representative organisations which have been asked to disseminate the document to their members. This document has been published on the Department's website and can be found at <https://www.gov.uk/government/publications>.

APPENDIX 2:

7. Summary of Questions

Policy and legal landscape

Q1: Are there any other matters that you think we should cover in the second stage consultation?

Factual Information

Q2: Do you have any comments on our assessment of the extent to which the current objectives have been met?

Q3: Do you have any views on how these objectives should change in the next night noise regime?

Structure of the Current Night Noise Regime

Q4: Do you have any views on whether noise quotas and movement limits should apply only to the existing night quota period or to a different time period?

Q5: Do you have any new evidence to suggest we should amend or move away from the current QC classification system?

Q6: Do you have any views on the optimum length of the next regime and how this should align with the work of the Airports Commission?

Q7: Do you have any views on how dispensations have been used?

Q8: Do the dispensation guidelines still adequately reflect current operational issues?

Q9: Would you favour adding greater contingency to the seasonal movement limits (within any overall movement cap for the airport) in order to avoid large numbers of dispensations?

Q10: Do you consider there is still a need to retain the principles of carry-over and overrun? If so, please give reasons why.

Q11: If we retain the principles do you think we should change the percentage of movements and noise quota which can be carried over or overrun?

Exploration of Options for the Next Night Noise Regime

Q12: Do you have any comments on our analysis of fleet and operational trends?

Q13: In the absence of any new restrictions, what changes in operations and fleet mix do you expect in the period between now and 2020 (and beyond 2020 if possible)?

Q14: Please set out how you expect local land use planning policies to impact upon the numbers of people exposed to night noise in the next regime. Please give details of any housing developments planned to take place within the current night noise contours (see Annex B).

Q15: Please provide any information on the feasibility of increasing the angle of descent into Heathrow, Gatwick or Stansted, particularly within the next seven years.

Q16: What are your views on the analysis and conclusions in annex H? Would you favour changing the current pattern of alternation in favour of an easterly preference during the night quota period?

Q17: Do you have any views on the costs and benefits of a night-time runway direction preference scheme at Gatwick or Stansted?

Q18: Please provide any information about the feasibility of using displaced landing thresholds in the next seven years for arrivals from the east at Heathrow and from the north east at Stansted.

Q19: Please provide any information about airspace changes or other operational procedures which could mitigate the impact of night noise in the next regime period

Q20: Do you have any comments to make on the figures relating to movement limits and usage?

Q21: In the absence of any new restrictions, how do you expect demand for movements in the night quota period over the course of the next regime to change?

Q22: Do you have any comments to make on the figures relating to noise quota limits and usage?

Q23: Do you agree with our initial assessment of the scope for reducing the noise quota in the next regime without imposing additional costs?

Q24: Do you have any views on the relative disturbance caused by the noise of an individual aircraft movement against the overall number of movements in the night quota period?

Q25: What are your views on the feasibility of a QC/8 and QC/16 operational ban in the night period? Please set out the likely implications of such a ban and the associated costs and benefits.

Q26: How many QC/4 aircraft do you expect to be in operation over the next seven years during the night quota period? Is the downward trend at Heathrow expected to continue?

Q27: What are your views on the feasibility of a QC/4 operational ban in the night quota period at any or all of the three airports? Please set out the likely implications of such a ban and the associated costs and benefits.

Q28: Are there more cost-effective alternative measures (such as penalties) to reduce the number of unscheduled QC/4 operations during the night quota period?

Q29: What are your views on the feasibility of an operational ban of QC/4 aircraft at any or all of the three airports during the shoulder periods? Please set out the likely implications of such a ban and the associated costs and benefits.

Q30: What is the rationale for operating services at precise times during the night quota period (as they do now)?

Q31: What is the scope for introducing a respite period at Gatwick or Stansted? Please set out the associated costs and benefits.

Q32: What is the feasibility of making Heathrow's voluntary curfew mandatory?

Q33: If you favour a guaranteed respite period, what would be the minimum period which you would consider to be worthwhile?

Q34: What are your views on the principle of trading off a complete restriction on movements in one part of the current night quota period against an increase in flights in another part of the night quota period?

Q35: What are your views on the possibility of fewer unscheduled night flights arising from an increase in daytime arrivals 'out of alternation' or vice versa?

Q36: What value do you place on day time respite compared with relief from noise in the night quota period?

Q37: Do you have any views on the extent to which landing fees can be used to incentivise the use of quieter aircraft during the night period?

Q38: Please provide comments and evidence on the extent to which the noise insulation scheme criteria have been met. Where possible please include figures for

numbers of properties insulated under the scheme and numbers which are still potentially eligible.

Q39. Do you have any suggestions for changes to current compensation schemes or for new compensation schemes that might be introduced to help offset the impact of night noise on those exposed to it? For new schemes, please explain the parameters that you would suggest for the scheme and the rationale for choosing those parameters

Q40. Do you have any proposals for new or improved economic incentives that could be deployed to incentivise the use of quieter aircraft during the night period?

Night flights Evidence Review

Q41: Is there any other evidence we should consider in assessing the response of airlines and air transport users to changes in the night flights regime?

Q42: Is there any reason why we should not seek to ensure consistency with the Aviation Appraisal Guidance approach to assessing air passenger impacts?

Q43: What are your views on how we should assess the impacts on air passengers associated with a change in night flights regime, if we are unable to use the Department's aviation models?

Q44: Do you think there is merit in applying the approach employed by CE Delft? If so, do you agree that it is reasonable to assume that business passengers and transfer passengers prefer to arrive on a night flight, if they would choose to do so if one were available? What are your views on what we should assume about terminating passengers' preferred arrival times and about passengers' preferred departure times?

Q45: Do you agree that the impacts on passengers who decide not to travel (or become able to travel) as a result of the change in night flights regime could be critical to the balance of costs and benefits?

Q46: Are you aware of any evidence that we could use to value the impacts on passengers who decide not to travel or (become able to travel) as a result of the change in night flights regime?

Q47: Do you think that the method used by Oxford Economics (2011) to assess the impacts on productivity of changes in business usage of aviation (the approach is described in paragraphs J22-23 of Annex J) would adequately take account of the impact on air freight service users of changes in the current night flights regime?

Q48: Do you think that, were we to employ the method used by Oxford Economics (2011) to assess the impacts of changes in business usage of aviation on UK productivity (the approach is described in paragraphs J22-23 of Annex J), we would need to isolate the impact on business air passengers in our assessment of air passenger impacts in order to avoid double-counting of business air passenger impacts?

Q49: Is there any other evidence or information that we should consider in assessing the impact on air freight service users of a change in the night flights regime?

Q50: Is there any reason why we should not seek to ensure consistency with the Aviation Appraisal Guidance approach to assessing airline and airport impacts?

Q51: What are your views on how we should assess the impacts on profits, if we are unable to use the Department's aviation models?

Q52: Do you agree that there is merit in our applying a similar approach to that employed by Oxford Economics to estimate the economic value of night flights at Heathrow? If so, are you able to provide any evidence of how much freight is carried on night flights at the designated airports? What factors should we consider in

assessing the applicability of the available profits data to night flights at the designated airports?

Q53: Is there any other evidence we should consider in assessing the impacts of a change in the night flights regime on airlines and airports?

Q54: Do you agree that the approach proposed by the Civil Aviation Authority (CAA) for estimating the cost of sleep disturbance from aircraft noise reflects the available evidence? If not, how do you think it should be changed?

Q55: Is there any other evidence, not considered by the CAA in their literature review, which we should consider in assessing the noise impacts of a change in the night flights regime?

Q56: Do you agree that we should ensure that the method used to assess air quality impacts should be proportionate to the proposals under consideration?

Q57: Is there any other evidence we should consider in assessing the air quality impacts of changes in the night flights regime?

Q58: Do you agree with our proposed approach? Is there any evidence on nonCO2 climate change impacts we should consider?

Q59: Is there any reason why we should not seek to ensure consistency with the Aviation Appraisal Guidance approach to assessing public accounts impacts?

Q60: What are your views on how we should assess the impacts on the public accounts, if we are unable to use the Department's aviation models?

Q61: Do you agree that there is merit in our applying a similar approach to that employed by Oxford Economics to estimate the impact on APD revenues?

Q62: Do you agree that the impact of any change in the night flights regime is unlikely to have a significant impact on employment, and therefore any impact on employment taxes will be minimal?

Q63: Is there any further evidence we should consider in attempting to assess the indirect impact of a change in the night flights regime on indirect taxation revenue across the rest of the economy?

Q64: What are your views on our employing a similar approach to that employed by Oxford Economics and Optimal Economics in assessing the impact of a change in the regime on UK productivity? Do you agree that if we were to employ this approach there would need to make adjustments to avoid double counting the benefits to business passengers and freight service users?

Q65: Is there any further evidence we should consider in attempting to assess the impact of a change in the night flights regime on UK productivity?

Q66: Do you agree with our proposal to assess the impact of a change in the night flights regime qualitatively? If not, why not, and what would you suggest as an alternative?

Q67: Is there any further evidence we should consider in attempting to assess the impact of a change in the night flights regime on UK productivity?

Q68: Do you agree with our proposed approach to considering the potential impact of a change in the night flights regime on UK employment? If not, why not, and what would you suggest as an alternative?

Q69: Is there any further evidence we should consider in attempting to assess the impact of a change in the night flights regime on UK employment?

Q70: Are there any other impacts, not considered above, that we should consider in assessing the impacts of a change in the night flights regime (e.g. impacts related to the way people travel to and from the airport)? If so, what evidence should we consider in assessing these impacts?