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Report for: ACTION/INFORMATION
Item Number: 7



Contains Confidential or Exempt Information	NO – Part I
Title	Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 Consultation
Responsible Officer(s)	Terry Gould
Contact officer, job title and phone number	Terry Gould – Head of Public Protection Tel: 01628 683501
Member reporting	Cllr Carwyn Cox – Lead Member for Environmental Services
For Consideration By	Cabinet
Date to be Considered	25 April 2013
Implementation Date if Not Called In	Immediately
Affected Wards	All, but particularly the communities within Bray, Castle Without, Park, Clewer East, Clewer North, Clewer South, Old Windsor, Datchet, Eton and Castle, Horton and Wraysbury
Keywords/Index	Night flying restrictions; Heathrow Airport; noise quota counts, community noise; annoyance; community engagement

Report Summary

1. This report summarises the key elements of the current consultation document issued by the Department for Transport (DfT) entitled; '*Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 Consultation*' (January 2013).
2. Cabinet is being asked to consider both the overview of the consultation and the accompanying suite of documents that form part of the consultation; and to agree the general thrust of the council's response to the Secretary of State, that represents the views of local residents.
3. The deadline for response is 22nd April 2013. However as previously, a draft response will be sent to the DfT notifying of the Cabinet timetable and a subsequent letter of confirmation will be sent after Cabinet has

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considered the issue.

4. The report recommends that the Council maintains its historical position of recognising the economic benefit of Heathrow airport and general support for a sustainable aviation industry and sustainable airport development, but raising strong objections to night flights as a first principle and seeking improved noise mitigation controls and insulation schemes that benefit those local residents who are adversely affected by Heathrow operations during the day and/or at night.
5. There are no additional financial implications for the Council at the present time. Any developments that might lead to any future financial implications would be the subject of a separate report.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. Responding to Department for Transport will ensure the Borough's views are made known to Government so they may be included in the formulation of future aviation policy.	This will depend ultimately on the government's wider programme for taking forward a new night flying restrictions regime as part of a future long term aviation policy.
2. Comments, particularly those from local residents are more likely to contribute to a greater understanding and opinion of local issues arising from the consultation.	Through raising existing issues, whilst there is no guarantee of success, it is more likely to result in earlier intervention and mitigation of more local concerns in the short term that will be of benefit to local residents.

1. Details of Recommendations

RECOMMENDATION: That Cabinet;

- a) **Note the contents contained within this report relating to the current 'Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 Consultation' issued by the DfT in January 2013.**
- b) **The Head of Public Protection, in consultation with the Lead Member for Environmental Services and the Chairman of the Aviation Forum be authorised to submit a response on behalf of the Council based on the details set out in Appendix 1 of this report, together with any additional concerns highlighted by Cabinet.**

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- c) **Authorise and delegate responsibility to the Head of Public Protection to implement an effective public awareness campaign on the wider aspects of the national aviation debate thereby encouraging local engagement in the issues that are of concern; and**
- d) **The Lead Member for Environmental Services in conjunction with the Chairman of the Aviation Forum issue a series of press releases at the appropriate times.**

2. Reason for Recommendation(s) and Options Considered

2.1 Background

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 an equitable 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.

2.2 The basis of the current night flying regime was brought in for the period 1993 -1999. The original objectives of this 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.

2.3 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

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improvements in the night noise climate around the airport over time;

- 2.4 It was the introduction of the 1993 regime that was subsequently the subject of joint Local Authority Judicial Review proceedings. A lengthy and costly process through the UK courts led to a case eventually 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 considered this provided 'clarity and has cleared the way' for a thorough review of its policy on night flights at Heathrow, Gatwick and Stansted. However, the 2005 regime was no less controversial than previous regimes.

Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 Consultation' (January 2013).

- 2.5 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.
- 2.6 This latest consultation is, in fact, 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. The responses will also feed into the Davies Commission that is considering the wider UK Aviation Policy Framework.
- 2.7 The phase-two consultation, scheduled for Autumn 2013, 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 adhere to what is termed the 'balanced approach to noise management'. Essentially this consists of identifying the noise problem at an airport and assessing the cost-effectiveness of the various measures available to reduce the noise. Measures relate to:
- Reduction of noise at source;
 - Land use planning;
 - Noise abatement operational procedures (optimising how aircraft are flown and the routes they follow to limit the noise impacts; and
 - Operating restrictions.
- 2.8 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 re-adjust their schedules.
- 2.9 The results of the consultations will be fed into the Davies Commission which is looking at whether there is a need for extra runway capacity, particularly in the South east and, if so, where it should be. As things

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stand, the Davies Commission is due to publish an Interim Report at the end of 2013, 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.

- 2.10 The consultation lists a series of 70 set questions for comment. These, together with a suggested responses are reproduced in **Appendix 1** attached to this report.

Summary and Structure of the Phase 1 Consultation

- 2.11 This first stage consultation deals with the following issues:

- 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.

- 2.12 The consultation is structured into 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

Discussion

- 2.13 Many of the issues contained within the consultation document will be of particular significance to the Borough given the adverse impact upon a large number of local residents 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 the many responses by the Council. This consultation appears to be giving more weight to those issues that have been raised previously and areas of

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concern 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.

- 2.14 The 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.
- 2.15 The key issues for inclusion in the Borough's response are the following:
- Reinforcing the Borough's robust policy position insisting on a ban on aircraft taking off or landing between 2330-0600h.
 - Seeking a compromise position e.g. trading off night flights for increased day time activity.
 - Clearer definition of Quota periods vis-a-vis night time period.
 - A reducing target over the next period of allowable Quota Counts.
 - Incentivisation instruments to encourage airlines to introduce quieter fleets.
 - Pressing for a more realistic and generous noise mitigation packages, funded by the industry/users.
 - The urgent introduction of periods of respite through the early abandonment of the Cranford Agreement.
 - Consideration of the current economic arguments.
 - Continuous Descent on Approach (CDA) change to $>3^0$ during 'shoulder periods' as well as at night.
 - Re-calibration of the methods of assessing aviation noise and targeted compliance with the WHO Community Noise Guidelines.
- 2.16 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 and the forth coming debates. In this respect Cabinet will recall the *WideNoise* project considered in February 2013. This project has now been launched and will support the council's programme of encouraging participation and engagement in the aviation debate through active community involvement.

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Options Considered

Option	Comments
Option 1: Do nothing – NOT RECOMMENDED	Historically the Council has taken on the mantle of community leadership by supporting robustly the views of local communities and lobbying for effective mitigation measures against the adverse impacts arising from Heathrow operations. Not to do so would be inconsistent with current Council policy.
Option 2: Minimalist approach of merely answering the questions posed in the consultation document together with any other technical matters of concern to the council. – NOT RECOMMENDED	Lost opportunity to integrate with the wider discussion on the UK Aviation Policy Framework.
Option 3: Responding to the consultation document and adopting a more proactive approach by raising public awareness and support on the issue through effective public information facilitated by the local press and media; conducting a series of presentations to local Parishes and interest groups; running articles in Borough publications. - RECOMMENDED	Most local authorities around Heathrow are committed to a phased reduction, leading to the abolition, of night flights at Heathrow Airport. Aviation is a key concern for many local residents living under the flight paths. Urging local residents to voice their opinions; and encouraging the public to respond to the consultation and participate in initiatives such as the <i>WideNoise</i> project and to report their concerns over the adverse impact of aircraft noise over the area, including night flights is likely to be more influential in formulating a balanced aviation policy.

3. Key Implications

3.1 What does success look like, how is it measured, what are the stretch targets

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Local residents' views and concerns are raised and included as part of the borough's response to the Night Flying Restrictions consultation.	Local concerns are not included within any new night flying regime for Heathrow Airport.	The views of the Borough and local residents are reflected within the new night flying regime for Heathrow Airport; and the new aviation strategy framework	Robust commitments from UK Govt. to address the key issues of: concern relating to night flying operations at Heathrow Airport. To include: a package of	<u>All</u> key local concerns are addressed specifically within the new night restrictions regime and Aviation Policy Framework, as set out in the	October 2014 for the revised night flying restrictions regime. The DfT timescales are variable and currently undefined for the longer-term Aviation Policy

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		reinforces longer-term government commitments to address any outstanding key issues of concern.	tangible and enhanced noise protection measures; the early abolition of the Cranford Agreement and introduction of easterly alternation.	Borough's responses, together with SMART objectives for resolution.	Framework.
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4. Financial Details

4.1 There are no anticipated financial implications or negative impacts upon the budget arising out of this report; and any incidental expenditure e.g. raising public awareness, is capable of being absorbed into existing resources.

5. Legal Implications

5.1 None

6. Value for Money

6.1 There are a number of issues upon which the borough agrees with other local authorities around Heathrow Airport. Collaborative working between local authorities; the sharing of available data; evaluation of the proposals contained within the consultation document and ensuring consistency when proposing objectives and targets demonstrates best practice and offers significant value for money.

7. Sustainability Impact Appraisal

7.1 The issue of night flights raises a number of fundamental sustainability issues particularly those relating to improving the quality of life and seeking to strike the correct balance between the societal interests of various community groups located around Heathrow Airport and the economic and environmental issues.

Measures to encourage community empowerment and participation in the aviation debate are primary tenets of sustainability.

8. Risk Management

8.1 None

9. Links to Strategic Objectives

9.1 Responding to the consultation is aligned with the following strategic objectives:

Residents First

- Encourage Healthy People and Lifestyles
- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

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Value for Money

- Deliver Economic Services
- Improve the use of technology

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services
- Strengthen Partnerships

10. Equalities, Human Rights and Community Cohesion

10.1 A first stage EQIA has been conducted. This initial screening confirmed the initiative positively contributes and complements Equality, Human Rights and Community Cohesion considerations. A second stage assessment is not considered necessary.

11. Staffing/Workforce and Accommodation implications:

11.1 None

12. Property and Assets

12.1 None

13. Any other implications:

13.1 None

14. Consultation

- 14.1 This matter was reported to the Aviation Forum meeting on 28th February 2013 and comments were invited. A further special technical meeting of the Aviation Forum was held on the 4th April 2013 to engage stakeholders and seek a consensus on the thrust of the responses to be included in the Borough's detailed response.
- 14.2 Representatives from the Borough's Aviation Forum attended a DfT stakeholder event held at the department's offices on 19th March 2013. Clarification on a number of issues emerging from this event has been included in this report. In addition, a number of inter-authority meetings and discussions have been taking place.
- 14.3 A public meeting was held at Windsor Boys School on 28th March 2013, where around 60 residents were addressed by Heathrow Airport and Borough officials on the various actions being taken by various interest groups and stakeholders on key aviation matters.
- 14.4 The Borough's collaborative initiative with UCL, '*WideNoise*' was also launched on 28th March 2013 and is currently being implemented as reported to cabinet at its February 2013 meeting. To date there has been an excellent response from community participants.
- 14.5 This matter is to be considered by a Special meeting of the Highways, Transport and Environment Overview and Scrutiny Panel on 17TH April 2013. Any comments will be included in this report and reported to cabinet.

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15. Timetable for Implementation

15.1 A draft holding response will be sent to the DfT prior to the consultation deadline of the 22nd.April 2013. A confirmatory letter will follow Cabinet's deliberations and forwarded on 26th April 2013.

16. Appendices

16.1 Appendix 1: Night Flying Restrictions Consultation - Summary of Questions and Draft Responses.

17. Background Information

- Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 Consultation
- Aviation Policy Framework (March 2013)
- Report to Cabinet: Draft Aviation Policy Framework 25th.October 2012
- Report to Cabinet : 'WideNoise' February 2013
- Previous Reports to cabinet re Night Flying Restrictions 1993; 1998; 2005
- Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 of Consultation on Restrictions to apply from 30 October 2005
- Previous Council/Cabinet Reports on Aircraft Noise and Aviation Policy
- Evidence submitted to the Heathrow Terminal 5 Public Inquiry

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	03/04/13	08/04/13	
Cllr Cox	Lead Member for Environment	03/04/13	04/04/13	
Mike McGaughrin	Managing Director	03/04/13	09/04/13	
Maria Lucas	Head of Legal Services	08/04/13		
Mark Lampard	Finance Partner	08/04/13	09/04/13	
Simon Hurrell	Head of Planning	08/04/13	To follow	Specifically in relation to Question 14
Aviation Forum	– Stakeholders – Technical Meeting	28/02/13 04/04/13	28/02/13 04/04/13	
External				
Public meeting with Heathrow Airport –	-	28/03/13	28/03/13	Substantive comments

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Windsor Boys School				noted and included within response
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Report History

Decision type:	Urgency item?
Non-key decision	No

Full name of report author	Job title	Full contact no:
Terry Gould	Head of Public Protection	01628 683501

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APPENDIX 1: NIGHT FLYING RESTRICTIONS CONSULTATION SUMMARY of QUESTIONS and DRAFT RESPONSES

QUESTION	SUGGESTED RESPONSE
<p>Policy and legal landscape Q1: Are there any other matters that you think we should cover in the second stage consultation?</p>	<p>There needs to be:</p> <ul style="list-style-type: none">• A definitive statement that there will be a ban on aircraft taking off or landing between 2330-0600h specifically at Heathrow Airport.• In the interests of transparency, public confidence and prior government commitment to do so, conduct a re-appraisal of the criteria against which community annoyance is assessed. If the baseline criteria is flawed all projections and evaluation of community impact will be flawed.• An independent appraisal and evaluation of the practicalities of introducing landing noise infringement levels and associated non-compliance• An assessment of the impact of introducing Easterly Preference prior to the abolition of the Cranford Agreement upon those communities to the west of Heathrow Airport.• The outcome of the Operational Freedoms Trials and full objective justifications for any recommendations relating to proposed changes to the existing arrangements, and/or any impacts (including cost benefit analysis) upon any proposed night flying regime.

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<p>Factual Information</p> <p>Q2: Do you have any comments on our assessment of the extent to which the current objectives have been met?</p>	<p>Many of the noise abatement objectives set out in Chapter 3 do not embrace the principles of S.M.A.R.T. Any new environmental/noise abatement objectives need to be firmed up and comprise 'stretched' SMART targets if tangible and continuous improvement is to be realised.</p> <p>Referring to Q1 response: if the baseline criteria are un-calibrated and flawed, then the results are flawed and will potentially mis-represent reality.</p> <p>The Council welcomes any reduction in the contour areas with the aim of reducing the number of people 'affected' by aircraft noise – but historically the improvement has been painfully slow and needs to accelerate. Retrospective references to contour areas are unacceptable. This regime not only looks forward to 2019/20, it is also to contribute to the future UK Aviation Policy Framework. It must therefore project forwards on a sound basis.</p>
<p>Q3: Do you have any views on how these objectives should change in the next night noise regime?</p>	<p>Yes.</p> <p>Fundamentally, all/any objectives should be SMART.</p> <p>In the event night flying continues, specific targets should be set for phasing out QC4 rated aircraft from any night time movements. With the introduction of new technology and aircraft fleets, priority should be given to fleet replacement. Any aircraft with a noise rating above (i.e. worse than) QC2 should not be operated at night. Phased annual reduction targets over the term should be stipulated. The Council would reaffirm its principle objection to night flights and urge the Secretary of State (DfT) to reconsider the Government's policy with a view to a gradual phasing out of night flights within the period covered by the forthcoming night noise regime.</p>

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<p>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?</p>	<p>There needs to be greater consistency and clarity on the widely accepted definition of night (2300-0700h), as opposed to the night flying restrictions definition that relates to an 'operational night time period' (2330-0600h). This Council supports the principle of retaining the common definition of 'night' i.e. 2300-0700h.</p> <p>It follows that a regime made up of night quota points <u>and</u> aircraft movements should operate within the common definition. It would be possible to segregate the hourly periods for the purposes of limiting 'movements' and specific QC rated aircraft types during such periods.</p> <p>This lends itself to progressive reduction in night flights for specific periods of the 8-hour period within a single regime.</p>
<p>Q5: Do you have any new evidence to suggest we should amend or move away from the current QC classification system?</p>	<p>In the event that night flying restrictions are to continue, this Council believes that the basis and concept of the existing regime is acceptable. It is the 'exemptions' and 'classifications' within the QC banding ranges that are open to question. The current system is theoretically sound subject to the capping of aircraft movements so that all the benefits from the introduction of less noisy aircraft do not result in the industry being allowed more movements.</p> <p>Any movements at night will severely impact on local communities. Any benefits to an existing unacceptable noise climate at night should be secured for the benefit of the local communities.</p>
<p>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?</p>	<p>This question appears to pre-suppose the existing regime in some form or another is likely to stay and night flights will continue.</p> <p>Any new regime or indeed ban should be reviewed every 5-years as originally intended. Such a period appears to be sufficient for investment planning purposes i.e. aircraft and/or infra-structure development and ideally contiguous with Noise Action Plans and objectives for the airports.</p>
<p>Q7: Do you have any views on how dispensations have been used?</p>	<p>There is wide public condemnation of dispensations as every movement impacts at night. The classification of a passenger (e.g. VIP) is irrelevant in noise terms. All movements should be counted as part of any restriction limit. Each and every dispensation used should incur financial penalties that are set at such an amount as to act as a deterrent to operating such movements. The risk should lay with the industry not the resident.</p>

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<p>Q8: Do the dispensation guidelines still adequately reflect current operational issues?</p>	<p>Some dispensations may well be inevitable, but should be accommodated, as above.</p>
<p>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?</p>	<p>No. Movement Quotas should be the subject of a phased reduction, not increased.</p>
<p>Q10: Do you consider there is still a need to retain the principles of carry-over and overrun? If so, please give reasons why.</p>	<p>The use of the carry-over suggests Heathrow is running close to its operational capacity. A re-distribution between the seasons should suffice given the overall combined seasonal annual allowances appear to be within range. There are alternative options, such as increasing load factors of the aircraft and rescheduling times for specific routes!</p>
<p>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?</p>	<p>If the principles are retained, focus should be upon capping the limit and a phased reduction in the QC. This would improve the noise climate at night and its effectiveness can be evaluated at the next review period.</p>
<p>Exploration of Options for the Next Night Noise Regime</p> <p>Q12: Do you have any comments on our analysis of fleet and operational trends?</p>	<p>We welcome the responsible actions and trends of airlines to introduce less noisy fleets, which within a movement constrained operating environment will bring some benefits, to some people, in some areas. However aviation noise at night continues to impact upon many thousands of people. The Council still remains concerned, even after many years, of the robustness of the Sleep Research Study (Ollerhead 1993). Subsequent world-wide studies, EU Guideline Studies and WHO Community Noise Guidelines have called the UK's assessment into question and it is clearly evident there is an urgent need for a fresh UK study to be undertaken, or acceptance of respected more recent studies to gauge the impact of modern and projected fleets.</p>

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<p>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)?</p>	<p>In terms of Heathrow Airport there is a move to larger aircraft and longer haul routes as new global networks and economies open up. There is concern with the statement in Paragraph 5.10 that states: <i>'There is little published information on future intentions of airlines to operate particular aircraft on particular routes. This is not known until the season's schedule is published some six months in advance'</i>. It should be a conditional, pre-requisite for such information to be provided by the industry for the purposes of efficient scheduling and evaluation of likely noise impacts upon local communities.</p>
<p>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).</p>	<p>Existing planning policy for the borough is provided by the Local Plan (Incorporating Alterations Adopted June 2003) contains a policy restricting residential development in areas subject to aircraft noise unless appropriate levels of sound insulation are incorporated. The borough is currently preparing a new development plan which will contain five environmental protection policies; one will be dedicated to noise, setting out specific environmental noise standards for new development including a maximum standard for bedrooms at night time. The standards are based on those provided by the World Health Organisation, and will require development proposals in areas significantly affected by aircraft noise to have effective mitigation measures.</p> <p>Through this emerging development plan – the Borough Local Plan (BLP) - land use policies are likely to explore existing previously developed urban land first for new housing development. As such there are several potential site allocations that will be located in areas exposed to aircraft noise from Heathrow, particularly in the Windsor urban area. Where potential development sites lie within an area that is affected by elevated levels of aircraft noise, the developer will be advised to prepare a noise mitigation scheme for the development that is compliant with the emerging BLP environmental protection noise policy and the National Planning Policy Framework paragraph 123.</p>

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<p>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.</p>	<p>This is a matter for the industry, CAA and NATS. However, subject to safety considerations, the Council is supportive in principle of any measures that reduce the noise impact to local communities residing under the flight paths</p>
<p>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?</p>	<p>The RBWM has some difficulty with this issue. Whilst the council unequivocally supports the principle of a fairer distribution of the noise burden around the airport to offer periods of respite for everyone, it believes that such measures cannot and should not be contemplated until the abolition of the Cranford Agreement (CA) has been secured. The abolition of the CA would allow easterly alternation and much needed and long overdue relief to Windsor and its environs. Such is the acuteness of the impact of the existing regime, it is critical that this is resolved prior to any consideration to introduce Easterly Preference at night. Not to do so would add even further noise misery upon communities living to the west of the airport. Currently, the likely timescales would suggest this could be the case.</p>
<p>Q17: Do you have any views on the costs and benefits of a night-time runway direction preference scheme at Gatwick or Stansted?</p>	<p>The Council has no expertise to offer comments on Gatwick and Stansted airport operating regimes.</p>
<p>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.</p>	<p>In respect of Heathrow, the Council fails to understand why this should only refer to westerly landings i.e. from the east. It questions why there is an inconsistent approach between westerly and easterly operations.</p>

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<p>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</p>	<p>The council would look to the Government's noise policy for reducing the noise climate and to the statutory roles of CAA and NATS to ensure and assure improvements in airspace management can be secured on the basis that it would also mitigate the impact of night noise (on the apparent assumption this is to be the case) in the next regime period.</p>
<p>Q20: Do you have any comments to make on the figures relating to movement limits and usage?</p>	<p>In respect of Heathrow it would appear that there has been a limit set that is realistic to the actual usage. This has been effective in constraining night movements, the primary objective of the scheme. In the absence of documented evidence to the contrary that future night time growth and the cost benefits outweigh the health and disturbance impacts, the Council would not advocate that the current limits is changed as there appears to be sufficient headroom to meet the permitted limits at night .</p>
<p>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?</p>	<p>This Council would not expect the aviation industry to abandon its objective of pressing for more night flights through an unconstrained regime. Indeed, the recent Operational Freedoms Trials demonstrated that there was no apparent appetite for the industry to move aircraft slots from one part of the night to another, but would simply prefer increased flights before 4am, not less. This council would object and robustly resist such a move on behalf of thousands of local residents as it would be viewed a retrograde step and renegeing on previous policy undertakings to control aviation noise, particularly at night.</p>

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<p>Q22: Do you have any comments to make on the figures relating to noise quota limits and usage?</p>	<p>The Borough welcomes the downward trend witnessed in the average noise quota limits and usage. However, the assertions made in Para 5.38 are misleading. Gatwick has witnessed several reduction step changes; Heathrow one in 1999/2000 and since been very slowly decreasing; whilst for Stansted the noise quota limits and usage have actually increased. Clearly the effectiveness of the system is related more to replenishment of aging fleets than any overt incentivisation scheme. The imminent introduction of new aircraft e.g. A380 to replace noisier e.g. B747/400s should significantly reduce the noise quota counts further. This accords with the sentiments expressed in Para.5.39 & 5.43.</p>
<p>Q23: Do you agree with our initial assessment of the scope for reducing the noise quota in the next regime without imposing additional costs?</p>	<p>It is important that the movement limits (if night flights are allowed to continue) are capped to present levels, together with a phased reduction target for Quota limits. The justification is as expressed in the answer to Q.22 above.</p>
<p>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?</p>	<p>There have been a number of studies relating to sleep 'prevention'; sleep 'disturbance' and sleep 'deprivation'. This evidence was presented to the T5 Inquiry in 1997 by Prof. Berglund and has since been endorsed by subsequent studies. The impact of the 'number' of flights over a certain threshold appears to have a greater psycho-acoustical effect than actual noise level within certain noise ranges. This is why it is critical to retain a cap on the number of movements at night.</p>
<p>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.</p>	<p>In respect of Heathrow, it would have no impact and should be a 'given' with the imminent arrival of new aircraft. This Council believes it should also include a phased reduction of all QC4 aircraft operating at night at Heathrow over the next period</p>

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<p>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?</p>	<p>Whilst this is predominantly for industry to answer, as stated in the previous answer this Council believes there should be a mandatory phased /targeted reduction over the next period of all QC4 aircraft operating at night. <i>'The restrictions have generally taken effect at a time when the number of such aircraft has diminished to a point where the economic cost of such a ban is small and where quieter alternative aircraft are available'</i> (Para 5.48). The Council believes these criteria have been met. It is also noted the SoS was sufficiently concerned in 2006 to give assurances that it would be reviewed at the end of the regime in 2012. This is now an opportunity to do just that given the new aircraft coming on stream.</p>
<p>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.</p>	<p>Essential at Heathrow Airport for reasons already stated. It is for industry to set out and justify the likely implications of such a ban and the associated costs and benefits.</p>
<p>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?</p>	<p>Alternative measures are available, not constrained or dependent upon cost. Significantly increased landing charges ('polluter pay principle') would be an effective measure.</p>
<p>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.</p>	<p>Previous comments relating to the phased reduction over the next period of all QC4 aircraft at night, equally apply to the noise sensitive 'shoulder periods'.</p>

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<p>Q30: What is the rationale for operating services at precise times during the night quota period (as they do now)?</p>	<p>There appears little consideration is being given to the impact on local communities. It is simply for economic and operational convenience of the industry and passengers. The industry has no real commitment to resolving a relatively simple re-scheduling exercise.</p>
<p>Q31: What is the scope for introducing a respite period at Gatwick or Stansted? Please set out the associated costs and benefits.</p>	<p>N/A</p>
<p>Q32: What is the feasibility of making Heathrow's voluntary curfew mandatory?</p>	<p>It is entirely feasible if the commitment is present. It avoids ambiguity and promotes confidence.</p>
<p>Q33: If you favour a guaranteed respite period, what would be the minimum period which you would consider to be worthwhile?</p>	<p>As stated previously, the Council's position is that there should be a phased reduction in the number of 'night' flights between 2330h and 0600h.</p>
<p>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?</p>	<p>The Council objects to moving aircraft from one part of the night to another part of the night. This would merely shift the problem rather than resolve it.</p>
<p>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?</p>	<p>The Council eagerly awaits the results from the recent Operational Freedoms Trials as early indications suggest that any benefit (from fewer late flights) is at best marginal.</p>

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<p>Q36: What value do you place on day time respite compared with relief from noise in the night quota period?</p>	<p>This question is irrational as ‘respite’ comes in various forms and there are differing acceptability criteria and causation factors between day and night. Day- and night time cannot and should not be traded off. Local communities place a high value on respite from incessant aviation noise.</p>
<p>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?</p>	<p>Landing fees are one financial incentive. – higher for noisier aircraft; reduced for lower noise - Another would be the introduction of infringement noise levels on <u>arrival</u> and tougher infringement limits for departures (review is long overdue). In both examples the differences need to be significant in value to be effective.</p>
<p>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.</p>	<p>For the respective Airports to supply information. It would be helpful if this information could be made available/transparent for local authorities and local communities affected by such schemes.</p>
<p>39. 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</p>	<p>The current compensation schemes are derisory and outdated. A complete review and more generous packages need to be devised and implemented.</p> <p>Criteria need to be based on calibrated community noise values and arguably in going forward be referenced to the baseline criteria and recommendations stated in the WHO Community noise guidelines e.g. the 50dB Lnight contour shown in Figure 4 in Appendix B.</p>

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<p>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?</p>	<p>It is questionable whether ‘incentivisation’ (nudge) alone would work. Economic penalties can also be highly effective, such as the levy discussed in the previous answer.</p>
<p>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?</p>	<p>A significant determinant in any cost appraisal will be the extent of noise mitigation and impacts of noise upon local communities. For this assessment to be able to reflect and properly account for the cost, it must be based on a scientifically and sound measurement base. There is little confidence the existing assessment criteria for noise assessment is reliable. (Reference: WHO-ECEH Night Noise Guidelines; ANASE). It follows the true cost are likely to be under-stated.</p>
<p>Q42: Is there any reason why we should not seek to ensure consistency with the Aviation Appraisal Guidance approach to assessing air passenger impacts?</p>	<p>No comments offered.</p>
<p>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?</p>	<p>No comments offered.</p>
<p>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?</p>	<p>No comments offered.</p>

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<p>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?</p>	<p>No. Irrelevant on the grounds that passengers have alternative choices, unlike individuals who live under flight paths at night.</p>
<p>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?</p>	<p>No comments offered.</p>
<p>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?</p>	<p>No comments offered.</p>

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<p>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?</p>	<p>No comments offered.</p>
<p>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?</p>	<p>No comments offered.</p>
<p>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?</p>	<p>No comments offered.</p>
<p>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?</p>	<p>No comments offered.</p>

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<p>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?</p>	<p>No comments offered.</p>
<p>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?</p>	<p>No comments offered.</p>
<p>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?</p>	<p>This is only an issue if night flights are to continue. This would reduce the risk of adverse health impacts.</p>
<p>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?</p>	<p>No comments offered</p>

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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?	Yes
Q57: Is there any other evidence we should consider in assessing the air quality impacts of changes in the night flights regime?	No comments offered
Q58: Do you agree with our proposed approach? Is there any evidence on nonCO2 climate change impacts we should consider?	No comments offered
Q59: Is there any reason why we should not seek to ensure consistency with the Aviation Appraisal Guidance approach to assessing public accounts impacts?	No comments offered
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?	No comments offered
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?	No comments offered

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<p>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?</p>	<p>The word '<i>significant</i>' needs defining. There might be a need to evaluate the impact of shifting night flights into the daytime period (daytime trade off concept) and the consequential effects of reducing employment costs at night –versus- employment losses (saving in staff costs) during the day due to absorption of functions brought about by economies of scale from support and ground operations.</p>
<p>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?</p>	<p>No comments offered</p>
<p>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?</p>	<p>No comments offered</p>
<p>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?</p>	<p>Data from Health Impact studies</p>

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<p>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?</p>	<p>Yes – RBWM has recently launched <i>WideNoise</i>, a Borough-wide community survey whereby residents are being encouraged to get engaged in monitoring aviation noise via a mobile phone application and report anecdotal evidence (qualitative data) of the perceived impacts from aviation noise, coupled with noise measurement data readings (quantitative data) of individual movements. The project is being run in partnership with UCL as part of a European funding programme.</p>
<p>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?</p>	<p>The RBWM is currently waiting for the launch of the revised CE Delft report and to consider the findings.</p>
<p>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?</p>	<p>No comments offered</p>
<p>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?</p>	<p>No comments offered</p>
<p>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?</p>	<p>The Council recommends a refreshed resident’s opinion survey is conducted into the impacts of night flights.</p>

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Other Matters	<i>ARE THERE ANY MATTERS WE HAVE NOT RAISED THAT COULD BE ADDED RE 'NIGHT FLYING RESTRICTIONS'?</i>
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30 April 2013

Department for Transport
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Dear Sir/Madam

Night Flying Restrictions Consultation

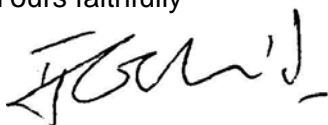
I refer to your current public consultation document entitled: "Night Flying Restriction at Heathrow, Gatwick and Stansted Stage 1 Consultation" and to my holding response on behalf of the Royal Borough of Windsor and Maidenhead dated 22 April 2013.

I can now confirm that the Borough's Cabinet members debated the item on the 25 April 2013 taking into consideration a full report, together with the draft responses previously forwarded to you.

In accordance with the resolution I am instructed to forward you the attached response which should be considered the Borough's formal response to the consultation.

Thank you for the opportunity to provide comments and input to this first stage consultation process.

Yours faithfully



Terry Gould
Head of Public Protection

Enc.



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