

ITEM 6: NIGHT FLYING RESTRICTIONS CONSULTATION

Recommendation

That SASIG submit a response to the night flying restrictions consultation, in accordance with the Department for Transport's deadline of 22 April 2013.

Introduction

- 1 Night flying restrictions have been in place at Heathrow since 1962, at Gatwick since 1971 and Stansted since 1978. Discussion about these restrictions informs the national debate around noise management and reduction.
- 2 Growth in the number of daytime passenger flights has occurred at all three airports, however, growth during the night has continued to be constrained by restrictions on movements during the night quota period (or night as variously defined in previous restriction regimes).
- 3 The current night restrictions regime started in October 2006, and expires in October 2014, having been rolled forward for two years in 2012.
- 4 The movement limits and noise quota available have been almost fully used at Heathrow each season but usage has fluctuated at Gatwick and Stansted.

Consultation

- 5 The Department for Transport published their 'Night Flying Restrictions at Heathrow, Gatwick and Stansted. Stage 1 Consultation' on 22 January 2013¹. The closing date for responses is 22 April 2013.
- 6 The consultation is being carried out in two phases –
 - **Phase 1** seeks views and evidence on a range of issues including the effectiveness of the current regime, the costs and benefits of future options and airline operator's fleet replacement plans. Additionally, this consultation includes a review of current evidence on the costs of night flights, particularly noise, and the benefits of these flights. It sets out Government thinking on how they would expect to appraise the policy options for the next night flights regime and seeks views on their approach.
 - **Phase 2** will be published later this year and will include specific proposals for the new regime, such as the number of permitted night flights. These proposals, which will be informed by the evidence received 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 airport operators, passengers and the UK economy.

¹ 'Night Flying Restrictions at Heathrow, Gatwick and Stansted. Stage 1 Consultation', January 2013, Department for Transport (DfT), <https://www.gov.uk/government/consultations/night-flights-consultation>

- 7 The consultation document is accompanied by 10 Annexes (A to J), and two new research papers from the Civil Aviation Authority (CAA):
- 'Aircraft noise, sleep disturbance and health effects: a review', ERCD Report 1208, 22 January 2013; and
 - 'Proposed methodology for estimating the cost of sleep disturbance from aircraft noise', ERCD Report 1209, 22 January 2013.

These reports are available on the CAA website at www.caa.co.uk/publications.

- 8 Of the 70 questions posed, those detailed at **Annex A** (pg.57) appear the most relevant for SASIG.

Developing the SASIG response

- 9 Comments and input from the group is welcomed, in particular to prepare for the meeting SASIG has with the Department for Transport (DfT), the Civil Aviation Authority (CAA) and the Department for Environment, Food & Rural Affairs (Defra), on Tuesday 19 March 2013.

Links with other policy areas²

Aviation Policy Framework (APF)

- 10 The Aviation Policy Framework (APF) is due to be published in mid-March 2013. This final policy will be a high-level strategy setting out the Government's overall objectives for aviation and the policies that will be used to achieve those objectives. The APF will replace the 2003 Air Transport White Paper and associated guidance.³
- 11 The approach to noise management and reduction in the APF will therefore inform the night flying regime.

Airports Commission

- 12 It is expected that the Airports Commission will take account of the evidence gathered as part of this night flying consultation. It is also expected that any relevant recommendations arising from the Commission will be taken account of in setting the next night noise regime.

South East Airports Taskforce – Heathrow Airport operational freedoms trial

- 13 In July 2011, alongside the conclusions of the Government's South East Airports Taskforce, a phased trial of operational freedoms at Heathrow Airport was announced. The stated intention of these trials is to "explore the benefits and impacts of the greater use of tactical measures in defined and limited circumstances to anticipate, prevent and mitigate disruption and to facilitate recovery".⁴

² *ibid*, Chapter 2, pg.10.

³ *ibid*, par.2.7, pg.11.

⁴ 'Night Flying Restrictions at Heathrow, Gatwick and Stansted. Stage 1 Consultation', January 2013, Department for Transport (DfT), par. 2.9, pg. 12.

- 14 The results of the trials will form the basis of a consultation with local communities⁵, which will in due course inform the Government's decision about whether or not to adopt an operational freedoms regime at the airport.

Aviation regulation

- 15 UK aviation noise policy is based on the **International Civil Aviation Organisation's (ICAO) 'balanced approach'**. This is given effect in European law through **Directive 2002/30/EC**, commonly known as the **'Balanced Approach Directive'**. The 'balanced approach' consists of identifying the noise problem at an airport and then assessing the cost-effectiveness of the various measures available to reduce noise through the exploration of four principle elements:
- reduction at source (quieter aircraft);
 - land-use planning and management;
 - noise abatement operational procedures (optimising how aircraft are flow and the routes they follow to limit the noise impacts); and
 - operating restrictions (preventing certain (noisier) types of aircraft from flying either at all or at certain times).⁶
- 16 The 'Balanced Approach Directive' is given effect in UK legislation through **The Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003 (Statutory Instrument 'SI 2003 No. 1742')**. Heathrow, Gatwick and Stansted Airports have been designated for the purpose of environmental noise objectives, and hence the night flying regime, meaning that the Secretary of State for Transport is responsible for setting the night flying restrictions regime. Changes to the current night restrictions must therefore be assessed in accordance with this legislation.
- 17 These UK regulations state that when and where **noise maps** or **actions plans** have been prepared under the terms of the **Environmental Noise Directive (2002/49/EC)** these will be used for providing the information required when making decisions on operating restrictions at an airport.
- 18 The **European Commission** launched a **'Better Airports Package'** on 1 December 2011, which includes a proposal for an EU regulation on noise which would repeal the current Directive and further harmonise and strengthen EU rules on aircraft noise management and assessment. A general approach on the proposal was agreed by European Transport Minister in June 2012 and the European Parliament adopted the proposal with further amendments on 12 December 2012. Negotiations will follow this year under the co-decision process, hence the final outcome is not yet known. It is expected that the new regulation will enter into force no earlier than mid-2014, therefore the process to decide any new UK night flying restrictions is likely to remain subject to the 2002 Directive.

⁵ The Chancellor's Autumn Statement on 5 December 2012 announced that the Government would bring forward the timetable for public consultation and final decisions on making these measures permanent, subject to successful completion of the trial.

⁶ 'Night Flying Restrictions at Heathrow, Gatwick and Stansted. Stage 1 Consultation', January 2013, Department for Transport (DfT), par. 2.14, pg. 12.

- 19 Airports covered by the European **Environmental Noise Directive 2002/49 (END)** must prepare **noise action plans**, based on previously generated noise maps (contours), and submit these for formal adoption by the Government. Noise action plans for Heathrow, Gatwick and Stansted Airports, based on noise maps using aircraft movements in the year 2006, were approved by the Government in May 2011. The plans set out the airport operator's noise mitigation policy and describe their actions to manage noise issues and effects arising from aircraft using their airport, including noise reduction if necessary. In accordance with END, noise maps for Heathrow, Gatwick and Stansted based on aircraft movements in the year 2011 have recently been submitted to the Government and the airport operators will be reviewing their action plans in 2013.
- 20 Heathrow, Gatwick and Stansted Airports are also designated for **economic regulation** purposes, meaning there is an overall cap on charges that the airport operator can apply. Such charges have been applied with the intention of incentivising aircraft operators to use the quietest aircraft at night.⁷
- 21 The **National Planning Policy Framework (NPPF)**⁸ states that planning policies and decisions should aim to avoid noise as a result of new development from giving rise to significant adverse impacts on health and quality of life; and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions included with planning approvals. The NPPF also states that the planning system should prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Consistent with this framework, Local Planning Authorities therefore have a responsibility to ensure that this element of the 'balanced approach' is implemented in the context of their Local Plan policies, including any on noise. Although there is no specific policy on noise at night, the impacts of night noise should form part of the consideration.
- 22 Where land around an airport may be required for future airport development, this should already be protected against incompatible development through safeguarding maps prepared and maintained by airport operators.

Conclusions

- 23 Application of night flying restrictions at the airports designated for this purpose – Heathrow, Gatwick & Stansted – informs, and is informed by, the ongoing deliberations around aviation noise management and reduction. This makes the restrictions consultation relevant to all UK airports, with respect to each local discussion about noise management and reduction.

⁷ *ibid*, pg.57 & 58.

⁸ *ibid*, par.5.13 & 5.14, pg.38.



STRATEGIC AVIATION SPECIAL INTEREST GROUP
of the Local Government Association

SASIG Meeting

Item 6

1 March 2013

- 24 The timing of the consultation is being led by the need to have set the regime to apply from October 2014 in sufficient time to be taken into account by airline operators in their scheduling timetables, which require a 6-month lead-in.
- 25 There are, however, numerous other policy developments that link in with this consultation.

Contact Officer: Anna Mahoney, SASIG Director
Tel.: (020) 8541 9459 / 07968 832687
Date: 25 February 2013

Email: sasig@surreycc.gov.uk
Web: www.sasig.org.uk

NIGHT FLYING RESTRICTIONS CONSULTATION QUESTIONS

Consultation questions for SASIG to address:

Factual information

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

SUGGESTED SASIG RESPONSE: the objectives have not been met/the objectives are not sufficient.

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

SUGGESTED SASIG RESPONSE: *to be developed*

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?

SUGGESTED SASIG RESPONSE: noise quotas and movement limits should apply to an 8-hour night – 23:00 to 07:00.

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

SUGGESTED SASIG RESPONSE: *to be developed*

Exploration of options for the next night noise regime

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

SUGGESTED SASIG RESPONSE: *to be developed*

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

SUGGESTED SASIG RESPONSE: *to be developed*

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?

SUGGESTED SASIG RESPONSE: It is essential that such a trade does not exacerbate existing issues.

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

SUGGESTED SASIG RESPONSE: *to be developed; taking into account the implications for day time activity.*



STRATEGIC AVIATION SPECIAL INTEREST GROUP
of the Local Government Association

SASIG Meeting

Item 6

1 March 2013

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?

SUGGESTED SASIG RESPONSE: *to be developed*

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?

SUGGESTED SASIG RESPONSE: *to be developed*

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

SUGGESTED SASIG RESPONSE: *to be developed*

* NB Q66 in Chapter 7 of the consultation document (pg.94) appears to have been incorrectly transferred from Q66 in Chapter 6 (pg.84), by the omission of the words "on tourism".