

Night Flights Restrictions

Part 2 Response by: Local Authorities' Aircraft Noise Council (LANNC)

14. What are your views on the:

findings of the night flight dispensation review?

- **Comment** - Not surprising but very disappointing proposals for the night flight dispensation review?

- **Comment** - Welcome but in reality a simple policy of if it flies it counts as a movement (save for genuine health emergencies) is all that is required.

15. Should disruption due to local weather qualify for dispensations?

Answer - No

16. Should disruption due to en-route weather qualify for dispensations?

Answer - No

17. Should disruption due to foreign airport weather qualify for dispensations?

Answer - No

18. Should disruption caused by ATC industrial action qualify for dispensations?

Answer - No

19. Should disruption caused by industrial action by airport staff qualify for dispensations?

Answer - No

20. Should disruption caused by industrial action by airline staff qualify for dispensations?

Answer - No

21. Should network capacity delays qualify for dispensations?

Answer - No

22. Should delays caused by serious criminal or terrorist activity that affect multiple flights qualify for dispensations?

Answer – Yes

23. Should cumulative delays qualify for dispensations?

Answer - No

24. Should dispensations be permitted for flights delayed to the NQP due to a medical emergency that has passed?

Answer – Yes

25. Should dispensations be permitted for flights delayed to the NQP due to a police emergency (for example a disruptive passenger) that has passed?

Answer – Yes

26. Should dispensations be permitted for the repositioning of emergency service (including medical transplant) aircraft?

Answer – Yes

27. Should dispensations on the basis of reducing carbon emissions be permitted?

Answer – No

Comment -

The Night Restrictions scheme is in place to protect communities against the adverse effects of noise. There is no statutory basis within the current statute for permitting an increase in noise in order to reduce Carbon emissions.

28. Should pre-emptive dispensations be permitted?

Answer – No

29. Should dispensations be granted for information technology failures?

Answer – No

30. Supply any further views or evidence on the guidance allowing airport operators to grant dispensations you may have?

Comment -

The Night Noise Restriction Scheme should only permit dispensations for a very narrow set circumstances, in summary: 1. to alleviate suffering of animals , 2 where the flight is providing humanitarian aid.

31. What are your views on government dispensations overall (provide evidence to support your view)?

Comment -

The Dispensations covering visiting Heads of State and other VIPs was always intended to be granted. It should not be used for the convenience of celebrities and the like.

32. What length should the night flight regime beyond 2024 be?

Comment – 4 to 5 years

33. How do you think the length of regime will affect you (provide evidence to support your view)?

Comment: A review period of not more than 4/5 years is provides sufficient notice to enable a phased reduction in numbers of night flights to be planned.

34. Do you think that QC is the best system for limiting noise at the designated airports?

Answer – No

Comment -

The QC scheme is tinkering with the issue of Night Noise Annoyance. It is clear from the Covid 19 pandemic that it no longer acts as an incentive to fly less noisy aircraft. It is the case that new aircraft are less costly to run and maintain and this is what drives fleet replacement now and into the future. Operationally even the latest types in service at Heathrow are only marginally quieter on approach than their predecessors and so overall the QC scheme is an expensive bureaucratic framework that fails to incentivise the use of more modern aircraft.

35. What do you think are the:

- advantages of changing to a new system?

Comment - There just needs to be a scheme to regulate numbers at sensitive times. As the Government has yet to demonstrate how it has properly balanced the health damage costs of night flights against their claimed economic benefits (as required by stated policy) a return to the pre Covid status quo is unacceptable.

- disadvantages of changing to a new system

Comment - None

36. Do you have evidence of other noise management regimes being used elsewhere and how they compare with the current system?

Answer -Yes

Comment - Night Curfews exist at Australian Airports - Sydney, Adelaide, Zurich (11:30pm to 06:00am)

37. Should we introduce an additional QC category for quieter aircraft in the longer-term?

Comment - No

38. Should the government reintroduce an exempt category?

Comment - No

39. Please provide evidence to support your position.

Comment – It is clear from the effects of the pandemic that costs of aircraft operations now drives fleet replacement not the Quota Count Limits. (Hence the removal of the B747-400 fleet). As can be seen from recent CAA & Heathrow Airport noise monitoring reports the replacement Heathrow fleet is only marginally less noisy (on arrival) than those now removed from Night Time operations. No aircraft flying today should be exempt from noise movement restrictions.

40. Do you think we should re-baseline the night quota system in the longer-term?

Answer - No

41. What factors should we consider when anticipating how to best future proof a re-baselined QC system?

Answer – There is no need and it would be a costly and unproductive exercise in terms of seeking to incentivise airlines to undertake early fleet replacement.

42. What costs, if any, would you anticipate in re-baselining the QC system?

Answer: - Extra administrative burdens for all concerned with no beneficial return

43. Would you be impacted if the NQP was extended to 23:00 to 07:00?

Answer - Yes

44. Provide evidence to support your view.

Answer: There is a potential adverse effect to local residents if the shoulder hours were not subject to maximum hourly movement limits.

45. Do you think night flights in certain hours of the NQP have a greater impact on local communities than other times of the NQP?

Answer - No

46. Provide evidence to support your view.

47/ Would a mechanism that disincentivises aircraft movements in periods of the night that are more sensitive for communities impact you (provide evidence to support your view)?

Answer - No

48. Provide evidence to support your position

49. What would be the impact on you if QC4 rated aircraft movements were banned between 23:00 and 07:00 after October 2024?

Comment - This is academic at Heathrow as the B747-400 aircraft have all gone from the regular fleet.

A ban would however protect residents by preventing their reintroduction at Night. At Heathrow there is little material difference in noise impact terms between QC ratings of the aircraft types now flying. The ban should be extended to include all aircraft from 2024 onwards.

50. What would be the impact on you if a scheduling ban was placed on QC2 rated aircraft movements between 23:30 and 06:00 after October 2024?

Comment - This would be a positive move but it can and should be brought in for the 2022 - 2024 scheme.

51. What would be the impact on you or your business if a scheduling ban was placed on QC2 rated aircraft movements between 23:00 and 07:00 after October 2024

Answer: None

52. If bans are introduced should the implementation be staged?

Answer: We assume this to mean the proposed ban on QC 4 operations. If tis the case our answer to this question is **NO** (We believe phasing is not necessary as QC4 aircraft no longer feature in the regular fleet operating at night.) However if this question refers to a wider ban such as a full 23:00 – 07:00 ban then we accept this would need to be phased. We have already suggested this could be achieved initially by reducing seasonal quota number limits – only the flights that continued to fly through the pandemic being allowed to operate during the next roll over period.

No

53. Please provide evidence to support your position.

Answer: At Heathrow this could happen now as QC 4 aircraft no longer form part of the regular fleet.

54. In a future regime how should we manage the number of aircraft movements (detailing the airport or airports relevant to your view)?

Answer: The Government needs to produce evidence that any future allowance has been derived from a fair balance between the costs of health damage and any economic benefit. At Heathrow as an interim there could be a simple scheme that limits numbers of movements in each hour of the 23:00 – 07:00 period with an operational curfew before 06:00.

55. In a future regime how should we manage an airports' noise allowances (detailing the airport or airports relevant to your view)?

Answer – Please see out comments to Question 54

56. Should we remove the movement limit and manage night flights through a QC limit only?

Answer – No In no circumstances should night restrictions be regulated through a QC limit only.

57. Provide evidence to support your view.

Answer:

The SoNA 14 Night report shows that the numbers of people highly annoyed correlates best with numbers of Loudest Noise events (LAm_{ax}) received. This is in accordance with the views expressed to the council by our residents. Since 2017 additional evidence on the impact of night flights upon human health has emerged. WHO advice to Governments is that they should adopt stricter controls on them

The Council would strenuously resist a move to control night flights using a QC limit only.

58. Should we introduce a ring-fencing mechanism to ensure night slots are available for:

Commercial passengers?
dedicated freight?
business general aviation?

Answer – No to each of these

59. Provide evidence to support your view.

In the absence of an objective cost benefit analysis we do not believe that there the Government should make any specific provision for Night Flights and Heathrow for the above groups.

60. Should an airline be able to use unused allowances later in the season?

**Answer – Presumably this means unused QC and / or Movement allowances
No**

61. If the government decided that unused allowances should be returned to the airport's pool, what would be the impacts on:

- communities?
- airports?
- airport users?
- airlines?
- business in and around airports?

62. Do you agree or disagree that the current carry-over process benefits you?

Answer: No - there is in fact a disbenefit

63. Provide evidence to support your view.

Answer: The carry over of allowance permits more than 100% use of the movement quota in the winter seasons at Heathrow which translates directly into noise that otherwise could not occur.

64. What changes, if any, would you like to see to the carry-over process and how would this impact you?

Comment - Regarding Heathrow, we do not support the carry over arrangements. The statistical information provided confirms they are being used to support unrealistic scheduling rather than to act as a back stop that allows for exceptional events that may occur over one season - Please see Movements Used annex D of the consultation document. Also earlier consultations, for example.

65. How fair a balance between health and economic objectives do you think our current night flight approach is?

Answer - Very unfair

Comment – As previously stated the UK Government has yet to undertake a proper evaluation of the need for night flights (as opposed to the “needs of the airlines”). At Heathrow historic limits have been repeatedly rolled over. In the Council’s view the claim for considering historic use as justification for yet another roll over for a further three years does not withstand scrutiny.

66. What are your views on the health impacts of aviation noise at night, including potential impacts on different groups in society (provide evidence to support your view)?

The Government will be aware of the numerous studies that have demonstrated an association between night flight noise, annoyance and stress related morbidity in airport populations. A recent 2020 UK study is considered to be particularly relevant

<https://academic.oup.com/eurheartj/article/42/8/844/6046141>

67. What are your views on the economic value of night flights, including the potential value on different businesses and aviation sectors (provide evidence to support your view)?

Answer: At Heathrow we believe the economic value of night flights to UK plc. Is modest to the point where it may negative overall. It is unlikely that many of the business interactions previously claimed as being necessary for Heathrow early morning arrivals will not return. For many businesses video conferencing has replaced the need for overnight travel to London with a recognition that this is a less environmentally damaging business model.

Only a small proportion of freight is so time critical that it needs to be carried on a flight to Heathrow before 07:00. See ref: <https://www.airportwatch.org.uk/wp-content/uploads/Air-Freight-Report.pdf>

68. What are your views on changes to aircraft noise at night as result of the COVID-19 pandemic (provide evidence to support your view)?

Answer: Covid 19 weakens the case for night flights at Heathrow even further. (for the reasons set out above).

69. In your opinion what are the advantages or disadvantages that the emergence of new technology will have in relation to night noise from aircraft within the next 10 years (provide evidence to support your view)?

Answer: Although developments in aircraft design may provide some individual improvement in terms of Carbon emissions we do not believe there is a step change on the horizon so far as noise is concerned. Any improvements in noise therefore likely, at best, to be at the margins of perceptibility

70. Should we include a reference to night noise when we publish a revised aviation noise objective?

Answer: Yes

71. What factors relating to night noise should we include if we do introduce a noise reference in our revised aviation noise objective?

Comment –

Whilst this is potentially welcome any new reference should be within a framework of reducing night noise.

A new objective should be clear and capable of objective interpretation, Assessment and enforcement of any new objective should be vested in the office of ICCAN

The wording proposed in the consultation (along with the rest of the Government's Aviation Noise Policy) amount to "Weasel Words" that together are not fit for purpose

in terms of providing clear policy objectives and standards.\

72. Should the government set criteria for airport designation?

Answer: Yes

73. What do you think are the:

- **advantages to the government setting criteria for airport designation?**
- **disadvantages to the government setting criteria for airport designation?**

Answer: It is unclear why the Government should be concerned about benefits to itself in this regard. The Council believes that the Government should be asking itself if the extent designation assists in achieving good and effective regulation of aircraft noise. The council is of the view that the current regulatory framework is disjointed with responsibilities split between different agencies. Overall we believe aviation noise regulation is not fit for purpose with no single authority or agency having a remit to drive through meaningful reductions in aviation noise.

Designation offers a potential remedy for this failing with ICCAN being authorised to enforce meaningful standards and targets that can sit within powers provided by the Civil aviation Act 1982.

74. What factors, if any, do you think we should consider when setting criteria for designation?

Answer:

- Size of Airport
- ATMs
- Populations affected by noise

75. How should any criteria for designation be agreed?

Answer: A consultation is required which contains a set of proposed criteria which together provide for the effective control of aircraft noise. The criteria will need to have a common theme and take note of WHO recommendations and standards.

76 What impact, if any, do you think the designation of an airport have on:

- communities?

- airports?
- airport users?
- airlines?
- business in and around airports?

Answer: Designation has the potential to provide a framework for the effective management and control of UK airports but this in turn requires the development of a coherent national aviation noise policy.

77. What impact, if any, do you think the de-designation of an already designated airport (Heathrow, Gatwick, Stansted) will have on:

- **communities?**
- **airports?**
- **airport users?**
- **airlines?**
- **business in and around airports?**

Answer: De-designation should not be considered at Heathrow, In general terms de-designation should only be considered if an airport has entered into a local agreement to ban scheduled night flying.

The result of de-designating the London Airports would likely see increases in Night Flights at Heathrow and Gatwick, as no Town Planning controls exist.

78. Any other comments?

We support all the points made by community groups in their letter (Annexed) of 10th November 2020 to the SST in respect of the need to take this opportunity to take action now to protect hundreds of thousands of people from a return to nightly sleep disturbance caused by Night Flights that are not vital to the UK economy.

LAANC is dismayed at the Part 1 decision in respect of the Government's continued reluctance to embrace WHO Noise Guidelines into UK aviation policy.

We are appalled at the decision to "roll over" the current Night Flights regime for 3 years rather than the 2 years that was consulted on. In our view the Government has had ample opportunity to properly consider and balance the claim benefits of night flights against the adverse health costs to those overflown.

Overall the Government has regrettably fail to show any ambition as part of its Building Back agenda to put people's health and welfare above the demand for cheap flights.

END

To

Robert Courts MP
Parliamentary Under Secretary of State
Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
United Kingdom

10 November 2020

Dear Minister

NIGHT FLIGHTS

We understand the government intends to publish a consultation and call for evidence on night flights later this year. We look forward to participating in that process.

We are writing to you now to set out our high level views and to ensure that your consultation does not repeat the mistakes made in 2017, when the government decided its policy on night flights before it sought views.

In summary:

- *night flights, other than for emergency and humanitarian purposes, should be banned at all UK airports;*
- *night should be defined to mean an eight hour period, giving people around airports and under flight paths the opportunity to have a full night's sleep consistent with health guidelines; and*
- *if any night flights are to be permitted, their number and impacts should be regulated far more robustly than they are now, at all airports.*

The historic justifications for night flights no longer withstand scrutiny.

- *At some airports they perpetuate a low-cost carrier business model that generates unsustainable levels of leisure flights, principally for a small section of society, which is inconsistent with climate imperatives.*
- *The business interactions they previously facilitated, particularly at Heathrow, have largely been replaced with video calls and other alternatives to air travel.*
- *The cargo night flights deliver is rarely time critical.*

Meanwhile the proven and serious health effects and other adverse impacts of night flights, and the wider disruption they cause, are becoming increasingly clear. If building aviation

back better is to mean anything it must mean putting people's health and welfare ahead of cheap flights for the small section of society who fly frequently, and airline profits.

The consultation

The government's 2017 night flight consultation was fundamentally flawed. By announcing before it sought views that the asserted benefits of night flights had to be maintained, the Department gave itself licence to curtail its analysis and focus on minor adjustments to the regulatory regime rather than the core issues. No bottom-up analysis of the costs and benefits of night flights was done. No options involving meaningful change to the current regime were considered. The government decided the answer before it asked the question, and so passed up the opportunity to review policy in a serious way. It failed to take its regulatory responsibility for night flights at the Designated airports seriously, and ignored other airports entirely.

This policy development failure must not be repeated, and the current flawed policy should not be extended for a further period, as we understand the government intends to propose. It is now almost 15 years since the government considered night flights in a meaningful way, despite recognising, it says, that they are "the least acceptable form of aircraft operations" and claiming to take them "very seriously".

Extending current policy, bringing the total of such extensions to seven years in a 20- year period, would be unacceptable in principle and result in there being no effective controls over the noise of individual night flights for any period of reduced traffic. The government should instead take advantage of the current decline in night flights to ban them as soon as possible, giving airlines and airports an opportunity to plan new schedules now.

We look forward to engaging with you and your officials during the forthcoming consultation and to ending the scourge of night flights.

Yours sincerely,

For:

Aviation Communities Forum
Aviation Environment Federation
Airport Expansion Opposition (Southampton)
Communities Against Gatwick Noise Emissions
Friends of the Earth Southampton
Gatwick Area Conservation Campaign
Heathrow Association for the Control of Aircraft Noise
Kings Newton Residents' Association (East Midlands)
Luton and District Association for the Control of Aircraft Noise
Melbourne Civic Society (East Midlands)
CPRE Nottinghamshire (East Midlands)
People Against Intrusive Noise (East Midlands)
WINGS (East Midlands)
Stop Bristol Airport Expansion
Stop Stansted Expansion

Teddington Action Group
Whitecrook Aircraft Noise Association (Glasgow)

cc: The Rt Hon Grant Shapps MP, Secretary of State for Transport

Ian Elston, DfT
Jonathan Friel, DfT
Richard Moriarty, CEO, Civil Aviation Authority
Robert Light, Head Commissioner, ICCAN