

# Night flight restrictions at Heathrow, Gatwick and Stansted airports beyond 2024 plus national night flight policy

## Your details

### 1. Your (used for contact details only):

name?

email?

### 2. Are you responding: \*

NO as an individual? (Go to 'Your local airport')

YES on behalf of an organisation?

## Organisation details

### 3. You are responding as:



a representative of a business or firm?



a representative for a trade body?



a representative of an academic or research organisation?



from a community group?

YES another organisation?

### 4. What is the:

the number of people your organisation employs?

the main business or

activity of the organisation?

**5. In what region of the United Kingdom is your activity predominantly based?**

YES Evenly spread across the United Kingdom



North East (England)



North West (England)



Yorkshire and The Humber (England)



East Midlands (England)



West Midlands (England)



East of England (England)



London (England)



South East (England)



South West (England)



Wales



Scotland



Northern Ireland



Outside the United Kingdom at:

## Your local airport

**6. What airport affects you most?**



Aberdeen



Belfast City



Belfast International



Birmingham



Bournemouth



Bristol



Cardiff



Doncaster Sheffield



East Midlands



Edinburgh



Exeter



Heathrow



Gatwick



Glasgow



Inverness



Leeds Bradford



Liverpool



London City



Luton



Manchester



Newcastle



Newquay



Norwich



Prestwick



Southampton



Southend



Stansted

YES Other:

All airports and airfields



# **AEF Response to the DfT's Night Flight Consultation: Part 2**

**September 2021**

## **SECTION 1: Dispensation**

### **What are your views on the findings of the night flight dispensation review?**

AEF notes with concern that the reasons given to the Secretary of State for airport-approved dispensations were multiple and often unclear, including a trend in capacity-related dispensations that do not meet the criteria set out by the government, in addition to pre-emptive dispensations approved by Heathrow Airport.

Dispensations benefit airline operators and airports, but it is communities who bear the brunt of the resulting increase in night noise. Given that the government acknowledges the health impacts of night time aircraft noise, multiple dispensations approved on unclear grounds should be a serious concern. However, the consultation document states that: “[t]he government does not have significant concerns relating to how airports have used their powers to grant dispensations.”

### **What are your views on the proposals for the night flight dispensation review?**

The government's 2017 review of dispensations demonstrates that the system is open to misuse. While greater transparency, track-keeping and reviews would be welcome, AEF does not feel that the government's proposals go far enough. The findings of the review indicate a need for greater government oversight and regulation of the system to ensure that communities and individuals do not suffer unjustified noise intrusion at night.

In particular, the consultation document states that the three designated airports have taken steps to address capacity-related dispensations. However, it is not clear how communities will be able to have confidence that capacity-related and other dispensations that fail to meet the criteria will not increase in future.

In general, dispensations undermine the value and objective of the night-noise quota scheme. Our view is that they should only be issued in exceptional circumstances, but the evidence suggests a liberal interpretation is being applied at present. To improve transparency and accountability of dispensations in the future, the designated airports should be required to publish each dispensation decision to their website within 48 hours, together with the supporting rationale. This could allow for better community feedback and the opportunity to brief consultative committee or noise and track keeping committee representatives if necessary.

**Should disruption due to local weather qualify for dispensations? Please provide evidence to support your view.**

We recognise the difficulties around planning for adverse local weather events. However, the government appears already to have made a decision on local weather dispensations. The consultation text states that “In most instances, airport operators have applied dispensations for local adverse weather events, some of which can last for several hours or even days, and which clearly meet the criteria for dispensations.”

While it is not possible to predict the likelihood of adverse weather on any given day, it is likely that there will be several adverse weather events affecting operations in any given quota period. AEF feels that in fairness to communities, the quota budgets should, ideally, leave headroom to allow for dispensations approved on local weather-related grounds based on historical averages.

Alternatively, to accurately reflect the dispensations granted in any period, this number should be deducted from the quota in the following scheduling period. This would reinforce that these should only be issued in rare circumstances, applying, in effect, an economic cost for issuing dispensations.

**Should disruption due to en-route weather qualify for dispensations? Please provide evidence to support your view.**

Where unexpected adverse en-route weather events occur that require pilots to change course, these could qualify for dispensations. As with dispensations approved on adverse local weather grounds, such en-route weather dispensations should be deducted from the quota in the following scheduling period based on the number issued.

**Should disruption due to foreign airport weather qualify for dispensations? Please provide evidence to support your view.**

Possibly, where unexpected adverse weather events at foreign airports pose a genuine threat to safety. Dispensations approved on grounds of adverse foreign airport weather should be deducted from the quota in the following scheduling period based on the number issued.

**Should disruption caused by ATC industrial action qualify for dispensations? Please provide evidence to support your view. Should disruption caused by industrial action by airport staff qualify for dispensations? Please provide evidence to support your view. Should disruption caused by industrial action by airline staff qualify for dispensations? Please provide evidence to support your view.**

AEF does not agree that the examples of industrial action given by the government should qualify for dispensation, especially since the consultation document states that “there is evidence to suggest industrial action in the aviation industry can be expected to occur at least on an annual basis.” Industrial action requires advance notice to be given, and can be planned for. It is unreasonable to expect communities to bear the brunt of additional sleep disturbance when industrial action can be anticipated and/or where negotiations have failed.

**Should network capacity delays qualify for dispensations? Please provide evidence to support your view.**

No. The government states in its consultation document that dispensations approved to avoid capacity-related delays peaked in 2018. Thereafter, the industry took measures to address the issue. Given this, it should not be necessary for network capacity delays to qualify for dispensations and increase the night time disturbance already imposed on communities. The government should work to ensure that the steps taken to address network capacity dispensations are kept in place. Plans to address network capacity delays, for example through airspace change, should be subject to the

requirements of CAP1616. Dispensations could be seen as a back door way of alleviating pressure without going through the required assessment and approval process.

**Should delays caused by serious criminal or terrorist activity that affect multiple flights qualify for dispensations? Please provide evidence to support your view.**

No. The consultation document states: “The government is introducing tough rules and restrictions against the unauthorised use of drones and *we do not expect drone incursions, or other criminal or terrorist activity to become more frequent* [AEF’s emphasis].”

Given that occurrences are likely to be low, and that serious criminal or terrorist activities are a matter for the state and of national significance, a dispensation rule is not necessary as any dispensation could be granted instead by the state under Section 78(5)(f) of the Civil Aviation Act.

**Should cumulative delays qualify for dispensations? Please provide evidence to support your view.**

No. We feel that this would expose the system to greater exploitation. Rather than exposing communities to greater noise intrusion, the government should require airlines and airports to ensure robust forward planning to avoid cumulative delays during the day.

**Should dispensations be permitted for flights delayed to the NQP due to a medical emergency that has passed? Please provide evidence to support your view.**

No. Dispensations should be approved only in cases of genuine and ongoing medical emergencies. Airports should have plans in place to restore services once a medical emergency has passed.

**Should dispensations be permitted for flights delayed to the NQP due to a police emergency (for example a disruptive passenger) that has passed? Please provide evidence to support your view.**

No. Dispensations should be approved only in cases where passenger disruption is ongoing.

**Should dispensations be permitted for the repositioning of emergency service (including medical transplant) aircraft? Please provide evidence to support your view.**

Possibly where this is important to maintain operational capabilities, but dispensations for repositioning should be deducted from the quota from the following scheduling period based on the number issued.

**Should dispensations on the basis of reducing carbon emission be permitted? Please provide evidence to support your view.**

No. To reach the net zero target enshrined in UK law, the government should seek to reduce GHG emissions through national climate policies and aviation strategies, rather than relying on ad hoc local trade-offs that will plainly disbenefit communities. If such a dispensation was applied consistently to all early arriving flights, there is potential for a significant number of additional movements before 6am on a regular basis. While stacking does create extra track miles, the additional miles, in the context of the emissions from the entire flight, will be small. In contrast, the noise associated with allowing additional flights before 6am is likely to create significant problems for communities. Emission reductions should be pursued in other ways such as controlling flight speed to ensure early arrivals are minimised.

**Should pre-emptive dispensations be permitted? Please provide evidence to support your view.**

No. In its consultation document, the government is critical of Heathrow's use of pre-emptive dispensations, finding no justification for them. We agree.

**Should dispensations be granted for information technology failures? Please provide evidence to support your view.**

No. Airports must be expected to build resilience into their information technology systems.

**What are your views on government dispensations overall? Please provide evidence to support your view.**

We note that the government has – and without consultation with those who will bear the brunt of the impacts – already agreed dispensations to ensure the 'safe' departure of those attending major international events, such as major football tournaments, immediately after the event has concluded to avoid flight delays. This appears to be related less to safety and more to the convenience of travelling clubs and fans. As such, AEF does not feel that this is an appropriate use of the government's powers under the Civil Aviation Act.

**Section 2: The structure of the night flight restrictions at the designated airports beyond 2024**

**What length should the night flight regime beyond 2024 be? Please provide evidence to support your position.**

The current regime has been in place since the 1990s. Despite the strong views expressed by community respondents to Part 1 of the consultation – which the government acknowledged – the current regime has been rolled on for a further three years, rather than the two years originally proposed. Given this delay to the potential introduction of a new regime, there is a strong argument for ensuring that future regimes should not be in place for longer than five years under any circumstance.

**How do you think the length of the regime will affect you? Please provide evidence to support your view.**

It's not clear which stakeholders the DfT refers to when it states that some have argued for a 10-year regime to allow for better planning. A longer period may be beneficial to airlines in terms of new aircraft orders but as we have seen with the Covid-19 pandemic, these plans can change quickly in response to external events. Without prejudice to our support for a transition to a night-flight ban, we feel that communities would not welcome a regime that is longer than five years without an opportunity for review.

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

Our members have expressed the view that elements of the QC system are too technical for communities to understand clearly, and that it benefits airports and airline operators primarily because it is not designed to reduce the number of aircraft noise events.

The QC approach, if applied correctly while maintaining limits on the total number of movements, could incentivise airlines to operate quieter aircraft but the quota count limit at each airport needs to be progressively tightened in each period. Once headroom exists, the value to the QC approach is

limited. The QC bandings also need to be refreshed on a regular basis to ensure they provide a constant incentive for the use of less noisy aircraft.

While there is a ban on the noisiest aircraft between 11pm and 7am, the system fails to provide effective protection for communities between the hours of 11.30pm and 6.00am.

Accepting that a ban on night flights cannot take place immediately, we argue that they should be phased out over a five year period to allow for a full eight hour night period as defined by the World Health Organisation. We note the government comments made in its decision regarding Part 1 of the consultation exercise – that WHO guidance is not binding. We disagree strongly with the government's interpretation of the guidance.

**What do you think are the:**

- **advantages of changing to a new system?**
- **disadvantages of changing to a new system?**

**Do you have evidence of other noise management regimes being used elsewhere and how they compare with the current system? Please provide evidence to support your view.**

AEF is not aware of management regimes elsewhere, except for the wider use of scheduling bans, that would offer any clear advantages. Given the public health impacts that the government refers to in the consultation document, we call instead for night flights to be phased out over five years.

**Should we introduce an additional QC category for quieter aircraft in the longer-term? Please provide evidence to support your view.**

If the government rejects calls for a ban on night flights, AEF would support the introduction of an additional category for quieter aircraft if QC2 aircraft, as well as QC4 aircraft, were phased out. However, as we commented in Part 1 of the consultation, where airlines have switched to quieter aircraft, logistics companies that operate mainly at night have taken up some of these older, and noisier aircraft. A new QC system alone would not deal with the potential displaced noise impact at other airports. In addition, without a corresponding reduction in the number of permitted movements, we would be concerned that a lower QC system would result in increased numbers of flights at night.

**Should the government reintroduce an exempt category? Please provide evidence to support your position.**

No. All aircraft movements must be included in an airport's quota and movement limits to help to protect communities and ensure transparency and certainty. The government states that reintroducing an exempt category would bring economic benefits. We can see no evidence of this at a national level, taking into account the cost to communities. However, the economic gain for the industry of reintroducing an exempt category are obvious. There would be no obvious benefits to communities even if the exempt category were for quieter aircraft (as above).

**Do you think we should re-baseline the night quota system in the longer-term? Please provide evidence to support your view.**

AEF agrees that the QC categories should be revised to reflect more accurately the type of aircraft that are in operation. To maintain simplicity, no category should be assigned a QC value of less than 1.



**Would you be impacted if the NQP was extended to 11pm to 7am? Please provide evidence to support your view.**

This would be in line with the WHO guidance and AEF would support this, but – and crucially – only if controls are in place to ensure that there is no corresponding increase in daytime noise from displaced traffic.

**Do you think night flights in certain hours of the NQP have a greater impact on local communities than other times of the NQP? Please provide evidence to support your view.**

In our 2016 report, ‘Aircraft Noise and Public Health: the evidence is loud and clear’ (<https://www.aef.org.uk/uploads/Aircraft-Noise-and-Public-Health-the-evidence-is-loud-and-clear-final-reportONLINE.pdf>) we reported:

“Self-reported sleep disturbance is the easiest method of assessing sleep disturbance, but humans exposed to sound whilst asleep have unconscious physiological reactions including changes in breathing, body movements, and heart rate, in addition to effects such as early awakenings, delayed sleep onset and increasing time awake (Basner et al. 2014). This is the direct response discussed in the cardiovascular section. An aircraft noise event can influence the time spent in different sleep stages, which impacts quality of sleep by reducing the time spent in Rapid Eye Movement (REM), the restorative part of the sleep cycle (Clark 2015). This has relevance for early morning flights because more time is spent in REM sleep during the later parts of the night (Clark 2015).

Sleep disturbance during the early part of night and early morning prior to natural awakening is thought to be most intrusive (CAA 2013b). Aircraft noise exposure outside this period during evening and early morning has relevance for children, the physically ill, and shift workers (Clark 2015). Few studies have specifically looked at sleep disturbance in children (Stansfeld and Clark 2015).”

**Would a mechanism that disincentivises aircraft movements in periods of the night that are more sensitive for communities impact you? Please provide evidence to support your view.**

The goal should be to disincentive aircraft movements in periods of the night that are more sensitive for people who are overflown without permitting an increase in noise at other times of the night period.

**What would be the impact on you if QC4 rated aircraft movements were banned between 11pm and 7am after October 2024? What would be the impact on you if a scheduling ban was placed on QC2 rated aircraft movements between 11:30pm and 6am after October 2024? What would be the impact on you if a scheduling ban was placed on QC2 rated aircraft movements between 11pm and 7am after October 2024? If bans are introduced, should the implementation be staged? Please provide evidence to support your position.**

AEF supports a ban on QC4 rated aircraft between 11pm and 7am after October 2024. However, we do not think that a scheduling ban on QC2 aircraft for a shorter period would go far enough, and we would like to see it extended to cover an eight-hour time period between 11pm and 7am.

**In a future regime how should we manage the number of aircraft movements (detailing the airport or airports relevant to your view)? In a future regime, how should we manage an airports’ noise (detailing the airport or airports relevant to your view)?**

The concept of managing noise at night, as distinct from banning operations, is strongly disliked and distrusted by many of the communities who correspond with AEF. Communities are calling for a full eight-hour period of protection at night. In view of this, we call for night flights to be phased out over five years.

**Should we remove the movement limit and manage night flights through a QC limit only? Please provide evidence to support your view.**

No. The reaction to aircraft noise is influenced, to a significant extent, by the number of noise events experienced. Maintaining a movement limit is critical to communities' confidence in any night noise regime.

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

- commercial passengers
- dedicated freight
- business general aviation

**Please provide evidence to support your view.**

No. We cannot see the justification for this and we cannot see any benefits to communities.

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

No, particularly in cases where dispensations have been granted instead of using unused allowances, which would appear to offer airlines a double benefit.

**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

AEF can't see any benefits to communities if this proposal were taken forward.

**Do you agree or disagree that the current carry-over process benefits you? Please provide evidence to support your view. What changes, if any, would you like to see to the carry-over process and how would this impact you?**

It is difficult to understand how the practice benefits communities. Given the government's recognition of the public health costs of night flights, every opportunity should be taken to reduce aircraft noise at night.

**How fair a balance between health and economic objectives do you think our current night flight approach is? Please provide evidence to support your view. 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)?**

AEF has seen no convincing evidence of the value of night flights. Recently, York Aviation published a report in which it set out a number of claims about the economic value of night flights, not only to

airlines and airports, but more widely. AEF commissioned a study from New Economics Foundation to assess these findings and provide additional context. NEF's key findings are as follows:

- NEF reviewed York Aviation's report 'The Economic Impact of Night Flying in the UK' identifying significant flaws. We present an alternative narrative on the economic impact of night flying policy changes grounded in the latest academic research and government policy and data.
- York Aviation's assessment of the economic impacts of night flying policy changes is incomplete, missing critical economic impacts in the domains of noise, greenhouse gases, and outbound tourism.
- Benefits in the form of reduced costs of monetised noise and greenhouse gas emissions estimates are likely to more than offset all of the direct costs presented by York Aviation in relation to restricted night flying.
- Benefits to the UK's balance of trade resulting from reduced outbound tourism are not quantified by York Aviation, and would further improve the net economic impact of new restrictions on night flying. These impacts would additionally align with the UK government's strategic objective of improving the relative performance of domestic versus international outbound tourism.
- Claims around direct job losses resulting from curtailment of night flying are likely overstated and do not align with the latest government jobs data from the aviation sector.
- NEF present evidence of a system shift in the business air travel-economy relationship. The business air travel intensity of the UK economy is now in decline and the sector is almost certain to shrink long-term after the Covid-19 pandemic. A robust and conservative assessment of the business impacts of night flying policy changes would lead to a zero-impact conclusion.
- York Aviation's estimates of business productivity impacts ('wider impacts') are dramatically overstated, out of step with the latest academic research, and contain methodological vulnerabilities which have not been sensitivity tested.

The full report can be viewed here:

[https://mcusercontent.com/dacea0a21f38661261340c87a/files/18b5c896-f3da-1994-41af-53989754f982/NEF\\_the\\_economics\\_of\\_night\\_flying\\_consultation\\_response.pdf](https://mcusercontent.com/dacea0a21f38661261340c87a/files/18b5c896-f3da-1994-41af-53989754f982/NEF_the_economics_of_night_flying_consultation_response.pdf)

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

In 2016, AEF's report on the impacts of aviation noise on public health found sufficient evidence that disturbed sleep from night flights has an adverse impact on health, including increasing the risk of stroke and cardiovascular disease (<https://www.aef.org.uk/uploads/Aircraft-Noise-and-Public-Health-the-evidence-is-loud-and-clear-final-reportONLINE.pdf>). We are especially concerned that the government does not directly reference impacts of night-time aircraft noise on children, given that there is also sufficient evidence of the potential for cognitive impairment in younger people.

AEF is frequently contacted by people who are impacted by aviation noise late at night or very early in the morning. The impacts they describe include feelings of helplessness and despair at being woken and being unable to get back to sleep. The knock-on impacts during the day can include heart palpitations and dizziness, poor concentration, nausea and feelings of depression.

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

At the height of the Covid-19 restrictions, several of AEF's members as well as members of the public – from across the UK – contacted us to report the benefits of a full eight hours of uninterrupted sleep and greatly enhanced feelings of well-being. People told us that they were more productive at work and that they felt able to enjoy life more than usual. We are currently conducting a survey to capture these views in a uniform way.

However, the surge in online ordering after the onset of the pandemic meant that some people were very severely impacted by aviation noise at night where their airport was used predominantly by logistics companies. As an example, we were contacted by a member of the public living near to Southend Airport who supplied evidence of “increased and intolerable noise” after midnight, sometimes around 3am, and often lasting for several minutes. The resulting sleep deprivation and feelings of distress had serious knock-on effects throughout the day.

**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? Please provide evidence to support your view.**

The government has not been clear about what “encouraging quieter aircraft” means in practice. As we pointed out in our response to Part 1 of the night flight consultation, while some airline operators have added quieter aircraft to their fleets, logistics companies have increasingly taken up older aircraft repurposed for cargo operations that are mostly carried out at night. This trend means that those who live near airports that focus on cargo operations are unlikely to experience many benefits arising from the uptake of quieter passenger aircraft elsewhere, and any gains made at other airports where there is a passenger-cargo mix could be cancelled out.

In addition, the adverse economic impacts of the pandemic on the aviation industry have constricted the funds available to invest in new and quieter aircraft. With no certainties about the pace of recovery, it is likely that there could be significant delays to airlines placing new orders or exercising options for additional deliveries. With some airlines retiring inefficient aircraft early, the result is likely to be a consolidation of the existing fleet.

Given the uncertainties, it is difficult to predict future technological advances. The government must take a cautious approach and not create policy based on assumptions around technological solutions.

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

Yes, however we do not agree with the night noise objective proposed by the government that there “should be a balance between the local and national economic and consumer benefits of night flights, both in terms of passenger and freight operations, against their social and health implications, in line with ICAO’s Balanced Approach”.

As we stated in our response to part 1 of the consultation, the government has not supplied any evidence on the economic benefits of night flights, and appears to be working on assumptions. The objective should be to reduce night noise to levels that pose no danger to public health.

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

The government’s overall policy on aviation is “to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise”.

The objectives to limit and reduce the number of people significantly affected by aircraft noise is too vague. The government should specify a noise reduction target – in line with WHO recommendations – that is specific, quantifiable and thus measurable.

**Should the government set criteria for airport designation?**

**What do you think are the:**

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

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

**How should any criteria for designation be agreed?**

Opportunities for local authorities to impose a regime or controls to limit night noise arise infrequently, usually when airports apply for planning applications. Where voluntary approaches to managing noise are perceived to be not working, it would be advantageous if local authorities, communities, and other stakeholders, could apply for designation. Designation criteria, however, should be flexible, take into account the views of communities, and should only be set where local planning authorities, users and communities cannot agree on noise abatement procedures.

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

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

The success or otherwise of de-designation will be dependent on local factors, including co-operation and the attitudes of all stakeholders to find successful solutions. While this could happen in some circumstances, it also has the potential for conflict. De-designation should therefore be considered on a temporary basis initially, with an opportunity for the decision to be reviewed after a pre-determined period of time.

**AEF**

**September 2021**