

From: **Michael Payne, Cabinet Member for Highways and Transport**

**Barbara Cooper, Corporate Director for Growth, Environment and Transport**

To: **Environment and Transport Cabinet Committee**

Subject: **Department for Transport (DfT) Consultation: Night Flight Restrictions**

Classification: **Unrestricted**

**Past Pathway of Paper:** N/A

**Future Pathway of Paper:** N/A

**Electoral Divisions:** All

**Summary:**

On the 2<sup>nd</sup> of December 2020, the Department for Transport (DfT) launched a consultation on the night flight restrictions at Heathrow, Gatwick and Stansted airports between 2022 and 2024, plus future night flight policy. Kent County Council's (KCC) response focuses on Gatwick Airport only and is based on the *Policy on Gatwick Airport*, adopted by Cabinet in December 2014.

The DfT consultation seeks views on their proposal to maintain the existing night flight regime at designated airports (Heathrow, Gatwick and Stansted) for a further two years, from October 2022 to October 2024, and placing an operational ban on QC4 rated aircraft movements (for example a Boeing 747-400 on departure). The consultation also seeks early views on policy options for the government's future night flight policy at the designated airports beyond 2024, and nationally.

KCC's response makes the case for a reduction in the number of night flights allowed at Gatwick in accordance with our *Policy on Gatwick Airport*. The current number of permitted night flights is unacceptable and the DfT should reduce the night movement limit at Gatwick to at least a level that is comparable with Heathrow.

**Recommendation:**

Members are asked to consider and make recommendations to the Cabinet Member for Highways and Transport on the draft KCC response to the DfT Night Flight Restrictions Consultation.

## **1. Background**

1.1 The Department for Transport (DfT) has recently consulted on Stage 1 of a two-stage consultation process which seeks views on the night flight regime at the designated airports (Heathrow, Gatwick and Stansted) beyond 2022, and night flights in the national context.

1.1.1. Stage 1 of this consultation has two purposes. Firstly, the Department for Transport is formally consulting on their proposal to maintain the existing night flight restrictions for the designated airports from 2022 to 2024, and to ban QC4 rated aircraft movements during the night quota period (23:30 to 06:00). Responses to this section of the consultation will allow the DfT to make a final policy decision in summer 2021 on the regime for the designated airport beyond 2022.

1.1.2. Stage 2 of the consultation involves seeking early views and evidence on policy options for the government's future night flight policy at the designated airports beyond 2024, and nationally. This includes whether the Department for Transport should amend the national noise policy to include specific policy for night noise, revising their night flight dispensation guidance, whether they should set criteria for airport designation, and what any future night flight regime at the designated airports should look like. The Department for Transport would aim to publish stage 2 of this consultation in 2022 which will set out firm proposals for the designated airports beyond 2024.

1.2. Stage 1 of the consultation was open from 2nd December 2020 until 3rd March 2021; however, the Department for Transport agreed to give Kent County Council (KCC) an extension until 24<sup>th</sup> March so that the response could be considered by this Committee and recommendations made to the Cabinet Member before submission to the Department for Transport.

1.3. This report provides a summary of the Department for Transport's night flight restriction proposals in Sections 2 and 3, and summarises the draft (KCC response in Section 4 which is attached in full as Appendix A.

## **2. The current regime**

2.1. The night period in which restrictions apply is 23:00 to 07:00, being subdivided into the shoulder periods of 23:00 to 23:30 and 06:00 to 07:00 and the "night quota period" defined as 23:30 to 06:00.

2.2. All aircraft arriving and departing during the night period (23:00 to 07:00) are classified into one of seven bands based on how noisy they are ("Quota Count (QC) Classifications" – QC/16 (the noisiest), 8, 4, 2, 1, 0.5 and 0.25 (the quietest)) or as 'exempt' (QC/0).

2.3. During the night quota period (23:30 to 06:00) flights are restricted by two measures:

- 1) the total number of aircraft movements and;
- 2) amount of noise emitted (the cumulative quota count of all aircraft movements, i.e. a noise quota)

In addition, during the whole night period (23:00 to 07:00) the noisiest aircraft (QC/16 and 8) are banned entirely and in the night quota period (23:30 to 06:00) QC/4 aircraft cannot be scheduled, but can fly if they are delayed.

- 2.4 The existing movement and noise quota limits that are in place at the designated airports and the actual usage (in 2019) for Heathrow and Gatwick is set out below (note: due to the COVID-19 pandemic, the equivalent usage figures for 2020 would be significantly lower. For this reason and due to the timing of the consultation (December 2020 to March 2021) these have not been included by the Department for Transport):

		Movement limit	Actual usage (2019)	Proportion (%)	Noise quota limit	Actual usage (2019)	Proportion (%)
Heathrow	Winter	2,550	2,524	99%	2,415	2,076.00	86%
	Summer	3,250	2,766	85%	2,735	2,122.75	78%
Gatwick	Winter	3,250	1,783	55%	1,785	822	46%
	Summer	11,200	10,796	96%	5,150	3,992	78%
Stansted	Winter	5,600	-	-	3,310	-	-
	Summer	8,100	-	-	4,650	-	-

\*actual usage data for Stansted Airport is not currently accessible.

### 3. Summary of the Department for Transport's Night Flight Restrictions Consultation

- 3.1 The Department for Transport currently set night-time operating restrictions at Heathrow, Gatwick and Stansted as these airports are designated for the purposes of noise regulation under the Civil Aviation Act 1982. The Department for Transport last consulted on these controls in February 2017. The decision, which was published in July 2017, put in place the current regime covering the period from October 2017 to October 2022.
- 3.2. The Department for Transport is now seeking views on their proposal to maintain the existing regime at designated airports for two years, from October 2022 to October 2024, and placing an operational ban on QC4 rated aircraft movements. This would mean that the limits in place at Heathrow, Gatwick, and Stansted airports would remain unchanged between October 2022 and October 2024. Alongside this, the Department for Transport propose to take advantage of the withdrawal of QC4 rated aircraft (for example a Boeing 747-

400 on departure) from most scheduled services as a result of COVID-19, by proposing to ban such aircraft movements between 23:30 and 06:00. The Department for Transport believes the impacts to the industry of this ban will be minimal, but it will have a benefit to communities that are overflowed by ensuring these noisiest aircraft movements are prevented from operating in the night quota period in future.

- 3.3. The Department for Transport believe that maintaining the existing restrictions for an interim period will provide time for complete consideration of the longer-term options for managing aviation noise at night at the designated airports. It will also provide time for the impacts of the pandemic on the aviation industry to be better understood and for evidence to emerge that can support longer-term policy changes.
- 3.4. The consultation also asks for early views on the government's night flights dispensation policy, which allows airport operators and the Secretary of State for Transport to disregard movements from the existing restrictions in certain circumstances.
- 3.5. Views are also being sought on the potential options for a future regime in the longer term. This includes but is not limited to the structure of the government's night noise quota count system, the length of the future regime, and future movement and noise quota allowances.
- 3.6. The Department for Transport is also seeking views on the health impacts of aviation noise at night and the economic value of night flights, as well as on the advantages or disadvantages of the emergence that new technology will have in the future in relation to night noise from aircraft. Views on whether the government's aviation noise objective should include a night noise specific element are also sought.
- 3.7. Furthermore, the consultation also asks for views on whether the government should set criteria for airport designation. Airport designation allows for the Secretary of State for Transport (SofS) to publish notices for the purpose of limiting or mitigating the effect of noise and vibration connected with the taking off or landing of aircraft at the aerodrome. This could, for example, allow the Secretary of State to set operating restrictions at airports other than Heathrow, Gatwick, and Stansted. This could also allow for the Secretary of State to de-designate airports that are currently designated, with decisions on noise controls instead being made by the airport operators.

#### **4. Summary of the Draft Kent County Council (KCC) Response**

- 4.1 The full draft response is provided as Appendix A.
- 4.2. The consultation response has been formulated in line with the adopted *Policy on Gatwick Airport* (Cabinet, December 2014, also appended).
- 4.3. The consultation response disagrees with the proposal to maintain the existing general objective to reduce the number of people significantly affected by aircraft noise. We strongly urge the Department for Transport to go further in

imposing greater restrictions on the number of night flights so that a true reduction is felt by the affected communities rather than a continuation of the intolerable situation at present (pre-pandemic).

- 4.4. Additionally, the response disagrees that the existing night flight restrictions should be maintained for a further two years from October 2022 to October 2024. Our response argues for a reduction in the number of night flights allowed at Gatwick in accordance with our *Policy on Gatwick Airport*, which states that the current number of permitted night flights is unacceptable and that the Department for Transport should reduce the night movement limit at Gatwick to at least a level that is comparable with Heathrow.
- 4.5. Furthermore, residents have recently benefitted from much quieter skies during the pandemic and therefore any return to previous levels will be more noticeable and the noise generated from night flights will be much more disturbing.
- 4.5. KCC agrees with the proposal to ban QC4 rated aircraft movements from operating between 23:30 and 06:00. However, we would ask the Department for Transport to go further and extend the ban to include the entire night time period (23:00 – 07:00).
- 4.6. Additionally, KCC's response states that the next night flight regime beyond 2024 should be set for a three year period to allow the aviation industry to fully recover from the COVID-19 pandemic and for work to be progressed on Heathrow's third runway and Gatwick's northern runway proposals.
- 4.7. The consultation response also outlines KCC's views on future national policy on night flight restrictions which includes that night flights should be limited by both quota count and movements; airports should not be allowed to carry over a proportion of unused noise quota and movement quota; and that the Department for Transport should utilise the unique opportunity that it currently has to adopt a more sustainable and fair approach to aviation throughout the COVID-19 recovery of the industry.
- 4.8. KCC's draft response urges the Department for Transport to consider the impact of aircraft emissions and include the decarbonisation of aircraft within its long term policies and objectives.

## 5. Conclusions

- 5.1. The Department for Transport is consulting on their proposal to maintain the existing night flight regime at designated airports (Heathrow, Gatwick, and Stansted) for a further two years, from October 2022 to October 2024, and placing an operational ban on QC4 rated aircraft movements (for example a Boeing 747-400 on departure). The consultation also seeks early views on policy options for the government's future night flight policy at the designated airports beyond 2024, and nationally.
- 5.2. KCC's proposed response makes the case for a reduction in the number of night flights allowed at Gatwick in accordance with our *Policy on Gatwick Airport*. The current number of permitted night flights is unacceptable and the

Department for Transport should reduce the night movement limit at Gatwick to at least a level that is comparable with Heathrow.

## **6. Financial Implications**

6.1 There are no financial implications to KCC in responding to this consultation.

## **7. Legal Implications**

7.1 There are no legal implications to KCC in responding to this consultation.

## **8. Equalities Implications**

8.1 There is no Equality Impact Assessment (EqIA) provided by the Government as part of this consultation. However, an EqIA was produced by Government when they consulted on the current regime for 2017 – 2022.

8.2. An Equalities Impact Assessment was completed for the KCC *Policy on Gatwick Airport*.

## **9. General Data Protection Regulations (GDPR) Considerations**

9.1 A Data Protection Impact Assessment is not required as this consultation response does not require the processing of personal data.

## **10. Other Corporate Implications**

10.1 There are no other corporate implications to KCC in responding to this consultation. The draft response is in line with existing policy such as KCC's *Policy on Gatwick Airport and Local Transport Plan 4*.

## **11. Governance**

11.1 The consultation response will be submitted by the Cabinet Member for Highways and Transport.

## **12. Recommendation:**

12.1 Members are asked to consider and make recommendations to the Cabinet Member for Highways and Transport on the draft KCC response to the DfT Night Flight Restrictions Consultation.

## **13. Background Documents**

- Department for Transport Night Flight Restrictions Consultation Document: <https://www.gov.uk/government/consultations/night-flight-restrictions-at-heathrow-gatwick-and-stansted-airports-between-2022-and-2024-plus-future-night-flight-policy/night-flight-restrictions#about-this-consultation>
- Appendix A: Draft KCC Officer Response to DfT Night Flight Restrictions Consultation

- KCC Policy on Gatwick Airport:  
<https://democracy.kent.gov.uk/documents/s49937/1400145%20Policy%20on%20Gatwick%20Airport.pdf>

#### 14. Contact details

<p><b>Report Author:</b>          Nola Cooper          Principal Transport Planner          03000 414447  <a href="mailto:Nola.Cooper@kent.gov.uk">Nola.Cooper@kent.gov.uk</a></p>		<p><b>Relevant Director:</b>          Stephanie Holt-Castle, Interim          Director,          Environment, Planning &amp;          Enforcement          03000 412064  <a href="mailto:Stephanie.Holt-Castle@kent.gov.uk">Stephanie.Holt-Castle@kent.gov.uk</a></p>
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