

Night Flying Restrictions at Heathrow, Gatwick and Stansted

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NIGHT FLYING RESTRICTIONS AT HEATHROW, GATWICK AND STANSTED

1. Douglas Alexander, Secretary of State, Department for Transport today announced decisions on the night flying restrictions to apply at Heathrow, Gatwick and Stansted airports. In his written statement he referred to this document. The written statement and this document, including Annex A the final Regulatory Impact Assessment, Annex B Assessments to comply with European Directive 2002/30 and Annex C Projected Noise Contours for Noise abatement objectives together set out the decision.

Introduction

2. There have been restrictions on night flights at Heathrow, Gatwick and Stansted for many years. The restrictions have been reviewed about every five or six years. The current restrictions came into force on October 1999 and were originally intended to apply until 31 October 2004. They have been extended twice and now apply until 29 October 2006.

3. The night restrictions for Heathrow, Gatwick and Stansted are made under section 78 of the Civil Aviation Act 1982 and are published twice a year in a Notice as a supplement to the UK Aeronautical Information Publication.

The Review

4. Consultation on the next night restrictions regime was carried out in two stages commencing in July 2004. The structure of the two stage consultation was explained at paragraphs 2.1-2.5 of the stage one consultation paper.

Responses

5. Approximately 1,800 responses were received to the stage one consultation paper and approximately 6,000 responses to stage two.

6. After consideration of all the responses and information submitted in response to both stages of the consultation exercise the Secretary of State has announced the decisions from the stage two consultation and confirmed decisions taken after stage one.

The Secretary of State's policy in relation to night noise

7. The Secretary of State's policy is described at various levels of generality. The contextual framework for the two stage consultation on night flying restrictions (July 2004-September 2005) was explained in paragraph 6.1 of the stage one consultation paper. The policy described in *The Future of Air Transport White Paper* – “to bear down on night noise” – was expressed at a high level of generality, as were the other broad aims for the night restrictions including “to strike a fair balance between the protection of local communities from excessive aircraft noise levels at night and the provision of air services at night where they are of benefit of the national, regional or local economy” in

paragraph 6.2 of the stage one paper and repeated in paragraph 4.1 of the stage two consultation paper.

8. The Secretary of State has sought to explain in more specific terms how he will implement those new general policies by proposing environmental and noise abatement objectives for each of the airports under consideration. The setting of environmental and noise abatement objectives was required as a matter of law for the first time by Directive 2002/30/EC. Environmental objectives for each airport were formulated in the stage 2 consultation paper and noise abatement objectives proposed. The environmental objectives are more specific than the general aims, but (as was made clear in paragraph 4.6 of the stage 2 consultation paper) they are fixed with a view to the longer term evolution of the three airports up to a time horizon of thirty years or so and must accordingly leave some room for flexibility. The noise abatement objectives, on the other hand, are set for the 6-year period of the current restrictions and are much more specifically defined (in terms of a particular 6.5 hour 48dBA L_{eq} contour for the winter and summer seasons combined). The Secretary of State's decisions on the particular environmental and noise abatement objectives for each airport, taken after considering the consultation responses, are set out below.

Decisions

Background: decisions announced in the stage 2 consultation paper

9. As the law currently stands, s. 78(3) of the Civil Aviation Act 1982 requires operating restrictions to include a specific numerical movement limit. Therefore the current operating restrictions are based on both a numerical movement limit and a noise quota. The Civil Aviation Bill, currently before Parliament, contains a proposal to allow operating restrictions which do not include movement limits, but any proposal (if and when the Bill passes into law) to change the actual basis for operating restrictions would be the subject of separate consultation.

10. The present QC system came into effect on 24 October 1993. In essence, between 2300 and 0700, the noisiest aircraft may not be scheduled to land or take off. Between 2330 and 0600 (the night quota period), aircraft movements are restricted not only by numerical movement limits but also by noise quotas set for each summer and winter season. The noise quota is designed to encourage the use of quieter aircraft. Aircraft movements (arrivals or departures) count against the noise quota according to their quota count (QC) classifications, which are intended to indicate their relative contributions to the impact of aircraft noise on the airport surroundings. (The classification system measures noise impact in EPNdB (Effective Perceived Noise Decibels), based on official noise certification data related to standardised and internationally agreed conditions.) Noisier aircraft carry a higher QC classification.

11. In the stage one consultation paper, the Secretary of State proposed retaining the QC system. He also proposed:

- removing the weight limits on jet aircraft able to qualify as exempt, but adding a new QC band (0.25) below the current lowest band (0.5) for aircraft within noise certification levels between 84 and 87 EPNdB;

- retaining the minus 9EPNdB adjustment for arriving aircraft; and
- banning the scheduling of QC/4 aircraft during the night quota period (2330 to 0600) and considering whether they should still be allowed to operate during the shoulder periods (2300 to 2330 and 0600 to 0700).

12. Consultees were asked for their views. Of those who expressed a view, 80% said that the QC system should be retained. Some consultees expressed the view that the system was inherently flawed because the raw input data it used measures sound energy rather than noise effects. Some consultees also suggested that the ICAO noise certification data (upon which operating restrictions are required, as a matter of European law, to be based) substantially underestimated the actual noise generated by certain Boeing 747-400 aircraft with Rolls Royce engines.

13. The Secretary of State considered those points. As to the QC system itself, he decided to accept the view advanced by the majority of the respondents that the system had worked well and should be retained as a useful way of encouraging the use of quieter aircraft at night. As to the classification of Boeing 747-400s, he considered carefully whether the available data justified an adjustment to the QC system (within the limits allowed by European law). The research on operational noise recorded by the Environmental Research and Consultancy Department of the CAA in ERCD Report 0205 showed that most aircraft currently operating at night at Heathrow, Gatwick and Stansted have operational noise levels that accord with their present QC classification, though some types are noisier and some quieter. But, even looking just at Heathrow, it was far from clear that all Boeing 747-400s with Rolls Royce engines were noisier than their classification suggests, or even that a majority of them were.

14. The Secretary of State decided that the case for an adjustment of the QC system (within the limits allowed by law) to take account of operational noise had not been made out in the responses. In the stage 2 consultation document, he announced his decision to that effect, noting (at para. 5.5) that no suggested alternative system was “both consistent with the Government’s legal obligations... and superior to that currently in place”. That conclusion was among those challenged in judicial review proceedings in the autumn of 2005, but the challenge was withdrawn. The decision therefore stands.

The removal of weight limits and introduction of a new QC/0.25 band

15. The Secretary of State decided, after considering responses to the stage one consultation, that the introduction of a new QC/0.25 band would strengthen the incentives to use quieter aircraft, while preventing a proliferation of exempt jets. He also decided that the exempt category (i.e. the category which do not count against the movements limits and noise quotas) should be defined by reference to noise data alone without reference to any weight limit and without discriminating between jets and turbo props. This will mean that the exempt category will be confined to very quiet aircraft (below 84 EPNdB).

The minus 9 EPNdB adjustment for arrivals

16. Since the QC system was first introduced, it has included a minus 9 EPNdB adjustment for arrivals. The purpose was to take account of the difference between the noise impacts of arrivals and departures thus allowing arrivals and departures to be counted against the noise quotas on broadly equivalent terms. When the decision was first taken to introduce the adjustment (in the early 1990s) it was challenged in judicial review proceedings. The challenge failed on this point and the adjustment was retained.

17. Since then, the case for retaining the adjustment has been re-assessed in ERCD Report 0204. On the basis of the findings in that report, the Secretary of State proposed in the stage 1 consultation paper that the adjustment should be retained. Of the consultees who responded on this point at stage 1, 43 agreed with the proposal to retain the adjustment and 28 disagreed. Of those who disagreed, some said that there should be separate noise quotas for arrivals and departures.

18. The Secretary of State decided that splitting the noise quotas for arrivals and departures would be administratively very difficult for airport and slot managers. He concluded, having considered the consultation responses and the findings of ERCD Report 0204, that the 9 EPNdB adjustment should be retained. He announced that conclusion in the stage two consultation document. That decision, like the decision to retain the QC system, was the subject of challenge in judicial review proceedings in the autumn of 2005. The challenge was withdrawn and the challengers conceded that the decision to maintain the 9 EPNdB adjustment was not *per se* unlawful. The decision therefore stands.

Ban on scheduling of QC/4 aircraft

19. The Secretary of State considered carefully what more should be done to limit the operation of the noisiest aircraft. In particular, he considered whether QC/4 aircraft should be subject to an *operating* ban (i.e. a complete ban on aircraft movements within the night quota period) or merely a *scheduling* ban (i.e. a ban on scheduling, which would permit aircraft movements within the night quota period exceptionally, when aircraft are severely delayed).

20. Consultees from the local communities generally welcomed the proposed introduction of a scheduling ban, whilst recognising that – at Heathrow and Stansted – this would simply formalise arrangements already in place on a voluntary basis. However, it is relevant to note that a scheduling ban would prevent the introduction of new noisier operations in the night quota period. And at Gatwick, the introduction of a scheduling ban would have a direct beneficial effect for the local community, by preventing the scheduling of a specific operation currently operating on a regular basis during the night quota period.

21. Consultees from the aviation industry, with a few exceptions, accepted the decision. Some airlines (including express carriers) suggested that the proposed scheduling ban conflicts with the requirements imposed by European law and by the ICAO, as they consider ICAO Resolution A35-5 requires all aircraft meeting the standards of chapter 4 to be permitted to operate at night.

22. The Secretary of State did not accept that there is any legal requirement to permit aircraft satisfying the standards of chapter 4 to operate at night. The Secretary of State believes the UK is not under any international obligation or legal requirement to exempt aircraft meeting Chapter 4 standards from operating restrictions of a partial nature. The night restrictions regime does not affect aircraft operations during the day and is not aimed at the withdrawal of specific aircraft types from operating at the three London airports or anywhere else in the UK. ICAO signatory states are *urged* not to permit the introduction of any operating restrictions aimed at the withdrawal of aircraft that comply with Chapter 4 noise standards.

23. The Secretary of State decided that there was no good reason why Chapter 4 aircraft should be exempt from the scheduling ban. Aircraft sufficiently noisy to be classified as QC/4 on approach or departure should not be scheduled to operate in the night quota period at any of the three airports.

24. The Secretary of State also decided, however, that the environmental benefits of an *operating* ban were insufficient to justify it, when balanced against the effects of prohibiting movements in cases of delay. He decided therefore to introduce a scheduling ban covering all QC/4 aircraft during the night quota period. The reasons for this are explained in greater detail in the Regulatory Impact Assessment at Annex A.

25. In response to the stage 2 consultation paper, in which the decision to adopt a scheduling ban on QC/4 aircraft was announced, two further suggestions were made. The first was that aircraft with a particular type of engine (the RB211-524), which some consultees said was noisier than its ICAO classification suggests, should be covered by the scheduling ban; the second was that the scheduling ban should extend to all QC/2, as well as QC/4, aircraft. Although these suggestions were made after the decision to introduce a scheduling ban on QC/4 aircraft had been announced, the Secretary of State considered them both. He concluded that the first suggestion (whether or not it would be legally permissible) would threaten the integrity of the QC system by singling out a particular engine type and would be likely to lead to calls for the banning of other engine types and conversely, for downwards reclassification of types operating particularly quietly or at reduced weight. There would also be a possibility of the noise quotas becoming skewed if the QC of a particular aircraft, but not all of the same type was arbitrarily changed. The second suggestion was also rejected because the economic effects of a ban on all QC/2 aircraft during the night quota period would be too great in comparison to the environmental benefits.

26. Some of the consultees made the point that any system of operating restrictions should take account of the *size* of aircraft – particularly given the likely introduction of the Airbus 380, a new and very large aircraft. The Secretary of State decided that there was no evidence to suggest that the Airbus 380, or any other new large aircraft, would generate more noise than its ICAO certification suggests nor, therefore, was there any evidence to suggest that such aircraft would not be adequately regulated by the present QC system.

27. The remaining decisions (as follows) were taken after the stage 2 consultation exercise.

To retain the existing definitions of night (2300-0700) and night quota period (2330-0600)

28. Various commitments were made, including in the decision letter on the outcome of the Terminal 5 public inquiry, that the Government would consult on extending the night quota period. The type and quantity of air traffic movements during the three half hours 2300-2330, 0600-0630 and 0630-0700 were investigated and consultees invited to comment on whether these time periods should be included in the night quota period. In the stage 2 consultation paper we also invited comment as to whether people would like to see the night quota period extended if the movements limits and noise quotas were set to met the existing operational demand during the times 2300-0700.

29. Consultees from the local communities wanted to see a full extension of the night quota period but many of them wished to retain the existing movements limits and noise quotas which currently apply for the shorter time period, leading to a large reduction in capacity in each airport. Some could see the benefit of extending the night quota period with movements levels and noise quotas to take account of current traffic levels as this would provide some protection against a worsening of the noise climate between 2300-0700.

30. Consultees from the airlines and airline industry in general opposed any extension of the night quota period, feeling that it would lead to a severe loss of capacity. The hour between 0600 and 0700 is at capacity, or very near capacity, at all three airports as is the hour 0700-0800. Therefore, if there were a reduction in capacity during the hour 0600-0700 due to reduced movements limits, there would be little scope to move these movements to a suitable time in the first part of the morning, leading to severe disruption of schedules and the probability that some flights would not be able to operate.

31. There is also a risk that if the night quota period were extended with movements limits and noise quotas set at a level to meet current demand, more of these movements might operate earlier in the very early hours of the morning – which could be seen as a deterioration in the noise climate for residents.

32. The Secretary of State has decided that the benefits of extending the night quota period and setting movements limits and noise quotas to accommodate existing traffic levels would not outweigh the possible costs, both to the airline industry and the local community. Therefore the existing definitions of night (2300-0700) and night quota period (2330-0600) will be retained. Further consideration of the possible risks and benefits of extending the night quota period are in the Final Regulatory Impact Assessment at Annex A (paragraphs 66-87).

33. There were also suggestions from consultees that there could be movements limits and noise quotas set both for a 6.5 hour night quota period and for the hours from 2300-2330 and 0600-0700. This proposal was attractive to many consultees who considered that it would reduce the noise impact late at night and early in the morning. However, it would be very complex to administer and increase rigidity in the arrangements. The Secretary of State does not believe that the current arrangements give rise to problems which would justify additional regulation and complexity.

34. The Secretary of State has decided not to impose separate limits for the hour between 0600 and 0700 and the half hour between 2300 and 2330 but to retain the existing controls for these time periods, namely that aircraft rated QC/8 and QC/16 may not take off or be scheduled to land during these times.

To adopt environmental objectives as proposed in the stage 2 consultation paper.

35. As required by UK legislation (*The Aerodromes (Noise Restrictions)(Rules and Procedures) Regulations 2003*), environmental objectives were proposed for Heathrow, Gatwick and Stansted in chapter 6 of the stage 1 consultation paper. These objectives were reconsidered in the light of responses to the stage 2 consultation paper and are confirmed as follows:

For Heathrow

- Progressively to encourage the use of quieter aircraft by day and by night;
- To avoid allowing the overall noise from aircraft during the night quota period to increase above what was permitted in 2002-2003;
- To support the principal daytime noise abatement objective as set out in the *The Future of Air Transport White Paper*, namely that if a third runway is built, the 57dBA daytime noise contour should not exceed its area in 2002 (127km²); and
- To meet noise-abatement objectives as adopted from time to time.

For Gatwick

- Progressively to encourage the use of quieter aircraft by day and by night;
- To avoid allowing the overall noise from aircraft during the night quota period to increase above what was permitted in 2002-2003¹; and
- To meet noise abatement objectives as adopted from time to time.

For Stansted

- Progressively to encourage the use of quieter aircraft at night while allowing overall growth of the airport as envisaged by the White Paper;
- To limit the overall noise from aircraft during the night quota period close to existing levels while permitting expansion of the airport's overall traffic in line with White Paper objectives; and
- To meet noise-abatement objectives as adopted from time to time.

36. Most consultees agreed with the environmental objectives although some thought they should be more stringent, with any specific targets and deadlines mainly relating to the World Health Organisation Guidelines. Few consultees gave suggestions as to how the environmental objectives should be framed if different from those proposed.

37. The values in *Guidelines for Community Noise* published by the WHO should be adopted as long term targets for improving health and were not intended to result in the introduction of draconian measures in the short to medium term. The UK Government is committed to take account of the guidelines and has indicated that the 30 year time horizon of the White Paper provides a suitable time parameter for 'longer term'.

To adopt specific noise abatement objectives as proposed in the stage 2 consultation paper

38. The UK legislation also requires that noise environmental objectives should facilitate any specific noise abatement objectives at the airports. The Secretary of State has decided to implement the following specific noise abatement objectives to apply for the course of the regime (to 2012), common to all three airports:

- To minimise sleep disturbance resulting from overflight of the noisiest types of aircraft;

¹ The proposal in the stage 2 consultation paper was to avoid allowing increases over actual levels. This has been changed to reflect more recent night time movement levels. This is discussed further in paragraph 48-55.

- To mitigate the effects of noise (in particular sleep disturbance effects) by encouraging the adoption by the airports of night-noise-related criteria defined in the stage two consultation paper, for domestic and other noise-sensitive premises, to determine which residents should be offered sound insulation to be paid for or contributed to by the airport.

39. The following specific noise abatement objectives will apply to each airport:

- at Heathrow, to limit the 6.5 hour 48dBA L_{eq} contour (for the winter and summer seasons combined) to 55km² by 2011-2012.
- at Gatwick, to limit the 6.5 hour 48 dBA L_{eq} contour (for the winter and summer seasons combined) to 47 km² by 2011-2012 (this is a change from the proposal in the consultation paper and is explained in further detail below).
- at Stansted, to limit the 6.5 hour 48 dBA L_{eq} contour (for the winter and summer seasons combined) to 38 km² by 2011-2012.

40. Some consultees questioned the use of a contour for the noise abatement objectives. The projected future year contours published in the stage 2 consultation paper illustrating the effects of achieving the noise-abatement objectives were regarded as a guide only. However, in respect of the night-time contours, there is a direct correlation between the total noise quota level and the area of the contour. Therefore, a change in noise quota usage will result in a relative change in contour area.

41. In practice, the actual shape of the contour, the 'boundary' of the contour, will be affected by modal split, the proportion of arrivals/departures and various other factors. For these reasons, the noise abatement objectives are by reference to a contour area rather than the numbers of people within them.

42. The 48dBA L_{eq} contour has been used for the noise abatement objectives as proposed in the stage 2 consultation paper. This reflects the NEC A/B² boundary described in PPG24 (Planning Policy Guidance). PPG24 NECs refer to an 8 hour night period, however, the night quota period is to remain at 6.5 hours and the noise abatement objective therefore covers this time period.

43. Some consultees suggested that a contour objective should be set for the 8 hour night period as well which would provide further protection for the 0600-0700 hour. This would result in the night restrictions regime becoming administratively complex as described in paragraph 33 above.

44. As with the environmental objectives, some consultees thought that the noise abatement objectives were not stringent enough and questioned why they would not be met/measured until 2012. Some also questioned whether setting these objectives to last until 2012 would conflict with European Directive 2002/49/EC which requires member

2 Described in Annex B at the stage 2 consultation paper.

states to produce action plans to manage environmental noise by 2008. However, that requirement is to set out action plans, not to complete by 2008 all actions which might be in a plan.

To set noise quotas for each year from 2006-2012 to help to achieve the noise abatement objectives

45. **At Heathrow**, the Secretary of State had proposed an immediate reduction in noise quota in both the summer and winter season to encourage the quota count to movements limit ratio to decrease further. Although the consultation paper recognised that this was a challenging target for the industry to meet, the Secretary of State considered that it would be feasible.

46. Consultees around the local community tended to focus on the proposed movements limits in the consultation paper rather than the noise quotas. Consultees from the airlines and industry however, expressed concern that the noise quotas as proposed would lead to a reduction in capacity during the night quota period. The airlines seemed reluctant to change their fleets to operate quieter aircraft during the night quota period (for reasons of aircraft size and because of their effect on daytime operations) but on the information presented the Secretary of State considers that there would be the opportunity for the introduction of new aircraft, specifically the Airbus A380 which has been designed to be QC/1 on arrival, to accommodate some reduction in noise quota over the course of the regime without creating a significant burden on the industry.

47. Therefore the Secretary of State has decided that over the course of the regime, noise quota should be reduced to the level in 2011-2012 envisaged in the consultation paper but that the reductions should be achieved more gradually as shown in the table below to allow the industry to plan and accommodate the changes. The Secretary of State considers that this outcome strikes the appropriate balance taking into account that local communities will be protected from excessive noise at night by precluding operations of the noisiest types of aircraft and that air services can continue at current levels given the high economic benefit derived from those services.

Heathrow

	Winter					
	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
Noise Quota	4140	4140	4110	4110	4110	4080

	Summer					
	2007	2008	2009	2010	2011	2012
Noise Quota	5610	5460	5460	5340	5220	5100

48. **At Gatwick**, the noise quotas will be implemented as shown in the table below.

49. Consultees from the airline industry expressed concern that the proposals in the stage 2 consultation paper would lead to an immediate reduction in capacity at the airport due to the cut in noise quota. However, the Secretary of State considers that the airlines may have underestimated the impact of the new QC band 0.25. Many of the aircraft operating at Gatwick will fall into this new band with the effect of considerably reducing the noise quota required to provide current services.

50. The QC value of actual operations of the most recent summer season (2005) would fall from 7913 to 6669 if the same fleet were used with relevant aircraft classified as QC/0.25. Moreover, the reduction in QC/4 movements which should be seen once the QC/4 scheduling ban is introduced will provide further scope for saving. A QC/4 aircraft operating once a week uses over 100 quota points during the summer period. More detailed analysis of the impact of the new QC/0.25 band at Gatwick is in the final Regulatory Impact Assessment at paragraph 128.

51. However, the Secretary of State accepts that growth in night time operations at Gatwick airport has exceeded predictions since 2003 and therefore the noise quota should not be reduced to the level in the consultation paper. The revised noise quotas for Gatwick are shown in the table below.

52. Consequently, this change to the noise quotas is reflected in a revised noise abatement objective for Gatwick as follows:

- At Gatwick, to limit the 6.5 hour 48dBA L_{eq} contour (for summer and winter seasons combined) to 47km² by 2011-2012.

53. The Secretary of State has accepted that, in the case of Gatwick, seeking to focus on outturn quota usage in 2002/2003 is not the most appropriate baseline to use. The operation of the airport suffered severely from the effects of 9/11 and SARS and had shown only limited recovery in 2003. He considers that the noise abatement objective as set out above is appropriate.

54. A report commissioned by BAA estimated the loss to UK GDP of the Gatwick proposals in the stage 2 consultation paper for the 6.5 hour NQP to be £53m in 2006/2007 rising to £332m in 2011/2012. This appeared to be based primarily on the proposals for the noise quotas rather than movements limits. The Secretary of State considers that these costs may have been overestimated as the report relied only on information given by the airlines and their considerations of what impact the proposals would have.

55. The Secretary of State considers that this outcome strikes the appropriate balance. Local communities will be protected from excessive noise because the reduction in quota will encourage the use of quieter aircraft at night. The Secretary of State considers that his decisions ensure key services can continue to operate providing benefit to the national, regional and local economy.

Gatwick

	Winter					
	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
Noise Quota	2300	2240	2180	2120	2060	2000

	Summer					
	2007	2008	2009	2010	2011	2012
Noise Quota	6700	6600	6500	6400	6300	6200

56. **At Stansted**, the noise quotas will be implemented as proposed in the stage 2 consultation paper. These are confirmed in the table below.

57. Consultees from the airline industry said that the proposed noise quotas would lead to a loss of services. Again, the Secretary of State considers that the impact of the QC/0.25 band may have been underestimated. A large number of responses to the consultation (approximately a quarter of all responses to the consultation) were received after a campaign by Ryanair which raised concerns that the Government would be limiting low cost flying by implementing the proposals in the consultation document. It was not clear which of the proposals this petition related to but it seemed to be more likely to be referring to the proposals to extend the night quota period, concerns about which were raised in Ryanair's response.

58. Charter and scheduled airlines operating at Stansted provided little evidence, economic or otherwise, that would justify changes to the proposals in the consultation document. The express carrier airlines, UPS in particular, raised concerns that there was not enough headroom in the noise quota for growth at the airport as outlined in the consultation paper.

59. However, as described above, if the new QC/0.25 band had been applied in the summer 2005 season, the quota usage would have been approximately 3700. This avoids the need for sudden adjustments. The Secretary of State considers that the proposals encourage the use of quieter aircraft at night. The reductions over time also protect the local community from excessive noise, while allowing services to be provided – consistent with the movements limit – which have important economic value. Freight operations by express carriers make up a greater proportion of night flights at Stansted than at Gatwick or Heathrow and the Secretary of State recognises that some night flights at conveniently located airports are required by express carriers as an integral part of their operations and to provide services to those living and working in and around the South East.

Stansted

	Winter					
	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
Noise Quota	3510	3470	3430	3390	3350	3310

	Summer					
	2007	2008	2009	2010	2011	2012
Noise Quota	4900	4850	4800	4750	4700	4650

To set movements limits at each airport for the summer and winter seasons

60. **At Heathrow**, the stage 2 consultation paper had proposed a small increase in the movements limits over the course of the regime.

61. When commenting on the proposals for a small increase in the movements limits at Heathrow, some consultees from the industry (including British Airways and BAA) were clear that this increase had not been asked for and would not be welcomed. Other consultees from the airline industry were more positive but few felt that the extra movements could be utilised without a corresponding increase in noise quota. Many local interest groups argued that the extra movements – even if within the current quota limit – would increase disturbance.

62. The proposal to increase the movements limits was intended to strengthen the incentive to the airlines operating at Heathrow to move towards using quieter aircraft during the night quota period. However, the Secretary of State accepts that the airlines believe the balance of advantage lies in not increasing movements if that drives down the average quota per movement significantly. He is also aware of a strong community response opposing the increase. The Secretary of State has therefore decided not to implement the increase.

63. After consideration, the Secretary of State has decided to retain the current movements limits for summer and winter at Heathrow as shown below. Taking account of noise quota reductions these limits will bear down on aircraft noise at night in a way which strikes the appropriate balance with economic and social considerations.

Heathrow

	Winter					
	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
Movements Limits	2550	2550	2550	2550	2550	2550

	Summer					
	2007	2008	2009	2010	2011	2012
Movements Limits	3250	3250	3250	3250	3250	3250

64. **At Gatwick**, the stage two consultation had proposed to reduce the ‘headroom’ in the movements limits as the airport had not fully utilised the movements limits over the course of the current regime.

65. On studying information provided in response to the stage two consultation paper, it became clear that movements at Gatwick during the summer season had already exceeded the proposed movement limit. This was due to the rapid growth shown at the airport after its recovery from the effects of 9/11 and SARS.

66. The movements limits proposed in the consultation paper were again assessed against a baseline of 2002/2003 with predictions of growth over the course of the regime to 2012. This growth was underestimated and the movements limits proposed would have resulted in a severe and immediate loss of services at Gatwick. The proposals in the consultation were not intended to cause immediate cuts in services in this way.

67. Therefore, the Secretary of State has decided to implement movements limits of 11200 summer and 3250 winter. Although this does not deliver reductions as proposed in the consultation paper, the Secretary of State has decided that this strikes the appropriate balance between the need to protect local communities from excessive noise and the benefits that services can bring to the national, regional and local economy.

Gatwick

	Winter					
	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
Movements Limits	3250	3250	3250	3250	3250	3250

	Summer					
	2007	2008	2009	2010	2011	2012
Movements Limits	11200	11200	11200	11200	11200	11200

68. **At Stansted**, the movements limits for 2006-2012 will be as proposed in the consultation paper, shown below.

69. In *The Future of Air Transport White Paper*, Stansted Airport was expected to provide a very substantial amount of runway capacity for London and the South East. Therefore, the night restrictions regime allows for some growth in movements during the night quota period without allowing a significant worsening of the 48dBA L_{eq} contour. This provides a strong incentive for operators to use the quietest aircraft during the night quota period.

70. Consultees in the local community stated that the proposals in the consultation paper could lead to a 40% increase in movements during the night quota period. This statement compares present movements with those permitted during the night quota period, but does not take account of the noise quota or the impact of the QC/0.25 band.

Stansted

	Winter					
	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
Movements Limits	5000	5000	5000	5000	5000	5000

	Summer					
	2007	2008	2009	2010	2011	2012
Movements Limits	7000	7000	7000	7000	7000	7000

To adopt several proposals concerned with the general administration of the scheme. These proposals will be implemented as follows:

To remove the rule that aircraft scheduled to arrive after 0630, but arriving before 0600 will be disregarded from counting against the noise quota.

71. There was general agreement amongst consultees to remove this rule and ensure that all aircraft (except those disregarded for other reasons – see below) should count against both the movements limits and noise quotas. This will simplify and clarify the regime for users, those who monitor the regime and the general public.

72. The stage 1 consultation paper stated that movements which are scheduled to arrive after 0630 but arrive before 0600 are not counted against the movements limits. This was incorrectly stated in the consultation paper, these movements do count against the movements limits and this rule has been correctly monitored by the airport operators.

73. The removal of this rule means that all movements between 2330 and 0600 will count against both the movements limit and noise quota, unless they are disregarded for other reasons (within the published guidelines), regardless of their scheduled time.

To continue to disregard movements under the following conditions:

74. The Secretary of State has powers under Section 78 of the Civil Aviation Act 1982 to specify circumstances in which movements may be disregarded from the night restrictions by the airport managers and the power to authorise that specific flights should be disregarded.

75. The airport companies may disregard night movements in the following exceptional circumstances:

- *Delays to aircraft which are likely to lead to serious congestion at the aerodrome or serious hardship or suffering to passengers or animals*
- *Delays to aircraft resulting from widespread and prolonged disruption of air traffic.*

76. Emergencies – flights involving emergencies where there is an immediate danger to life or health, whether human or animal – are excluded automatically from night restrictions irrespective of the type of aircraft involved.

77. Consultees from the airline industry considered that these disregard arrangements are very important to the smooth operations of the airport and should be continued. Some consultees from the local community felt that all movements should be counted against the movements limits and noise quotas except in emergencies.

78. There can be unforeseen circumstances which lead to severe delay at the airport. In these situations, the absolute minimum number of aircraft necessary to relieve hardship may be disregarded from the night restrictions. During the course of the current regime there were few disregards at Gatwick and Stansted, the majority were at Heathrow. Disregards at Heathrow are by no means a daily, or even weekly occurrence and will continue to be monitored carefully by the Department and reported to the airport's consultative committee. There was agreement amongst the airline industry that these disregards are necessary to accommodate these specific unforeseen circumstances which may lead to hardship, although some felt that the guidelines were too strict and not enough movements had been disregarded.

79. Some consultees among the local community felt that no movements should be disregarded for any reason. The Secretary of State considers that there still needs to be some flexibility in the system to ensure the smooth operation of the airport. The general principle behind the use of these powers is that emergencies or other unusual circumstances occur from time to time but by their nature cannot be predicted. Therefore

it would not be practical to count them against a movements limit or noise quota as the number of movements and quota available for general use would then be dependent on the number used for emergencies and unusual circumstances.

80. It has been policy to allow for these unusual movements within the night restrictions regime by specifying the circumstances in which movements may be disregarded rather than impose a regime which may give rise to requests for special treatment.

81. Since 1993, the Department has published guidelines which should be borne in mind when considering whether a flight can be disregarded. The latest guidelines, which have applied since 1999 and are published on the Department's website, do not cover every eventuality but they cover most situations which have arisen over recent years.

To continue the carry/overrun arrangements and to set the flexibility at 10% regardless of the length of the season.

82. Again, the airline community generally welcomed the continuation of the flexibility rules – there were some consultees who would have liked the flexibility to be higher (eg 20%) but as no more than 10% flexibility has been used at Heathrow, Gatwick or Stansted over the course of the regime since 1999, the Secretary of State considers that 10% is sufficient.

83. Amongst consultees in the local community, some agreed with the arrangements but some felt that this left too much flexibility in the system and could lead to more movements or noise quota in a season than the regime suggested. Movements can only be carried over one season and cannot accumulate over time so there is no likelihood of a significant increase in movements in any season. The flexibility allows the airport operator and airlines to manage their schedules more efficiently and to accommodate unforeseen circumstances should they occur.

To introduce a noise insulation scheme in respect of night time noise to be implemented with immediate effect.

84. In the stage 2 consultation paper we outlined possible criteria which might be used for a noise insulation scheme to mitigate for night noise. The Secretary of State has decided that the following will apply:

- The policy will be implemented on a voluntary basis initially. If necessary, the Government would give statutory force to these acoustic insulation arrangements under sections 79-80 of the 1982 Civil Aviation Act.

- The boundary of the scheme will be based on a noise footprint of the noisiest³ aircraft regularly operating at each airport as follows:
 - At Heathrow, the arrival footprint of the 95th percentile of the noisiest variant of the Boeing 747-400 90dBA SEL footprint.
 - At Gatwick, the envelope of the 90dBA SEL footprints for Airbus A300 departures and Boeing 747-400 arrivals.
 - At Stansted, the 90dBA SEL departure footprint for the MD-11 departures. The arrival footprint for Stansted is not included as it is already taken into account in the airport's existing noise insulation scheme.

85. The Secretary of State has decided that the 90dBA SEL footprint is an appropriate footprint which represents a good indicator of the vicinity in which the probability of sleep disturbance from aircraft noise events becomes significant. The footprint boundaries were provided in the stage 2 consultation paper.

86. The Secretary of State has decided that the following criteria should apply to the administration of the scheme:

- The scheme will apply to bedrooms, or bed sitting rooms (which are used as bedrooms on most days of the year) of residential properties only;
- Properties which have benefited from a previous noise insulation scheme administered by the airport within 10 years of the launch of the scheme will not be eligible;
- The Secretary of State expects a scheme to be in place so that eligible residents can apply for noise insulation early in 2007.

87. There were a variety of responses to this section of the consultation. Many consultees from the local communities expressed concern that mitigation was used instead of reducing the noise and that this was not acceptable. Many also felt that the footprint boundaries shown in the stage 2 consultation paper did not go far enough and should be increased to include anyone affected by aircraft noise at night. Others felt that noise insulation was not an appropriate form of mitigation or control of noise as some properties were difficult to insulate for reasons of appearance.

88. Consultees in the aviation industry were also mixed in their views of the benefits of noise insulation. Some felt that the Secretary of State should be concentrating on other aspects of the balanced approach, for example land use planning.

89. The Secretary of State has decided that, in line with the 'polluter pays' principle in *The Future of Air Transport White Paper* that a mitigation scheme should be introduced to offer some residents relief from the effects of night time aircraft noise.

³ On the basis of the operational noise in ERCD report 0204