

**This is the response of the London Borough of Richmond upon Thames to the 'Night Flying Restrictions at Heathrow, Gatwick and Stansted: Consultation' from the Department for Transport (January 2017).**

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**Introduction**

This response from the Council to the 2017 Night Flying Restrictions consultation has been compiled using input from Council Members, Council Officers and residents of the community. A draft of the response was discussed and received cross party agreement at the Council's Special Standing Committee on Heathrow meeting of 13th February 2017, which included representations on behalf of the members of the Teddington Action Group and Richmond Heathrow Campaign (see appendix 1).

The aim of the response is to represent the interests of residents who live within the Borough, under the Heathrow Airport flight paths and who are adversely affected by aircraft noise at night. It remains the view of the Council that there should be a policy to phase out the Heathrow night flights and that the Department for Transport should have been consulting on this as an option. For many years it has been the cross-party position of the Council to press for a ban on night flights between 11pm and 7am.

The Council response argues that the proposals once again fail to take account of the concerns of those living under the flightpaths whose sleep is disrupted by noise from early morning arrivals and departures and late night departures. Whilst the consultation acknowledges robust medical evidence linking long-term exposure to high levels of noise at night to increased morbidity due to heart attacks and stroke in exposed populations, the proposed restrictions fail to adequately protect thousands of Richmond residents from long term night noise exposure.

The consultation offers no hope of change to residents unless Heathrow is granted a third runway. This is even more shocking when we know Heathrow has not yet agreed to deliver a night time ban beyond 5:30am – thereby ignoring what the Airports Commission indicated was a key condition for expansion. On the basis of current operations a ban before 5:30am would see a reduction of no more than 4 of the 18 flights per night during the winter and 2 in the summer.

The Council regrets that the government appears to wish to renege from its current policy objective to limit and where possible, reduce the number of people significantly affected by noise at night. The new objective in effect gives a green light to expansion of flights in the night time shoulder periods and a worsening of the noise environment overall in the night period, which is recognised internationally as being from 11pm to 7am.

The Council urges the Government to reconsider this proposal – it does not pay sufficient attention to the strong medical evidence linking long term exposure to high levels of noise at night to increased morbidity due to heart attacks and stroke in exposed populations. It is also disappointing that the proposals fail to challenge the aviation industry to improve its performance at Heathrow in any material way at least for another 2 years even with the year on year noise quota reductions proposed by the DfT in the consultation. The immediate

reduction in Noise Quota will simply represent “business as usual” at Heathrow for at least another year.

The Council is concerned that the claimed benefits from the measures proposed to reduce seasonal noise quotas are “at the margins” at best so far as noise impact on Richmond residents are concerned.

The DfT’s own data show that new generation aircraft are still loud enough to wake people up as they arrive over the borough and in some cases louder than the older aircraft types they have replaced. Further in respect of new generation aircraft, the DfT must take action now to ensure that aircraft are properly accounted for in terms of their Quota Count bandings. The DfT now admits that the Airbus A380 (with RR engines) emits significantly more noise on landing than its allocated QC band allows. The DfT claims that it is unable to properly re-classify the new aircraft in terms of their QC value due to an international agreement to consider only official manufacturers’ noise certification data rather than in-service operational noise levels. However, the Council notes that this claim was challenged in the 2004 Judicial Review of the night flights arrangements that was brought by this Council and its supporters. The Judge, Mr Justice Forbes, found in this case that it was possible for the DfT department to take into account the actual experience of noise rather than rely solely on data obtained under test conditions.

### **Detailed response to the key questions**

#### ***Q1a. How strongly do you agree or disagree with our proposed environmental objective for the next regime?***

Response: Richmond Council strongly disagrees with the proposal to change the adopted environmental objectives for Heathrow. The proposed “environmental objective” is to encourage the use of quieter aircraft to limit or reduce the number of people significantly affected by aircraft noise at night, while maintaining the existing benefits of night flights.

No cogent reasons are advanced in the consultation for the proposed changes which taken overall represent a weakening in resolve to tackle night noise at Heathrow which impacts on more people than all other major EU airports combined. In summary the council’s criticism of the proposals are as follows:

- 1) The wording of the objective is very weak. Limiting or reducing the number of people significantly affected by noise at night could mean allowing an increase in the population exposed to aircraft noise at night. The council suggests that this objective needs to have a limit value attached such as: “limit the average number of annual movements per 8-hour night to 80. This would at least contain the average numbers of nightly movements to those currently flying (source ERCD 2601 Page 17). ERCD 1601 confirms that the majority of night movements (74%) were arrivals in 2015. Notwithstanding the council’s belief that the numbers of night flights are currently excessive and should in fact be phased out over the next five years a limit such as described above would at least prevent night noise from getting worse, given the airport’s commitment to ensure that Heathrow airline’s fly the quietest possible fleet.
- 2) As the proposed single objective stands it will not be possible to measure if it is being achieved. There are no key performance indicators proposed and a number of

necessary definitions are undefined or missing For example what does “being significantly affected” mean”. The objective is also ambiguous as it is not clear to consultees if the proposed objective might foreshadow a situation in the next five years where noise could increase in the overall Night Period (11pm to 7pm).

- 3) In the council's view, an environmental objective which purported to do one thing i.e. limit and reduce noise but in effect allowed the opposite to happen would not be consistent with the objectives outlined in the current Aviation Policy Framework or the Government's Noise Policy Statement for England. It would also be, the council suggests, deeply misleading and contrary to clear statements that the Government recognises that there is a need to protect communities from the negative impacts of night flights.

***Q1b. Do you have any additional comments on our proposed environmental objective for the next regime?***

The council is puzzled why the Government is proposing to introduce a new objective at this point in time. Given that the consultation document confirms that it is the Government's expected intention to propose some form of night flight ban as part of the upcoming consultation on the National Policy Statement on Airports, we question the need for the current environmental objective to be changed now, especially given that in our view the new objective is weaker and offers the opportunity for noise in the whole night period to increase at Heathrow. In the council's view this is not an appropriate time to be setting a new environmental objective unless it is clear and measurable as suggested above in point (1).

The consultation document (impact assessment) confirms the Government has undertaken recent studies to improve the evidence base with regard to the sensitivities of communities to aircraft noise (SONA14). This work was also referred by the Government in information it released at the time of the announcement (25/10/16) to support a Heathrow North West runway as the preferred scheme for expansion. The Government has only just published this work.

***Q2a. How strongly do you agree or disagree with our proposal for the length of the next regime?***

Response: Disagree with setting the timescale for a further 5 years without a commitment to review. The proposal for the restrictions to run until 2022 means that residents will have to endure another 5 years of night flights and associated impacts such as disturbed sleep and other now well documented adverse effects on health.

There should be flexibility for review of the proposals before the end of the 5 year period with a tightening of restrictions should the evidence support this.

***Q2b. Do you have any additional comments on our proposal for the length of the regime?***

Response: No further comments.

***Q3a. How strongly do you agree or disagree with our proposal to introduce a new QC/0.125 category for aircraft between 81 and 83.9 EPNdB?***

Response: This is agreed. It reduces the number of aircraft that are exempt from the current restrictions.

***Q3b. How strongly do you agree or disagree with our proposal for all aircraft quieter than this to remain QC/0 but count towards the airports movement limit?***

Response: Agree. The noise emanating from each individual aircraft is only one part of the controls needed to ensure health impacts are minimised with the number of events as important. Aircraft rated QC/0 are not silent. All movements have an impact in terms of noise even if they the least noisy aircraft currently flying. It is known that the number of aircraft movements at an airport is just as much of a problem in terms of noise as the actual noise output of individual aircraft.

***Q3c. Do you have any additional comments on proposals for the Quota Count System?***

Response: Despite the introduction of the new Quota Count ratings, it seems unlikely that any of the proposed QC 0.125 types will fly in the NQP at Heathrow. Given that on going fleet replacement is being driven by operating cost rather than the need to meet targets on noise we question how effective the complex QC restrictions actually are at driving noise reduction. Although the proposals for the next 5 years envisage a reduction in season noise quota the limits have only been reduced to a level that still allows the continuation of the current movements. In our view the proposed Quota Count budgets are still too generous..

In the council's view our residents will derive no benefit from the proposals and in the absence of additional controls in the form we suggest at section1, could lead to a deterioration in the local night noise climate.

On a separate point, we wish to again complain about the on going misclassification of some aircraft types for QC purposes. Annex D of the consultation document confirms the problem, first identified in 2014, with the Quota Count classification with regards to actual operational noise levels from some aircraft types. For example, the A380, with Rolls Royce engines, is regularly used at Heathrow during the night quota period. Currently around 5 of the 18 nightly arrivals are by this type. The consultation document refers to an investigation carried out by the CAA which confirms this particular aircraft type has measured noise levels that are equivalent to a Quota Count rating of 1 compared to actual classification of 0.5. There is no solution for resolving the noise issue without significant redesign of the engine, which is unlikely to happen. This misclassification has been recognised and the Government should now act to ensure that these aircraft are re-classified as QC1. This must be done with no increase to the movement limit. We note that the CAA say that actual noise is "taken into account" when compiling the annual noise contours but this is not the same point.

***Q4a. How strongly do you agree or disagree with the proposal for movement limits to remain unchanged at Heathrow?***

Response: Strongly disagree. Reference to data contained in the Consultation shows that the number of people exposed in 2015-2016 within the 6.5 hour 48dB  $L_{Aeq, 6.5hr\ night}$  is 105,000 people. This is 3 times more than any other airport in the EU . This is not an acceptable situation and there should, as a minimum, now be a phased reduction over the regime period as part of a policy of moving to a night flight ban at Heathrow. To allow movement

limits to remain the same indicates a lack of commitment by the Government to reducing night flight impacts and protecting community health.

Given the numbers of people exposed to night time noise around Heathrow there should be an incremental reduction in the numbers of flights for each year of the next regime, ending with a total ban on movements.

***Q4b. Do you have any additional comments on our proposal for Heathrow's movement limit?***

Response: The council is disappointed that the Government appears to only be interested in maintaining the status quo so far as Heathrow is concerned. An opportunity exists to show commitment to its policy set out in the Aviation Policy Framework namely to tackle the issue of night flights and the impacts they have on the quality of life, health and well-being of the communities under the flight paths.

The movement limit at Heathrow should be reduced year on year until this is zero by the start of the next regime, regardless of any decision on expansion. This would improve what is currently an unacceptable situation. No evidence has been presented to suggest there are severe economic dis-benefits for doing so, yet there is strong evidence to the contrary, this shows there would be substantial health and economic benefits to London from a night flight ban at Heathrow.

***Q5a. How strongly do you agree or disagree with the proposal for movement limits to remain unchanged at Gatwick?***

Response: No comment.

***Q5b. Do you have any additional comments on our proposal for Gatwick's movement limit?***

Response: No comment.

***Q6a. How strongly do you agree or disagree with the proposal to raise Stansted's movement limits to reflect the current number of exempt aircraft in operation?***

Response: No comment.

***Q6b. Do you have any additional comments on our proposal for Stansted's movement limit?***

Response: No comment.

***Q7a. How strongly do you agree or disagree with our proposals to encourage the use of quieter aircraft at Heathrow?***

Response: Notwithstanding our position of supporting a phasing out of night flights, the use of the quietest possible aircraft at night at Heathrow should be encouraged. However, we note that currently Heathrow only uses 45% of its night quota limit therefore whilst welcoming the introduction of a lower limit as a principle it needs to be recognised that this will have no noticeable impact for residents. We consider the current night noise impacts to

be unacceptable and it is disappointing that the Government is not doing more to reduce night flight impacts.

***Q7b. Do you have any additional comments on how you feel noise quotas can best be set in order to encourage the use of quieter aircraft at Heathrow?***

Response: See answer to Q3c.

***Q8a. How strongly do you agree or disagree with our proposals to encourage the use of quieter aircraft at Gatwick?***

Response: No comment.

***Q8b. Do you have any additional comments on how you feel noise quotas can best be set in order to encourage the use of quieter aircraft at Gatwick?***

Response: No comment.

***Q9a. How strongly do you agree or disagree with our proposals to encourage the use of quieter aircraft at Stansted? Q9b. Do you have any additional comments on how you feel noise quotas can best be set in order to encourage the use of quieter aircraft at Stansted?***

Response: No comment.

***Q10. Do you have any further views on our proposals, or their potential impact on the Government's ability to fulfil the requirements of the Public Sector Equality Duty?***

Response: The consultation has not demonstrated any compliance with the public sector equality duties such as an Equalities Impact Assessment. No reference has been made to protected groups or how they may or may not be impacted by the proposals within this consultation.

#### **Additional Questions from the Impact Assessment**

***A. What evidence do you have on the validity of the assumptions we have made about industry behaviour, particularly about how airports make use of carryover and overrun flexibility and which flights are affected when an airport reaches either its movement or quota limit?***

Response: We have no evidence on the validity of the assumptions made but will be interested in seeing the responses from the airport/airlines on the issues highlighted. In the interests of improving transparency in Government and promoting open decision making, any evidence submitted as part of this consultation should be properly assessed and peer reviewed, not accepted at face value. Information that is used to inform the Government's final decision on night flights restrictions should be made public as part of the consultation process.

***B. What evidence do you have on how airlines that have ordered new aircraft types (such as the Airbus A320neo and the Boeing 737 Max) plan on introducing these into their fleets?***

Response: We have no evidence on this issue but will be interested in seeing the responses from the airlines on this. In the interests of improving transparency in Government and promoting open decision making, any evidence submitted as part of this consultation should be properly assessed and peer reviewed, not accepted at face value. Information that is used to inform the Government's final decision on night flights restrictions should be made public as part of the consultation process.

**C. What evidence do you have on how airlines and passengers would respond to our proposals, including whether any flights or journeys would be rescheduled to or from the night quota period?**

Response: We have no direct evidence on how airlines or passengers would respond to the proposals. In the interests of improving transparency in Government and promoting open decision making, any evidence submitted as part of this consultation should be properly assessed and peer reviewed, not accepted at face value. Information that is used to inform the Government's final decision on night flights restrictions should be made public as part of the consultation process.

**D. What evidence do you have on the amount of time needed for stakeholders to read and understand the regulations needed to implement our proposals?**

Response: We have no evidence on this issue.

**E. What evidence do you have on the monetary value of the direct impacts of our proposals on business?**

Response: We have no evidence on the monetary value of the impacts on business. In the interests of improving transparency in Government and promoting open decision making, any evidence submitted as part of this consultation should be properly assessed and peer reviewed, not accepted at face value. Information that is used to inform the Government's final decision on night flights restrictions should be made public as part of the consultation process.

**F. What other evidence do you have on the costs and benefits of our proposals?**

Response: We have no evidence on the costs and benefits of the proposals other than being aware of the mounting evidence, as referenced in the consultation documents, that aircraft noise, particularly at night, causes detrimental health impacts for communities close to the airport and under flight paths.

In the interests of improving transparency in Government and promoting open decision making, any evidence submitted as part of this consultation should be properly assessed and peer reviewed, not accepted at face value. Information that is used to inform the Government's final decision on night flights restrictions should be made public as part of the consultation process.

**G. What evidence do you have on the wider impacts of our proposals, particularly the impacts on competition and small and micro businesses?**

Response: We have no evidence on this issue but will be interested in seeing the responses on this topic. In the interests of improving transparency in Government and promoting open

decision making, any evidence submitted as part of this consultation should be properly assessed and peer reviewed, not accepted at face value. Information that is used to inform the Government's final decision on night flights restrictions should be made public as part of the consultation process.

***H. What evidence do you have on the optimal reduction in noise quota limits that should be applied at each airport to achieve the environmental objective?***

Response: The first point to make here is that the proposed environmental objective is flawed, for the reasons stated above. We do not have any specific evidence but as acknowledged by the Government in the consultation documents (and the Airports Commission), there is growing evidence that aircraft noise and night flights in particular, have adverse health impacts for communities under flight paths and close to the airport. At Heathrow, the optimal approach in terms of noise quota limits is to progressively reduce them to zero in order to phase out flights at night.

***I. What other evidence do you have that could improve the analysis in this impact assessment?***

Response: We do not have any additional evidence, but consider that the Impact Assessment (IA) is inadequate. We have raised concerns previously about the standard of the IA work carried out to support the Government's policy on night flights and it is very disappointing to see that the IA continues to lack robust data or information on night flight costs and benefits.

None of the costs of any of the options under consideration have been quantified. Only the best estimate average annual benefit and total benefit figures are provided in the assessments. Best estimate Net Benefit figures are also provided, but given that no information is presented on costs, these should not be included as these assume there are no costs and present a false assessment of the benefit of the option being assessed.

We also notice that many of the IA consultation questions focus on the potential impacts for the airport, airlines, passengers and businesses, but no direct questions relating to impacts on the communities that are directly impacted by night flights. This does not appear to be a balanced approach and much greater effort is required by the Government to show that it is actively seeking information from and about all stakeholders. For example, why not ask for evidence in relation to impacts on health and associated costs? Or evidence on the social benefits of reducing night flights?

The IA should also assess and present the costs and benefits of phasing out night flights to a complete ban.



**Additional submissions received by the Council at its Standing Committee on Heathrow on the 13<sup>th</sup> February 2017**

The following additions were submitted for inclusion in the Council's response by community representatives, namely Richmond Heathrow Campaign (RHC) and Teddington Action group (TAG). Richmond Heathrow Campaign members mostly suffer from arrivals noise and propose the following additional submissions:-

- that there should be a timetable with targets to reduce night time noise to the WHO guideline levels of 40 dBA LAeq 8hr and 60LAm<sub>ax</sub>.
- to achieve those targets in a reasonable period of time there will need to be the staggered introduction of a ban on scheduled and unscheduled flights between 23:00 and 07:00. (RHC had regularly submitted evidence that there would be no net loss from shifting night flights into the day). More recently the Airports Commission had agreed with this assessment in its Final Report, at least for the NQP flights. The block on a ban therefore was that there is not enough capacity in the day until there is a 3rd runway. RHC had regularly submitted evidence that there was adequate capacity in the day to take all night flights (23:00 to 07:00) and still leave contingent capacity to reduce delays and improve punctuality and resilience.
- that the current ban on scheduled QC4 aircraft during the NQ period should be converted into both a scheduled and operational ban for the whole 8 hour night period.
- that QC2 aircraft are currently not subject to any ban but RHC recommends a scheduled and operational ban be introduced for the whole 8 hour night period.
- that the early morning shoulder period with approx 40 departures and 25 arrivals is potentially exposed to substantial increase in traffic if and when the 480,000 legal ATM cap is lifted. RHC recommend that pre-emptive action is taken now in various ways as in the following two recommendations.
- that there should be a limit for the number of movements introduced in the morning shoulder period (06:00 to 07:00), possibly supported by a noise quota. Both controls should be for the shoulder hour only and separate from those applying to the NQ period so as to avoid a shift of capacity back into the NQ period. It is understood that the Inspector at the T5 Inquiry had recommended a cap on flights in the early morning shoulder with a ten year phasing out of night flights but these had not been taken forward.
- that consideration should be given to introducing runway alternation in the early morning period instead of landing to both runways .
- that they need to be more specific in relation to individual flight paths and periods in the night.

The Teddington Action Group members mostly suffer from departure noise and propose the following additional submissions:-

- TAG wants an outright ban on night flights for 8 hours

- The distinction between Night Quota time and Night time is artificial. We should have 8 hours free from planes at night.

- If there is to be a rundown to an outright ban the Quota Count system needs to be tightened up so that only quieter planes are permitted. The Effective Perceived Noise metric is, of itself, not bad but it is abused so that the levels are set far too high – both internationally in the classification and nationally in allowing too high QC classes to fly at night. In discussion it was suggested that only QC1 aircraft should be allowed to take off and QC2 and above should be forbidden to operate during this period.

- The Quota Count system itself is inaccurate. The A380 is a prime example. The DfT agree that it does not meet its 0.5 qualification for arrival yet it continues to be allowed to operate in the Night Quota Period. TAG believes that it does not meet its 2 qualification on departure either. TAG has been in correspondence with the DfT on this.

- TAG has participated in the compilation of a report by a noise consultant which shows that the A380 is as noisy as or noisier than the QC 4 Boeing 747 that it is replacing

- Decisions are made on night flights and day time flights on the basis of “quieter” aircraft being introduced. In many instances, they are not quieter at all and policies should not rely upon this hypothesis. Again, the A380 being allowed to fly in the Night Quota Period and influencing the modification to the westerly preference is an example

- TAG believes that the WHO Guidelines should be followed by the Government. The WHO current guidance (which is to be revised soon) is that a continuous noise or equivalent of 30 dB or a single noise event of 45 dB can wake up a person. It is also perverse for the Government to propose lowering the noise limit in its own Consultation on upgrading UK airspace and then not put it into the Night Flight proposal.

- There is a deficiency in the consultation in that the supporting DfT option appraisal did not consider a full list of options - in particular either an immediate or progressive move towards reduction or banning night flights.

- The costs associated with aviation (in the option appraisal) were understated in that they excluded certain important medical costs, such as heart attacks and worsened mental health, as well as the economic cost of lost sleep on productivity.

- There is a problem with the QC system. It does not matter whether a plane was QC 1 or 2 if it woke you up (or whether it generated 60 or 65 dB LAmax). The key thing is how many times you are woken up at night. The DfT's analysis ignored WHO advice in relation to LAmax - incredibly referring in the background document to a threshold of 80 dB LAmax which it had traditionally applied. WHO advice for external noise at night is 45 dB Leq, not contours at 48 dB - on this basis the impact assessment undertaken by the DfT vastly underestimates the numbers of people affected and the consequential impacts of the current regime.

END