

<b>REPORT TO:</b>	<b>ENVIRONMENT AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 11</b>
<b>DATE OF MEETING:</b>	<b>12<sup>th</sup> AUGUST 2021</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>ALLISON THOMAS, STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
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<b>SUBJECT:</b>	<b>DEPARTMENT FOR TRANSPORT NATIONAL NIGHT FLIGHT POLICY CONSULTATION</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL WARDS</b>	<b>TERMS OF REFERENCE: EDS17</b>

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## **1.0 Recommendations**

- 1.0 That the proposed answers to questions, as set out at Annexe A, be forwarded to the Department for Transport (DfT) as the Council's response to the National Night Flight Policy consultation.

## **2.0 Purpose of Report**

- 2.1 To agree the Council's response to the DfT National Night Flight Policy consultation.

## **3.0 Executive Summary**

- 3.1 The Government is seeking views and evidence on policy options for its future night flight policy in relation to health and economic impacts, technological advances, potential changes to its aviation noise objective and airport 'designation' criteria.
- 3.2 In relation to national policy, the consultation paper explains the Government's current approach to managing aircraft noise and separates out the matters to be considered into a number of themes before posing a series of questions in relation to each. Proposed Council responses to these questions are set out at Annexe A.

## **4.0 Detail**

- 4.1 The DfT is seeking early views and evidence on policy options for the government's future night flight policy both at the designated airports (Heathrow, Gatwick and Stansted) beyond 2024 and nationally. Airport designation allows for the Secretary of State to publish notices for the purpose of limiting, or of mitigating, the effect of noise and vibration connected with the taking off or landing of aircraft at the aerodrome.

- 4.2 It should be noted that Environmental and Development Services Committee last considered airport noise generation at its meeting of 16 August 2018 in responding to the EMA Draft Noise Action Plan (NAP) (minute EDS/33 refers).
- 4.3 The section of the consultation dealing with national night flight policy seeks views on:
- the health impacts of aviation noise at night
  - the economic value of night flights
  - the advantages or disadvantages that the emergence of new technology will have in the future in relation to night noise from aircraft
  - whether the government's aviation noise objective should include a night noise specific element
  - whether the government should set criteria for airport designation.
- 4.4 The Government's approach to managing aircraft noise is based on the principles of International Civil Aviation Organisation's (ICAO) "Balanced Approach to Aircraft Noise Management". This seeks to ensure that decisions on airport operations take into account both health and economic factors. It also means that where there is a noise problem at an airport, it should be managed in a cost-efficient manner and that operating restrictions should only be introduced if there are no other ways of achieving the desired benefits. The Balanced Approach and its principles are enshrined in UK law.
- 4.5 The Government states that its aviation policy framework recognises that the costs on local communities from aircraft noise are higher during the night, particularly the health costs associated with sleep disturbance, but that it also recognises the economic importance of certain types of flights, such as express freight services, which may only be viable if they operate at night.
- 4.6 In recognising these higher costs upon local communities, the Government states that it expects the aviation industry to make extra efforts to reduce and mitigate noise from night flights. For example, the use of best-in-class aircraft and best practice operating procedures are encouraged. It also expects the industry to seek ways to provide respite wherever possible and to minimise the demand for night flights where alternatives are available. The Government also commends voluntary approaches, such as at Heathrow, which ensures that early morning arrivals do not land before 4:30am.
- 4.7 The consultation paper separates out the matters to be taken into account in reviewing night flight policy into a number of themes and asks a series of questions in relation to each. The themes are set out below and the questions posed by the government are set out at Annexe A alongside proposed Council responses to each.

#### Health impacts and economic value of night flights

- 4.8 The Government recognises that noise from aircraft at night is often regarded by communities as the most disturbing form of airport operation and that there is evidence of adverse health impacts. It has therefore sought to balance adverse health implications against the benefits such flights bring to the UK economy.

#### Future technology

- 4.9 The Government wishes to explore how future technology can benefit communities, consumers and the industry. In recent decades, there have been significant advances in airframe and engine technology that have helped reduce noise at source. Studies have shown that newer aircraft, such as the Airbus A350 and Boeing 787, are significantly quieter than those they replace. Historically, these technological advances have benefited both noise and carbon reduction aims. However, it is unclear what the future technological advances will be and whether there will continue to be reductions in both forms of environmental emission.
- 4.10 To reduce noise at source the ICAO has set progressively higher certification standards for noise emissions from civil aircraft, known as 'chapters'. The chapters set maximum acceptable noise levels for different aircraft during landing and take-off. Most civil aircraft, currently operating, fall within Chapters 3 and 4, which are quieter than the previous Chapter 2 aircraft. All new aircraft manufactured from 31 December 2017 onwards must meet the requirements of Chapter 14.

#### Proposal to include a night noise reference in the Government's noise objective

- 4.11 The Government's current policy statement, as set out in the aviation policy framework, is:
- "The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry."*
- 4.12 The Government seeks views and evidence on whether there should be specific reference to the balance between the impacts of night noise and the economic benefits of both passenger and cargo operations. It would be published when the Government publishes its revised noise objective.
- 4.13 Subject to views and evidence in response to this section, the following additional statement could be included in the noise objective:
- "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."*
- 4.14 The Government states that the intent of including a night noise reference in the Government's objective would be to provide a framework that could be applied alongside the Balanced Approach, when competent authorities set individual noise abatement objectives at airports. The aim of this statement would be to ensure that both local and national factors are considered when a noise abatement objective is set at an airport.

#### Airport designation

- 4.15 Heathrow, Gatwick, and Stansted airports have been designated for the purpose of avoiding, limiting or mitigating the effect of noise from aircraft since 1971. The SoS powers to designate airports in England and Wales and to set noise controls, which include the current night flight restrictions, are contained with the Civil Aviation Act 1982.

- 4.16 Currently there are no criteria for deciding whether an airport should be designated in England and Wales. There could be a number of factors that could be used when assessing the need for government involvement by way of designation, including population affected, number of night flights, or the strategic importance of any airports.
- 4.17 It is not proposed to designate or de-designate any airports as part of this two-stage consultation process. However, the Government is open to considering criteria for designation, that could in future be used as the framework for the designation of an airport in England and Wales.

## **5.0 Financial Implications**

- 5.1 There are no direct financial implications for the Council.

## **6.0 Corporate Implications**

### Employment Implications

- 6.1 None

### Legal Implications

- 6.2 None

### Corporate Plan Implications

- 6.3 Noise from night flights may potentially have implications for the following key aim of the Corporate Plan:
- “Improving the Environment of the District”: noise generated by night flights can be detrimental to environmental quality.
  - “Support Economic Growth and Infrastructure”: EMA and linked businesses, both on and off-site, are major employers.

### Risk Impact

- 6.4 None

## **7.0 Community Implications**

### Consultation

- 7.1 This is an open consultation being conducted by the DfT.

### Equality and Diversity Impact

- 7.2 Night noise arising from air traffic movements can potentially impact residents living in locations close to airports.

### Social Value Impact

- 7.3 Night flights at EMA are mainly generated by the air cargo industry, which is a large-scale employer in this location, drawing staff from the surrounding area, including Derbyshire.

## Environmental Sustainability

7.4 Noise from night flights may potentially have implications for the following themes of the Sustainable Community Strategy:

- “Healthier Communities”: sleep disturbance from aircraft noise can be harmful to human health.
- “Sustainable Development”: EMA and linked businesses, both on and off-site, are major employers, but noise generated by night flights can be detrimental to environmental quality.

## **8.0 Conclusions**

8.1 Proposed responses to the relevant questions posed by the DfT regarding national night flight policy are set out at Annexe A.

## **9.0 Background Papers**

“Open Consultation: Night flights restrictions at Heathrow, Gatwick and Stansted airports beyond 2024, plus national night flight policy”	DfT, 2021
“East Midlands Airport Noise Action Plan 2019-2023”	EMA, 2019
“East Midlands Airport Sustainable Development Plan”	EMA, 2015
“Social Responsibility Key Performance Indicator Report”	EMA, 2019
“Environmental Noise Guidelines for the European Region”	World Health Organisation, 2018

## ANNEXE A

**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.**

*From a local perspective, whilst the Council recognises and welcomes the economic benefits that East Midlands Airport (EMA) brings to South Derbyshire and the region, the airport's current Noise Action Plan (NAP) provides insufficient protection to local residents from night noise. It is therefore considered that the Government's approach should be amended to give greater emphasis to protection of the health and amenity of those living close to airports.*

*In responding to the consultation on the EMA Draft NAP the Council resolved that anticipated growth in both passenger and cargo flights must be inextricably linked to no growth in aircraft noise, particularly at night (report to the Environmental and Development Services Committee meeting of 16 August 2018, minute EDS/33). Although it was noted that EMA proposed a range of operational, flight charging/surcharging and communication measures intended to control the noise impact of forecast growth in night-time operations, it was clear from the noise forecasts that these would be insufficient to prevent further growth in noise levels in the short to medium-term.*

*The most recent EMA Corporate Social Responsibility Key Performance Indicator Report, published in 2019, shows the 55dB Lnight annual noise footprint measuring 10.4km<sup>2</sup> and the adopted NAP 2019-2023 anticipates that this will grow to between over 12km<sup>2</sup> and 14km<sup>2</sup> by 2025.*

**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.**

*The World Health Organisation (WHO) is the leading authority in these matters.*

*Recognising that noise has a negative impact on human health and wellbeing, the WHO strongly recommends reducing noise levels produced by aircraft during night-time below **40dB Lnight**, as night-time aircraft noise above this level is associated with adverse effects on sleep (WHO Environmental Noise Guidelines for the European Region, 2018).*

*The WHO 2018 Noise Guidelines supersede the 2009 Guidelines which identified a Night Noise Guideline (NNG) of 40 dBL, night, outdoors and an Interim Target (IT) of 55 dBL, night, outside. The NNG was referred to as a **“health based limit value necessary to protect the public, including the most vulnerable groups such as children, the chronically ill and the elderly.”** The IT was recommended in situations where the achievement of the NNG was not feasible in the short run. The Guidance stated that **“It should be emphasised that this interim target is not a health-based limit value in itself as vulnerable groups cannot be protected at this level. It should therefore be considered only as a feasibility based intermediate target which can be temporarily considered by policy makers for exceptional local situations”**.*

*The 2018 Guidelines represent the **“next evolutionary step, taking advantage of the growing diversity and quality standards in this research domain”**. These strongly recommend **“reducing noise levels produced by aircraft during night time below 40***

***dB Lnight as night time aircraft noise above this level is associated with adverse effects in sleep***". The Guidelines go on to strongly recommend that ***"policy-makers implement suitable measures to reduce noise exposure from aircraft in the population exposed to levels above the guideline values for night noise exposure"***. In this context a ***"strong"*** recommendation is one that ***"can be adopted as policy in most situations"***. The Guideline ***"is based on the confidence that the desirable effects of adherence to the recommendation outweigh the undesirable consequences"***.

*It should be borne in mind that these levels are reduced indoors and the WHO indicates that differences between indoor and outdoor levels are usually estimated at around 10 dB for open, 15 dB for tilted or half-open and about 25 dB for closed windows.*

*The most recent night noise contour map on the EMA website, the 'Summer 2016 average night time', shows that most of Melbourne Parish, as well as parts on Stanton by Bridge, Swarkestone and Weston on Trent parishes, fall within the 48 dB Lnight contour and that the easternmost parts of Melbourne Ward fall within the 55 dB Lnight contour.*

*Properties that are subject to average night time noise levels of 55dB or more are eligible for financial assistance through the EMA Sound Insulation Grant Scheme (SIGS). It should be borne in mind that the threshold of the area encompassing homes eligible for assistance through the scheme is based upon noise levels measured during 2001, when the 55 dB L night contour footprint was slightly larger than it has been in more recent years, meaning that some homes currently subject to lower noise levels still meet the SIGS eligibility criteria.*

*It should also be noted that over the past five years the District Council has received only five complaints about aircraft noise, three relating to night flights and two relating to general aircraft noise.*

*Whilst the preparation of the current EMA NAP predated the publication of the 2018 WHO Guidelines, the NAP anticipates the publication of the new Guidelines and states that these will be taken into account when implementing the plan. It is considered that the WHO Guidelines underscore the need to prevent growth in night noise at EMA and to review the effectiveness of the SIGS, with a view to extending coverage to include properties beyond those currently eligible where the evidence supports this.*

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

*The social and economic benefits which EMA brings to the local community and beyond are recognised and welcomed, with almost 8000 employees directly employed on the airport site (most recent bi-annual employment survey results published in the EMA Corporate Social Responsibility Key Performance Indicators Report 2018/19), however, the Council has previously expressed the view that currently anticipated growth in both passenger and cargo flights, as identified in the EMA Draft NAP published for consultation in 2018, must be inextricably linked to no growth in aircraft noise, particularly at night. Conversely, the adopted NAP 2019-2023 forecasts further growth in the 55dB Lnight contour footprint (see above).*

**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.**

*The majority of night flights at the airport are generated by the air freight industry and statistics published by the Civil Aviation Authority show that total cargo (measured by weight) handled by the airport in 2020 was some 14% higher than in 2019. They also show that during the first five months of 2021, total cargo handled was some 30% higher than for the equivalent period in 2020. Anecdotally it is understood that this increase may be partly due to growth in online shopping during lockdown and the transport of medical supplies and equipment.*

**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.**

*Whilst it is understood that modern aircraft are significantly quieter than older models, there can be a considerable time lag between new models being brought into service for passenger use and the production of freight versions of these. For example, there was a time difference of 14 years between the B777 entering service as a passenger jet (1995) and the first use of a freighter version (2009). Likewise there was a time difference of 20 years between the A300 entering service (1974) and the first use of a freighter version (1994). It is understood that aircraft manufacturers have been slow to announce plans for freighter versions of newer models.*

*Furthermore, freight operators are often slow to retire older noisier aircraft. This is evidenced by continuing delays in the withdrawal from use of non-Chapter 4 compliant aircraft for night flights at EMA, previous targets having been missed. It is notable that the NAP 2019-2023 includes no withdrawal target date for such aircraft.*

*The full noise reduction benefits that may arise through the emergence of quieter aircraft models are therefore unlikely to be realised for many years at EMA where most night flights are generated by the air freight industry.*

*The Council takes the view that operators should be encouraged to introduce newer, quieter aircraft and withdraw older noisier aircraft from service at EMA at the earliest opportunity to ensure that growth in air cargo throughput is not accompanied by any resulting growth in noise from night flights.*

*It is understood that other technological advances, such as the use of satellite-based navigation systems and increasing automation in the operation of aircraft and air traffic control systems can bring benefits in terms of reducing deviation from noise preferred departure routes and improving rates of climb. The fullest possible use must be made of these and any other technologies that may facilitate noise reduction.*

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

*The proposed additional wording for the Government's night noise objective appears to represent a significant weakening of the position in relation to night noise limitation in favour of economic objectives and is therefore strongly opposed. The Council fully recognises and*

*welcomes the employment and other economic benefits generated by airports, but any revised wording should clearly state that there should be no growth in local night noise, recognising that the phasing out of the use of older aircraft and the full deployment of other technology and noise reducing operational practices can allow for some growth in cargo and passenger throughput whilst avoiding any increase in night noise.*

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

*Any revised wording should clearly state that there should be no growth in night noise at airports, recognising that the phasing out of the use of older aircraft and the full deployment of other technology and noise reducing operational practices can allow some growth in cargo and passenger throughput whilst avoiding any further growth in night noise.*

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

*It would seem sensible to replace the current arbitrary approach to airport designation by identifying criteria.*

**What do you think are the advantages to the government setting criteria for airport designation?**

*It could bring openness, transparency and consistency to the decision-making process and thereby enhance public confidence in the system for controlling airport noise.*

**What do you think are the disadvantages to the government setting criteria for airport designation?**

*This would be dependent upon the Government's stance in regard to balancing economic and noise disturbance objectives. The EMA NAP 2019-2023 already accommodates continued growth in night noise above current levels against the stated wishes of the Council. Therefore, any strengthening of night noise controls and mitigation as a consequence of designation would be welcomed by the Council, whereas the opposite would be the case were night-time noise to be allowed to continue to increase. The Government's proposed new wording to be added to its aviation noise objective gives rise to concern in this regard.*

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

- *Current and forecast land area falling within the 40dB Lnight noise footprint*
- *Current and forecast numbers of residents living within the 40dB Lnight noise footprint*
- *Current and forecast numbers of night-time (23.00 – 07.00) air traffic movements.*

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

*The criteria for designation should be agreed through an open consultation process thus providing all parties with an interest, including local authorities, parish councils and amenity groups, the opportunity to express their views and influence the outcome.*

**What impact, if any, do you think the designation of an airport would have on communities; airports; airport users; airlines; business in and around airports**

*In regard to all the above the impact of designation would be dependent upon the Government's stance in relation to the balance of economic and noise disturbance objectives. Continued growth in night noise and the loosening of night noise controls and mitigation would be detrimental to communities situated in close proximity to airports. Conversely Government intervention to strengthen controls by prohibiting growth in night noise; requiring the early withdrawal of older, noisier aircraft, particularly those which are non-Chapter 4 compliant and in due course those which are non-Chapter 14 compliant; and enhancing other noise control and mitigation measures to ensure that they reflect WHO noise guidelines could provide better protection for local communities.*