

Draft Aviation Policy Framework Portfolio Holder Report

Summary

The Draft Aviation Policy Framework covers a range of issues that are related to the regulation of existing aviation operations and increased usage of existing airport infrastructure and will need to be considered in the development of any new airport infrastructure. The proposed response recognises the economic benefits of aviation but seeks to provide constructive suggestions on how the Government could better regulate noise, to minimise annoyance of local residents, and improve collaborative working between airport operators and local stakeholders. This includes proposing more realistic measures of noise impacts, more stringent controls of night flights and the introduction of height and noise controls for landing aircraft.

Recommendation

It is recommended that the proposed response is agreed and sent to the Department for Transport.

Background

The Department for Transport's 'Draft Aviation Policy Framework' was published for consultation in July 2012. The consultation closes on 31st October. The 'Draft Aviation Policy Framework' was expected to be the document in which the Government would consult on options for providing additional airport capacity. However, this issue is not covered in the document and is now unlikely to be consulted upon until after the next general election. The document covers a range of issues that are related to the regulation of existing aviation operations and increased usage of existing airport infrastructure and will need to be considered in the development of any new airport infrastructure. Issues covered include:

- The economic benefits of aviation;
- The impact of aviation on climate change;
- Noise and other local environmental impacts, including air quality;
- Local collaboration on aviation issues; and
- Planning issues.

Consultation Questions

A short summary of the proposals from the different sections of the Draft Aviation Policy Framework is set out below, along with the consultation questions and the proposed SDC response.

The Benefits of Aviation

The section on the benefits of aviation sets out the aviation industry's contribution to the UK's economy and suggests that better connectivity to growing markets is important to the UK's economic growth. In the short term, it is proposed that best use is made of existing capacity, potentially including:

- more flexible use of runways;
 - airport performance charters;
 - Liberalisation of bilateral air services;
 - the extension of rights granted to allow an airline of one country to land in a different country, pick up passengers and carry them on to a third country (fifth freedoms);
 - reviewing of EU Slot Regulations; and
 - improving surface access to airports.
- *Do you agree with our analysis of the meaning and value of connectivity, set out in Chapter 2?*

Sevenoaks District Council agrees that good connectivity between the UK and the rest of the world and between UK cities is economically and socially important.

- *Do you support the proposal to extend the UK's fifth freedom policy to Gatwick, Stansted and Luton? Please provide reasons if possible.*

Sevenoaks District Council understands that 'fifth freedoms' are rights granted to allow an airline of one country to land in a different country, pick up passengers and carry them on to a third country. It considers that the impact that this will have on additional flights at the airports should be considered. The number of passengers that are expected to use these services to arrive or depart at the UK airports should also be considered. Increases in flights, with the resultant increases in noise and carbon emissions, should not be encouraged if the benefits for connectivity for UK passengers (arriving or departing) are minimal.

- *Are there any other conditions that ought to be applied to any extension of the UK's fifth freedom policy to Gatwick, Stansted and Luton?*

No comment.

- *Do you agree that the Government should offer bilateral partners unilateral open access to UK airports outside the South East on a case-by-case basis?*

No comment.

- *Do you have any other comments on the approach and evidence set out in Chapter 2?*

No comment.

Climate Change Impacts

The section on climate change impacts notes that domestic and international aviation in the UK accounts for about 5 per cent of greenhouse gas emissions and is likely to make up an increasing proportion. It is proposed that the UK primarily focuses on lobbying for action at a global and European level to tackle greenhouse gas emissions from aviation, given the global nature of the issue and the industry. It is noted that all flights arriving into and departing from the EU are now included in the EU Emissions Trading System. At a national level, the document considers the need for a 2050 CO₂ target, the need to promote alternatives to air travel and supporting the development of new local carbon technology.

- *Do you have any further ideas on how the Government could incentivise the aviation and aerospace sectors to improve the performance of aircraft with the aim of reducing emissions?*

No comment.

- *Do you have any other comments on the approach and evidence set out in Chapter 3?*

No comment.

Noise and Other Environmental Impacts

The section on noise and other local environmental impacts states that the Government wants to strike a fair balance between noise and economic benefits. It suggests that over the last 30 years there has been a significant reduction in the number of people living within the 57 decibels contour around Heathrow and Gatwick. However it is recognised that noise continues to be a 'real source of tension between airports and local communities'. It is proposed that a tougher noise management regime is introduced that is based on:

- independent and transparent monitoring and enforcement;
- realistic noise limits linked to penalties; and
- effective use of non-regulatory instruments such as differential landing fees.

The section refers to a proposal for EU regulations on noise that would strengthen EU rules on aircraft noise management and assessment and the on-going need for Noise

Action Plans to be prepared by airports and agreed with Government under existing European legislation. A summary of the measures through which the UK Government currently seeks to control noise at designated airports (including Gatwick) is presented. These measures comprise:

- a night noise regime;
- departure noise limits;
- specified departure routes;
- minimum height requirements after take off;
- continuous descent approach; and
- a minimum height when joining the final approach.

The Government proposes that the current objective of seeking ‘to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise’ is maintained. The onset of significant community annoyance has previously been considered to be when noise levels are above 57 dB LAeq, 16h, which, on the basis of the Gatwick Airport Master Plan, would not currently include any residents within Sevenoaks District. The Government propose to maintain the 57 dB LAeq, 16h as a measure of significant annoyance but recognise that this is unlikely to include all individuals that consider themselves to be significantly affected. It proposes to require monitoring down to a lower level.

Influencing new standards on aircraft noise, the use of land-use planning policies, operational restrictions, differential landing fees and the development of ‘noise envelopes’ are include in the potential options to reduce noise and its impact. ‘Noise envelopes’ could seek to reduce noise by restricting aircraft movements or passengers or by reducing the area or number of people exposed to the noise impact, i.e. the noise threshold. Operational restrictions that would reduce noise, such as routes and heights of aircraft and night flights, are not set out in detail in the document. Instead, it is proposed that they are addressed through subsequent documents, such as updated guidance to the Civil Aviation Authority and new night flight restrictions. The document does state that the Government does support the policy of concentration of flights, rather than amending this to increase the number of people affected, but it also supports respite. The Government does not propose to introduce arrival noise limits but will instead pursue a penalty scheme for airports that fail to comply with continuous decent approach and minimum heights for final approach requirements, with better monitoring on approach routes.

- *Do you agree that the Government should continue to designate the three largest London airports for noise management purposes? If not, please provide reasons.*

Sevenoaks District Council agrees that these airports should continue to be designated and subject to specific noise management measures. The district council is of the opinion that in order to prevent potential conflicts of interest, an independent body

should be responsible for noise management of the airports. The body would be able to set more restrictive noise levels than currently exist and set penalties for transgression.

- *Do you agree with the Government's overall objective on aviation noise?*

As the document recognises, annoyance from aircraft can be caused by factors other than just average exposure to a set noise limit. It may, for example, be caused by regular movements of individual aircraft that are particularly noisy because of their height, age or model. The Government's objective promotes a "status quo" rather than working for real improvement. Noise exposure to those near to airports is monitored in relation to take-off noise and departure noise but those in rural or less populated areas directly under approach paths are not effectively monitored and so specific impact is only anecdotal; the simple fact that many complaints are received from such areas suggests significant problems exist and need addressing.

- *Do you agree that the Government should retain the 57 dB $L_{Aeq, 16h}$ contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance?*

No, the level is not only too high but is a poor descriptor. The energy from specific events within the 16 hour period can be very high and these events can be remarkably intrusive but as the reporting is the equivalent continuous level these events are lost within the averaging process over the 16 hours. For example, a level could be set where the $L_{Aeq, 1h}$ is not exceeded at any time between 07:00 hrs and 23:00 hrs.

- *Do you think that the Government should map noise exposure around the noise designated airports to a lower level than 57 dBA? If so, which level would be appropriate?*

More comprehensive mapping should be undertaken. This would allow data to be collected on inbound over flights rather than concentrating on take-off and outbound flights. This should be done at the lower level of 50 dB(A). Whilst this is less than a quarter of the current energy of the 57 dB(A) mapping contour, it does give a more realistic indication of adverse effects of aircraft noise.

- *Do you agree with the proposed principles to which the Government would have regard when setting a noise envelope at any new national hub airport or any other airport development which is a nationally significant infrastructure project?*

No, whilst merit can be seen in allowing expansion in return for reduction in noise exposure, no allowance is made for the nature of the noise and therefore the psycho-acoustic effect of the varying tonal properties of aircraft noise. Consideration should be given to a noise dose based system of assessment where not only the level but nature of the noise is considered. Such methods have been used for the assessment of

motorsport noise; this type of noise also has tonality that makes it more noticeable over a general background or transient noise.

Sevenoaks District Council would wish to have the opportunity to comment on any 'noise envelopes' that may affect residents of the District.

- *Do you agree that noise should be given particular weight when balanced against other environmental factors affecting communities living near airports?*

Yes, but the emphasis should be shifted to include a greater area for assessment of noise exposure.

- *What factors should the Government consider when deciding how to balance the benefits of respite with other environmental benefits?*

Whilst Sevenoaks District Council would be concerned at any policies that would increase the number of people significantly impacted by noise, perhaps there is the opportunity to move away from the 57 dB LAeq,16h method of noise assessment and consider instead, for example, a noise dose based noise pyramid approach, whereby the numbers of flights are limited by an individual noise level when measured at a specific point.

- *Do you agree with the Government's proposals in paragraph 4.68 on noise limits, monitoring and penalties?*

Sevenoaks District Council agrees that much higher penalties should be imposed for breaches of noise limits. It also supports the proposal for independent oversight on these issues.

Noise and height limits should be used alongside continuous decent approach and minimum height approach policies to provide a further control on landing aircraft. Penalties should be imposed when noise limits and other restrictions are breached, in the same way that they are for departures.

- *In what circumstances would it be appropriate for the Government to direct noise designated airports to establish and maintain a penalty scheme?*

All airports should have noise management schemes in place with any penalty scheme being based on the circumstances of the local community. The residual background level of the area without aircraft, should be used as a reference point to set noise limits for aircraft and the level at which penalties will apply. Penalty schemes should be established for noise and height for arriving aircraft at Gatwick.

- *In what circumstances would it be appropriate for the Government to make an order requiring designated airports to maintain and operate noise monitors and produce noise measurement reports?*

All designated airports should be required to maintain and operate noise monitors and produce noise measurement reports. However, this process should be overseen by an independent organisation. Determining which airports should be designated could be set by the number of movements or by passenger numbers. However, there is no reason why the majority of airports should not provide monitoring equipment and produce noise reports.

- *How could differential landing fees be better utilised to improve the noise environment around airports, particularly at night?*

More expensive landing fees at night would reflect the greater social impact compared to flights landing during the day. However, it is considered to be more important that this issue is regulated by appropriate limits on the number of night flights. Sevenoaks District Council supports the local opposition to the number of night flights into and out of Gatwick, which is believed to be significantly higher than other UK and European airports. The Council is also disappointed that the issue of night flights has been separated from this consultation process.

Reducing noise around airports is difficult, acoustic barriers are only effective in reducing the noise from aircraft on the ground. The provision of enhanced acoustic glazing for the properties nearest an airport would be beneficial. However, it is better to reduce noise at source so that everyone derives the benefit. This is often more important for night time air traffic. A straight night time aircraft noise level restriction is perhaps the easiest approach. Operators of long haul flights would have to be mindful of aircraft selection prior to departure to avoid breaching the requirement. A breach would incur a very high landing fee or penalty. This should be introduced at Gatwick alongside more reasonable limits on the number of night flights.

- *Do you think airport compensation schemes are reasonable and proportionate?*

Yes, however acoustic insulation will not be available to amenity space such as parks and gardens. It should also be available at a lower noise threshold.

- *Do you agree with the approach to the management of noise from general aviation and helicopters, in particular to the use of the section 5 power?*

Sevenoaks District Council does receive complaints of helicopter noise. These are often associated with Brands Hatch motor racing circuit and particularly with filming at major events. Whilst sometimes these flights will take-off and land at the circuit they will usually arrive from an aerodrome outside the district. It is difficult to see how the Section

5 power will help those where the helicopters are flying low for filming purposes. As this power has never been used and changes would be needed to secondary legislation before the CAA could use the full extent of the power, it appears that the provision is unsuitable for purpose and the provision should be re-enacted in a more easily applied form. Sevenoaks District Council therefore disagrees with the approach to the management of noise from general aviation and helicopters.

- *What other measures might be considered that would improve the management of noise from the sources?*

Sevenoaks District Council believes that a review of the minimum operational ceiling for aircraft within 1000 metres of residential areas and a permits system for aircraft wishing to operate at low altitude is necessary. A requirement of the permit should be to provide details of how noise exposure will be minimised.

- *Do you have any further ideas on how the Government could incentivise the aviation and aerospace sector to deliver quieter planes?*

Lower landing fees and tax breaks for operators of quieter aircraft and development grants and tax breaks for developers of quiet technologies could be used to incentivise the aviation and aerospace sector.

- *Do you believe that the regime for the regulation of other local environmental impacts at airports is effective?*

No, the use of the Environmental Permitting Regulations has limitations. With the move from bespoke permits to generic permits, specific issues are not addressed. The EA do not specialise in noise and so liaise with the relevant local authority but do not necessarily have to have regard to their opinion.

- *Do you think that noise regulation should be integrated into a broader regulatory framework which tackles the local environmental impacts from airports?*

Noise regulation could be integrated into the broader regulatory framework but this runs the risk of dilution. Specific legislation to address noise from airports, aerodromes and airfields may be more effective as this could also address routes for air traffic near smaller groups of residential properties not previously considered. This could in some circumstances give local authorities powers similar to nuisance legislation, which currently cannot be used where air traffic is the cause of the disturbance.

Working together

The 'Working together' section notes the importance of collaboration and transparency and sets an objective for the aviation industry and local stakeholders to strengthen and

streamline the way in which they work together. It is proposed that better quality information should be made available by the Civil Aviation Authority and that it should become more involved in independent oversight of noise management at larger airports. It is also proposed that Airport Consultative Committees should be more effective and be used to discuss planning issues or the development of noise envelopes. It is recommended that airports continue to produce Master Plans and Surface Access Strategies and hold Airport Transport Forums.

- *Do you think Airport Consultative Committees should play a stronger role and if so, how could this be achieved?*

Sevenoaks District Council is not involved in an Airport Consultative Committee (ACC). However, local feeling indicates that the Gatwick ACC is not considered to be effective. Unless Airport Consultative Committees are representative and have powers to challenge airport operators it is difficult to see how they can play a stronger role more effectively. An independent body should be required to investigate issues raised through ACCs if the airport operator is not considered to address the issue in a satisfactory manner.

- *Is there a case for changing the list of airports currently designated to provide consultative facilities?*

No comment.

- *Do you agree that the Civil Aviation Authority should have a role in providing independent oversight of airports' noise management?*

Sevenoaks District Council supports the proposal for independent oversight, whether by the CAA or another body. However, a balance between this and proper democratic scrutiny needs to be found.

- *Do you agree with the Government's overall objective on working together?*

Yes.

- *Is the high-level guidance provided in Annex E sufficient to allow airports to develop local solutions with local partners?*

No comment.

- *Do you agree that master plans should incorporate airport surface access strategies?*

Sevenoaks District Council considers that it would be sensible for surface access strategies to be prepared at the same time as airport master plans. However, it is

suggested that airport operators should not be precluded from revising surface access strategies without reviewing the master plan if access arrangements change significantly.

Airport surface access strategies should be given significant weight when rail franchise agreements are being prepared. This should include improved links between Gatwick and Kent (Edenbridge, Tonbridge and Ashford).

- *Do you agree that, where appropriate, the periods covered by master plans and noise action plans should be aligned?*

Yes.