

XXX  
By email:

XXX  
Aviation Environmental Division  
Department for Transport  
Zone 1/22  
Great Minster House  
76 Marsham Street  
London  
SW1P 4DR  
Direct Line: xxx

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)  
Ou Ref: E0007461

22 March 2011

Dear xxxx

**EIR request for information on Night Flights : Ref E0007461**

Thank you for your email of the 11 March requesting information on lifting of restrictions on night flights in December 2010 because of the severe winter weather. As your request covers environmental issues, I am replying to your request under the Environmental Information Regulations rather than under the FOI.

Heathrow, Gatwick and Stansted are "noise designated" airports under s78 of the 1982 Civil Aviation Act. The main effect of designation is that the Secretary of State (SoS) sets noise control measures, limits and restrictions at these three airports. Night flying restrictions consist of a movement limit and a quota count system. This means that points are allocated to different aircraft types according to how noisy they are. The noisier the aircraft type, the higher the points allocated. This provides an incentive for airlines to use quieter aircraft. Also during the night period 23:00 to 07:00 hours the noisiest types of aircraft (classified as QC/8 and QC/16) may not be scheduled to land or take-off.

Under the Civil Aviation Act 1982, the Secretary of State has the powers to disregard movements (i.e. allow additional flights) from the night flying restrictions in exceptional circumstances. These powers were exercised in December when the Secretary of State for Transport agreed to a temporary relaxation of night time restrictions at Heathrow for the nights of 20, 21, 22 and 23 December. As of the night of 24 December the temporary relaxation of night time restrictions no longer applied. This relaxation provided the airport with the necessary flexibility to assist in the resumption of flights. This was vital to assist in the repatriation of stranded passengers. This followed the exceptional disruption to airport and aircraft operations resulting from the extreme adverse weather conditions. Whilst the Secretary of State was prepared to issue dispensations at Gatwick and Stansted, in the event neither airport required this flexibility.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to me at the above address. Please see attached details of the Department for Transport's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,  
**xxxx**

### **Your right to complain to DfT and the Information Commissioner**

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF