

AUDIO_LUTON_ISH8_SESSION1_29112023

00:06

Good morning, everybody. Before I begin Can I confirm that I can be seen and heard clearly.

00:14

And I also confirmed with Mr. Burney that the live streaming of this event has commenced.

00:21

Banks no fire test is planned for today. So shouldn't alarm sound it is an emergency event and we will need to evacuate the building. Emergency exits are located to the left hand side of the examining authority on this side here, and you can also exit through the main doors through which you entered.

00:39

The fire assembly point is in the carpark at the front of the hotel. If anyone would need assistance in the event of needing to evacuate the building. And you please let the case team know who was sat at the back of the room. The time is now 930. And this issue specific hearing in relation to the London Luton Airport Expansion Project is now open. Today's issues specific hearing we will be considering environmental matters in relation to noise and vibration, health and community air quality, biodiversity, water, land use climate change and greenhouse emissions, landscape and visual design heritage and any other matters.

01:25

My name is Andrew Robinson. I'm a planning inspector and a chartered town planner. I have been appointed by the Secretary of State to be a member of the panel of his inspectors to examine this application. Today I will be going through the management of the event and introductions. I will now ask my colleagues to introduce themselves.

01:45

Good morning everyone. My name is Joe Downing. I'm planning inspector and charter town planner and I've been appointed by the Secretary of State to be the lead member of this panel.

01:55

Good morning everyone. My name is Dr. Richard Hunt. I'm a planning inspector and a chartered environmentalist.

02:02

We will be joined later this morning by Beth Davis. Together with Sara Holmes we formed the examining authority. I can confirm that all members of the examiner authority have made a formal declaration of interest and that there are no known conflicts of interest with us regarding this examination.

02:21

There are other colleagues from the piling Inspectorate with us today. Those of you online will have all spoken to Jennifer Savage in the adjoining conference. I would also like to introduce Remiel Burnie the case officer for this project, who is supported by Jean shoreland. Together with Sean Evans, they make up the case team for the project. If you have any questions regarding the application process in general, I would ask that you please email these to the case team who will be happy to help.

02:54

Before we consider the items on the agenda today, we need to deal with a few housekeeping matters and I will try to get through these as quickly as possible. So can everyone can everyone attending please make sure that your phone is switched off or turn to silent.

03:11

toilet facilities including disabled facilities can be found in the lobby.

03:16

If you have driven here today and parked in the hotel car park, you need to have registered your number plates on the portal system found at the main reception desk. We've been informed that any vehicle not registered with the hotel may be subject to a charge of 100 pounds. So if you haven't registered then then I would request that you do so. As far as I am aware no requests have been made for any special measures or arrangements to enable participation in this meeting.

03:49

Or hearing sorry, if anyone needs any special measures or arrangements Please can you speak to the case team at the back for the purpose of identification and for the benefit of those who may listen to the digital recording later. I will ask that every point at which you speak you please give your name and if you're representing an organisation or individual whom it is that you represent.

04:14

For those attending virtually Can I repeat the request made in the arrangements conference that in order to minimise background noise, you also make sure that all audible notifications are turned off and that you stay muted with your camera turned off unless you are speaking

04:32

as this is a blended event it has been structured in such a way that questions or points that you may wish to raise can be done so at the relevant point in the proceedings. When we get to those points. I would ask that if you want to speak you switch your camera on and either use a raise hand function in MS teams or asked to speak at the appropriate time. Please be aware that there may be sometimes a delay before we can acknowledge this but that you're

05:00

patience while waiting to be heard is appreciated. Can I also remind people that the chat function on teams will not work? So please do not try to use this to ask any questions or post any comment?

05:14

Do we have any members of the press in attendance?

05:20

Don't see any hands in the room or online?

05:24

We will adjourn for a short break at a convenient points from the agenda. Ideally, no more than every 90 minutes or so. If for medical other reasons, anybody requires a break at a specific time, could you please let the case team know and we can, if possible, adjust the programme to meet your needs.

05:45

Are there any comments or questions regarding the general management of today's event in the room?

05:51

I don't see any hands. Is there any questions about the events online?

05:58

I don't see any hands. Thank you.

06:01

There is a digital recording be made if this hearing. This will be made available on the project page of the national infrastructure website. If you take part in the hearing, it is important that you understand that your comments will be recorded and that the digital recording will be published and retained, usually for a period of five years from the Secretary of State's decision. As such, the planning inspectorate is subject to the General Data Protection Regulation, it is very unlikely that the examining authority will ask you to put any sensitive personal information such as email addresses and economic financial or cultural or health related matters into the public domain. Indeed, we would actively encourage you not to do that.

06:46

However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to our case team in the first instance, we would then explore with you whether the information could be provided in a written format, which could then be appropriately redacted before being published. Please bear in mind that the only official record of the proceedings is the digital recording that will be placed on the project page of the website, tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application.

07:26

Today's issue specific hearing has been held at the request of the examining authority who wish to explore a number of environmental matters. I would like to take this opportunity to remind you that the examination is a predominantly written process. In addition to today's hearing, you will have seen from

the examination timetable, there are opportunities for the examining authority to ask written questions. The purpose of this examination is for the examining authority to examine the information submitted by both the applicant and also by interested parties, or the persons and affected persons. As a result, I would like to reassure you that we are familiar with the documents that you have sent in so when answering a question you do not need to repeat it lends something that's already been submitted. If you want to refer to information already submitted, we would be very grateful if you could please use the appropriate examination Library Reference Number.

08:25

Furthermore, can I please ask that the first time you use an abbreviation or an acronym that you give the full title as there will be people here today, or listening to the digital recording who may not be as familiar with the application documents as you are. Whilst we accept that the majority of the discussions will be undertaken by those parties that have requested to speak. This is a public examination. And therefore if there is a point that you want to make, please feel free to raise your hand switch on your camera at the relevant time that you wish to contribute.

08:58

Today's hearing will be a structured discussion which Dr. Hunt, Miss Davis and myself will lead based on the agenda that has already been published. The purpose of this discussion is for us to ask questions and to seek clarification on the matters listed in the agenda. With the aim of ensuring that we have all the information that we need to make our report to the Secretary of State. The questions that we are going to ask today will be focused on those areas where we need further information or where we think the issues would benefit from examination orally.

09:32

I would therefore like to take this opportunity to reassure you that whilst we may not be asking a specific question or covering a particular issue

09:41

that you were expecting, it is not necessarily the case that we believe that this matter has been fully addressed. It merely indicates that we consider that we have the information that we need on this topic or that we are proposing to examine it at another hearing or through written further written questions.

10:00

And finally, I'd like to remind everyone that this is not an inquiry and therefore less the examining authority have specifically requested or agreed that there will be no formal presentation of cases or cross examination. As such, any questions that you may have, the parties need to be asked through the examining authority.

10:22

Rule 14 Two of the examination procedure rules require that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. The agenda was placed on the inspection website on Monday the 25th of November 2023 and can be found in the examination Lybia reference, Evie 15 Dash 001.

10:47

Please note that today's agenda is for guidance only. We may add other issues for consideration as we progress. We will seek to allocate sufficient time to each issue to allow for proper consideration. Should the consideration of the issues take longer than anticipated, it may be necessary to prioritise matters and defer others to further written questions.

11:11

As I've mentioned this because this is a blended event, we will adjourn for short breaks at convenient point. For those attending virtually you can stay logged on into teams throughout the break, but please ensure you switch off your cameras, mute your microphones. If you do lose connection, use the same link that you used to log on this morning and the case team will endeavour to reconnect as you as soon as possible.

11:39

For those people watching the live stream, we will have to stop the live stream in order to give us clear recording files. As a result at the point we recommence the meeting and restart the live stream, you will need to refresh your browser page to view and restart the live stream.

11:58

Finally, it is important that we get the right answer to the questions that might myself and my colleagues are going to ask at this stage. It is worth reiterating that this is predominantly a written process. Therefore, if you cannot answer the questions that are being asked or required time to get the information requested, then rather than giving a restricted or potentially incorrect answer, please indicate that you need to respond in writing. We can then defer the response either to an action point to be submitted at deadline six, which is on Friday, the eighth of December 2023 or two written questions.

12:36

So before we move on to deal with the items detailed in the agenda, are there any questions at this stage about the procedure side of today's hearing?

12:47

Don't see anyone in the room is there anyone online?

12:52

I don't see any hands so I'll move on to the introductions. The case team have provided me with a list of those interested and other parties who have expressed a wish to be heard today. Those persons or people representing the following organisations, the applicant, Luton Borough Council, the joint host authorities, Buckinghamshire Council, central Bedfordshire Council, children's Conservation Board, affinity water office for health improvement and disparities, UK health and security agency and a number of individual interested parties and community groups. I've also been advised by the case team that the following organisations will not be attending today's hearing nuts Natural England Hardwick parish council, the Environment Agency and National Trust.

13:49

Natural England have submitted a statement in lieu of attendance today, which can be found in the examination library, which is referenced ev 15 00 to a link to which can be found on the banner heading of the website. Please note that this was republished this morning, as originally only one tab of the spreadsheet was originally published. Can I check that I haven't inadvertently missed anyone off this list of participants.

14:19

I

14:20

don't see any hands in the room or online. So I'm not going to ask those of you who are participating in today's hearing to introduce yourselves to the examining authority, and the people who are watching the live stream of this event. And I say your name please introduce yourself how you would like to be referred to for example, for example, Dr. Mrs. Ms, or Mr, et cetera. And if you are representing someone who is that you represent. If you are attending virtually then please switch on your camera and microphone when I call your name. So to start with, I will turn to the applicant to institutes yourselves

15:01

Good morning syrup. My name is Michael Humphries, and I'm a barrister and kings counsel and I am representing Luton rising. I've got on my left and they'll introduce themselves in a moment members of the

15:20

noise team and misconduct on the end air traffic forecasting. Because of the nature of today's agenda, obviously the teams are going to keep swapping and you'll be pleased to hear I'll get replaced by Ms glutton at one point

15:36

fairly soon and then come back later. So there will be a bit of shuffling I don't think we'll need adjournments or anything but if you could bear with us while there are pauses while computers are taken down and stuff, thank you. So I'll invite the others to introduce themselves.

15:53

Morning Sir, my name is Dr. Callum sharp. I'm the noise and vibration lead on behalf of the applicant.

16:02

Good morning. My name is Mr. Eddie Robinson

16:05

supporting Dr. Kalam sharp on the noise assessment on behalf of the applicant.

16:13

We Louise Condon the applicant and responsible for the need case which includes the demand forecasts.

16:21

And I'm Tom Henderson, a partner and solicitor at PDB Pitmans. Where legal advisors to the applicant
Thank you.

16:29

Thank you. Moving on now to Luton Borough Council please.

16:34

Good morning, sir. My name is David Gertz. I'm a planner working with Luton Borough Council on my left is Mr. Andrew loosely who will be representing us on air quality. He's a technical officer with the Council for your information or noise.

16:52

Mr. Ross will be speaking on behalf of all the host authorities with and I'll let her introduce people

17:02

and move on to the joint host authorities please.

17:06

Thank you. Hi, I'm Fiona Ross of Pinsent Masons. I'll be representing the Hertfordshire hosted authorities plus central Bedfordshire and Luton in relation to noise and the Hertfordshire host authorities only in relation to LVA. And we're likely to also have a few things to say on health greenhouse gases and heritage but not on all points on the agenda. I have to my right, Ben Hall competence from Siona who will be speaking to the noise matters and online. We have Katie Mayhew from WSOP to speak to LVA and hopefully shortly we'll also have Roger Pittman from North hertz Council who will speak to some health inequality points. Thank you.

17:47

Thank you to central Bedfordshire. Please.

17:53

Morning Sir Caroline microteaching from Central Bedfordshire Council. I just like to let you know that unfortunately, I do need to leave at three o'clock today because of a prior commitment. I'm joined this morning by my colleague Karen Newell. She's joining online. She's our landscape officer. And my colleague, Jonathan processes Prosser who's conservation officer will be joining us online at around 11 o'clock this morning. Thank you.

18:18

Thank you.

18:19

Buckingham share counsel, please.

18:23

Good morning. My name is Mark Westland Smith, I'm a barrister representing Buckinghamshire Council.

18:30

I have today online Anna Morris, who's an associate director planning Atkins realists and she will be speaking to health and community. And I also have David Johnson, who's the climate response team leader at the council, who will speak to climate change and greenhouse gas emissions, as those are the two principal areas and in fact, it's health. That's the principal area that we wish to contribute to today. I also have experts on noise and air quality in the room but I don't anticipate calling on them today.

19:16

Thank you. Moving on to the interested parties. Could friends of Wigmore Park introduce themselves please

19:26

pick Excuse me. Pete white friends at Whitmore Park

19:34

thank you and to ladder can

19:42

also Andrew Lambourn Chair of ladder can community group

19:50

Thank you.

19:53

Can we move to the children's conservation board please who I believe are online.

20:00

Yes, good morning, sir. I'm Michael stops. I'm planning advisor to the insurance Conservation Board. Hope you can see and hear me. And then with my colleague, Dr. Matt Thompson, I just hand over to him to introduce himself. So

20:14

good morning, everyone. Yes, Dr. Matt Thompson. And I'm the head of strategy and planning at the Children's Conservation Board.

20:25

Thank you, and have Michael Reddington.

20:34

The morning, my name is Michael Reddington. I'm a resident of Wigmore. I'm representing myself.

20:40

Thank you. Thank you.

20:43

Do we have a Lisa Gordon?

20:50

Yes, hello. I'm Alyssa Gordon and I'm a resident of Waco and I'm representing myself

20:59

thank you.

21:02

FINITY water please.

21:19

Okay, I believe that they may be joining us later.

21:23

So, affinity water.

21:27

Deep valley from affinity water

21:36

I will come back to you Mr. Farley. Could we have Andy Netherton from the office for health improvement and disparities who I believe

21:48

Good morning there. Good morning. So, yeah. And in from the office for health improvement and disparities, here alongside urban FANTIC from UK health security agency.

22:00

Thank you.

22:03

Peter Kurth representing self and hardwood woodland Working Group volunteers.

22:13

who I believe is online? Yes. Can you hear me? I'm listening.

22:19

Yes, we can hear you. Thank you.

22:23

Jim, Jane Timmis MBE.

22:28

Good morning.

22:30

I'm here representing myself today. But I'm also a decorum bar counsellor. And

22:37

I'm here to speak about noise in particular. The board I represent that I'm not here representing this today is heavily impacted. Thank you. Thank you.

22:54

And the UK health security agency.

23:00

Yep. Good morning. So Dr. Ben Fenech, from the UK health security agency. I'm here with Andrew and Atherton for the health and community. Thank you.

23:13

Thank you.

23:16

Before we move on, can I confirm that we've heard from everyone who wishes to participate in today's hearing?

23:25

I have a hand up online. Would you just like to introduce yourself?

23:32

Sir Robert Ashley Thames Water we had registered but didn't hear our organisation being called. Thank you.

23:44

Thank you.

23:50

Hello, sorry. I'll just introduce myself as well. I'm Zack saloon and I'll be assisting rob from Thames Water as well.

24:00

Thank you, Mr. Salim.

24:03

Is there anybody else online? I see another hand up.

24:15

I see Keith Farley first you have your hand up.

24:18

Hello. Hello, Keith Harley from within to water was registered to speak. Thank you, Mr. Farley. And Councillor Stevens. I can see your hand up as well. Yeah, man. I did. I did log in when I when I arranged to to speak at hearing on Monday. But I also requested at that time. And I was given a slot by your colleague to to raise some questions. These are these are now going to be questions as opposed to the presentation I made on Monday. But specific questions regarding noise that I'd like to put to the panel of sleep

25:00

Through the panel to go to the applicant.

25:06

Thank you, Councillor Stevens.

25:09

Is there anybody else who wishes to participate in today's meeting that I've not called?

25:18

I don't see any more hands up online or in the room. So thank you. And I will now hand over to Dr. Hunt.

25:25

Thank you, Mr. Robinson. Before we start, I wanted to highlight that the agenda for today's hearing naturally has some overlap with tomorrow's green controlled growth agenda. And then in preparing for this session, we've slightly reject some issues and will now pick up the issue of the balance of growth versus future noise reduction in tomorrow's hearing. So that agenda has now agenda item has now moved on to tomorrow.

25:50

So if we can start by looking at construction, noise and vibration.

25:57

At Issue specific hearing three, we discussed the potential for louder types of piling to occur on site than had been assessed in the ies and as a result, the coda construction practice was updated to require a piling methods statement to inform the section 61 process.

26:15

Even though there's no explicit provision for louder piling types

26:19

to occur in future can the applicant explain whether an impact piling noise and vibration assessment is required to ensure that the NSA is able to reach a reasoned conclusion on the likely significant effects of the proposed development?

26:37

So thank you, this obviously, is going to be in the first instance Dr. Sharpe, who deals with us.

26:47

Dr. Sharpe for the applicant.

26:50

So indeed, so as you know, an issue specific three, we discussed the

26:55

situation of piling in particular impact piling, and whether there will need to be any controls added to the code of construction practice to make sure that those are fully taken into account as part of the section 61 prior approval process. We don't believe

27:13

or take a step back. In terms of the assessment in chapter 16 of the environmental statement, we believe we've undertaken a reasonable assessment of what's likely to occur. So that hasn't changed by the addition of the additional restrictions into the code of construction practice.

27:32

But what through discussions with the host authorities, we've agreed that it would be prudent to introduce that restriction into the code of construction practice, which is the restrictions that paragraph 14 point 2.7 to ensure that if there were a situation in which impact piling were needing to occur, that it would be fully assessed as part of that piling method statement. And that would be through prior approval through the section 61 process. And if there were needing to be any measures to reduce noise and vibration as a result of that piling that would be covered within that assessment.

28:11

And I suppose my concern is this, what the amendment of the code construction practices allowed is for the potential for a substantially noisier activity to occur on site which could give rise to significant effects. And whilst the section 61 process serves to control construction noise and

28:34

reduce complaints from construction noise, it specifically is designed to deal with significant noise effects. So effectively, you've got an assessment that assesses lower effects, but the ability to have much higher effects. So, in terms of the decision, the recommendations, secretary of state there is the potential for unassessed lightly significant effects now within the application before us.

29:05

Well, sir, the section 61 process in the control of Pollution Act obviously applies not just to airports, but but any forms of

29:20

activities covered which would include the construction works here and that is the legal framework within which we operate obviously, as you appreciate and

29:30

as paragraph 188 of the NPPF makes clear, you must assume as binding inspectors that other control regimes operate effectively the

29:45

unit in our view that that is an appropriate set of mechanisms.

29:54

You know, under that process, obviously, we have to apply to the local authority for the

30:00

appropriate consents, and therefore this is not that we can just do whatever we do we need an appropriate consent from the local authority. So in our view that there aren't

30:14

effects there that aren't appropriately controlled by the relevant legislation. I don't know whether God shop wants to add anything to this. But this is entirely conventional in in DC OHS, and indeed all other sorts of planning approvals that are given in the UK. But the distinction is that the section 61 process isn't designed to rule out a significant effect it is to deal with where a significant noise effect is occurring, to reduce the likelihood of complaints. And to manage that effectively. Yes, but it doesn't prevent the significant effect from occurring. No, but it is it's a prior section 61 is a prior consent process. Obviously, there's the

31:03

we had all numbers now is it section 60 is the control of noise on construction sites. But section two section 61 process is where a person who intends to carry out works to which the preceding Section applies may apply to a local authority for consent under this section. And if the authority considers the application contains sufficient information for the purposes of that, and if the works are carried out, it would not serve

31:28

a notice. And that we believe is the appropriate legal mechanism that the government has

31:36

put in put in place to control those things. And under the same, this is why we've in paragraph 14 to seven of the control of the code of construction practice, specifically referred to Section 61 Rather than section 60. So is proactive, not reactive. And, as I say, under the control of the local planning authority, obviously, I didn't have an issue with the section 61 process as a cannot control mechanism. My point is that it doesn't prevent the significant noise effect from occurring.

32:07

So there is a potential for significant noise effect to occur on local community is section 61 is explicitly there to give consent for a noisy activity to occur.

32:19

But at the moment, what we don't have in the US is an assessment of that noise or activity. So if the IES had excluded the potential for that noisier activity to occur, fine. But we have now the potential where you have an assessment that doesn't include for the noise, your activity, but the consent allows, would would allow that noise or activity to occur to some extent.

32:42

Yes, I mean, what it says in paragraph 14 to seven is no, no impact piling shall commence until a piling method statement detailing the type of filing to be undertaken.

32:55

You know, have been submitted to and approved and obviously at that

33:01

point, the local authority has a degree of control now, you know, I can ask Dr. Sharpe and the team to take this away and see if there is something else we can do. The problem, obviously, with construction impacts of this sort, which is why in most planning appeals, for example, for residential retail or office development, one doesn't get into detailed analysis of the construction of the houses or the shops or or the office building is because it's recognised that construction impacts being temporary in nature. And piling in this instance, would be something if it was needed, that would be temporary in nature is one of those things that happens and as long as you know, it is controlled and approved in appropriate ways is appropriate. The difficulty I suspect with

33:58

assessing it is how do you assess something that two days they need to do some piling and it's very loud and it's controlled and approved? What kind of assessment and what thresholds for significance could one possibly attached to those in an EIA sense? Now, as I say, maybe the answer is here that we will take this away and come back. I understand the point.

34:29

But I think it's a point because EIA is looking at likely significant effects not as you will appreciate obviously, worst case effects but likely significant effects. These effects in terms of the overall construction are simply not likely. They are extreme circumstances which could occur but if they did occur would be controlled.

34:53

I can see that that's not a complete answer to what you want, but the

35:00

I think for the moment that's, that's, that's my answer. And understand the point you're making the

35:09

the moment within the application material, we don't have any indication of what that worst case might look like. I know, we are supposed to be looking at the likely significant effects. But

35:21

obviously, impact planning was approved for other works at Green horizons park, at sorry, the green horizons Park. So it's an acknowledged method that might be used in that location, there are substantial structures within the local area that will be built and that are close to residential properties that want to ensure that they're

35:44

appropriately assessed.

35:46

Yes.

35:50

You know, I think, as we've made clear before, we're not actually expecting any impact piling at all. So we're not only talking about a worst case, but but loading on top of that worst case that we don't actually think the event will, will occur. I think, rather than trying to

36:10

completely resolve this now. I suggest we take this away and

36:17

look at it if what you're

36:21

interested in is

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what is an assessment of what impact piling if it were to occur at a particular distance? Because obviously, it depends where that impact piling takes place in order for us to calculate what the noise

would be at the facade of a of a receptor. We could give examples, I suppose, of of what of what that would be. But obviously,

36:50

whatever happens would be under the control of and approval of the local planning authority. I think that will be helpful. Definitely. Yes. Thank you. So thank you all. And we'll do that. Similar questions to yesterday. Deadline.

37:07

You Yeah, i The honest answer is I don't know. It's easy for me to say,

37:13

deadline, six. But I'm not going to be the person that actually has to draft this. I'm not the noise expert, shall we say we will look at deadline six. If it can't be done that I think as a result of the indication, yesterday, because of the sheer number of actions piling up, if there are ones that we think we can't do, we'll try and give you advanced warning of of that.

37:36

And we'll try and prioritise those things that we think it's most helpful for you to have a deadline six, if I can put it like that. And we'll just pick a judgement call, but you will get something. So just because I'm on action points, make my life easier. I'm going to default to Deadline six unless you indicate to me otherwise.

37:59

So if I could just turn to the local authority for a moment, if the local authority were to consider an application under Section 61, what sort of mitigation would typically be applied for an impact mailing

38:14

David Gertler, Luton Borough Council I'll I'll answer first and then I'll probably defer to Ben Holcomb.

38:21

Impact piling was an issue with Project curiam the 18 million. It did occur at nighttime, we actually had to stop it. And we we sent correspondence to the airport operator who was the applicant who was in charge of the works.

38:40

So we did we did take action. I can't remember if we had a condition. I think we had a condition which which had said they had to agree that piling with us and I don't think we were expecting the impact piling. The problem was it was at nighttime because it was an operational airport and where they needed to do the the piling on that time it had to be done when aircraft weren't flying. So we actually we actually stopped the action.

39:06

There were alternative methods put in place. You can dampen the equipment you can cover equipment, but just on the technicalities of what action the local authority could take. I'll see if Mr. Holcomb can provide a further response

39:27

and I'll come for those authorities my loud enough this feels very far away.

39:33

A lot of it depends on what the piling is essentially. So to take the two examples of continuous flight auger piling and impact piling CFA as continuous flight auger has a lot less impact noise from when the pile is driven into the ground instead of the screw but this results in large amounts of earth being pulled out which needs to be carried away by HGVs and all sorts of other methods.

39:59

So

40:00

And

40:01

whilst impact piling might necessarily be noise or in that one activity, there are other associated activities around it. So it's worth bearing those sorts of things in mind mitigation for the one specific piling activity might actually have a knock on effect. So given that the timeframes over which this project is planned for knowing when piling is to occur, what it is,

40:25

when it's brought about the approach that the applicant is taking, actually seems more sensible in app when we know what will be proposed, we will go to the local authority put it to them rather than agree that any matter of piling or specific ones can or can't happen, because when it comes down to it, it may be that the other is more appropriate.

40:48

And in terms of specific mitigations, you might be looking at

40:53

how was the debt can occur, whether it's daytime, nighttime, those sorts of things. There are different types of equipment, but

41:00

you also have to bear in mind that CFA could take a lot longer than impact pilings. So it might be that one mitigation is actually to use impact piling whilst it's noisier, it happens in a substantially shorter period of time.

41:12

Thank you.

41:14

So just final question to loosen, you contend with the approach that's currently outlined then, in the code of construction practice? Yes. David Gertler, Luton Borough Council, yes, we were happy with that. We were also content that they agreed to include it in there and to provide details if they were going to do impact piling. Our concern is

41:38

last time it happened at night, it resulted in significant numbers of complaints, and we weren't aware that it was going to be taking place.

41:47

Alternative methods were put in place. And that stopped the complaints. But there were a number of nights when when piling was taking place, impact by link.

41:59

Just a final question, then in that case, does that mean that there is a particular type of method that should be proposed now or following Mr. Hawkins comments? Is it not something that can be secured at this point points in time?

42:14

Sorry, David Kessler, again, my my understanding was that they indicated that they need to do impact piling CFA piling is the auger which is like a screw going into the ground. That was what we were anticipating they'd said that there wasn't this necessity for impact filing. So I think that was why it wasn't included in the good code of construction practices to begin with. Exactly. And it's important, therefore, to understand what paragraph 14 to certainly saying that I think the point at the last issue specific hearing was raised about well, what happens if there was impact piling, which is not proposed. And so we put in a specific thing that says there shouldn't be impact piling

42:59

unless it's already approved, it's not that we're proposing in piling this, this was a strengthening of the controls are in direct response to an action point from yourselves.

43:13

And and, you know, as the

43:17

Borough Council have have confirmed, and as I pointed out the difficulty,

43:23

in a sense, we're doing an assessment of this is not proposing impact piling, we don't know where the impact planning therefore would be in what residential sectors would be

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affected if there was impact piling in this in this proposal. Now, you may say, Well, can you absolutely confirm therefore, there are no circumstances in which the contractor might come along and say it's best to do impact piling here? No, I can't

43:55

at absolutely confirm that because again, as was pointed out, it may be that a very short period of impact piling is better than a longer period of some other form of construction method. But because we're talking about construction,

44:14

and obviously there is no contract or at the moment that just can't be known. But paragraph 14 to seven is intended as a protection in these circumstances to avoid exactly the situation that Mr. Gertler is outlined, where

44:29

impact piling up apparently occurred.

44:33

But without the authority being informed beforehand what this says is it can't occur until we've gone through the section 61 process. Thank you understood.

44:44

If we can move on then following the discussion about 24 hour working that is h three and assessments of nighttime construction noise was provided.

44:55

Could the applicant bring up figure 16.4 showing receptor locate

45:00

shins.

45:02

And this is sorry, this is figure 16.4 In

45:11

ies figure 16.4? Yeah, would you just be able to highlight where the receptors are that were considered in the construction noise nighttime assessment, because that wasn't actually shown. So just wanted to be clear what the extent of the receptors was.

45:31

Eddie Robinson on behalf of the applicant.

45:34

In terms of our nighttime noise assessment, we found that

45:37

we wanted to use it address base data rather than the receptor points here, because we thought it was important to identify exactly how many receptors were protected to experiences exceedances of the law. So

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we went a bit farther than what's presented in the in this figure in terms of receptors. So I don't suppose you could just indicate sort of roughly where were the assessment covered? Well, it it basically covered all the properties. So

46:10

just so I'm clear, all of the coloured areas. On this cut, what we've gotten is all of the properties. So we using the address point data, we identified all the properties in proximity of the airport.

46:25

Okay, and are you able to bring up es figure 16.3.

46:34

This shows the monitoring locations

46:49

Oh, geez, that's not the right figure. It's the it's the figure that shows the area with monitoring location privacy at 16.4 Perhaps.

47:10

Now, this is the one sorry, are you able to zoom in just on the airport?

47:23

So you've used monitoring location 15 as the representative monitoring location for doing the construction noise nighttime assessment.

47:34

And

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that has a nighttime 60 decibel elec cue a tower

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in

47:43

independent 60 16.1 In terms of the the monitor data. Now, monitoring location 16, which is also in proximity to a number of those residential receptors has a 46 decibel la Q eight hour,

48:01

which might be considered more representative of the rep receptors east of Colwell rise.

48:07

So my question was, in terms of 60 DB, LAQ, has been applied across all of those receptors, but actually, a number of those receptors have a much lower ambient noise level.

48:21

So how would that affect the noise assessment if the different level was applied?

48:42

M sharp for the applicant. So where we take into account the background sound level is where we think there may be a risk of an adverse lightly significant effects or where there are low exceedances.

48:54

And so we look at the properties that are those that exceed the law, which tend to be those closer to the ML 50 location. So we think that's representative of those receptors for that consideration for those particular ones. So we haven't applied that monitoring location for all the receptors, certainly the ones that we are looking at in terms of local exceedances. It may be something that we can, because it was, I think, a bit of confusion about the receptor locations and monitoring locations, perhaps we can clear that up a little bit in a post hearing response, just to make that a little bit clearer about exactly how we've applied the monitoring locations to the specific receptors and where they're located. Now, that will be helpful. Thank you obviously, at the moment, the assessment effectively concludes that in most cases, the noise levels are much lower than the background. But if you apply a four six decibel level, it's obviously quite, it's higher in number of cases as much as three decibels higher so it would be perceptible and therefore potentially

49:53

giving rise to an impact or a noticeable effect on those receptors. And would you be able to provide that for deadlines

50:00

Next. Yes, I think so. Thank you Thank you.

50:12

The assessment identifies effects and access of the Lowell near and one junction 10.

50:18

Does this trigger the need for location specific mitigation to meet the policies test and noise policy statement England to mitigate and minimise adverse impacts on health and quality of life.

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Kalama sharp for the applicant.

50:35

Again, from that assessment, we identify no adverse likely significant effects.

50:42

The controls within the code of construction practice to apply best practicable means means that noise would be reduced as far as reasonably practicable, which is the obviously the requirement for between law and sort of minimise and mitigate within the context of sustainable development or as far as reasonably practicable. Of course, as we've, as we've discussed, the information available at this stage in terms of the actual impact is relatively limited, that would be picked up as part of the prior approval of the section 61 process. So there may be requirements for some location specific mitigations such as, for example hoarding or selection acquired equipment, location of equipment, screening of equipment, those are all covered in the code of construction practice and the list of best practicable means. And that will be confirmed, if required through that prior approval and section 61 process. Thank you.

51:36

And just since the local authorities briefly,

51:41

he contended with the provisions in relation to nighttime construction noise.

51:47

David Gertler, Luton Borough Council Yes, we are.

52:00

And that's all I wanted to raise on construction noise. So if we can turn to surface access noise

52:06

revision for the draft compensation policies, measures and community first was submitted the deadline for this included additional eligibility criteria in relation to ground noise and traffic. We'll talk about the compensation policies in more detail tomorrow. But can the applicant provide a brief update on just the new ground noise and traffic policies. And I don't know if it's possible with reference to a map to explain any change in the extent of properties that would now be eligible for noise insulation.

52:38

Lm sharp for the applicant.

52:41

So I'll start with surface access noise. So just to clarify the updates in the compensation policies, deadline for didn't introduce any new eligibility criteria for surface access noise that that eligibility and that that installation scheme has been there since the start of the examination, it was it was part of the DCR submission. There are some subtleties in terms of how that that the monitoring that will be

undertaken to determine that eligibility, and particularly where that sits. So prior to deadline, for There was reference to the trimmer for where the monitoring for traffic numbers to be able to determine the eligibility for the surface excess noise installation would sit within the trimmer, it's been removed from the trim and now just sits secured within the compensation policy document. Simply because the monitoring within the trim is not compatible with the type of monitoring required for the insulation scheme for surface excess noise. There's no detrimental or change in that effect. It just is now sitting elsewhere.

53:45

The other change that we made was to make sure that the monitoring to determine that eligibility would also cover nighttime traffic noise just to ensure that if there were any differences in nighttime flows, because of the proximity to the airport that that would be captured within that reassessment. So we don't think that that would make any difference to the eligibility criteria, the criteria itself hasn't changed. It's just the monitoring process that would collect that data.

54:15

We don't have a particular map that I can show you, but it is the same, approximately 55 properties along Crawley Green Road that we would expect to be eligible based on that compensation scheme. But of course, the commitment is to monitor and reconfirm that at a later date and that is secured in the compensation policies document

54:36

shop.

54:39

At ise h3 We discussed the predicted significant adverse effects on residential receptors on Stoney lane. And the ES highlights that noise mitigation such as physical barriers are not possible in that location. But that traffic management is being considered. And

54:58

could you confirm whether

55:00

Add the noise. I think from what you just said the answer is probably no. But would these properties now be eligible for noise insulation under the compensation proposals?

55:11

That's short for the applicant. But it's correct to say that No, they wouldn't, it might just be worth giving a bit of context to the adverse effects that we've identified on stony lean to explain why that is. These properties are not above the significant observed adverse effect level. So they're not significant effects on health and quality of life within which policy requires us to avoid, they are between the level and the soul. So we need to look at mitigating minimise, as far as reasonably practicable, they're actually about five decibels below the soil. So they're relatively

55:43

far below it, why we have identified an adverse likely significant effect is because of the noise change that they would experience. And in decibel terms, that's about a six decibel increase. But the reason that is predicted as a high increases actually because of the relatively low traffic flow on the road. So what we're looking at is an average annual weekday movement of about one car passed by per minute increasing to about two car pass bys per minute. So there's no increase in you know, the cars aren't getting noisier, they're not closer to the properties, it's just an intensification on the existing road network, which would be experienced as as a noise increase. But the internal noise levels from that type of traffic are already very low within properties below, sort of internal guidance criteria. So noise insulation wouldn't actually improve the internal living conditions that are already at reasonable living conditions. And as if you indicated, there's no, you know, we can't put noise barriers there. Road Noise surfacing wouldn't be effective at the speed. So there just simply is no practical noise mitigation that can be applied. So thank you

56:49

for turning to the review of

56:54

traffic numbers and traffic noise. And we've discussed different points in hearings about the potential for noise creep in the baseline.

57:06

There's

57:08

a five yearly review of traffic noise.

57:11

Is there a potential for

57:15

if say the review was carried out in 2013 2039, at the peak of phase two a would then the change to 2043 be effectively relatively small incrementally, but actually very large over the baseline position.

57:33

Dr. Sharpe for the applicant, so the way that that monitoring and reassessment would be undertaken would be with reference to the do minimum. So the situation without the proposed development without the increased traffic, in the same way that we've done that assessment in the environmental statement, so that that change, because we're comparing back to a situation without it wouldn't be affected by the baseline creep, that would only factor into the DO SOMETHING scenario. So if anything, it would result in a larger change that a smaller change and more likely to be eligible.

58:09

Just turning to the council's

58:12

Are there any issues in relation to the approach traffic noise assessment or mitigation?

58:20

loss for the host authorities, nothing that we'd like to raise. Thanks. Thank you.

58:27

So if we can move on to fixed plant noise. I was pleased to see that the revised fixed plant noise management plan now requires achievements of the noise level 10 Despo 10 decibels below background levels, consistent with the green horizons Park consent. There were just two points I wanted to clarify.

58:46

In terms of the proposed monitoring, it's an it's proposed to be delayed for a year after article 44.

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And during which time there's potential for ambient noise levels to increase due to newly released capacity. I was wondering what the logic was for delaying that baseline noise monitoring.

59:10

Tom sharp or the applicant, the intention wasn't to delay it by 12 months it was to put a 12 month deadline on that surveys being undertaken simply for the practicalities of the number of post triggering surveys and things that need to be taken just to make sure that that can be done in time.

59:30

As we kind of discussed the issue specific hearing three particularly the fact that the limits are now set 10 decibels below baseline means there should be no interaction with the background sound level that would result in that creep. And of course, as we as we also discussed, the measure against which we would set those criteria is the La 90 metric which is very insensitive to increased noise levels from aircraft and road.

59:57

Thank you

1:00:00

The second point was deadline for the Join host authorities response to first written questions,

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commented that fixing noise levels within this plan may hinder accurate assessments of plant items against relevant limits, given that it's not yet known over what period of plant items will be running as one example. And I wonder if the host authorities could just expand on this point?

1:00:24

You're not referring to the 10 decibel threshold here you're referring to setting of a specific limit is that Ben Holcomb for those authorities? Yes, that's correct. Okay.

1:00:37

So again, he satisfied with the current approach on fixed pond noise, and welcome again. Yes, yeah.

1:00:49

Did anyone have any other comments on them fixed point noise.

1:00:53

So Ben Holcomb, just on ground noise was their chance to see the figure to show which additional properties would be benefiting from that as much as possible. You ask the question, but we skipped over.

1:01:06

I'm sure it for the applicant. We don't have a figure that shows that specifically. But again, it perhaps in a post hearing summary, we can refer to the figures which show the contour areas that relate to the eligibility so it'd be able to be inferred from there.

1:01:22

So sorry, in terms of in terms of the figure, you would see the extent of the noise contour, but would that actually give you the eligibility details? Are the properties it would for grand noise? That's the case? Yes, because it's just based on noise exposure from the contours. Thank you.

1:01:56

We can move on to aviation noise.

1:02:00

Oh, sorry. Mr. readies.

1:02:04

Thank you, Mark Reddington. A question

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for the applicant.

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You say that applicant says that you can determine the eligibility for ground noise insulation from the contours.

1:02:19

Is that actually true?

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One of the issues we have had in the past is virtually impossible to pick out from noise contours, what properties are actually eligible. What we have been provided with in the past is a list of eligible properties is that we're going to get

1:02:42

Mr. Sharp doc sharps

1:02:44

respond.

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I'm sure it for the applicant. So obviously, the figures in the environmental statement are used to accompany the assessment and identify likely significant effects and significant effects on health and quality of life and so on. They are not designed for people to be able to look at those figures and determine whether a household is within a particular eligibility contour.

1:03:08

I know noises installation is on the agenda for Thursday. And there are specific questions about things such as the lookup tool, for example. So there will be separate tools available, which can be used to identify more accurately once the noise installation scheme is actually being rolled out. Which properties would be eligible for which scheme and at what time.

1:03:32

So Alison,

1:03:33

thank you

1:03:37

so much. Pete white friends of Wigmore Park, just an observation going back to the piling, which may or may not be useful to you. The local council said they had complaints for when piling was at the airport before. Could they provide you with data of the postcodes in Luton in the areas of Luton where those complaints came from, then that would give you a real time example of how that piling noise spread to go alongside the theoretical value of the monitoring because you've actually got a real time instance and then would that be relevant to you or not? It was just a suggestion. Thank you. Thank you, Mr. Wine. That's a useful suggestion.

1:04:17

Does Luton Borough Council keep that information?

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My colleagues suggest that we would have the addresses of people who contacted us if

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I would have to look back it would have been around 2017.

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So that's six or seven years ago.

1:04:42

But I will look back and see the myth. Sorry, I'm sorry, I suppose before you go back for that. Presumably we are talking about quite a different scheme and therefore the applicability of the datasets may be quite different.

1:04:59

Sorry, can you

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just clarify. clarify that. Well if

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the complaints were arose from a particular scheme at a particular point in time,

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would they have applicability to this scheme? is my question. Yeah. Sorry, David Gertler, Luton Borough Council.

1:05:16

They shouldn't do because piling percussive piling isn't proposed here.

1:05:23

It would also be a question of where the location was. The location was fairly, fairly close to the residential properties on that. And it was the percussive piling. And it was about two o'clock in the morning each time. So I question whether it is applicable.

1:05:43

Yes.

1:05:46

And something else you may just want to

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think about before

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you embark counsel even thinks of supplying that information.

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I imagined they would want to take advice on the GDPR implications, because those complaints from individual properties were in the context of that scheme. They were not supplied for the purpose of this

1:06:15

examination. It may be that the data could be anonymized in some way or done by locations. But we need to be careful going too far down a route where we're identifying individuals, I suspect, but a matter for the Borough Council.

1:06:34

If I can just comment on that from GDPR perspective, postcodes are fine because it's a road rather than a specific address. Exactly. postcodes I think would be I think that fine, but I think we were talking about could we supply the properties? Ya know, the action I've got his postcards of previous complaints regarding pinning that should be fine.

1:06:56

Thank you.

1:07:01

At some ice age three, we discussed which baseline provide an appropriate comparison with future years and asked first written questions looking at the implications of using a 2016 baseline prior to any breach of condition.

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Can the app can provide a brief update on its view of the appropriate baseline and baseline years for comparisons following the decision to approve the 19 million passenger Puranam.

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Application.

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Dr. Sharpe for the applicant.

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So we've we've submitted a number of bits of information relating to the P 19. Permission as you know. So as we set out in the implications of the P 19. approval document rep 4093. We have undertaken sensitivity tests within the environmental statement using the P 19. baseline for the noise assessment, and the noise chapter confirmed that the use of the 18 million NPPA baseline was a reasonable worst case compared to the 19 mppa.

1:08:05

As we discussed, as you noted, extensively issue specific hearing through that historic baseline doesn't factor into the identification of EIA, likely significant effects. What I will note that is relevant is as we noted there, the do minimum scenario, the future baseline is compliant with the 2017 permission. It's

also compliant with the P 19. Permission, so that that comparison is unchanged by the approval of the P 19. Approval.

1:08:33

Where the comparison does factor in as we discussed is by comparing back to historic baseline for the identification of any any new potential new significant effects on health and quality of life due to exposure and to do something scenario about the soul that we're not above the soul in the consented baseline.

1:08:51

So for the 2017 permission, consented baseline at issue specific hearing three, we noted that a small proportion of between five and 18% of those properties above soil could be considered new compared to the 2017 Permission baseline. That proportion would decrease. If we were to apply the 2019 Sorry, the P 19. consented baseline. So again, our view is that the use in the environmental statement in the sensitivity test of comparison to a 2017 permission as the consented baseline is a reasonable worst case. There's new significant effects, we're doing a decrease if we were to repeat the exercise with a 29 sorry p 19. consented baseline.

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The other

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place that we use the 2019 consented baseline in the environmental statement is in Appendix 16.2 which is rep four zero to three where we use the 2019 consented baseline to determine and quantify the sharing of the benefits with respect to current permission

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And in that appendix in table 3.2 and 3.3, we've quantified the percentage of the sharing the benefits compared on to the 2019 baseline using the 2017 permission. And we reported there that the proportion of the share of the benefit that goes to the community is between zero and 68%. For the daytime, zero and 20%, for the nighttime, when measured against the 2017 permission.

1:10:27

Could you just give me those numbers again? Of course, yes, sir. It's there in table 3.2 and 3.3 of appendix 16.2, which is rep four, zero to three. And the ranges, it varies depending on the assessment year in which growth forecast. So there's a number of

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percentages in that table, but the ultimate range is between zero and 68% for daytime, and zero and 20%, for nighttime.

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So when we repeat that comparison, using the twin, the P 19. consented baseline, the proportion of the share increases, so for daytime, it becomes 38 to 82%. And for nighttime, zero to 55%.

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So again, there are some improvements that can be demonstrated when we use the P 19.

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consented baseline, but our position remains that the reasonable worst case is the 2019 consented that's what was assessed in the environmental statements. So we're not proposing to update any of our assessments we didn't we don't consider that necessary, given that what we've assessed is more attending to the worst case.

1:11:41

Thank you.

1:11:43

Obviously, infrastructure questions, we asked for 2016 baseline to provide a comparator that was unaffected by the breaches at that point in time, and hopefully provide that information, although it doesn't update all the relevant assessments that come on from that.

1:12:04

What is your view on using a 2016 baseline across across the board to

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avoid the issues of the

1:12:17

the breach that was flagged in the 2019 scenario?

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Short for the applicant? I think as we demonstrated in that written question, the use of the 2016 baseline and the 2019 consented baseline results in the same overall conclusions. So we wouldn't see any particular benefits in doing sort of repeating all the assessments to share ultimately the same conclusion. And of course, we have set out our reasons why we do think the 2019 actuals baseline is appropriate to use when combined with a sensitivity test. For the 2019 consented baseline, we've now provided some information about how that would change with with 2016. And both with p 19. permission. So I think there's enough information there across the various representations and responses in different

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written submissions to be able to provide the full picture.

1:13:21

Thank you. Can I turn to the council's? I know, the issue of the baseline has been raised in multiple representations.

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And Holcomb for those authorities. Yes, I'll try not to repeat matters and also tries to be very careful of what will be coming up tomorrow and green control growth

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will come as little surprise that the housing authorities position is that our compliant baseline must be used in all circumstances, as we've set out that doesn't have to be 2019. Could be 2016. Could be 2022. Could be 2021.

1:13:58

Just a compliant baseline the application for the we call it P 19. Sorry, I've never referred to it as that the P 19.

1:14:09

Assessment uses a compliant baseline and they've artificially manipulated that because if it didn't actually happen, they were capable of doing it for that application. And we would expect to see the same again.

1:14:23

The applicant for that did not say that the environmental impact assessment regulations EIA regs, 2017. Say, well, it says current as the applicant is saying here, and therefore that means even if it's not planning compliant, that we can use it. That argument was not made and they did not use a sensitivity test as is being done here. They simply

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accepted that. Otherwise, they'd be comparing the same scenario with exactly the same scenario which would be of nobodies assistance. And I'd also note on a different point but covering the same outcome, the inspector

1:15:00

Is there and the decision notice didn't know that the EIA regulations weren't believe that on these was legal hurdles, they are guidance or assistance on how this should all fit together.

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The

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all of the compliant baselines

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wouldn't appear if you try and put them all together do not appear to lead to any noise reductions over time in the day or night, whereas the

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non compliant baseline news does, and this is one of the main real issues for the host authorities is that throughout the noise chapter within the environmental statement, the ES there are multiple references to reduction over time. And they simply don't come about if there was compliance planning.

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Thank you.

1:15:58

Any other comments from the council's or is that Representative all parties on this?

1:16:04

Mr. Humphries?

1:16:06

Yes, sir. It is important, I think, in this and of course, I understand the council's understand this. But to understand the context of this assessment to identify significant, there's a test that is looked at, which is whether with the development, the do something we are above laws or souls.

1:16:32

Baseline has nothing to do with that, because we're looking at the do something. And the baseline doesn't influence the do something.

1:16:42

The second type of assessment is where we're looking at an EIA assessment does the effect of the development cause a greater level of noise, then the do minimum, that again, is all in future years, the baseline doesn't change that.

1:16:57

There is a course

1:17:01

a way that of also looking at noise, which is to make a comparison with a baseline. And there as well as looking at the actual 29 baseline, we also did a sensitivity test, recognising that it was non compliant, which was what would compliant 29 baseline D. So that compliant 29 baseline is the sensitivity test that is already in the data. We've also now supplied the 2016 baseline, but that's obviously for an earlier year and less traffic, and therefore some may feel,

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you know, is is less helpful or less relevant. So there is no reason to believe that more and more data on a on a baseline is actually going to change the assessment because the assessment is based at looking at

1:17:56

2021 mppa. And and, you know, right up to 32 mppa. is not it's not based on what happened in 2019.

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I think there's a point that up to sharp sharp needs to just a small point correct,

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as well. But I just I think the overriding point is that I don't think more data on a baseline will actually change anything because it can't because the assessment is not based on a baseline. It's based on the future years.

1:18:29

Yes, it is based on the future years. But there are comparisons around Seoul and the trend of reduction over time, which is related back to the baseline or not persuaded by the consented baseline because it over inflates the number of aircraft that are flying. So when you start to look at secondary metrics, there are substantially more planes included than in the original. So the the increase in overflights is actually reduced if you do that.

1:18:56

I mean, maybe this is,

1:18:58

you know, again a matter for Dr. Sharpe, but in a sense, the number of flights in the fleet is reflected in the size of the contour. And the contour was a cap that was imposed. So that fleet and that number of flights could have flown to create that particular contour. It's not an assessment against a particular

1:19:22

fleet. It's an assessment against a consented size of contour and what we've done to show the shape of

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that contour is in effect, wrecked or what

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Louise Taunton has done is sort of retrofit a fleet so that one can represent that now I can ask her to comment on that.

1:19:45

Comment on that as well. If I can ask stock shot, would the shape of the contour be different with the consented fleet from the actual fleet?

1:19:58

Doctor sharp for the app

1:20:00

and not not substantially because all we're doing is altering the proportion of the fleet mix, not the proportion of arrivals and departures of the proportion of aircraft following different departure routes. So you say not substantially. So you're saying yes, it would be different, but just not very much. I don't think it would be different. I'm not aware that it'd be different. The other point of clarification if I if I may, one, one is just to the points made by Mr. Holcomb. In terms of reductions over time, there is a reduction in the daytime compared to the 2019 consensus baseline. Acknowledge as we do in the chapter, there isn't for nighttime, but there is for daytime.

1:20:43

And also down to your point about secondary metrics. Of course, government policy guidance, CA guidance is all very clear that these secondary metrics such as overflights do not correlate well with with health impacts and should not be used for the identification of significant effects on health and quality of life. Which is why we haven't made a comparison with those metrics for the purposes of which we are discussing in terms of the historic baseline and the effects on significant significant effects on health and quality of life. The change in overflights number of overflights does have a bearing on sort of areas for the food fields such as the AONB, the number of flights over the a&b. And so there are other implications for changes in overflights.

1:21:36

Don't show up for the applicant. In terms of the

1:21:41

number of movements we haven't adjusted. We haven't downgraded the number of movements. We've adjusted the fleet mix. So actually, it doesn't deflate as you might say, the number of movements in terms of the overflights so that effect isn't okay. doesn't factor in actually to that assessment.

1:22:11

Mr. Landlord.

1:22:14

Thank you, Sir Andrew Lambo Vladika. I wonder if I could just venture a small point here.

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Because I noticed that Mr. Humphries chose his words quite carefully and said it was a fleet that could have flown rather than the fleet who would have flown in 2019. And the way the modelling has been done, as I understand it, is by substituting

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modernised aircraft for aircraft that were in the

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non consented,

1:22:45

lead.

1:22:46

And there's a possibility there that one might substitute in additional seats. And therefore, one might actually end up with a fleet model that breaches the passenger limit, because in 2019, this non consented fleet flew 18 million passengers, which was the consented limit. So there's, there's the possibility and also, we know that there were 30 Odd flights a day

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in excess of what was permitted.

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I'm not sure we know whether those were in the day or by night or late arriving night flights. And I'm not sure how the substitution modelling has been done in that respect. So trying to recreate this in the way that it's been done seems strange when the airport operator could provide information which gave her a clearer picture of the other consented operation at that time. And, you know,

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it is important, I think that in the round, the model needs to reflect not just

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a noise contour that happens to fit a particular number, but everything that that implies, and it does have a bearing on the number of people travelling to and from the airport, it has a bearing on the number of flights, as well as just a particular country, you can create a noise contour, in any number of ways to fit a number. But whether that reflects the reality that would have occurred had the airport operated correctly, is unknown. Thank you.

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Yes, I think, I mean, obviously, I would have said could rather than wood because

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it didn't. I mean, history is what it is and the aircraft that flew of war, those that flew I can't rewrite history to say what would have happened, but as to the could I think Louise Condon can certainly assist in what she did to

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We'll try to recreate

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what would have been a compliant set of movements at that time so that we could

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assess what the, you know what the the contours would have been to make these make these comparisons. And it

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is also worth making the point that as I'm sure you're aware that the contours are very, very

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sensitive to levels of noise. So sometimes that, particularly when you get the outer levels, they're very shallow I was described them as being a bit like the, the sea at Western Super Mare, you look at it above and the sea seems to have moved a huge distance, if you're actually standing in a particular spot, it may have only gone up and down by a metre. And that's one of the points why the contours are very useful and sensitive tools that extremely small changes in noise create really quite large changes in the sizes of the contours.

1:26:07

I'll just ask miscounted. Now just to address specifically the point that ladder can Well, I think it just performance comes in comes in. I think that's exactly why I'm concerned about this because the contours link to eligibility for noise insulation. So those small changes are quite significant in terms of, but of course, they're we're not talking about

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you know, we're we're particularly focused on the DO SOMETHING contours for that, not the 2019 baseline contours.

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Louise contract for the applicant, what we did in trying to create the consented baseline base case data was to switch the aircraft type to new generation, as closely as we could to match a fleet mix that would have flown at 18 NPPA. In the 92 day summer period, I think the problem was taking an alternative approach of taking se 2016. Or the the challenge it would have posed for the examination is that if we took a 2016 compliant contour fleet, we would also had to take the passenger volume at around 16 NPPA. And then all of the other assessment work would have to have been done. So clearly, when you come to look at the sharing the benefits equation, you've got much greater benefit, because you've got an extra two NPPs worth of benefit that you have to consider. So that's why we took the approach of trying to replicate as near as we could, accepting that, you know, this is not a perfect science, it's always a judgement, a fleet that was equivalent to an 18 NPPA throughput. But with modernised aircraft in any anything drawing on the 2028 fleet mix that was originally assessed in the original curiam application, and trying to replicate those circumstances as to what actually flew in 2019. But as I say, taking another year, you've then got a 16 NPPA throughput, and you've got a whole different basis for assessment, not the consented 18 NPPA.

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Thank you. Do the local authorities have anything to add on this point? And I'll come for the host authorities, there will multiple points. But think fundamentally,

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the conversion between a non compliant and non compliant baseline has to happen in some manner. It didn't fly that correct. And it's historically accurate. But there has to be some conversion. I think it's a case of catch 22. If you do it in one manner of changing

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the fleet mix, rather than just reducing down flights. And you'll be there are

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concerns that could be raised. And there could also be concerns that are raised the other way. It's not the way in which the conversion has happened to that it should happen.

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So that's that's the first point I we've also accepted that the baseline has absolutely nothing to do with the DO SOMETHING assessments of significance. That's that's in writing previous stages.

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And it's it's not the concern of the host authorities as to the use of that baseline as as has been set out

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in great detail

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that I would still expect there to be

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for your point on them over inflation of secondary metrics, I would still expect those to occur in some way if those as has been done with new generation replacements of current generation get the other way around. Then this would have an effect on the size of the secondary mount

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Trix I think your question was to do with the shape. And that was potentially causing a point of confusion between the questions and the answers. If you think of think of all the contours as a balloon, and it just expands with the same shape, but the size changes, so that I think that was causing a conflict of answers there. So there would be a change in size but not in shape.

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And, yes, there's all my points.

1:30:39

Sir, have a hand up online, I can't see the name of the individual, if you'd like to come on screen. Yeah, it's Roger Pittman from North Hartfordshire. And just to say, just a point of information really, that

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when the Civil Aviation Authority commented on the original noise assessments, they highlighted that the interpretation can be relatively subjective.

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The key issue for local authorities is more about nighttime noise exposures. And they concluded that it was possible to conclude from the original environmental noise assessments that there could be potentially,

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the results showed that there could be an increase in nighttime noise, which wasn't concluded by the applicant's submission. So just to say that, to emphasise that there is a significant degree of subjectivity in the way that the noise assessments can be interpreted, and key.

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And thank you, Mr. Benton. And she'd like to respond on that point.

1:31:49

To sharp the applicant. Yes, we've had discussions with with the Civil Aviation Authority on the comments that they made at various points throughout the application. We now have reached agreement on the methodologies and that will be recorded in the statement of common ground to be issued a deadline six are the statement which which I'll read out because I think it's relevant here is the CAA agrees that the noise modelling has addressed the concerns that it expressed at statutory consultation. And then it goes on to validation, but and that the validation set out in Appendix 16.1 of the environmental statement is appropriate.

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Thank you, Mr. Chairman. Thank you. So

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very briefly, but hopefully, pragmatically,

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it's important that this came out in the 2022 inquiry to decouple the two controls the the noise contour control, and the passenger limit, which applied to the airport in 2019.

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There was a mentality that one had the right as an airport operator to achieve 18 million passengers come what may with respect to noise.

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And pragmatically, one has to say that,

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in 2019, the airport could not have flown 18 million passengers in a consented manner because the fleet wasn't sufficiently mature. So swapping in new generation aircraft to carry the same number of passengers because 18 million was allowed, isn't in fact, a reflection of the reality of 2019. One has to respect the timeframe of modernization defining the number of passengers which could or couldn't be flown at that time, as being less than 18 million because of the lack of sufficient, modernised aircraft. And therefore the limit which applied was the contour limit, and the passengers necessarily would be less than that.

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Thank you. Okay.

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Can I just briefly go back to the council's so in terms of

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the appropriate baseline from the council's perspective,

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could the position remains that you are not convinced by the 2019 baseline.

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But you don't have a particular view on what the appropriate alternative baseline should be.

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Then how come for those authorities? Simply, yes, it just has to be a compliant baseline.

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So Mr. Pittman, you've got hand up. Are you wanting to come back in?

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No apologies. I need to retract that. No problem.

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Are

1:35:03

there any other questions on this point?

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Or comments to be raised?

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If not, we've been going for over an hour and a half. I think I'd like to adjourn for a brief period if we can take 15 minutes. So we're back at 20 past 11. Thank you.