

Planning Act 2008 – section 91

Application by RiverOak Strategic Partners for an Order Granting Development Consent for the reopening and development of Manston Airport

Agenda for the Issue Specific Hearing dealing with matters relating to noise and vibration

The Examining Authority (ExA) notified Interested Parties in its letter dated 8 February 2019 of the decision to hold an Issue Specific Hearing on noise and vibration on the following date:

Hearing	Date and time	Location
Issue Specific Hearing 3 – Noise and vibration	Friday 22 March 2019 Seating available from 9.30am. The hearing will start at 10.00am	Laurence Suite, Building 500, Discovery Park, Sandwich, CT13 9FF

Participation, conduct and management of hearing

This is the third Issue Specific Hearing (ISH) to be held in this Examination. It is being held because the ExA wishes to question the Applicant about the approach that it has taken to identifying and assessing the noise and vibration effects in the Environmental Impact Assessment and reported in its Environmental Statement (ES) Chapter 12 [APP-034] and Appendices [APP-057].

Oral submissions on other subject matters or from persons who are not Interested Parties (IP) may only be heard at the discretion of the ExA. It is strongly preferable that any such issues arising from IPs are brought to an Open Floor Hearing where there is no subject specific Agenda and IPs may raise any important and relevant matters.

The following IPs and Other Persons are invited, in particular, to attend and participate in this hearing:

- The Applicant;
- Civil Aviation Authority;
- Independent Commission on Civil Aviation Noise;
- Stone Hill Park;
- Natural England;
- Kent Wildlife Trust;
- Environment Agency;
- Canterbury City Council;



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- Kent County Council;
- Dover District Council; and
- Thanet District Council.

The named IPs and Other Persons have been invited for the following reasons:

- As public bodies with policy and regulatory responsibilities for aviation and noise environment.
- As voluntary organisations with relevant interests.
- As national and local authorities for the affected area.

Participation in the hearing is subject to the ExA's power to control the hearing. IPs may be invited to make oral representations at the hearing¹ (subject to the ExA's power to control the hearing). Oral representations should be based on the Relevant Representations or Written Representations made by the person by whom (or on whose behalf) the oral representations are made².

However, representations made at the hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other party to comment or respond. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them.

Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including through the inclusion of questions in the ExA's second Written Questions.

Should the consideration of the issues take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Some of the issues identified in the agenda are by their nature overlapping. It may be the case therefore that certain questions later on in the agenda are answered by earlier questions. If this is the case the ExA will acknowledge this at the time.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing there may be a need to continue the session for longer on the day or continue the hearing at a subsequent sitting.

¹ s91 Planning Act 2008

² s91 Planning Act 2008

Those attending the hearing are asked to note that an early item on the agenda is to deal with any requests to question a person making oral representations directly under section 94(4)(a) of the Planning Act 2008.

The ExA may decide to allow oral cross-questioning of one party by another, where there is clear disagreement between the parties in question, to ensure adequate testing of the representations or to ensure that each party has a fair chance to put their case.

Breaks will be taken during the hearing as directed by the ExA.

All parties should note that the agenda given below is to provide a framework for this hearing and offer discussion points; it does not constrain the ExA to specific topics. The ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussions which are not included in this agenda.

The hearing will have regard to submissions already set out in, amongst others:

- The Applicant's ES Chapter 12 [APP-034], the Revised Noise Mitigation Plan (received at Deadline 4, reference number to be allocated), Updated Noise Contour Maps (Deadline 4), DALYs data (Deadline 4), Ecology Noise Contour Maps (Deadline 4);
- Relevant Representations;
- Written Representations;
- Draft Development Consent Order [REP3-186];
- Responses to the ExA's Written Questions;
- Statements of Common Ground with the ten invited parties; and
- Local Impact Reports from Thanet District Council [REP3-010]; Kent County Council [REP3-143]; Dover District Council [REP3-227] and Canterbury City Council [REP3-246].

AGENDA

1. INTRODUCTORY REMARKS

Including consideration of other possible items for the agenda of the hearing.

2. INTRODUCTION OF THE PARTICIPATING PARTIES

3. REQUESTS TO QUESTION A PERSON MAKING ORAL REPRESENTATIONS DIRECTLY UNDER S94 OF THE PLANNING ACT 2008

The Examining Authority (ExA) will consider any other requests for questioning of those making oral representations at the hearing by another person under this item at the hearing.

4. LOCAL IMPACT REPORTS (LIR) THANET DISTRICT COUNCIL [REP3-010], KENT COUNTY COUNCIL [REP3-143], DOVER DISTRICT COUNCIL [REP3-227] AND CANTERBURY CITY COUNCIL [REP3-246]

Thanet District Council (TDC), Kent County Council (KCC), Dover District Council (DDC) and Canterbury City Council (CCC) are requested to provide a summary of the noise and vibration sections of the LIRs. This is included to aid the more detailed discussion under topics below. The Applicant and Interested Parties (IP) will have the opportunity to respond these summaries.

5. APPLICANTS NOISE IMPACT ASSESSMENT

(a) Baseline noise conditions

- Overview of current noise conditions to provide the context for discussion:
 - Ramsgate;
 - Manston;
 - Pegwell Bay;
 - Wade;
 - West Stourmouth;
 - Herne Bay; and
 - other places.
- Sources of existing noise.
- Confirmation of the assessment criteria for operational noise including thresholds and time periods:



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- $L_{Aeq,T}$ indicator;
- Averaging period;
- Time of year;
- Day of week eg schools;
- Time of day – morning, evening and night;
- Wind direction;
- Frequency of occurrence; and
- Meteorological conditions.

(b) Noise impact assessment

The ExA will wish to explore, in more detail, those areas where there are any differences of opinion about the robustness of the Applicant's methodology and findings for the noise assessment.

- Source – Pathway - Receptor.
- Factors which could affect noise modelling outputs eg topography, meteorological conditions.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.20 on the use of AEDT and INM.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.33 on contour noise plots.
- Road Traffic Modelling – current status of new modelling and the cumulative effect of road traffic and aircraft noise.

The ExA notes that the Applicant's Cover Letter to the Deadline 4 submissions [reference number to be allocated] states at paragraph 9.3 that "*...the Applicant has been requested to carry out additional transport modelling using the Kent County Council (KCC) transport model. It was expected that a revised Transport Assessment (TA) would be submitted at Deadline 4. However, a number of complexities associated with the KCC model and beyond the control of the Applicant have resulted in the modelling taking longer than expected. As such it is now expected that the revised TA will be submitted at Deadline 5.*"

- Significant Observed Adverse Effect Level (SOAEL); Lowest Observed Adverse Effect Level (LOAEL).
- Uncertainty in the assessment.

(c) Predicted changes without mitigation

- Overview of effect of predicted changes in noise environment on noise sensitive premises and noise sensitive areas eg schools, public open spaces.



(d) Proposed mitigation

- How would construction noise be minimised, what control mechanisms are proposed and how would they be managed by local authorities?
- What would the process be for identifying and securing further mitigation during construction?
- The ExA will examine the Applicant's response to ExQ1 Ns.1.15 on demolition.
- How would operational noise be mitigated in principle?
- Has the Applicant applied a robust mitigation hierarchy?
- Whether there is a case for the extension of noise insulation to other properties in addition to those properties identified by the Applicant.
- Whether there are further comments on the drafting of Requirements in the Draft DCO [REP3-186]:
 - R6 – Construction Environmental Management Plan (CEMP)
 - R7 – Outline Environmental Management Plan (OEMP)
 - R9 – Noise Mitigation Plan (NMP)
 - R15 - Piling
 - R18 – Community Consultative Committee
- The ExA will examine the Applicant's response to ExQ1 G.1.11.

(e) Location specific issues

Areas where operational mitigation has been proposed by the Applicant include:

- Ramsgate;
 - Manston;
 - Pegwell Bay;
 - Wade; and
 - West Stourmouth.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.38.



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- Areas where operational mitigation has not been proposed by the Applicant.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.1, Ns.1.3 and Ns.1.32.

(f) Revised Noise Mitigation Plan (received at Deadline 4, reference number to be allocated)

- The ExA will examine the Applicant's response to ExQ1 Ns.1.14 on Airspace Change Process (ACP) and worst-case scenario.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.27 and Ns.1.35 on Runway 28 use.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.28 on noise control and quota counts.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.29 on reasonable levels of noise insulation.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.30 on re-location.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.31 on community trust fund.

(g) Noise monitoring in construction and operation

- Current proposals by the Applicant.

(h) Vibration impacts and mitigation

- Identification of outstanding construction and/or operational vibration effects.
- The ExA will examine the Applicant's response to ExA FWQ Ns.1.12. on Vibration effects?

6. RESPONSES TO EXAMINING AUTHORITIES FIRST WRITTEN QUESTIONS

- The ExA will examine the Applicant's response to ExQ1 Ns.1.2 on NMP [REP3-196] and Quota Counts.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.5 on noise insulation and countering health effects of noise.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.8 on tranquil open spaces.



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- The ExA will examine the Applicant's response to ExQ1 Ns.1.13 on the assessment of significance on dwellings lying between LOAEL and SOAEL.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.14 on ACP and worst-case scenario.
 - CAA view?
- The ExA will examine the Applicant's response to ExQ1 Ns.1.24 on ACP process.
 - CAA view?
- The ExA will examine the Applicant's response to ExQ1 Ns.1.36 on N60 plots.
- The ExA will examine the Applicant's response to ExQ1 Ns.1.37 on contour plots for operational noise.
- The ExA will examine the Applicant's response to ExQ1 Ec.1.1, 1.2 and 1.6 on habitats and nature conservation.
 - Natural England view?

7. MATTERS ARISING FROM DEADLINE 4 SUBMISSIONS

Any matters arising from submissions to Deadline 4 not already covered under other agenda items.

8. ORAL REPRESENTATIONS FROM INTERESTED PARTIES WHO HAD PREVIOUSLY REQUESTED TO SPEAK

9. ANY OTHER RELEVANT BUSINESS

10. EXA'S CLOSING REMARKS