

CORPORATE RESOURCES

Please ask for: Iain Livingstone

Email: iain.livingstone@thanet.gov.uk

Date: 24/05/19



Dear Mr MacDonald,

Application by RiverOak Strategic Partners to upgrade and reopen Manston Airport

The Examining Authority's third written questions (ExQ3)

Please find below Thanet District Council's response to the third written questions of the Examining Authority.

DCO.3 Draft Development Consent Order (DCO)

DCO.3.17 In its response to DCO.2.3 [REP6-index number to be allocated], TDC states that: "the draft DCO has still not revised the procedure for the discharge of requirements, which includes an automatic approval for non-determined requirements after 8 weeks at Part 2 Article 20, with no right of appeal (assumed to be because the Secretary of State is the discharge authority). Given the apparent lack of consultation with Secretary of State to ensure they can comply with these timescales, Thanet District Council is concerned that the details of the requirements submitted may not be subject to sufficient scrutiny, prior to be automatically approved by virtue of the current wording of the draft DCO." **Suggest an acceptable alternative form of wording should TDC be the discharging authority.**

Please find attached to this letter Appendix 1 which outlines an acceptable alternative form of wording regarding the discharge of requirements. The wording reflects some of the most recent DCO's that have been granted, which TDC considers as being suitable wording for Schedule 2, Part 2 R21 and subsequent requirements. Please note that the proposed Schedule 2, Part 2 R21 now incorporates Schedule 2, Part 2 R22 – further information.

NS.3 Noise and Vibration

Ns.3.4 The Applicant states in its response to Ns.2.12: "With specific regard to noise, Paragraphs 18.5.111 to 18.5.114 note the potential significant effects on the development and also note the allocation of Manston Airport in the then extant local plan. At the time of writing, as reported in the

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sections of the ES [APP-035] noted above, the expectation was that the extant local plan would be taken into account in any consent granted and this is borne out in Condition 35 of the consent granted on 13 July 2016 which states “The construction of phases 1a, 1b, 2, 3a and 3b on the approved phasing plan shall not commence until a scheme protecting the development that falls within these phases from aircraft noise has been submitted to and approved in writing by the local planning authority”.

i. What is the position of TDC on the above response from the Applicant?

TDC have previously provided the planning committee reports from the consideration of the Manston Green outline application (appendices 1 and 2 to TDC submission at deadline 3). These outline the assessment that took place on the basis of the information available in June/July 2015, namely a review of the previous operators masterplan from 2009. Appendices 2 and 3 to this letter provide the details submitted to inform the decision of the planning committee in July 2015 and this was based on the ability of the airport to reopen (at the time the airport was closed) and operate without needing separate planning permission. Therefore this required consideration at that time as to whether the Manston Green development would provide an acceptable standard of living conditions to future occupiers, when assessed against the saved policies within the Thanet Local Plan 2006, in particular policy EP7 and EP8 of the plan (provided at Appendix 4).

ii. In securing this condition did TDC anticipate the Manston Airport developer mitigating noise impact from the Proposed Development (Manston Airport)?

The condition was secured to safeguard future residents against the extant use of the Manston Airport site as an airport, with the determination utilising the information available about potential operation from previous available information (masterplan proposals from the previous operator). At the time, the airport was not operating, and any new proposal for reopening the airport was unknown/uncommitted. As the proposed development (by the applicant) was unknown at that stage, the imposition of the condition was unrelated to the current specific proposals before the Examining Authority.

TDC did anticipate mitigation being provided from the extant use of the airport by the operator of the airport. Please see Appendix 3 attached to this letter for reference to the expectation of the Manston Green applicant for the previous operators to provide mitigation mitigation. This is also explicitly mentioned in the Agenda report to Planning Committee in July 2015 paragraph 2.5, which is found at Appendix 2 of the TDC response to the ExQ1.

Ns.3.12 The ExA is considering whether it should be a requirement in the draft DCO that the authorised development should have an SOAEL5 daytime of 60 dB LAeq,16hr (free field). The Noise Mitigation Plan would be amended appropriately throughout to reflect this revised SOAEL daytime.

What are the views of all IPs on this revised SOAEL daytime?

TDC strongly support the ExA's consideration of setting the SOAEL threshold to 60dB LAeq16hr (daytime) as is the case for Heathrow and Gatwick insulation schemes. The applicant's previous response to similar questions are not accepted i.e. that fewer louder aircraft are less disturbing than more frequent 'quieter' aircraft. As Manston is an airport with new exposure having been closed for

almost 5 years, residents of the district have not become habituated to aircraft noise and therefore the proposed threshold is considered to be appropriate in the circumstances.

OP.3 Operational Issues

OP.3.11 Public Safety Zones Appendix OP.2.7 is an Environmental Statement addendum concerning PSZs and states that PSZs would be required 15 years after opening at the earliest. This document provides a worst case scenario 1 in 100,000 PSZ for Manston Airport which covers a significant area of Ramsgate to the east of the Airport. The addendum notes that the principal feature of the 1 in 100,000 individual risk contour is that there will be no increase in the number of people living, working or congregating in the area.

Provide any viewpoints on the implications of this document and its contents to planning policy in Thanet.

The designation by the Civil Aviation Authority of a 1 in 100,000 PSZ would have significant implications for planning policy in the district, and would need to be addressed in the proposed review of the Local Plan, in the event that the DCO is granted.

On the basis of the submitted information, 2 sites allocated for housing development in Ramsgate in the Draft Local Plan would be affected by the boundaries shown in OP.2.7. One of these sites has current planning permission and has been substantial built out (Lorne Road), whilst the other site has planning permission for 6 dwellings and an additional 16 allocated but not covered by a planning permission. (Seafield Road/Southwood Road). As well as these specific allocations, the draft plan makes provision for windfall sites (within the urban confines) to come forward with approximately 2,500 homes by 2031 across the whole district.

TDC would need to consider whether a precautionary policy linked to potential future PSZ designation would be appropriate, to identify an exclusion zone for new housing or housing conversions through such a policy, to be effected in the event that a PSZ is designated. This has previously been outlined in the 2006 Local Plan (paragraphs 13.58-13.60 of Appendix 3).

In addition, the Council would have to consider whether an Article 4 Direction to restrict permitted development rights allowing conversion to residential use in the identified area might be appropriate in due course.

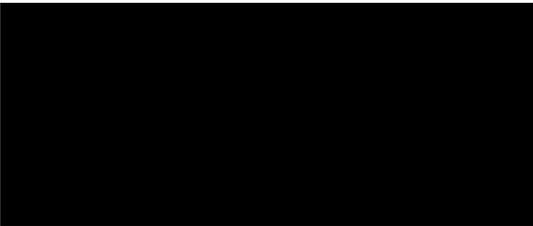
SE.3 Socio-economic effects

Provide comments on the Applicant's answer to question SE.2.6

The comments made by TDC in the Local Impact Report relate to the assessment made in Chapter 13 of the Environmental Statement which states that by year 20 there will be a 71.1% increase in airport industry related sector. The assessment of effects only considers the impact of the job creation against the existing number of jobs within the self-defined 'airport industry sector' within Thanet. Given there is no operational airport within Thanet any proposed airport development would undoubtedly significantly affect the number of jobs in the airport industry sector.

However, the ES does not consider the impact of the job creation against the total number of jobs/employment in Thanet. Therefore, the creation of 71.1% of jobs at year 20 only equates to the creation of 8.3% jobs overall at the local level of Thanet. Whilst the impact on the jobs created within the airport industry sectors should be considered, it should be considered against the total number of jobs at the local level: Thanet. Given the context of Thanet, an increase in jobs by 8.3% would still be considered of beneficial significance but it remains to be confirmed whether this would be of a minor, moderate or major beneficial significance.

If further clarification is required then please do not hesitate to contact me on the information at the top of this letter.



**Planning Applications Manager
Thanet District Council**

PART 2
PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

21.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement the relevant planning authority must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the relevant planning authority;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 22 (further information and consultation); or
- (c) or such longer period as may be agreed in writing by the undertaker and the relevant planning authority.

(2) Where an application has been made under sub-paragraph (1) the relevant authority may request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application in accordance with paragraph 22.

(3) Any application made to the relevant planning authority pursuant to sub-paragraph (1) must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are.

Further information and consultation

22.—(1) In relation to any part of an application made under this Schedule, the relevant planning authority has the right to request such further information from the undertaker as is necessary to enable the relevant planning authority to consider the application.

(2) In the event that the relevant planning authority or requirement consultee considers such further information to be necessary the relevant planning authority must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the relevant planning authority does not give such notification within that 21 business day period the relevant planning authority or requirement consultee is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the

application for the purposes of calculating the time periods referred to in paragraph 21 (DL5) (applications made under requirements) and in this paragraph.

Fees

- 23.—(1) Where an application is made to the relevant planning authority for written consent, agreement or approval in respect of a requirement, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012¹ (as may be amended or replaced from time to time) is to apply and must be paid to that authority for each application.
- (2) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—
- (a) the application being rejected as invalid; or
- (b) the relevant planning authority failing to determine the application within nine weeks from the relevant date in paragraph 1 unless—
- (i) within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application; or
- (ii) a longer period of time for determining the application has been agreed pursuant to paragraph 1(1)(c) of this Schedule.

Appeals

- 24.—(1) The undertaker may appeal in the event that—
- (a) the relevant planning authority refuses an application for any consent, agreement or approval required by a requirement included in this Order or grants it subject to conditions to which the undertaker objects;
- (b) the relevant authority does not give notice of its decision to the undertaker within the period specified in paragraph 21(1);
- (c) on receipt of a request for further information pursuant to paragraph 23 the undertaker considers that either the whole or part of the specified information requested by the relevant planning authority is not necessary for consideration of the application; or
- (d) on receipt of any further information requested, the relevant planning authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.
- (2) The appeal process is as follows—

¹ S.I 2012/2920 as amended by S.I 2013/2153 and S.I 2014/357 and S/I 2014/2026.

- (a) The undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the relevant planning authority and the requirement consultee;
- (b) The Secretary of State is to appoint a person as soon as reasonably practicable after receiving the appeal documentation and must forthwith notify the appeal parties of the identity of the appointed person and the address to which all correspondence for his attention should be sent, the date of such notification being the "start date" for the purposes of this sub-paragraph (2);
- (c) The relevant planning authority and the requirement consultee (if applicable) must submit written representations to the appointed person in respect of the appeal within ten business days of the start date and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (d) The appeal parties must make any counter-submissions to the appointed person within ten business days of receipt of written representations pursuant to sub-paragraph (c) above; and
- (e) The appointed person must make his decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable and in any event within thirty business days of the deadline for the receipt of counter-submissions pursuant to sub-paragraph (d).
- (f) The appointment of the person pursuant to sub-paragraph (b) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(3) In the event that the appointed person considers that further information is necessary to enable him to consider the appeal he must, within five business days of his appointment, notify the appeal parties in writing specifying the further information required.

(4) Any further information required pursuant to sub-paragraph (3) must be provided by the undertaker to the appointed person, the relevant planning authority and the requirement consultee on the date specified by the appointed person (the "specified date"), and the appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within ten business days of the specified date but otherwise is to be in accordance with the process and time limits set out in sub-paragraph (2)(c)-(2)(e).

(5) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or
 - (b) reverse or vary any part of the decision of the relevant planning authority (whether the appeal relates to that part of it or not) and may deal with the application as if it had been made to him in the first instance.
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(6) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the relevant time limits.

(7) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to him that there is sufficient material to enable a decision to be made on the merits of the case.

(8) The decision of the appointed person on an appeal is to be final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(9) If an approval is given by the appointed person pursuant to this Schedule, it is to be deemed to be an approval for the purpose of Schedule 2 (Requirements) as if it had been given by the relevant planning authority. The relevant planning authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(10) Except where a direction is given pursuant to sub-paragraph (11) requiring the costs of the appointed person to be paid by the relevant planning authority, the reasonable costs of the appointed person must be met by the undertaker.

(11) On application by the relevant planning authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the advice on planning appeals and award costs published on 3 March 2014 from the Ministry of Housing, Communities and Local Government or any circular or guidance which may from time to time replace it.

Interpretation of Schedule 2, Part 2

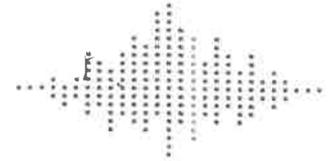
24. In this Schedule 2, Part 2 R22 and R23 —

“the appeal parties” means the relevant authority, the requirement consultee and the undertaker;

“business day” means a day other than a Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971^(a); and

“requirement consultee” means any body named in a requirement as a body to be consulted by the relevant planning authority in discharging that requirement.

²(a) 1971 c.80



Reference: Manston Green

Project No: 1313276

Date: 24th June 2015

Technical note

Re: Manston Airport potential growth to 2033 – noise implications

- The 2009 Kent International Airport Masterplan is the starting point for assessing future noise from the airport (under an aspirational future growth scenario which has not been realised).
- For the noise assessment in the ES we referred to the 2009 Masterplan, and the future worst-case (2018) daytime noise contour contained therein. This was considered a robust future aspirational position against which to design and assess the proposal site.
- The Masterplan also sets out a future aspiration beyond 2018 to increase passenger numbers from 2.2 million passengers per annum in 2018 to 4.7 million in 2033, and air traffic movements from 46,000 in 2018 to 74,000 in 2033.
- In context, the 2033 aspirations would make Manston about $\frac{1}{3}^{\text{rd}}$ of the current size of Stansted, the UK's fourth busiest airport at approximately 15 million passengers and 120,000 air traffic movements per annum.
- As noted in the Masterplan itself, it is not possible to accurately produce predicted noise contours for the 2033 aspirational situation because of the likely change in aircraft types and noise signatures in the interim period (in fact a likely reduction in noise levels as aircraft become increasingly quieter).
- However, if we were to assume exactly the same aircraft mix as 2018 and a simple doubling of aircraft movements, overall noise levels would increase by 3 dB. This would have the effect of adding 3dB to the noise contours (i.e. the 57 dB contour would become 60 dB, the 63 dB contour would become 66 dB, and so on).
- The masterplan sets out the following assessment levels (which relate to the contour levels shown in the document):
 - 57 dB - community becomes aware of airport noise
 - 63 dB - noise mitigation of some form is recommended for residential dwellings
 - 69 dB - the area closest to the airport within which residential land use is discouraged.
- No residential areas of the proposed development site are within the 57 dB 2018 contour, the lowest threshold set out in the airport Masterplan.

- If we were to factor up the contours by 3dB to account for a doubling of air traffic movements from 2018 to 2033, the southern half of the development site would most likely fall within the 57 dB contour, but it is unlikely that any proposed residential zone would fall within the within the theoretical 63 dB contour and no areas would be within the 69 dB contour. The proposed mitigation strategy would effectively address noise at those levels through simple design in the fabric of the buildings, as set out in the ES.
- By comparison, a large area of Ramsgate to the east of the airport would be most likely be within the 57 dB contour and a number of isolated properties to the west of the airport would be well within the 63 dB contour, and some could be within the 69 dB contour. At these levels, the airport would be providing sound insulation works or grants to existing properties, as set out in the KIA Masterplan in that the 2018 contours “indicate the potential requirement for some properties to be noise insulated as our airport grows and develops.”
- It must be noted that the performance of new-build properties with bespoke sound insulation incorporated into their construction will perform far better against aircraft noise than any sound insulation works retro-fitted to existing dwellings as would be the case with an airport sound insulation grant scheme. In other words, the new properties which form part of the proposed development are likely to be better protected from aircraft noise than any existing dwelling in Ramsgate, even if the airport were to provide sound insulation under some future mitigation scheme.
- It can be concluded from that exercise, that any constraints on development of the airport, be it limits on flights, or the provision of sound insulation, would be dictated by existing properties already exposed to, or expected to be exposed to in 2018, greater levels of noise than the future aspirational 2033 Masterplan would produce at the proposed Development site.
- We are satisfied that our assessment, the site masterplan and the mitigation strategy is robust and deliverable, and takes into account a more than realistic and reasonable worst-case future position for the airport. We have now assessed this for the 2033 future aspirational airport masterplan and come to the same conclusion.



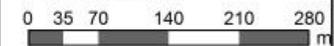
Noise level
L_{Aeq}(T)
(dB)

Noise Level L _{Aeq} (T)(dB)	
Airport Masterplan 2009	2018 Aspirations
Passengers	2.2 million
Projected Movements	46,139
	63db
	57db

Kent International Airport
Aircraft Noise Contours
2018 - 92 day Summer
L_{Aeq}(16hour)

Consultant: K J Gayler

Scale 1:7500





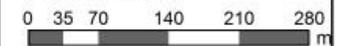
Noise level
L_{Aeq}(T)
(dB)

Airport Masterplan 2009	2033 Aspirations
Passengers	4.7 million
Projected Movements	73,897
	63db
	57db

Kent International Airport
Aircraft Noise Contours
2033 - 92 day Summer
L_{Aeq}(16hour)

Consultant: K J Gayler

Scale 1:7500



13.43 It should be noted that aircraft noise is dealt with separately under Policies EP7 and EP8.

POLICY EP6 - GENERAL NOISE CONTROL

IN AREAS WHERE NOISE LEVELS ARE RELATIVELY HIGH, PERMISSION WILL BE GRANTED FOR NOISE-SENSITIVE DEVELOPMENTS ONLY WHERE ADEQUATE MITIGATION IS PROVIDED, OR THE IMPACT OF THE NOISE CAN BE REDUCED TO ACCEPTABLE LEVELS THROUGH BUILDING DESIGN OR LAYOUT OF DEVELOPMENT.

DEVELOPMENT PROPOSALS THAT GENERATE SIGNIFICANT LEVELS OF NOISE MUST BE ACCOMPANIED BY A SCHEME TO MITIGATE SUCH EFFECTS, BEARING IN MIND THE NATURE OF SURROUNDING USES. PROPOSALS THAT WOULD HAVE AN UNACCEPTABLE IMPACT ON NOISE-SENSITIVE USES WILL NOT BE PERMITTED.

Aircraft Noise

13.44 As mentioned in the Economic Development Chapter, the Council supports the development of Kent International Airport as a regional airport.

13.45 Policy EP7 seeks to limit the effect of aircraft noise on sensitive development such as housing, schools and hospitals, by restricting locations where such development may be sited. PPG24 introduces the concept of Noise Exposure Categories (NECs) in respect of residential development and encourages their use in control of noise-sensitive development. The four NECs range from circumstances where noise need not be a determining factor, to those where noise levels are such that permission should normally be refused.

13.46 In 1995, the District Council commissioned production of aircraft noise contours by Arup showing predicted noise levels and based on a study of Kent International Airport Traffic Forecasts by Alan Stratford Associates. The forecasts considered a range of high, medium and low traffic scenarios, including the possibility of increased aviation associated with the prospective major economic regeneration role of Central Thanet, and possible runway extension.

13.47 PPG24 indicates that in exercising planning control, regard should be paid not only to existing noise exposure but also any increase that may reasonably be expected in the foreseeable future. Noise predictions were prepared for the years 1996, 2000 and 2010.

13.48 At present, there is uncertainty regarding future aircraft noise levels at Kent International Airport. The Council is therefore adopting a precautionary approach in relation to aircraft noise, and for the purposes of Policy EP7, will continue to apply the 1996 (dBLAeq 16 hour) contour predictions, which formed the basis for the Policy in the adopted Local Plan, assuming the presence of military jets. However, the District Council will keep under review the need to consider adoption of alternative contour scenarios as circumstances develop,

with quieter commercial aircraft entering service and civilian air activity increasing. Accordingly, because the contours may be subject to change within the Plan period, they are not featured on the Proposals Map, but reproduced separately as an Appendix.

13.49 As mentioned in the Economic Development Chapter, an agreement is being discussed with the airport operators regarding future airport operations and related environmental impacts. In particular, this addresses the issue of aircraft noise, and noise abatement measures, and seeks a contraction in the aircraft noise contours from 2002.

Residential Development

13.50 PPG24 recommends particular noise ranges for each NEC, but indicates that local planning authorities may justify a range of NECs of up to 3dB(A) (decibel incorporating frequency weighting) above or below those recommended. Because the air noise contours are based on a scenario assuming low growth, no runway extension and no night flights, the District Council has adopted a precautionary approach to safeguarding sensitive development from the effects of aircraft noise.

13.51 Therefore, while the NECs in Policy EP7 are essentially calibrated as recommended in PPG24, the upper limit of category "B" has been reduced to 63dB(A). This contour lies almost wholly outside the built-up parts of the Thanet towns and villages. Restriction on residential development within this contour would not affect the ability to meet housing land provisions within the Local Plan period.

Other Noise-Sensitive Development

13.52 Noise-sensitive non-residential development such as schools and hospitals may occupy large sites and include elements of varying sensitivity. The NEC principle cannot therefore be sensibly applied, and it is appropriate in such circumstances to refer to specific guidance on internal noise standards. In respect of aircraft noise, PPG24 advises that 60dB(A) should be regarded as a desirable upper limit for major new noise sensitive development.

POLICY EP7 - AIRCRAFT NOISE

APPLICATIONS FOR NOISE SENSITIVE DEVELOPMENT OR REDEVELOPMENT ON SITES LIKELY TO BE AFFECTED BY AIRCRAFT NOISE WILL BE DETERMINED IN RELATION TO THE LATEST ACCEPTED PREDICTION OF EXISTING AND FORESEEABLE GROUND NOISE MEASUREMENT OF AIRCRAFT NOISE.

APPLICATIONS FOR RESIDENTIAL DEVELOPMENT WILL BE DETERMINED IN ACCORDANCE WITH THE FOLLOWING NOISE EXPOSURE CATEGORIES.

**NEC PREDICTED AIRCRAFT
NOISE LEVELS (DbI Aeq.0700-23.00)**

- A <57 NOISE WILL NOT BE A DETERMINING FACTOR**
- B 57-63 NOISE WILL BE TAKEN INTO ACCOUNT IN DETERMINING APPLICATIONS, AND WHERE APPROPRIATE, CONDITIONS WILL BE IMPOSED TO ENSURE AN ADEQUATE LEVEL OF PROTECTION AGAINST NOISE (POLICY EP8 REFERS).**
- C 63-72 PLANNING PERMISSION WILL NOT BE GRANTED EXCEPT WHERE THE SITE LIES WITHIN THE CONFINES OF EXISTING SUBSTANTIALLY BUILT-UP AREA. WHERE RESIDENTIAL DEVELOPMENT IS EXCEPTIONALLY GRANTED, CONDITIONS WILL BE IMPOSED TO ENSURE AN ADEQUATE LEVEL OF PROTECTION AGAINST NOISE (POLICY EP8 REFERS).**
- D >72 RESIDENTIAL DEVELOPMENT WILL NOT BE PERMITTED.**

APPLICATIONS FOR NON-RESIDENTIAL DEVELOPMENT INCLUDING SCHOOLS, HOSPITALS AND OTHER USES CONSIDERED SENSITIVE TO NOISE WILL NOT BE PERMITTED IN AREAS EXPECTED TO BE SUBJECT TO AIRCRAFT NOISE LEVELS EXCEEDING 60 dB(A) UNLESS THE APPLICANT IS ABLE TO DEMONSTRATE THAT NO ALTERNATIVE SITE IS AVAILABLE. PROPOSALS WILL BE EXPECTED TO DEMONSTRATE ADEQUATE LEVELS OF SOUND INSULATION WHERE APPROPRIATE IN RELATION TO THE PARTICULAR USE.

POLICY EP8 - AIRCRAFT NOISE & RESIDENTIAL DEVELOPMENT

WHEN PLANNING CONSENT IS GRANTED FOR RESIDENTIAL DEVELOPMENT ON ANY LAND EXPECTED TO BE SUBJECT TO A LEVEL OF AIRCRAFT NOISE OF ABOVE 57dB(A) , SUCH CONSENT WILL BE SUBJECT TO PROVISION OF A SPECIFIED LEVEL OF INSULATION TO ACHIEVE A MINIMUM LEVEL OF SOUND ATTENUATION IN ACCORDANCE WITH THE FOLLOWING CRITERIA:**

**NEC Predicted Aircraft Minimum Noise Levels Attenuation
REQUIRED (dB(A) (frequency range 100-3150 Hz)**

- A <57 NO ATTENUATION MEASURES REQUIRED**
- B 57-63 20dB**
- C 63-72 30dB**

**** LAeq 57dB 07.00-23.00**

Operational Notes

13.53 For the purposes of Policy EP7, noise sensitive development/redevelopment includes, schools, hospitals, and any other use the function or enjoyment of which could, in the District Council's opinion, be materially and adversely affected by noise.

13.54 The provisions of Policy EP8 will not apply to permissions relating to small extensions to existing houses provided:

- (1) Permission for the construction of the house itself was not granted subject to the provisions of this Policy; or
- (2) The extension is not intended to form a separate unit of living accommodation.

13.55 In such instances the sound insulation standards referred to in this Policy are brought to the attention of all applicants, but it is left to them whether they implement the standards within the new extension or not.

13.56 A guidance note which sets out brief specifications of works required to meet specific levels of sound attenuation (adapted from Building Research Establishment Digest 338) is available from the District Council. Alternative schemes can be considered where problems are likely to be encountered, eg, rooflights.

13.57 General information in respect of internal noise standards can be found in BS 8233:1987 (Sound insulation and noise reduction for buildings). Information for guidance about health and hospital buildings is available from NHS Estates; an executive agency of the Department of Health. The Department for Education publishes guidance for schools (Dept. of Education Design Note 17: Guidelines for Environmental Design in Educational Buildings).

Airport Public Safety Zones

13.58 In the past, Public Safety Zones (PSZs) around airports have been limited to the twenty largest airports in Great Britain. However, the PSZ policy is currently under review and zones are now identified on the basis of individual risk contours at a level of 1 in 100 000 of an incident occurring. The purpose of the zones is to prevent development that would result in a significant number of people being located within an identified risk contour.

13.59 The DfT Circular 1/2002 on Public Safety Zones sets out a general presumption against development in the Zones, and in particular, dwelling houses, mobile homes, caravan sites or other residential uses, or any non-residential development, except for certain low-density uses. This would preclude new schools, retail development, community facilities and other uses, but might allow, for example, low-density warehousing uses, surface car parking or public open space (without play facilities).

13.60 Kent International Airport is likely to be subject of an assessment regarding a PSZ in 2006 at the earliest. The requirement for a PSZ will be determined by this assessment. Should a PSZ be identified by the DfT, the extent will be shown on the Proposals Map and an appropriate policy relating to that area will be applied.

Light Pollution

13.61 PPG23 refers to light as a potential source of pollution, and advises that local planning authorities should assess its impact on general amenity and the natural environment. The Council also recognises the need for lighting to provide security and public safety, and the potential civic amenity value.

13.62 However, poorly designed or installed lighting can be obtrusive by introducing a suburban character into rural areas, and also wastes electricity. Different forms of light pollution are described below:

- Light Spillage - artificial illumination that results in the spillage of light that is likely to cause irritation, annoyance or distress to others
- Light Trespass - the spilling of light beyond the boundary of the property on which the light source is located
- Light Glare - the uncomfortable brightness of a light source when viewed against a dark background
- Sky Glow - the brightening of the night sky above our towns and cities.

13.63 The rural landscape in Thanet is gently undulating, generally very open, and largely devoid of trees and other significant vegetation. Poor outdoor lighting could therefore have a substantial adverse effect on the character of the area well beyond the site on which it is located.

13.64 In 1994, the Institution of Lighting Engineers (ILE) produced the Guidance Notes for the Reduction of Light Pollution. This identifies 4 different “environmental zones” in which different standards of light reduction should be applied:

- E1 – National Parks, AONBs and other “dark landscapes”;
- E2 – Areas of “low district brightness” – rural locations outside those identified above;
- E3 – Areas of “medium district brightness” – urban locations; and
- E4 – Areas of “high district brightness” – urban centres with high night-time activity.

13.65 It is for the Local Planning Authority to identify the relevant areas of the District to which the different standards would apply, and these zones are identified on the Proposals Map by way of reference to other policy areas. Thus in this Plan:

- (1) **Zone E1** comprises the Pegwell Bay Special Landscape Area and the former Wantsum Channel (as identified in Policy CC2);