

NNF23

Comments on RSP's Revised 2.4 Noise Mitigation Plan
(TR020002/D9/2.4)

No Night Flights

6th July 2019



Night flights – what this proposed Noise Mitigation Plan would allow

1. We write in extreme haste. No Night Flights has commented on the numerous failings of RSP's Noise Mitigation Plan in NNF15 (see Appendices). The NMP has deteriorated since then, now offering less protection to residents and greater latitude to the airport operator.
2. The first new unwelcome addition to the NMP was RSP's invention in May 2019 of its "**noise contour area cap**".
3. No Night Flights first commented on this in NNF17 (para 17.5, see Appendices). The Applicant has since explained the "noise contour cap" in more detail, at the ExA's request [Ns.4.1], and the explanation is fascinating. RSP says that:
 4. *"ii. The contour cap area is not "described" or "drawn" as it has to be flexible*
 5. *iii. A noise contour cap mechanism is not controlled by monitors; it is controlled by running an air noise model with the proposed movements for the year to produce a 'prospective contour' and then checking that the 'area' of that contour is less than the number of square kilometres in the noise contour cap (in this case 35.8 sq km for the 50 dBA LAeq 16hr contour and 47.4 sq km for the 40 dBA LAeq 8hr contour); similarly with the actual movements. This cannot be checked or verified by 'monitors' because it is a statistical average contour, which can be calculated from the flights that are proposed to be or actually were flown. A monitor can only measure discrete individual noise events; not a theoretical average."*
6. In its publication CAP 1129, the CAA says:
 7. *"The Government intends that noise envelopes provide a means of giving certainty to both local communities on future noise levels, and to developers on how they can use their airports in the future. Therefore, **consideration must be given to the opinions of local community and industry stakeholders in the development of a noise envelope concept** if it is to function as intended."*
8. There has been no consultation with stakeholders in the development of RSP's new proposal for a noise contour area cap.
9. The CAA also says in CAP 1129:
 10. *"The key conclusions and messages arising from this study are as follows:*
 11. *1. For an envelope to function as intended, it is essential that full agreement is achieved between all stakeholders on the envelope's criteria, limit values and means of implementation and enforcement.*
 12. *2. The benefits of future technological improvements must be shared fairly between industry and local communities. This is fundamental to the noise envelope concept, and will be considered when defining parameters and setting limits.*
 13. *3. An envelope is likely to be defined by a combination of parameters.*

Night flights – what this proposed Noise Mitigation Plan would allow

14. *4. The life-span of an envelope must be agreed, and its parameters defined to maintain appropriate sharing of the benefits over its intended life-span.*
15. *5. The parameters and limits, and means of implementation and enforcement of a noise envelope must be tailored to individual airports and their respective local conditions.*
16. *6. The current planning system offers limited flexibility in the means available to implement a noise envelope. A change in primary or secondary legislation may be required for noise envelopes to be implemented effectively and enforceable by law.*
17. *7. A possible need has been identified for independent third parties to assist stakeholders to reach agreement where necessary.”*
18. RSP’s “late arrival at the ball” suggestion of a noise contour area cap falls a long way short of what the CAA says is necessary. RSP has clearly failed to comply with the letter or the spirit of the CAP 1129 guidance notes copied above. There has been no involvement of any other parties – the noise contour area cap is a unilateral imposition.
19. The noise contour area cap is, as RSP admits, “a theoretical average”. This has no meaning to those of us whose lives will be impaired by RSP’s plan to operate a 24/7 cargo airport on the old Manston Airport site. RSP explains that the noise contour map “*cannot be checked or verified by monitors because ... a monitor can only measure discrete individual noise events; not a theoretical average.*” And, of course, a person can only experience individual noise events – theoretical averages of noise cannot be experienced. In practice, the monitors and the people will experience all the individual noise events, regardless of how or where RSP draws its imaginary lines.
20. Neither the suggested 50 dBA LAeq 16hr contour nor the suggested 40 dBA LAeq 8hr contour has been discussed with the community in terms of where those contours might feasibly lie on the ground under a range of assumptions. RSP has failed even to produce an indicative or illustrative contour so that those impacted would know what is being proposed. The local community has no idea what this latest new suggestion might mean for us. Neither does the ExA. This makes it impossible for the ExA to determine whether the “correct” noise contours for this purpose should be 50dBA LAeq 16 hr and 40 dBA LAeq 8 hr, or whether they should be set at a lower level of average noise.
21. Given the poor quality of RSP’s noise contour modelling to date, we have grave doubts that either any “prospective” contour or any “actual, end of year” contour will be accurate.
22. The public does not have the information to allow us to access this proposed noise management tool. Neither does the ExA. The public has never been consulted about this proposed noise management tool. RSP is suggesting in the final throes of the examination that it be allowed to impose a new, hypothetical and theoretical noise management metric.
23. We urge the EXA to reject this.

24. The next unwelcome addition to the NMP came in June 2019 when the ExA pursued a suggestion from the Applicant.
25. The ExA's suggestion at Ns.4.10 – that RSP secure in the DCO RSP's suggestion that late arrivals be excluded from a new, lower QC cap, and that the QC cap would then only apply between 0600-0700 – was a **fundamental error of judgement which must be reversed**, as we have explained in more detail in NNF19 (see Appendices). With no ATM cap, and with no QC constraint of any kind for the seven hours of 2300-0600, RSP would be permitted to welcome any number of "late" arrivals during the night. The number of "late" arrivals would be limited only by parking space.
26. The table below spells out exactly what would be permitted if the ExA approves the latest version of the NMP.

0700 - 2300				
Arrivals permitted?	Departures permitted?	Number of ATMs	QC rating permitted	Impact on QC budget
Yes	Yes	Subject only to the annual ATM limit for the entire airport	QC16 QC8 QC4 QC2 QC1 QC 0.5 QC 0.25 QC 0.125 Exempt aircraft	None
2300 - 0600				
Arrivals permitted?	Departures permitted?	Number of ATMs	QC rating permitted	Impact on QC budget
Yes – any that are "late"	No	Unlimited ¹	QC16 QC8 QC4 QC2 QC1 QC 0.5 QC 0.25 QC 0.125 Exempt aircraft Unknown/False	None
A 747-400 is rated QC2 on arrival. The noise footprints for a 747-400 are shown below this table. This level of noise nuisance – and worse – would be allowed to occur an unlimited				

¹ Subject only to the annual ATM limit for the entire airport

Night flights – what this proposed Noise Mitigation Plan would allow

number of times every night, affecting tens of thousands of people, according to the CAA noise contours.

We cannot show the noise footprint of a plane that is rated QC4 or more on arrival as we simply did not model anything that noisy.

NNF's night noise contours do not model the night noise regime now being put forward by RSP and capture only a fraction of the potential noise impact that would be generated if this night noise regime is approved.

A night flight regime this damaging has never been modelled by the Applicant. The ExA does not have before it any information that would allow it to assess the full impact of this proposal from RSP.

0600 - 0700

Arrivals permitted?	Departures permitted?	Number of ATMs	QC rating permitted	Impact on QC budget
Yes	Yes	Unlimited ² – no limit on planes rated QC 0.125 and below	QC2 QC1 QC 0.5 QC 0.25 QC 0.125 Exempt aircraft	(An annual budget of 2,000 QC points) Only those aircraft rated QC 0.25 and above will count towards the QC budget. RSP could have as many ATMs rated QC 0.125 as it can handle in that hour

RSP has arbitrarily exempted planes rating QC 0.125 from counting towards the QC budget. The QC rating is given in recognition of the fact that the plane generates enough noise to have a negative impact on people. The Government has recognised this and this is why it created the new QC 0.125 rating. RSP has deliberately ignored NNF's repeated factual comments on this. A QC rating for an aircraft means that the aircraft's ATM needs to be in the QC budget. RSP is ignoring Government policy

A QC budget of 2,000 is 5 to 6 QC points for this night time period every night.

NNF has previously submitted evidence showing how many planes can be operated for a certain QC budget (see, for example, NNF09 [REP3-283], p32-33). If RSP uses its QC budget in the way that Gatwick uses its QC budget,³ those 2,000 QC points would translate into 12 to 13 ATMs on average, plus an unlimited number of QC 0.125 ATMs, in that one hour of the night, every night

Nothing on this scale has been measured by RSP in terms of the night noise that would be generated

² Subject only to the annual ATM limit for the entire airport

³ In the summer of 2016, with a QC "spend" of 4,913 (1.6 x the budget that RSP wants) Gatwick had 11,303 night flights

Night flights – what this proposed Noise Mitigation Plan would allow

27. Easterly operations



28. Westerly operations



29. It can immediately be seen that, if this Noise Mitigation Plan is accepted, RSP will be able to have an unlimited number of night arrivals between 2300 and 0600, of **any** QC rating, and that it will then be able to have an average of 12 to 13 ATMs during the last hour of the night, of a noise level up to and including QC2.
30. Nothing like this has been assessed in the ES. The ExA does not have before it any night noise contours that model the noise that would be generated by this unconstrained night noise regime. It is our strong submission that the ExA is not in a position to approve this night noise regime given that complete lack of evidence before it as to the impact of this proposal.
31. The ExA's disastrous suggestion has been swiftly seized by RSP and woven into the NMP at [1.8]. Unfortunately, this bad situation has been made even worse, in that RSP now appears to regard 0600-0700 as the **only** night-time period to which any restrictions must apply.

Night flights – what this proposed Noise Mitigation Plan would allow

32. Section [1.5] which bans aircraft of unknown QC rating, and aircraft that lie about their QC rating, previously applied throughout the night. RSP has now restricted the applicable hours to 0600-0700. Clearly, RSP is happy to have aircraft of unknown QC ratings (and therefore potentially of **any** QC rating), and aircraft that have lied about their QC rating, flying over Kent throughout the other 7 hours of night. We are not.
33. Similarly, section [1.7] says that *“Any aircraft which has a quota count of 4 or more cannot take-off or land at the airport between the hours of 0600 and 0700.”* This leaves residents exposed to the possibility of aircraft rated at QC4, QC8, and QC16 (and above, if it exists) to arrive throughout the other seven hours of night, and in unlimited numbers.
34. As a result of the ExA’s suggestion, the NMP now offers almost nothing to residents by way of protection from night noise. RSP would be awarded 2,000 QC points to be used between 0600-0700 by aircraft under QC4, thereby guaranteeing us a daily early morning rush hour of departures. RSP would be awarded an unlimited number of arrivals of “late” aircraft of any QC rating whatsoever during the remaining seven hours of night. **An unlimited number of night flights.**
35. Unapologetically, we repeat: **if the ExA allows its suggestion at Ns.4.10 to remain in the NMP, it will be exposing the local residents to the threat of an unlimited number of night flights.** This has never been consulted on, nor has it been modelled by the Applicant and presented for examination to the ExA. In addition, the Applicant’s business case (such as it is) offers no calculation of benefits that could and would outweigh the unlimited level of harm that would be caused to local people and to the tourism industry by a completely unregulated night flight regime for seven of the eight hours, and a very lightly regulated regime for the remaining hour.
36. In the ISHs, the ExA asked questions about the extent to which RSP’s proposals would constitute a night flight ban. In this latest iteration of the NMP, RSP has moved even further away from a night flight ban. It is dishonest of RSP to dress up its night flight regime as being a ban on night flights when there can be an unlimited number of the noisiest aircraft arriving through the first seven hours of the night, and then all but the noisiest can arrive and depart during the next hour.

Appendices

NNF15

NNF17 para 17.5

NNF19



No Night Flights

NNF15

**A critique of
RiverOak Strategic Partners'
Revised Noise Mitigation Plan**

TR020002/D5/2.4

May 2019

Contents

Acronyms.....	2
Preamble	3
Pages 1-4	4
Process.....	6
Community Consultative Committee.....	6
Community Trust Fund	6
Making a claim	6
Purchase and relocation assistance scheme	7
Airport operator reporting responsibilities	8
Noise	9
Aircraft noise monitoring	9
Aircraft quota count and movement restrictions	10
Noise insulation and ventilation scheme – residential properties	11
Noise insulation and ventilation scheme – noise-sensitive buildings.....	11
Operational Issues	13
Training Flights.....	13
Reverse Thrust.....	13
Aircraft approach	13
Runway operation	13
Off track flight	13
Wake Turbulence	14
Summary	15
Appendix 1 – Airspace Change Compensation Proposals	16

Acronyms

- **CCC** Community Consultative Committee
- **CTF** Community Trust Fund
- **NMP** Noise Mitigation Plan
- **RSP** RiverOak Strategic Partners

Preamble

1. The existence of a NMP is material recognition of the obligation on RSP to be “a good neighbour” and strive to reduce the impact on local people of the unwanted by-products of their business – particularly noise.
2. The NMP was RSP’s opportunity to present a framework for operations, and a system of monitoring, and an approach to mitigation that would reassure the local residents that anyone disadvantaged by the operation of RSP’s freight hub would be recompensed according to the scale of their need. Instead, RSP sets its own (absurdly high) ATM and QC limits, and draws up its own noise maps. RSP’s *theoretical* noise contours will define who can apply to the CCC to make a claim – relocation and noise insulation and ventilation claims will only be valid within specific noise contours. The CCC will assess the claims solely on the basis of the NMP. RSP’s *theoretical* noise contours will also define where the CTF money goes.
3. RSP makes no effort to identify the actual noise contours, to establish, accurately, who is entitled to recompense. This simple ruse ensures that RSP’s mitigation costs will be hugely reduced. Mitigation won’t be offered on the basis of actual need, but solely on the basis of RSP’s theoretical noise contours.
4. The NMP offers too little to too few.
5. The NMP does not address locals’ concerns about night flights. RSP’s extraordinary and carefully chosen metric dictates that 18 or more night flights of a certain level of loudness are required before there is **even the possibility** of being woken. This contradicts the evidence that one flight a night at this level of loudness is enough to wake people.
6. The NMP offers nothing to too many.

Pages 1-4

7. This document suffers from lack of clarity and poor drafting.
 - Page 1 is headed **MANSTON AIRPORT NOISE MITIGATION PLAN**.
 - Page 5 is headed **NOISE MITIGATION PLAN**.
8. Where does the NMP actually start? Are pages 1-4 included in the NMP? Given that **any and all claims** will be determined “*based solely on the provisions of this Noise Mitigation Plan*” [6.4], it is essential to know exactly which pages of this document constitute the NMP.
9. RSP states that it is “*not obligatory*” to produce a NMP, but that they believe “*that it is right to do so*”. A simpler truth that requires no belief in an altruistic applicant, is that it is inconceivable that an application for a nationally significant air freight hub would not be accompanied by an NMP.
10. RSP goes on: “*It is also right that those potentially affected by noise were given a chance to comment upon the provisions of the plan during the statutory consultation period before it was finalised and included in RiverOak’s application.*” (p1). Let us be clear: the consultation itself was **deeply flawed**, and the application now being examined threatens **levels of noise far beyond anything that has ever been consulted on**. There has been precious little in the way of “right” so far.
11. The methodology RSP proposes to use to identify “*significant adverse effects on health and quality of life on individual receptors*” (p1) is also flawed.
12. **Best Practice** RSP says that the effect levels for aircraft noise it has adopted are based on the most recent evidence and best practice. This is nonsense. RSP’s levels are based on out of date guidelines. NNF has commented on this in detail in NNF09 paragraphs 80-130 and in NNF14.
13. **LAeq (x hours)** is used as a metric. As highlighted in the recent Government consultation¹ this is widely recognised as being **unhelpfully misleading**, in that this metric does not accurately reflect the situation actually experienced by “*individual receptors*”, i.e. people (see also para 20 in this document). NNF has commented on this in detail in NNF09 at paragraphs 7-24.
14. **SOAEL** of 63dB LAeq (16 hour) is **unacceptably high** [see ExQ2 Ns 2.13]. As the ExA points out, the Aviation Policy Framework and the CAA both cite **57 dB** LAeq (16 hour) as the appropriate SOAEL threshold. RSP are demanding to be allowed to get away with making a far higher level of noise, and this **must be rejected**. NNF has commented on this in detail in NNF09 paragraphs 80-130 and in NNF14.
15. **Basner** is quite simply the most **extraordinary** metric we have ever seen in relation to night noise nuisance. Basner is not used in any other UK Noise Mitigation Plan that we can find. Significantly, this Basner metric is not referred to anywhere else in this document, which emphasises the importance of clarifying whether pages 1-4 form part of the NMP. We have commented on Basner in detail in NNF09 pp17-21 and NNF14 pp3-5.

¹ Department for Transport (2017) Consultation Response on UK Airspace Policy: A Framework for balanced decisions on the design and use of airspace.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653801/consultation-response-on-uk-airspace-policy-web-version.pdf

16. **Runway Preference Scheme** is presented as a novel and promising solution to be explored. In fact, it has been tried, and proved **ineffectual**. The prevailing winds continued to prevail – regardless of any policy-writing – and the pilots continued to fly the planes safely, i.e. **into** the wind. The airport operator’s stated directional preference can only come into play when the wind can safely be ignored.
17. On p3 footnote 6 regarding the QC count: *“The night time period quota figure has been arrived at based on a typical mix of aircraft operating within the noise levels that have been assessed in the environmental statement, rather than taking the noisiest possible aircraft”*. RSP make no attempt to explain or justify their explicit decision to **avoid** looking at the **worst** case. Night flight noise nuisance is the key issue for many local residents, but RSP’s decision to ignore the noisiest case in favour of their hypothetical *“typical mix of aircraft”* (which is not described) is relegated to a footnote on page 3, which may or may not be part of the NMP. Wholly unsatisfactory.
18. On p3 RSP mention the Aviation Policy recommendations, referring in footnote 7 to para [2.39] of the response to a DfT consultation on airspace.² The rest of the section from that consultation is relevant, and is reproduced in full at Appendix 1 in this document. Here are some highlights, our emphasis throughout:
19. *“Some considered the proposals were inadequate and felt reducing noise should be the priority through **quieter or fewer aircraft, rather than to allow noise and then mitigate the impact with compensation.**” [2.42]*
20. *“Many felt that the current metrics needed to be re-assessed and were concerned that **average noise contours do not accurately reflect the situation.**” [2.43]*
21. *“The majority supported the proposal for financial assistance toward insulation [...] but **criticised building insulation or glazing as a means of compensation, both because windows and doors needed to be closed to receive the benefit and it doesn’t lessen noise impacts outside.**” [2.45]*
22. *“Some felt that the noise thresholds for financial assistance and full insulation are set too high and that **noise contours and consequent compensation eligibility could be expanded.**” [2.46]*
23. Although these comments were made in the context of a wider Government consultation, it is striking how readily they can be applied to this proposal – simply because RSP’s proposal exhibits exactly those recurring flaws that have been so widely recognised and criticised in the Government consultation.

² *ibid.*

Process

Community Consultative Committee

24. The independent Chair (appointed in consultation with Thanet DC, Canterbury CC, and Dover DC) establishes the CCC's terms of reference, based on the NMP [8.4]. We can see no rationale whatsoever for limiting the CCC's terms of reference to issues mentioned in the NMP. This would mean that the airport's consultative committee would have a far less influential and far-reaching role than the previous consultative committee had. This is unacceptable.
25. Amongst other things, the CCC will make "*recommendations*" to the operator regarding noise insulation and ventilation claims, and relocation claims [8.2]. This raises the issue of how much power or influence the CCC has over the airport operator. Given that the CCC will have effectively grown out of the NMP, the airport operator should have no grounds or reason to refuse or ignore the CCC's recommendations. How much clout will the CCC actually have?
26. We note that there is no provision made here for **public meetings** of the CCC. Again, what RSP is proposing falls short of what was in place previously. This really does demonstrate RSP's keenness to have the community involved as little as possible, and to have as little voice or influence as possible.

Community Trust Fund

27. All penalties will be paid into the CTF [9.1]. The penalties described in sections [16] and [17] are levied on the aircraft operators by RSP. NNF's view of this proposal is jaundiced by experience. Our previous experience is that penalties were not always levied when they should have been. Indeed, the airport's Managing Director on one occasion told us that "*he did not want the airport to get a difficult reputation*". The airport operator is of course free to make such a business decision, but **must** then pay the fine into the CTF itself. The terms of the NMP dictate that specified breaches attract fines paid into the CTF – if the airport operator wishes to waive the fine on a customer, they must pick up the tab themselves.
28. In [9.2] RSP says that the CCC will "*apply*" these funds to "*projects that can offer a direct benefit to communities living within the 50 dB LA_{eq} (16 hour) day time contour and* 40 dB LA_{eq} (8 hour) night time contours*". * Does this "**and**" mean that either condition can be met, or that both conditions must be met?
29. RSP will pay £50,000 per annum (reviewed annually) into the CTF [9.3]. The CTF is always cash-limited – to whatever cash is in it – and RSP needs to clarify whether unspent money is rolled over from year to year. This has severe implications for those noise sensitive community buildings that fall fractionally outside RSP's SOAEL but which experience significant noise nuisance. They will all be competing for a very limited mitigation fund.

Making a claim

30. Annually, "*the airport operator will report the forecast noise exposure*" which will "*identify properties which may be eligible for a claim*" [6.1], and this brings us to the intellectual dishonesty and moral bankruptcy at the heart of this NMP.
31. It is common ground that the airport operator is obliged to protect residents who experience the worst effects of the airport's operation. Whatever threshold is set – the Government and CAA would use 57dB, RSP wants to use 63dB – the explicit understanding is that anyone over that threshold gets the appropriate protection. Those protective, mitigating measures are explicitly and directly linked to the level of noise experienced by residents – inevitably, given their purpose. The mitigation should go wherever the noise goes – the more noise, the more

mitigation. It is intellectually dishonest and morally bankrupt of RSP to try to limit mitigation to an area within a **theoretical noise contour of their own devising**. Any resident experiencing noise nuisance above the agreed threshold who happens to live outside RSP's noise contour must not be ignored, they deserve recompense. They would be evidence of the flaws in RSP's model.

32. **Every resident experiencing noise nuisance above the agreed threshold deserves recompense, regardless of whether or not they reside within a theoretical noise contour generated by RSP's computer model.** Compensation must be based on the reality of the noise suffered by people, and not on a theoretical forecast.
33. Disappointingly but unsurprisingly, RSP makes no commitment to establishing **actual** noise contours. RSP's noise maps are shown to be flawed by the actual readings taken when the airport was operational, and the area that would be entitled to mitigation is actually far larger than RSP's maps would suggest. RSP wish to rely on their theoretical noise contours to keep down their mitigation costs. As an example, in 2009, when the airport was operational, TDC gave planning permission for a two storey dwelling to be built in St Mildred's Road, Ramsgate. St Mildred's Road is in the centre of town towards the harbour. A condition was imposed that the developer should first submit for approval a noise attenuation scheme, reflecting the fact that the proposed dwelling would be affected by aircraft noise would be in the 57-63dB LAeq 24hours contour for aircraft noise. RSP's theoretical contour maps do not reflect this reality.
34. The airport operator will notify property owners within the noise contour of their eligibility **[6.2]**, and those owners will then be able to apply to the Community Consultative Committee **[6.3]**.
35. Disappointingly but unsurprisingly, RSP makes no move to proactively contact those whose quality of life they are diminishing, preferring to make the residents do the work. The NMP is predicated on RSP's own **modelled** noise contours which, become the sole determinant of who is **eligible** – not eligible to claim, but eligible to *apply* to claim. If the CCC approve the claim, RSP will appoint the contractor to do the work. The NMP ensures that only those living within the specific noise contour can ask for anything, and they only get what they're given.

Purchase and relocation assistance scheme

36. In **[5.2]** RSP says: *"the airport operator will offer to purchase the property for its market value (in the absence of the proposed development)"* [emphasis added]
37. However, **[5.4.2]** says: *"All properties predicted to be eligible for relocation assistance ... will be valued by an independent surveyor within 6 months of the making of [the DCO]."* [emphasis added]
38. **All** eligible properties should be valued not just in the **absence** of the proposed development, but in the **absence of the threat** of the proposed development, i.e. **before** the DCO is made. Values, already dented by the threat of a DCO, will fall if the DCO is made, and will fall further through the construction and subsequent operational phases of the proposed development. The baseline for valuation should be as **"DCO-free"** as possible.
39. In **[5.5]** RSP says that the *"relocation settlement shall take account of any reduction in property value resulting from a change in the noise environment following the opening of the airport"*, which begs a few questions:
 - How does RSP propose to distinguish the value reduction due to noise from value reductions due to any other causes?
 - Does this mean that noise **before** the awarding of the DCO and the opening of the airport is completely disregarded?

- Does this mean that nobody can relocate until after the airport has opened, i.e. **after** they have been subjected to the noise?

40. In [5.2] RSP makes clear the sum total of its offer: relocation expenses of £5,000 plus 2.5% of purchase price (up to £600,000), i.e. a maximum of £20k. That's it. Moving house is stressful enough at the best of times (on a par with death and divorce, apparently), and it can only be worse to have it forced on you. Yet this is exactly what RSP will be doing, and offering miserly compensation in return. This is unacceptable.
41. This proposed mitigation measure suffers from the same basic flaw as do RSP's other mitigation measures, i.e. they are based on LAeq (16 hour) contours. The fact is that RSP plans to operate a smaller number of much noisier planes than other airports that offer mitigation based on LAeq. As we have said previously, NNF has commented in detail on the inappropriateness of LAeq as **the** metric to assess the actual noise impact on residents and their lives of the potential RSP proposals.

Airport operator reporting responsibilities

42. The reporting deliverables that RSP proposes in [7.1] are infrequent and largely high-level, i.e. of limited use. The most notable gap in their proposed suite of reports is any reporting of **actual** noise contours. As explained earlier, RSP seek to avoid their **actual** obligations. What RSP suggests falls far short of the reporting provided by previous operators. Previously, all the reporting was quarterly. In addition, the **actual** noise monitor readings were reported, as were the number of night flights, the airlines responsible, and the reasons for any unscheduled night flights having been allowed. Runway usage was also reported on. It is clearly ludicrous to report just once a year on issues such as complaints. This suggest that RSP has little or no interest in addressing complaints promptly.
43. RSP makes no mention of real-time or live data reporting, which we assume is an oversight. Modern flight-tracking software (e.g. Webtrak) provides timely, accurate information on individual ATMs and would help residents identify "problem" flights. RSP should provide this facility on the airport's website, in the interest of transparency.
44. In [7.4] RSP says: "[...] *The airport operator will be expected to formally respond to any recommendations made by the Community Consultative Committee, taking any actions deemed necessary within the bounds of this noise mitigation plan.*"
45. The obligation on RSP is to "*respond to*" recommendations, not to follow them or provide alternative solutions, which suggests that RSP will be free to ignore the CCC. RSP may then take "*any actions deemed necessary*" – by whom? – "*within the bounds of this noise mitigation plan*" – a phrase that adds no clarity. In practice, RSP alone will determine what is "*necessary*", and what is "*within the bounds*" of the NMP.

Noise

Aircraft noise monitoring

46. Aircraft noise monitoring can serve two useful purposes: by providing quantitative measures of the impact on people (or “*residential receptors*”); and by providing validating or corrective input for computer modelling. RSP’s approach provides neither.
47. RSP’s “aircraft noise monitoring” appears to consist entirely of fining some noisy departures, which is inadequate, and rather pointless. A single sensor under each departure route, a long way from the airport, offers too small a sample of the world to be useful. RSP needs to deploy a larger number of sensors along the length of the arrivals routes, **and** along the length of the departures routes, paying particular attention to where there are concentrations of people.
48. In [16.1] RSP says that “*Permanent fixed noise monitoring terminals will be located under each of the aircraft departure flight paths at a distance of 6.5km from the start of take-off roll*” and that aircraft will be fined for exceeding a time-dependent noise threshold. This begs a number of questions.
- Why only departures? Departing aircraft can peel away to the left or right, avoiding the largest towns. Arriving aircraft will **always** be restricted to a straight-line approach over the largest towns, and will therefore **always** be experienced by largest number of people. Clearly the arrivals **must** be subject to the same regime as the departures.
 - Why **only** at 6.5km? As mentioned above, a wider array would prove far more useful.
 - Will the thresholds ever be exceeded? The limits are 90dB LASmax (daytime), and 82dB LASmax (0600-0700), 6.5 km from the start of take-off roll. These aircraft have taken off and flown several kilometres from the airport. There are two issues here: if an aircraft is creating 90dB LA_{max} 6.5 km from the start of take-off roll, then the noise that will have been created when that aircraft overflew Ramsgate (for example) will have been substantially louder than this. Secondly, an aircraft is creating 90dB LA_{max} 6.5 km from the start of take-off roll, when it *should* be high in the sky by then, it suggests that the aircraft has been flying low for many kilometres. This is clearly a safety issue.
 - How does [16.3] marry up with RSP’s proposal to operate nothing louder than QC4 at night? RSP says it will fine aircraft exceeding 82dB LASmax at the noise monitor 6.5km away. Can RSP clarify what QC category of plane it would expect to make this level of noise. The QC certification procedure, laid down in Chapter 3 of ICAO Annex 16, requires three 'reference points' to be taken into account:
 - **approach**, under a 3 degree descent path 2000 m from the runway threshold;
 - **lateral** (or sideline), 450 m to the side of the initial climb after lift-off (or 650 m for Chapter 2 aircraft) - at the longitudinal position where noise is greatest;
 - **flyover**, under the departure climb path, 6500 m from start-of-roll (SOR).
49. RSP must commit to measuring the **actual** noise over **residential** areas. Aircraft noise monitoring is not done for its own sake, it is done to assess the impact of the airport’s operations on **all** the local residents – not just those who happen to live on a departure route 6.5km from the start of take-off roll. Once again, it is clear that RSP intends to take less responsibility for the noise pollution created by its operation than previous operators did. Even in what was accepted by TDC to be a sub-optimal noise monitoring regime, previous operators committed to having noise monitors in residential areas. This is the only way of measuring accurately the impact of airport operations on the local noise environment in which people live and work.

Aircraft quota count and movement restrictions

50. RSP is ignoring Government policy on the issue of Quota Count ratings and the level at which the noise generated by an aircraft causes disturbance. NNF comments on this in detail in NNF09 paragraphs 96-110. Put simply, RSP has ignored the Government's new QC category and has ignored the fact that the Government says that all ATMs (bar a very few specialist aircraft) should count towards an airport's overall limit on night ATMs and the Quota Count.
51. In [1.7] RSP wants an Annual QC cap of 3,028 between 2300-**0700** to cover its night-time traffic. Laughably, RSP then proceed to try to redefine night as 2300-**0600**. This is unacceptable, showing a shocking disregard for all the local residents and everyone under the departure flightpaths. Let's be clear – the eight hour spell from 2300-0700 was specifically and deliberately designed and defined to provide respite from aircraft noise for everyone in earshot.
52. Given the conditions stipulated in [1.4] and [1.5], the logical inference is that the 3,028 QC points will be used up by:
- unscheduled landings between 2300-0600, and
 - take-offs, and scheduled landings, and unscheduled landings, between 0600-0700.
53. RSP should be able to confirm this is the case.
54. The simplest conclusion is that RSP's business model assumes:
- a large number of late arrivals ("*unscheduled landings*") through the night, and/or
 - a frantic early morning rush-hour between 0600-0700.
55. On the one hand, RSP insists '*no night flights... except late arrivals*'. On the other hand, RSP is asking for a **huge QC count** for night-time noise. This Quota Count far exceeds the proposed Quota Count previously rejected by TDC as having the potential to cause more harm than good. NNF comments on this in NNF09 at paragraphs 144-149. In addition, we have highlighted in our response to ExAQ2 Ns. 2.4 the fact that RSP is seeking a disproportionately higher Quota Count than Heathrow, when the Quota Count is compared to the annual ATM cap. RSP has produced no evidence to support the notion that any value created by this over-generous night flight scheme could outweigh the considerable environmental and social downsides.
56. Again, RSP is being **intellectually dishonest**. Saying that there will be no night flights – *except for late arrivals* – is self-contradicting nonsense. A flight, **any** flight, between 2300 and 0700 is a night flight, by definition. It doesn't matter whether it is scheduled or unscheduled, or whether it is late or early, or whether it is arriving or departing – it's still a night flight. It doesn't even matter if the airport operator has tried to move the goalposts and pretend 0600-0700 *isn't* night – **it's still a night flight**.
57. To make matters worse, RSP persists in seeking to include QC4 rated aircraft in its night flight scheme [1.6]. This means that a fully laden 747-400F could take off from Manston heading east over Ramsgate from 0600 in the morning. It also means that a fully laden 747-400F could land "late" at any time between 2300-0700 (a landing 747-400F only counts as QC2). Given the years of evidence when Manston was operational about the disruption to sleep that just one of these planes causes, this is clearly unacceptable. Again RSP has not set out any "balancing act" between the disruption that this would cause to local residents and the environment, and any benefit that RSP says would accrue if this night flight regime is accepted. When the Government expresses concern that planes rated QC0 and QC0.125 expose affected communities to noise levels that the WHO identify as being capable of

causing sleep disturbance, it is extraordinary that RSP is proposing ATMs rated QC4 at Manston, at night.

Noise insulation and ventilation scheme – residential properties

58. In [2.1] RSP states that “*Eligibility for the scheme is consistent with current and emerging Government policy.*” This is clearly not the case. As highlighted in para 14 of this document, RSP wants to set the threshold for SOAEL – which defines eligibility for mitigation – far higher than is recommended by the CAA or the Aviation Policy. RSP seeks to hide the meanness of its treatment of local residents by presenting it as the norm.
59. In [2.2] RSP imposes an arbitrary cap of £10,000 on funding “*towards acoustic insulation and ventilation*”. This should **not** be capped. RSP has **no right** to impose any adverse effects on anyone, and should pay whatever it takes to provide effective mitigation. Some mitigation measures will be more expensive than others. It’s simply one of the costs of doing business for RSP.
60. In [2.3] RSP states that it is they alone who will appoint the contractors to carry out the mitigation works. RSP need to clarify their responsibilities. If the work is sub-standard or ineffective, does the resident claim against the contractor or RSP?
61. In [2.5] RSP stipulates “*One application will be considered per property*”, which is unhelpfully loose drafting. RSP must specify how it will deal with HMOs, with blocks of flats, shared freeholds, etc. There also needs to be sensible provision for the resident who finds they need further mitigation measures (the first instalment having proved ineffective) and applies for more, while still below the £10k cap.
62. In [2.8] RSP specifically excludes properties that are not “*in residential use*” on the date of the DCO being made. This would exclude, for example, the Manston Green development and other properties being built during and after the DCO. What about properties that happened not to be “*in residential use*” on that particular day? In practice, this mean exclusion is simply another ruse by RSP to avoid taking responsibility for the consequences of their actions.

Noise insulation and ventilation scheme – noise-sensitive buildings

63. In [3.1] RSP says it will “*provide reasonable levels of noise insulation and ventilation*” within the “*60dB LAeq (16 hour) day time contour*”. The term “*reasonable*” is unhelpfully undefined, and is itself unhelpful. RSP must commit to delivering **effective** levels of noise insulation and ventilation, rather than “*reasonable*” levels. That is the point of mitigation: it’s not about the quantity of it, it’s about whether there’s enough of it – and this applies equally to residential properties and noise-sensitive buildings.
64. RSP makes no commitment to funding mitigation for schools within the 50dB LAeq (daytime) contour, saying merely that it will assess the need. Again, this is simply not good enough. As the polluter, RSP must pay to mitigate the adverse effects of its development.
65. One example of a CTF-funded project given in the NMP is “*Noise insulation and ventilation grants for noise sensitive community buildings outside the SOAEL level*” [9.4.1]. This should not be paid for from the CTF, it should be dealt with as part of the standard mitigation measures and paid for by RSP. Common sense dictates that if a noise-sensitive building is suffering enough noise that it requires noise insulation and ventilation grants, and it happens to be outside the SOAEL boundary, then **the boundary is in the wrong place**. Once again, we see RSP trying to limit mitigation to its own theoretical noise contours, rather than providing mitigation on the basis of need.

66. In the March ISH on Noise, RSP was questioned about the appropriateness of its chosen metric, i.e. LAeq , when assessing the noise impact on schools. Self-evidently, schools do not operate a 16 hour day. What matters to schools is the actual noise impact on the educational environment, both inside and outside the classroom, while pupils are present. A 16 hour average will always understate the reality. NNF and other local residents have given evidence at the two open floor hearings of the damaging effect of aircraft noise on our schools and the interruption to lessons that was experienced when the airport was operational. RSP's proposals seek to avoid taking responsibility for just such an impact.

Operational Issues

Training Flights

67. In [10.1] RSP says “*Other than General Aviation training that is based at Manston Airport, there will be no routine training flights.*” Which raises obvious issues:
68. RSP need to describe the nature, quantity and timing of “*General Aviation training*”, and
69. RSP need to describe the nature, quantity and timing of **non-routine** training.
70. NNF has commented on the disproportionate impact of training flights before, and most recently in its response to ExAQ2 Ns. 2.8. RSP has yet to provide any assessment of the potential costs and benefits of training flights to enable the ExA to assess whether an appropriate balancing act is capable of being made between the known negative impact on residents and the local environment, and any claimed potential benefit that might accrue..

Reverse Thrust

71. In [12.1] RSP says “*The airport operator will establish a policy...*” This policy should already be written, and should form part of the NMP.
72. RSP hopes to minimise the use of reverse thrust – except where “*operationally essential*” – by relying on guidelines to pilots in the AIP. In practice, it will be the pilot’s call.

Aircraft approach

73. Aircraft operators will be encouraged to use low power/low drag procedures to reduce noise [13.1] – by relying on guidelines to pilots in the AIP, some of which are unachievable. Section [13.2.1] (f) requires that “*inbound aircraft in both VMC and IMC should, whenever possible avoid flight below 3000 ft over towns*”, which is clearly impossible over Ramsgate, and may not be possible over Herne Bay. RSP needs to spell out clearly how what it proposes here is an improvement on previous operations.
74. We welcome noise mitigation measures being “baked in”, but Manston’s problem (as ever) is location, location, location. The reality is that Ramsgate will **always** get hammered by arrivals from the east **and** departures to the east, and that Herne Bay will **always** be under the mandatory route for arrivals from the west.

Runway operation

75. In [14.1] RSP offers a heavily caveated commitment to Runway 28 for Departures and Runway 10 for Arrivals, **i.e. towards the West** – and a matching note to pilots in the AIP. We have dealt with RSP’s “Runway Preference Scheme” in paragraph 16 of this document and in a series of submissions by No Night Flights. The fact remains that years of evidence reported to the Airport Consultative Committee show that around 70% of arrivals were over Ramsgate, and that variable number of departures (between 30-70%) were also over Ramsgate.

Off track flight

76. In [17.2] RSP says it will “*seek to establish*” routes that avoid densely populated areas. Given the simple facts of life, as explained above in paragraph 74, there is very little room for manoeuvre here. This is an unrealistic hope, being presented as a policy goal.
77. In [17.3] RSP says that aircraft operators will be required to ensure **95%** of each calendar year’s departures are within the NPR. Which begs the questions:

78. What about **arrivals**?

79. Given the quality of instrumentation on the ground and in the air, why not nearer **100%**?

80. In [17.4] RSP says: *“Any aircraft operator which fails to meet the target in paragraph 17.3 [i.e. the 95% threshold] and subsequently fails to work collaboratively with the airport operator after being notified of persistent departures outside of the NPRs will be subject to a track keeping penalty of £500 per aircraft departure.”*

81. So, RSP will inform an aircraft operator at the start of the year whether it has breached the 95% limit by persistently departing outside the NPRs in the previous year. It's then RSP's call to determine whether they have *“worked collaboratively”*. If they haven't, a small fine will be imposed... when? On every departure? Forever? It's hard to see this poorly-drafted penalty clause ever being invoked.

Wake Turbulence

82. The Wake Turbulence Policy outlined in RSP's Appendix 2 should be improved. RSP are expecting residents to wait for two days – while they have a hole in their roof – until RSP's experts arrive. Surely RSP would have enough expertise on tap at Manston, amongst its hundreds of employees, to be able to provide (in less than two days) someone who can recognise vortex damage.

83. It would be helpful for RSP to commit in writing in this policy to fully reimbursing residents who have been obliged to carry out emergency repairs.

84. It appears that RSP want to appoint the contractors for the repairs. As described in paragraph 60 of this document, RSP need to clarify the lines of accountability for the works carried out.

Summary

85. RSP has no **right** to impose noise on local residents.
86. RSP has an **obligation** to mitigate the impacts of its business on residents.
87. RSP's current proposals threaten far more aircraft and far more noise than was ever consulted on, and this NMP does not offer adequate protection to residents.
88. RSP claims to be using "best practice". It isn't. It is using out of date guidelines.
89. RSP uses LAeq (x hours) throughout the NMP. This misleading metric must be replaced.
90. RSP sets the SOAEL level too high at 63dB LAeq (16 hour) – it should be 57dB LAeq (16 hour).
91. RSP wants to use the Basner metric, expecting us to believe that 17 flights a night, every night, would never wake anyone. This absurd metric would allow an intolerable number of night flights, and must be rejected.
92. RSP wants to hobble the Community Consultative Committee by restricting its terms of reference to the NMP alone. The CCC should be able to represent and champion the interests of the community unfettered by this pointless restriction.
93. RSP offers no public CCC meetings – for a "community" body, this is clearly unacceptable.
94. RSP predicates its entire mitigation provision on its own computer-generated, theoretical noise contours, regardless of actual need.
95. RSP makes no attempt to establish **actual** noise contours, i.e. no attempt to find out who is actually suffering from the adverse effects of RSP's business.
96. RSP must be directed to produce, and refresh, **actual** noise contour maps.
97. RSP's preferred reporting style is "little and late". RSP must provide live flight tracking and reporting on its airport's website.
98. RSP says it will only monitor the noise of departures. This is ridiculous.
99. RSP wants to whittle away at the internationally accepted definition of "night". RSP must not be allowed to shrink the night to satisfy their greed.
100. RSP promised "no night flights" throughout the consultation, and now wants a huge Quota Count for night flights – more than Heathrow, *pro rata* by ATMs. This must be rejected.
101. RSP wants to allow QC4 aircraft at Manston at night. This is unacceptable.
102. RSP wants to cap mitigation at £10k, regardless of need. This is unacceptable.
103. RSP wants to cap relocation compensation at £25,000. This is miserly and unacceptable.
104. The NMP offers too little to too few, and offers nothing to too many.

Appendix 1 – Airspace Change Compensation Proposals

105. Question 1d Please tell us your views on the airspace change compensation proposals.

106. 2.39 *The government proposed four changes to aviation noise compensation policy, to improve fairness and transparency. The purpose was to incorporate airspace changes into the existing compensation policy so that compensation policy would be the same for all changes which affect noise impacts regardless of whether they are a result of infrastructure change or a tier 1 or 2 airspace change. The four proposed changes to current policy were:*

- *Change the policy wording to remove the word ‘development’ in terms of when financial assistance towards insulation is expected so that compensation is applicable regardless of the type of change (infrastructure or airspace change);*
- *Change the policy wording to allow for financial assistance towards insulation in the 63dB LAeq level or above to be applicable regardless of the level of change that causes a property to be in that noise contour level (i.e. remove requirement for a minimum 3dB change);*
- *Additional wording to encourage an airspace change promoter to consider compensation for significantly increased overflight as a result of the change, based on appropriate metrics which could be decided upon according to local circumstances and the economics of the change proposal; and*
- *Include a requirement of an offer of full insulation to be paid for by the airport for homes within the 69dB LAeq or more contour, where the home owners do not want to move.*

107. 2.40 *Question 1d received 374 comments and the majority of responses were supportive of the four changes proposed. They were broadly seen as fair, thorough and addressed noise impacts. Many also welcomed the cost being absorbed by the aviation industry.*

108. 2.41 *Most supported the proposed removal of the word development and removal of the requirement for a 3dB change and agreed these additional steps would ensure that those impacted by airspace changes were compensated. 15*

109. 2.42 *Some considered the proposals were inadequate and felt reducing noise should be the priority through quieter or fewer aircraft, rather than to allow noise and then mitigate the impact with compensation. Some were concerned that, due to the new expectation to consider compensation, airspace design could be limited and that rather than aiming to limit noise or carbon emissions, it could instead lead to increased routing over rural areas in order to minimise paying compensation.*

110. 2.43 *Many felt that the current metrics needed to be re-assessed and were concerned that average noise contours do not accurately reflect the situation. They also felt Performance Based Navigation (PBN) changed the dynamics of how noise is experienced with the increase in the number and concentration of aircraft overhead.*

111. 2.44 *Several thought noise changes impacted on property value. Some requested a policy on compliance with compensation that can be monitored and enforced, including a policy on fining those who have not met their obligations to compensate.*

112. 2.45 *The majority supported the proposal for financial assistance toward insulation regardless of whether a change in noise impact is attributable to an infrastructure development or an airspace change, but criticised building insulation or glazing as a means of compensation, both because windows and doors needed to be closed to receive the benefit and it doesn’t lessen noise impacts outside.*

113. **2.46** *Some felt that the noise thresholds for financial assistance and full insulation are set too high and that noise contours and consequent compensation eligibility could be expanded.*
114. **2.47** *The proposal to encourage airspace promoters to consider compensation for significantly increased overflights that occur as a result of the airspace change based upon appropriate metrics was supported in principle. However several respondents disagreed with the words 'encourage' and 'consider', and were concerned that airspace change sponsors will exploit the wording to lessen the amount of compensation payments. Others commented that 'overflight' as well as 'significantly increased' are not defined clearly enough and again that this could lead to the proposals not being complied with.*

		<p><i>of even quieter aircraft at night (below 81 EPNdB)."</i></p> <p>RSP has ignored this and continues to ignore this despite this having been pointed out a number of times by NNF. There simply is no case for RSP to be allowed to operate a QC rating system that does not reflect the Government's recognition that planes rated under QC0.25 can have adverse impacts on sleep quality and health.</p> <p>If a DCO is to be granted to RSP (and clearly, we think there is no case for doing so), and if RSP is to be allowed to operate a night flight regime (and clearly, we think there is no case for doing so), then this regime should reflect the Government's 2017 Impact Assessment and insist that there is an ATM cap for night flights and that <u>all</u> ATMs, including planes currently rated as exempt, count towards this cap.</p> <p>The proposed night flight regime should also reflect the Government's Impact Assessment and the CAA's rating system and include the new rating of QC0.125.</p>
NNF17.5	ExA 2WQ Ns 2.14	<p>In answer to the ExA's question, RSP says: <i>"Furthermore, the Applicant has committed to a noise contour area cap. This has been included into the latest Noise Mitigation Plan [APP-009]. Adherence to the Noise Mitigation Plan [APP-009] means that the noise effects of Manston Airport will not exceed those assessed in the ES."</i></p> <p>This is patently untrue. What is this <i>"noise contour area cap"</i>? Where is this <i>"noise contour area cap"</i> set out, described or drawn? How would RSP know if this <i>"noise contour area cap"</i> were ever to be breached given RSP plans to install just a few noise monitors, several kilometres away from the airport? What would happen if this <i>"noise contour area cap"</i> were breached – would RSP cease operation of the airport for the rest of the year?</p> <p>In truth, RSP has set out a cap on annual ATMs but, as far as NNF is aware, has set out no sanctions should that ATM cap be breached.</p> <p>RSP has also set out a QC cap for night operations but, as far as NNF is aware, has suggested no sanctions for the airport should that cap be breached. Moreover there are no sanctions for any number of "late" arrivals whether the QC budget is exceeded or not. There are therefore no disincentives to allowing or even encouraging a substantial number of "late" arrivals at night.</p> <p>RSP has said that, if any aircraft at the noise monitor 6.5km from start of take-off roll exceeds 90dB L_{Amax}, then the operator of that craft will be fined. However, the amount of the fine that RSP suggests is tiny and is hardly a disincentive. In addition, 90dB L_{Amax} at a point 6.5km away when a craft has already begun a climb suggests that there would have been extraordinarily high noise levels produced by this same aircraft at (say) the Nethercourt estate, which is under the flight path immediately after take-off and at a much lower height. This would appear to be the only noise event for which the developer would levy a fine, and it would pay no fine itself.</p> <p>We urge the ExA to reject this ploy by RSP. Like its mis-named <i>"night flight ban"</i> – which would allow flights through the night, many of which would not even count towards its QC budget – RSP's <i>"noise area contour cap"</i> is no such thing. There is no cap on the total noise that would be generated by RSP's operations and no sanctions that we can see that would prevent the total noise impact from being far, far higher than the (partial and unsatisfactory) noise impact the RSP has currently described.</p>

NNF19

Response from
No Night Flights
to ExA 4WQ

26th June 2019



Ns 4.10

Quota Count Night Time

The Applicant states in its Deadline 8 submission on page 6 states:

*“The Applicant has considered the night time quota count of 3028 that it is proposing in the light of night time flights now only consisting of late-arriving flights plus, emergency and humanitarian flights and departing flights between 0600 and 0700. It is unlikely that there would be more than five passenger flights departing during that hour, and unlikely that any aircraft with a quota count of greater than 1 would be used. The applicant is therefore willing to reduce the quota count to 2000 (365*5 being 1825), but this would be on the basis that late-arriving, emergency and humanitarian flights would be excluded from that total. If they are to be included as at present, then the Applicant would wish to keep the original figure of 3028.”*

Will the Applicant secure this commitment in the dDCO?

Response from No Night Flights

RSP’s approach suggests that it thinks it is in negotiation with the ExA.

The change to the proposed night flight regime suggested by the Applicant must be understood for what it is and what it would inflict on the local community. This proposal would allow RSP to operate an **unlimited number** of “late” arriving night flights. Within that, it would also allow RSP to operate an unlimited number of planes as noisy as QC4, all arriving “late” at night.¹

No social or economic case has been made to support this 11th hour throwaway offer. The harm caused to local people and the surrounding area would be significant if it were to be approved as part of a DCO. This new proposal from RSP must be rejected.

Please remember – the current fleet mix, the assorted proposed curfews and resultant bunching, and now this new loophole, have never been subject to public consultation.

The night flight regime being proposed by RSP is open to significant and regular abuse by the airport operator, and offers little comfort to residents. Local residents know this, because we have lived with a night flight regime just like this one when the airport was operational.

The previous operators of Manston Airport (including Mr Freudmann when he ran the airport for Wiggins/Planestation) were not permitted to have *scheduled* night flights. However, the previous operators welcomed “late” arrivals at any time of the night. A surprisingly high percentage of arrivals into Manston had the

¹ This is the current position, pending agreement on Ns.4.8

misfortune to be “late”. The system was being “gamed”.

In September 2010 Bickerdike Allen produced for Infratil a report to support Infratil’s bid for scheduled night flights to be permitted at Manston.² At paragraph 3.1 of that report, Bickerdike Allen said that:

“Night-time aircraft movements at Manston currently occur on an ad-hoc basis and involve aircraft of the type that are expected to fly in the future, for example the B747-400. The number of movements that take place currently vary from week to week and month to month but are typically around 2 per week at present.”

The ATMs using the B747-400 aircraft during this period were cargo ATMs. Two ad hoc night flights per week is around 104 “late” cargo arrivals a year. Over the three years 2008, 2009 and 2010, Manston had an average of 462 cargo ATMs p.a. This means that 22.5% of Manston’s cargo ATMs in that three year period were counted as “late” and permitted to land and/or take off during the night.

No Night Flights exists as a direct consequence of the previous night flight regime at Manston. We know what an ad hoc night flight regime means for our health and our quality of life. We are surprised and dismayed to see it rear its ugly head again – RSP’s proposal would allow an even greater level of harm than before, and this suggestion would increase the harm further still.

If the ExA accepts RSP’s suggestion that it be allowed to operate as many “late” arriving flights as it likes throughout the night, then local residents will be subjected to a level of night noise far beyond anything that RSP has claimed that it has modelled in its questionable noise contours in its ES. The ES did not model a limitless number of “late” flights arriving through the night. It should be remembered that, given the prevailing wind direction, 70% of those night arrivals in any one year would come in over Ramsgate.

If the ExA accepts RSP’s suggestion that it should be allowed to operate as many “late” arriving flights as it likes throughout the night, then it is **inevitably logically true** that the “likely worst case” cannot and will not have been assessed by the ExA as part of this DCO application. RSP has not modelled the noise impact of limitless night time arrivals in its ES. This therefore means that the “likely worst case” has not been weighed up by the ExA. This would make any decision to award a DCO open to legal challenge. There simply is no way of assessing the likely worst case in relation to night noise from aviation and from HGV traffic if RSP is given carte blanche to allow any number of “late” running aircraft to land, regardless of their QC rating,³ at any time of the night.

If the ExA accepts RSP’s suggestion that RSP be allowed to operate as many “late” arriving flights as it likes throughout the night, then the DCO will usher in a dedicated cargo airport that welcomes any flight at night as long as it was “scheduled” to arrive before 2300. The only limitation would be parking space for aircraft.

NNF has set out before⁴ the fact that a QC budget application of 1,995 QC points was assessed by TDC and concluded that the night flight regime that this

² Report previously submitted to the ExA

³ This is the current position, pending agreement on Ns.4.8

⁴ NNF’s 2018 consultation response; NNF06; NNF09; NNF17; NNF18

would introduce would cause more harm than good. RSP's proposed budget of 2,000 QC points and its application of that QC budget **only** to those flights between 0600 and 0700 is self-evidently a much more damaging proposition than the one that TDC considered and must be rejected, as it would cause **far** more harm than good.

NNF has set out before⁵ the fact that RSP's suggested QC budget is absurdly high compared to its suggested annual ATM cap. The comparisons that we made in previous submissions are still relevant now, even if the QC budget were to be reduced to 2,000 QC points:

"To demonstrate what might be inflicted on the local population, we have compared the night flight regime at a number of UK airports.

- In the year to March 2017, with a QC "spend" of 2,645 (87% of the budget that RSP wants),⁶ Luton had 7,450 night flights between 2330 and 0600 – **that's more than 20 flights a night on average**. Luton's QC budget is 3,500*
- In the year to 27 March 2016, with a QC "spend" of 5,741, Heathrow had 5,498 night flights between 2330 and 0600 – **that's more than 15 flights a night on average**. Heathrow's QC budget has been reduced to 5,150 from October 2018*
- In the summer of 2016, with a QC "spend" of 4,913 (1.6 x the budget that RSP wants)⁷ Gatwick had 11,303 night flights – **that's nearly 31 flights a night on average**.*

Put crudely, these airports handled between 1.04 ATMs and 2.8 ATMs per QC point spent.

[...] It would appear that RSP is hoping to have a significant proportion of its annual ATMs at night rather than during the day. It is difficult to gather the data to allow us to produce precise comparisons, but we offer the following reasonable approximations of the percentage of flights that are night flights at three of the airports mentioned above:

- At Heathrow, for 2017, 1.15% of its flights were night flights*
- At Gatwick, for 2017, 3.95% of its flights were night flights*
- At Luton, for 2017, 5.57% of its flights were night flights."*

RSP now proposes that it should be given an average of slightly less than 5.5 QC points a night, every night, to cover only those departures between 0600 and 0700. Bear in mind that, with a QC budget just 32% greater than the one that RSP is after, Luton managed more than 20 ATMs a night on average. RSP is

⁵ NNF09 para 132-133, and para 136. Submitted for D3

⁶ This is the proposed QC budget of 3028 QC points

⁷ Ditto

now asking for a free pass to add (to its possible 15 “QC counted” ATMs a night) as many late arrivals as it likes, of anything up to and including QC4.⁸

As usual, RSP offers no ATM cap for its new suggested night flight regime. An ATM cap typically goes hand in hand with a QC budget. There is no reason why a new airport at Manston should have more freedom than other airports that use the QC system for night operations. Using the numbers gleaned from Heathrow, Luton and Gatwick above of between 1.04 and 2.8 ATMs for every QC point spent, RSP could use its proposed QC budget of 2,000 QC points to have 5.7 to 15.3 night flights⁹ between 0600 and 0700 every night as well as an unlimited number of “late” arrivals.

Nothing even approaching this level of night flights has been modelled in the ES.

Nothing even approaching this level of night flights has been set out in a public consultation.

At the upper end of over 15 “QC counted” night flights on average every night between 0600 and 0700, RSP would be able to operate half its annual passenger ATMs in Year 20 at this time of night. This is clearly absurd. RSP has provided no business case at all for being allowed to have this freedom. This means that the ExA cannot possibly weigh up the balance of harm caused and any commercial gain made. This punishing night flight regime must not be approved.

RSP consistently makes public statements that it does not want night flights and that there will be no night flights. Contradicting itself, RSP continues to ask for a quite extraordinarily high QC budget given the relatively small size of its proposed operation. RSP also continues to wriggle and duck and avoid a night ATM cap. RSP wants its proposed QC budget to apply to only one hour out of eight hours every night. RSP is clearly intending to secure the freedom to have a significant part of its operations at night. This is unacceptable. The negative impact of this on local people and our economy and environment has not even been assessed by RSP, let alone justified by any argument that any gain (and none has been identified) would outweigh the considerable and inevitable pain.

We imagine that the Applicant would be delighted to “secure this in the dDCO” as it would give it enormous freedom to operate night flights. The ExA must reject it.

RSP’s approach to its plans for night time operations has been dishonest. Its spokespeople have consistently misled the public. RSP’s approach is to bodge together a unique and liberal approach to night flying such that a significant percentage of its annual ATMs could take place at night. On the airport’s past performance of 22.5% of its annual cargo ATMs arriving “late” at night, together with an unknown number of ATMs every night operating between 0600 and 0700, **it would be easy for RSP to operate 25 night flights a night on average.**¹⁰ Some of these would be 747-400s. The extent of the noise impact of

⁸ This is the current position, pending agreement on Ns.4.8

⁹ $2,000 \text{ QC points} \div 365 = 5.48 \text{ QC points a night}$. $5.48 \times 1.04 \text{ ATMs per QC point} = 5.7 \text{ ATMs a night}$. $5.48 \times 2.8 \text{ ATMs per QC point} = 15.3 \text{ ATMs a night}$.

¹⁰ $17,170 \text{ cargo ATMs in year 20} \times 22.5\% = 3,863 \text{ “late” cargo ATMs p.a.}$ or 10.6 cargo ATMs per night on average, to be added to a possible 15 ATMs using the Qc budget between 0600 and 0700

this on tens of thousands of people every night is clearly set out in the CAA noise contours submitted by NNF. RSP has never consulted the public about anything approaching this level of night noise.

RSP also continues to demand a free pass for any night ATMs rated QC0 and QC 0.125. The Government recognises that aircraft rated QC0 and QC 0.125 expose communities to noise levels that the WHO identifies as being capable of creating sleep disturbance. As part of the new night noise regime for the regulated airports,¹¹ the Government decided to *“introduce changes to the quota count system to ensure communities living around airports were protected from a potentially unlimited number of aircraft that would otherwise be exempt from the restrictions.”* RSP has ignored this. Its proposals would allow a limitless number of these flights to depart every night from 0600 as well as allowing them to land all night if they were “late”. RSP’s proposals fly in the face of recent Government decisions and must be rejected.

The WHO says that aircraft noise levels above 45dB Lden are *“associated with adverse health effects”*. CAP 1588, the CAA’s February 2018 findings on Aircraft Noise and Annoyance¹² says on page 7 that: *“the government decided to adopt the risk based approach proposed in their consultation, so that airspace decisions are made in line with the latest evidence and consistent with current guidance from the World Health Organisation.”* RSP has not based its night flight proposals on the latest evidence, and they are not consistent with current guidance from the World Health Organisation. RSP has never calculated Lden and it has not put before the ExA any Lden contours. RSP has not calculated what its new proposed night flight freedoms would mean for Lden, nor has it taken account of the clustering that it now admits will take place in ATMs during the evening. Given this, the ExA simply cannot assess how many people would be within the 45Lden contour. The ExA cannot recommend to the Secretary of State that RSP’s night flight proposals are in line with the 2018 WHO guidelines given this gap in RSP’s noise impact assessment.

The night noise contours produced for NNF by the CAA were modelled on far fewer ATMs than RSP is now angling for. Those contours show that tens of thousands of people would be adversely affected by night noise from aviation. An honest and accurate assessment of RSP’s current night flight proposals would demonstrate much bigger night noise contours than the ones produced for NNF by the CAA. This would show that many more people would be adversely affected by the noise from aviation operations at night.

RSP has not assessed what benefits, if any, might arise from its suggested night flight regime. The Government’s Impact Assessment for Night Flight Restrictions at the Designated Airports 2017-2022 [submitted previously] explicitly recognises the need to do this, mentioning the Hatton judgment on page 20 and saying: *“Firstly, previous legal judgments on the night flights regime have also ruled that night flights adversely affect the rights of people living near airports; and that the Government has an obligation to balance the rights of those persons with the economic interests of those operating and benefiting from those flights.”*

¹¹ Department for Transport - Night flight restrictions at Heathrow, Gatwick and Stansted. Decision document – July 2017

¹² Referred to by the ExA in 2WQ Ns 2.13

NNF19 – response from No Night Flights to ExA 4WQ

RSP has not given the ExA the information it needs to be able to undertake this balancing assessment.

RSP has often claimed during this DCO process that what dedicated air cargo operators into and out of the UK want is daytime airport capacity. That is the rationale for its proposal for a massively overdeveloped site with 19 cargo stands. Yet RSP's latest night flight wheeze would set the scene for it to operate a substantial night operation for cargo and passengers. RSP has put forward no business rationale for doing this. Indeed, it would be hard for RSP to do so as it claims that its "extensive" research with key industry players has identified a need for daytime capacity. RSP's substantial night flight proposal simply cannot be reconciled with its claim that this project is potentially an NSIP because it will provide the daytime dedicated cargo capacity that RSP says the UK air cargo sector desperately wants.

If the ExA is minded to award RSP a DCO at all, then we urge the ExA not to be taken in by this latest slippery suggestion by RSP over its QC proposals.

We urge the ExA to insist on an outright night flight ban – no arrivals, "late", scheduled, programmed, timetabled, chartered or otherwise.

No departures at any time of night and no stream of ATMs departing from 0600.

Nothing between 2300 and 0700 unless it is a *genuine* emergency.

No flights in, no flights out.

A clear, clean, unfudgeable ban on night flights.