



**Horsham
District
Council**



GATWICK AIRPORT NORTHERN RUNWAY PROJECT

PLANNING INSPECTORATE'S REFERENCE: TR020005

LEGAL PARTNERSHIP AUTHORITIES

ISSUE SPECIFIC HEARING 8

POST-HEARING SUBMISSION ON AGENDA ITEM 6: NOISE

DEADLINE 6: WEDNESDAY 26 JUNE 2024

Crawley Borough Council (GATW-AFP107)

Horsham District Council (20044739)

Mid Sussex District Council (20044737)

West Sussex County Council (20044715)

Reigate and Banstead Borough Council (20044474)

Surrey County Council (20044665)

East Sussex County Council (20044514)

Tandridge District Council (GATW-S57419)

ISSUE SPECIFIC HEARING 8 (“ISH8”)

AGENDA ITEM 6: NOISE

POST HEARING SUBMISSIONS INCLUDING WRITTEN SUMMARY OF THE LEGAL PARTNERSHIP AUTHORITIES’ ORAL CASE

Note: The Legal Partnership Authorities are comprised of the following host and neighbouring Authorities who are jointly represented by Michael Bedford KC and Sharpe Pritchard LLP for the purposes of the Examination:

- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council
- Reigate and Banstead Borough Council
- Surrey County Council
- East Sussex County Council; and
- Tandridge District Council.

In these submissions, the Legal Partnership Authorities may be referred to as the “*Legal Partnership Authorities*”, the “*Authorities*”, the “*Joint Local Authorities*” (“*JLAs*”) or the “*Councils*”. Please note that Mole Valley District Council are also part of the Legal Partnership Authorities for some parts of the Examination (namely, those aspects relating to legal agreements entered into between the Applicant and any of the Legal Partnership Authorities).

Purpose of this Submission

The purpose of these post-hearing submissions is to provide a written summary of the Legal Partnership Authorities’ positions on the agenda Item specified above. This includes both a summary of the Legal Partnership Authorities oral representations on this agenda item and, in some cases, further comments on the oral representations made by the Applicant at the hearing. Whilst the structure of these submissions follows the order of the agenda items, they do not include all of the Legal Partnership Authorities’ concerns in relation to each Agenda Item as not all of these positions were rehearsed orally at ISH8 due to the need to keep oral representations succinct. The Legal Partnership Authorities would also be happy to provide answers in writing to any specific further questions which the Examining Authority (“ExA”) may have.

Attendance: ISH8 was attended by Michael Bedford KC and Dr Lois Lane for the Legal Partnership Authorities, instructed by Emyr Thomas and Alastair Lewis of Sharpe Pritchard LLP. The hearing was attended by various other representatives from the Legal Partnership Authorities, some of whom made oral representations as identified in the post-hearing submissions below.

No.	ExA's question / Agenda Item	Summary of Oral Representations at ISH8 and Post-Hearing Submissions
6. NOISE		
6.1	<p>The ExA will ask the Applicant and other IPs about the use of noise envelopes to regulate aviation noise in the context of relevant policies and guidance. This would include reference to the Environmental Statement Appendix 14.9.7: The Noise Envelope [APP-177] and include:</p> <ul style="list-style-type: none"> • Stakeholder engagement in the development of the Applicant's proposal; • Proposed scope, values, parameters, times of day, times of year; • Roles and responsibilities and the use of leading or lagging indicators in their enforcement and review; and • Additional and alternative aviation noise control mechanisms. 	<p><u>Initial Response to Applicant's Revised Position on Noise Envelope</u></p> <p>Following the Applicant's summary of its revised position on the noise envelope and the appropriate fleet transition case to underpin the scale of the envelope, which the Authorities understand will result in the noise levels not being allowed to exceed the 2019 levels in the day or the night – the Authorities await further information from the Applicant at deadline 6 in order to provide a substantive response.</p> <p>The Authorities were surprised that there was no forewarning from the Applicant of their revised position prior to ISH8. From a practical perspective, the Authorities note that the timing of the Applicant's change in position means that the Authorities will not be able to respond to the revised position until deadline 7 on 15 July 2024.</p> <p>Louise Congdon, Managing Partner of York Aviation LLP, made the following further comments on behalf of the Authorities by way of initial response to the Applicant's revised position at ISH8:</p> <ul style="list-style-type: none"> • The Authorities very much welcome that the Applicant has accepted the view put forward by the Authorities at Deadline 5 on the extent to which their revised central case fleet mix was effectively an alternative slow transition case rather than a central case. • However, the Authorities would like to flag that there are still forecasting issues related to the setting of those noise envelope levels that go beyond simply the fleet mix. These issues manifest in two significant ways that need to be taken into account: <ul style="list-style-type: none"> ○ Firstly, there is the general point about the rate of build-up of demand on the north runway once it is opened. The Authorities believe this build-up will be considerably slower than the Applicant assumes, even if it could eventually reach the levels of throughput they assert. ○ Secondly, the discussion about winter versus summer peaks is pertinent. Further work on the baseline and the question of peak spreading indicates that the actual peak in summer may well be substantially higher than the Applicant has asserted. These factors must be considered when setting the appropriate noise envelope levels moving forward. • The Authorities have provided further information on its proposal for Environmentally Managed Growth in separate Deadline 6 submissions and these comments simply serve to flag these two additional factors that need to be accounted for in ensuring that the noise limits are appropriately set.

		<p>Post-hearing update on stakeholder engagement in the development of the Applicant’s proposal In addition to comments made by the Authorities at the hearing regarding their surprise at the lack of advance notice from the Applicant regarding changes to the noise envelope, the Authorities wish to reiterate previously expressed concerns regarding the manner in which the noise envelope was developed. This has been documented within the comments on the Adequacy of Consultation including AoC-003 (Crawley Borough Council), AOC-020 for various authorities and in particular detail AoC-013 for Mole Valley District Council and in the Authorities’ response to EXQ1 in REP 3-135 at p.78.</p> <p>The unanimous view of the authorities was that the procedure did not follow best practice, in that a model was presented by the Applicant which practically changed very little and did not engage stakeholders. The late changes to the noise envelope during the Examination process and continuing dispute as to the appropriate regulator reflect the shortcomings in the consultation process.</p> <p>Proposed Scope, Values, Parameters, Times of Day, Times of Year</p> <p>The impact of night noise has been an ongoing concern for the Authorities throughout the Examination. As the ExA will recall, the Authorities discussed the issue of night noise at ISH5 and clarified that the DfT night flight regime controlled noise only during a 6.5 hour period and not the full 8 hour night period over which health effects occur. The authorities confirmed that it was in the ‘shoulder’ periods (the uncontrolled period of the core night) where the Applicant was seeking to increase flights and this was of significant concern.</p> <p>The Authorities also raised the issue of the increases in additional aviation noise induced awakenings. These are not currently included even as secondary metrics within the noise envelope. The Authorities contend that noise induced awakenings ought to be a primary metric.</p> <p>In addition to its submissions in ISH-08, the Authorities would draw the attention of the ExA to the fact that the science supports a SOAEL value of one additional noise induced awakening per night (including CAP 2251 and research by Basner et al), as highlighted by the Authorities in REP5-094 at para 8.17, p. 10. This is the threshold above which significant health effects are likely to occur.</p> <p>For more information on this subject matter the Authorities hope the ExA find Deadline 5 Submission - The requirement for an Environmentally Managed Growth Framework [REP5-093] - informative and would be pleased to respond to any questions on the significance of this metric at EXQ2.</p> <p>Roles and responsibilities and the use of leading or lagging indicators in their enforcement and review The Applicant’s comments regarding the use of leading or lagging indicators in enforcement under this agenda item pertain to the requirement for an Environmentally Managed Growth Framework, as previously submitted by the Authorities at Deadline 5. The core distinction between the positions of the parties is as follows: the Applicant proposes that additional capacity should not be declared if an anticipated breach occurs or is forecast to occur, whereas the Authorities are promoting a preventative approach, consistent with</p>
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<p>6.2</p>	<p>The ExA will ask the Applicant and other IPs about the use of the proposed noise insulation scheme as a form of receptor-based mitigation. This would include reference to the Environmental Statement Appendix 14.9.10: Noise Insulation Scheme [REP4-017] and include:</p> <ul style="list-style-type: none"> • How the mitigation is secured, initiated, designed, implemented and maintained; 	<p><u>Topic Working Group Proposals</u></p> <p>The Authorities cautiously welcome the proposed topic working group and would be happy to engage in principle. However, they highlight concerns that previous working group meetings have not resulted in any of the concerns raised by stakeholders being meaningfully addressed. Therefore, the Authorities also consider that the ExA would benefit from a written response from the Applicant to the points raised in the Authorities’ submission, REP5-094, at Section 3.</p> <p>The Authorities will not go through the full, detailed list of their concerns here, as they are comprehensively set out in that section. However, the Authorities will highlight a few key points:</p>

	<ul style="list-style-type: none"> • Efficacy of the mitigation in terms of the avoidance of likely significant effects; and • Extension to non-residential receptors. 	<ul style="list-style-type: none"> • The Authorities believe there that there is merit in using single-mode contours to determine the extent of the qualifying contours. • The Authorities suggest determining the extent of qualification of the insulation scheme based on pragmatic community boundaries rather than somewhat abstract polygons on a map. This will avoid situations where parts of a community might not qualify despite experiencing very similar effects. • It is imperative to protect health that the noise insulation scheme includes the area within the one additional awakening contour as the inner zone. • The inner zone must commence at 60dB LAeq 16hr (day) and not 63 dB. This approach aligns with the recommendations in Aviation 2050 (paragraph 3.122), where the government is signalling that 60dB merits noise insulation schemes. • The night metrics need to taper beyond the inner zone to mitigate the total adverse effects <p>The reliance on the day outer zone to provide mitigation for night time effects appears to have been suggested at ISH8 and this is inappropriate as the mitigation for such effects is different. Therefore, the insulation offer needs to be improved for the night.</p> <p>These are the Authorities' primary concerns at a high level, and they hope to see some movement on these points in the current scheme.</p> <p>There was a discussion regarding what appears to be a satisfaction survey with the existing scheme. We look forward to receiving a copy of this at D6. The Authorities wish to emphasise to the ExA of the need for the Applicant to undertake detailed assessment of the appropriateness and long-term effectiveness of the future scheme on an ongoing basis. The information derived is to provide detailed feedback and result in adjustment of the scheme to continually improve it.</p>
6.3	<p>The ExA would like to hear from the Applicant and other Interested Parties about noise effect thresholds following submissions made since ISH5.</p>	<p>This question was not addressed during ISH-08, but the Authorities provide brief comments in writing as requested by the ExA.</p> <p>Since ISH5 the Authorities have submitted their local impact reports that set out their position in relation to appropriate metrics and effect thresholds to identify when areas may be considered to be within LOAEL and SOAEL ranges West Sussex Joint LIR [REP1-068] Appendices [REP1-069] and the Surrey joint LIR [REP1-097].</p> <p>The Authorities continue to believe that appropriate primary metrics include averaged equivalent sound level metrics during the day and night and event based metrics, including one additional awakening.</p> <p>The Authorities considers that maximum protection for noise insulation should be afforded at:</p> <ul style="list-style-type: none"> • 60 dB LAeq 16 hour (day) • 55 dB LAeq 8 hour(night) (although within the LIRs, two authorities advocated 48 LAeq 8 hour (night) based on the exposure response function in the SoNA Further analysis and the work of Smith et al 2022. A third authority found the proposition attractive but did not pursue it) • One additional noise induced awakening

		<p>Other metrics that can be taken into consideration and would more accurately reflect those locations that are not regularly overflowed and would not be within the LAeq contours include a daytime event based N65 (N above) metric.</p> <p>The Authorities have set out their concerns over the limitations of the SoNA work and await the outcome of the further studies with interest.</p>
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