



LONDON
GATWICK



Gatwick Airport Northern Runway Project

The Applicant's Written Summary of Oral Submissions
ISH 8: Noise

Book 10

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Contents

1	Introduction	3
2	Agenda Item 6: Noise	3
	ANNEX A: Independent Noise Opinion Research Survey Report	24

1 Introduction

- 1.1.1 This document contains Gatwick Airport Limited's (the "**Applicant**") summary of its oral evidence and post hearing comments on its submissions made regarding Agenda Item 6: Noise at Issue Specific Hearing 8 ("**ISH 8**") held on 19 June 2024. Where the comment is a post-hearing comment, this is indicated. The Applicant has separately submitted at Deadline 6 (Doc Ref. 10.50.4) its response to the Examining Authority's ("**ExA**") action points arising from ISH 8 on Agenda Item 6: Noise, which were published on 20 June 2024 [[EV17-018](#)].
- 1.1.2 This document uses the headings for each item in the agenda published for ISH 8 by the ExA on 11 June 2024 [[EV17-001](#)].
- 1.1.3 The Applicant, which is promoting the Gatwick Airport Northern Runway Project (the "**Project**") was represented at ISH 8 by Scott Lyness KC, who introduced the following persons to the ExA:
- Martyn Jarvis, Senior Associate, Herbert Smith Freehills LLP;
 - John Rhodes, Senior Director, Quod;
 - Steve Mitchell, Director, Mitchell Environmental Ltd;
 - Andy Sinclair, Head of Noise and Airspace Strategy, Gatwick Airport Limited; and
 - Stephanie Wear, Vice President of Aviation Development, Gatwick Airport Limited.

2 Agenda Item 6: Noise

- 2.1. **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:**
- **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.**

- 2.1.1 The ExA noted the scale of representations on the noise envelope and referred to the Airports National Policy Statement at paragraph 5.60 and to CAP 1129: *Noise envelopes*. The ExA noted that the Applicant has submitted its Updated Central Case Aircraft Fleet Report [REP4-004] and asked whether this affected the noise envelope proposals.
- 2.1.2 The Applicant explained that the **Updated Central Case Aircraft Fleet Report [REP4-004]** sets out the Updated Central Case for fleet transition, building on the original Central Case that was prepared with regard to uncertainties due to the COVID-19 pandemic. The Applicant explained that the noise envelope was based on the 'Slow Fleet Transition' to provide certainty for airlines and the local community. The **Updated Central Case Aircraft Fleet Report [REP4-004]** explains that the airport commissioned further assessment work in the summer of 2023 to consider the post-COVID situation and provide an update on how the transition would progress in the coming years. Updated noise contours were available at the end of last year and there was further analysis early this year. This all fed into the Updated Central Case. The Applicant has reflected on the need to incentivise airlines to share a greater proportion of the benefit of transition in the fleet. Having regard to the updated information, the Applicant is prepared to strengthen its proposals for the noise envelope so that it is not based on the Slow Fleet Transition but is based on the Updated Central Case.
- 2.1.3 The ExA asked if the updated proposals have been submitted into the examination.
- 2.1.4 The Applicant explained that they have not as the Applicant had reflected on representations made and considered the point in preparation for the hearing. The Applicant noted that the ExA has the **Updated Central Case Aircraft Fleet Report [REP4-004]** which contains all of the relevant information on the updated assessment on which the changes to the noise envelope are based and that the implications for the noise envelope will be updated in due course.
- 2.1.5 The ExA noted that this update may affect the ExA's questions and how the hearing progresses.
- 2.1.6 The Applicant noted that it needs to set out in writing how the noise envelope will change but that the agenda items for this part of ISH 8 would be unaffected by the noise envelope changing and can be discussed regardless of changes to the contour areas in the envelope itself. The Applicant considered it better to flag at the hearing the change to be offered to the examination, with this to be explained in further detail at Deadline 6.

- 2.1.1 **[Post-Hearing Note:** the Applicant has submitted a revised version of **ES Appendix 14.9.7: The Noise Envelope** (Doc Ref. 5.3 v3) at Deadline 6 and has provided further information in its responses to the ExA's action points arising from ISH 8 on noise (Doc Ref. 10.50.4), in response to **Action Point 13.]**
- 2.1.2 The ExA noted that some of the questions from the ExA and Interested Parties may be based on the original proposals for the noise envelope. The ExA flagged that it is important that the Applicant's position is policy-compliant.
- 2.1.3 The Applicant agreed and noted that, although the proposal needs to be explained, the Applicant hopes that the strengthening of the offer on the noise envelope is taken in the spirit intended – which is to reflect and respond to representations. The Applicant explained that the only change to the noise envelope is that the noise limits from opening until 9 years afterwards for Leq 16 hr daytime and Leq 8 hr night will be revised downwards to reflect the figures in the **Updated Central Case Aircraft Fleet Report** [\[REP4-004\]](#). So too will the limits for the second phase thereafter. The Applicant explained that for the first noise envelope period, the Leq 16hr is currently 146.7 km² in the noise envelope and that this will be reduced to 135.5 km². The Applicant noted that the 2019 daytime baseline figure is 136.0 km² and that, therefore, the first noise envelope period imposes a limit that is less than the 2019 daytime baseline. The Applicant explained that this was always the case for the night time noise envelope limits, which have always been lower than the 2019 baseline, and that these will be lower still following the update. The Applicant noted that it needs to revisit its analysis of sharing the benefits in **ES Appendix 14.9.9 Report on Engagement on the Noise Envelope** [\[AS-023\]](#) and that it will be able to show that the sharing of the benefit will be larger where the contours for the Updated Central Case are used in the noise envelope. The new figures mean that, with the limits in place and the repositioned northern runway in operation, the airport overall will not be noisier than it was in 2019 in the day or the night.
- 2.1.4 The ExA invited the views of other parties.
- 2.1.5 The Applicant confirmed that the Applicant is intending to submit further information on the noise envelope at Deadline 6, and that it considered it right that it should make its position clear today, rather than take the matter away, so as to allow sufficient time to give all parties an opportunity to comment. In response to comments from Interested Parties critical of the timing and extent of the change, the Applicant noted its disappointment at the way its offer was being characterised given that it is proposing a strengthening of an existing commitment by changing the contour areas in response to representations. The Applicant rejected any suggestion that it is abandoning what it has done before.

- 2.1.6 The Applicant explained that this is a significant move which it has been reflecting upon in an attempt to resolve concerns with the existing envelope and it was disappointing that a movement towards a stricter envelope as had been sought by various parties was not being received in a positive light.
- 2.1.7 The Applicant confirmed that it is not advancing a noise envelope on the basis of the original Central Case but is basing it on the Updated Central Case. Insofar as the JLAs are pushing for the use of the original Central Case, the Applicant does not accept that. Regarding process, the Applicant noted that there was no issue as all other information is still available and relevant. The full detail will be available at Deadline 6. The Applicant reiterated that this is a positive evolution of an existing proposal and rejected any suggestion that this will cause major issues for those participating in the examination given that the proposal recognises the concerns raised by others and responds to what they have been seeking.
- 2.1.8 The ExA noted that [Agenda Item 6.1](#) relates to stakeholder engagement and that the thread through responses is that people did not feel they had been listened to, and that the timing of the Applicant's announcement regarding the updated noise envelope is not as helpful as it could have been.
- 2.1.9 The Applicant explained that the **Updated Central Case Aircraft Fleet Report** [[REP4-004](#)] was submitted at Deadline 4 following a process the Applicant has gone through to update the Environmental Statement. Since then, the Applicant has, in line with the purpose of the examination process, reflected on representations made at Deadline 5 and information adduced during the examination. The Applicant noted that it is not unusual for offers of mitigation to change during examinations in recognition of discussions during the course of an examination and the evolution of the position in response to this and that there is no procedural issue. The Applicant anticipated that the JLAs and others would have suggested the envelope needed to be tightened at the hearing and therefore brought forward an announcement of just that outcome in a way the Applicant hoped would be helpful. The Applicant could have chosen to listen to concerns expressed about the noise envelope at the hearing and responded at a later stage, but chose to indicate that it was prepared to address concerns that had been raised at an earlier stage, in order to assist an examination process that is supposed to allow issues to be narrowed in this way.
- 2.1.10 The Applicant noted that making the change does not suggest a deficit in its proposals to date, but reflects that the Applicant has been developing the noise envelope for a number of years in consultation with the local community and that, in recognition of third party representations, has brought forward this evolution to meet the concerns raised. The Applicant noted that what is now proposed does

not constitute a lot of new information and there should be no issue for Interested Parties to consider it.

- 2.1.11 The ExA asked the Applicant how much quieter the fleet will become overall in 2029 vs 2019 in decibel terms.
- 2.1.12 The Applicant explained that it did not have that specific information to hand but that the relevant point for discussion on the noise envelope is that the change to the central case reduces the contour areas by c. 8% in the day and that the noise envelope limits will be less than 1dB less than already proposed. The Applicant noted that any discussion regarding how the noise envelope will be managed, reviewed etc. throughout the years doesn't change.
- 2.1.13 The Applicant added that the **Updated Central Case Aircraft Fleet Report [REP4-004]** includes the 2019 contour of 136.0 km². In 2029 that reduces to 132.6 km². The Applicant confirmed that it would provide a further response to the ExA's question in writing.
- 2.1.14 **[Post-Hearing Note:** the Applicant has responded to this query in its separate responses to the ExA's action points arising from ISH 8 on noise (Doc Ref. 10.50.4), in response to **Action Point 14.**]
- 2.1.15 CAGNE asked what new information is expected at Deadline 6.
- 2.1.16 The Applicant explained that it will be providing the new noise contour area limits and answering the ExA's question regarding fleet noise reduction between 2019 and 2029. No other mechanics of the noise envelope will be adjusted.
- 2.1.17 The ExA asked whether noise limits should apply off-peak.
- 2.1.18 The Applicant explained that the noise contours and noise impact assessment methodology relate to the 92-day summer season (16 June to 15 September) for good reason because UK airports tend to be busier in that period and Gatwick, in particular, is a summer peak airport. The Applicant explained that there is no prospect that the winter season could become noisier than summer and noted that evidence from both the Applicant and the JLAs suggest that summer will remain peaky and could become even more peaky. As there is no prospect that winter could become noisier or as noisy as summer, the Applicant is content that limiting noise in the summer period means the airport is capped in terms of its overall noise impact.
- 2.1.19 The ExA asked why, if the Applicant is so sure about the off-peak, it can't accept a limit on that season.

- 2.1.20 The Applicant reiterated that the 92-day period is used because it is the noisiest period of the year and that the Applicant is following the historic approach prescribed in policy, including the Department for Transport's definition of the lowest-observed-adverse-effect-level (LOAEL), and the approach that other airports adopt in so doing.
- 2.1.21 The ExA asked whether, in the original proposal and the revised proposal, given policy concerns and recurring concerns regarding night noise in particular, there is a differential between the approach taken to controlling noise at night and in the day. The ExA asked whether the Applicant is maximising the reduction at night compared with the day.
- 2.1.22 The Applicant explained that Gatwick Airport is a designated airport with night restrictions in place which will continue and that growth in night flights is therefore restricted. Growth in the 8-hour night in the summer season is forecast to be 10% in the worst-case year compared to growth in the day, where the airport is not subject to the same restrictions, which is 19%. Because of the designation, the airport can't grow in the core period of 23:30 to 06:00 hours so the night is capped to this extent. This is different to other airports and thus the necessary controls will be different. The level of growth in the night at Luton, which is not restricted, is about 40% - dramatically more than the increase Gatwick can contemplate. Therefore, the night is naturally more constrained and that is reflected in the noise envelope the Applicant is proposing.
- 2.1.23 The ExA queried whether the existing statutory night flight limits will continue by virtue of Gatwick's designation; whether the noise envelope contains a night limit and, if so, whether both apply all the time or at different times.
- 2.1.24 The Applicant explained that the statutory night flight regime, in relation to quotas and movement limits, relates to the 6.5-hour night whereas the noise envelope covers the 8-hour night and that both restrictions will operate in parallel.
- 2.1.25 **[Post-Hearing Note:** the Applicant also notes that the statutory night flying restrictions provide for controls on the aircraft types which may be scheduled within the 8-hr night period of 23:00-07:00.]
- 2.1.26 The ExA invited comments from Interested Parties.
- 2.1.27 The JLAs (Lois Lane) reiterated that they remain concerned about night noise, including additional awakenings and shoulder periods. The JLAs stressed that additional awakenings are a crucial factor and should be a primary metric.
- 2.1.28 GACC (Charles Lloyd) expressed concern that Gatwick will not implement controls in the winter period and asserted that this is not policy-compliant. GACC

stated that the ANPS requires a ban on scheduled night flights and that such controls are required beyond the current night flight regime, which cannot be assumed to continue in its current form.

- 2.1.29 Nicky Forsyth-Richards expressed concern that Gatwick Airport does not work within its current policy on night flights and that night flights are often heard beyond 11pm; and suggested that flights be stopped from landing at 11pm except for the off case where this is necessary.
- 2.1.30 Plane Wrong (Ed Winter) expressed a concern that the noise envelope does not reflect that 40% or more of departures are squeezed into the gap of airspace between Gatwick and Heathrow and aircraft are restricted on height because of Heathrow aircraft. Instead of aircraft leaving the noise envelope and rapidly climbing, most aircraft fly over populated areas to the north, making a lot of noise. Plane Wrong asserted that this shows that the noise envelope as designed doesn't work.
- 2.1.31 The Applicant responded regarding night flight restrictions that Gatwick Airport is designated under the Civil Aviation Act 1982 as an airport of strategic importance and that its noise is thereby regulated. That regime remains in place and one is entitled to assume that it will continue to operate. Gatwick Airport is operated in accordance with those noise restrictions and the operative assumption is that it is right for the Government to manage that regulation. The Government consults on the night restrictions regularly. The present Department for Transport consultation on the night-time regime does not propose to change the regime as it applies to Gatwick and there is nothing to suggest that the powers, where available under the 1982 Act, will not continue to be exercised where appropriate. In operating the regime, the Government has said it does not see the need to change the regime as it applies to Gatwick. The Applicant's position is that the regime can be assumed to operate effectively. The Government sets the objectives for night-time controls and has to strike the right balance. The examination should assume that the regime continues to operate, as it does independently of the DCO. The Applicant stated that it does not consider it necessary to replicate these controls in the DCO.
- 2.1.32 The Applicant confirmed that it has listened to the experiences of individuals regarding noise at the airport. The Applicant explained that with regards the comments just made the distribution of flights will not change as a result of the project, but there will be more flights. Routing over the areas mentioned will not change due to the project.
- 2.1.33 In respect of other metrics, the Applicant addressed the JLAs' representations that additional awakenings should be included in the noise envelope and

reported as a significant effect. The Applicant explained that CAP 2251: *Aircraft Noise and Sleep Disturbance, Further Analysis* included research on which metric is best to judge sleep disturbance in terms of reported sleep disturbance and awakenings. The conclusion in Chapter 6 (paragraph 6.6) was that Leq 8-hour correlates to airplane-induced awakenings and self-reported sleep disturbance results and that concerns that averaging the night-time noise exposure does not reflect the impact of individual aircraft noise events may be unfounded. The CAA's conclusion is that Leq 8-hour is a good metric. The Applicant explained further that if there were only a few night flights, Leq may not be an appropriate metric. But as there are over 120 in the baseline 8-hour period, Leq 8-hour is appropriate. The Applicant noted the JLAs' suggestion that, if it were to plot the one awakening contour, that may extend beyond the night-time 45dB Leq LOAEL contour. The Applicant referred to CAP 2251 which says that the awakenings contour can be larger than the Leq contour but noted specifically Figure 2 which shows the CAA modelling of the one awakening contour at Gatwick and that this is at the 48dB Leq 8-hour contour. The Applicant reiterated that its contour is set at 45dB. Hence, if a one awakening contour was plotted it would be within the Applicant's 45dB contour used in the noise envelope.

- 2.1.34 The Applicant added further information regarding policy, regarding whether the noise envelope should have winter limits and whether Leq is the right metric. The Applicant noted that the Stansted, Bristol and Luton airport noise envelopes are based on the summer period and the Leq metric. Based on CAP 1129, the envelope should generate confidence and should not be too complex – its purpose is principally achieved by one metric. The noise envelope should not be so tight that it risks taking away the benefit of the consent granted.
- 2.1.35 The Applicant referred to the suggestion that national noise policy requires it to continually reduce noise. That is the purpose of the noise envelope, which will ensure that Gatwick is quieter than 2019, and that there is a commitment to step down (i.e. reduce) the noise contour as the airport approaches 9 years of use with the repositioned Northern Runway. Thereafter a review mechanism is provided to allow further step-downs where practical. The Applicant emphasised, however, that APF policy is to limit and "*where possible*" reduce noise and that the 2023 Overarching Aviation Noise policy statement was produced to clarify Government policy in this respect. It makes clear that an overall reduction in total adverse effects is desirable but, in the context of sustainable growth, an increase may be offset by an increase in economic and consumer benefits. The Applicant reiterated that it is not its intention to increase impacts, and that is not what the noise envelope does, but that it is important to understand the correct policy position.

- 2.1.36 The ExA invited comments from Interested Parties.
- 2.1.37 The JLAs welcomed the Applicant setting new limits at Deadline 6 but flagged that there are still forecasting issues regarding the setting of noise envelope limits that go beyond fleet mix. The JLAs raised two concerns regarding (i) the rate of build up of demand on the northern runway (that it would be slower than assumed) and (ii) the issue of winter v summer (that peakiness may be higher in summer than the Applicant has asserted).
- 2.1.38 Rusper Parish Council raised a concern over night flights and very early morning flights.
- 2.1.39 Mole Valley District Council raised a concern regarding the quality of stakeholder engagement and the timing of the announcement of changes to the noise envelope.
- 2.1.40 GACC raised a concern that the airport has followed a non-compliant consultation process and has refused to provide data and analysis to GACC.
- 2.1.41 The Applicant responded that that it does not accept the points on forecasting raised by York Aviation but will deal with the information submitted at Deadline 6 in writing. The Applicant flagged that the comments on night time flight disturbance related to the existing airport and were not therefore relevant to the project and its additional noise mitigation. The Applicant noted that the consultation on the night flight regime is ongoing and is with the Secretary of State under a separate legislative regime and there is no reason to suggest that will not operate independently as a separate control. Regarding consultation, the Applicant explained that it does not accept the implication that it has been sitting on information – it updated the Central Case, submitted that at Deadline 4 and has then gone through a decision-making process regarding the noise envelope. The Applicant reiterated that it is not fair for others to suggest that this is a failure of a consultation process that has taken place over a number of years and that the reference to a consultation process with c. 6,000 comments supports the robustness of the process, not the opposite.
- 2.1.42 The Applicant explained that engagement began with the consultation process that generated 5,941 comments in relation to noise, 1,000 of which dealt specifically with the noise envelope. The noise envelope has evolved over the period of the engagement process, through the establishment of a Noise Envelope Group which was based on the membership of Gatwick's community-focussed Noise Management Board. The Applicant took the themes identified in that engagement process as well as topics recognised in CAP 1129 and used those to create the framework through which the Noise Envelope Group worked.

The Applicant emphasised that undue weight should not be placed on CAP 1129, the status of which has been emphasised by the DfT and CAA as a research study rather than policy or guidance. The Applicant explained that, nonetheless, it went beyond the process specified in that document. CAP 1129 does not specifically call for involvement of community noise action groups, but these were involved by the Applicant, which considered that using the Noise Management Board and its community representatives was the most effective approach. That meant that the Applicant held 12 two-hour meetings and also engaged in parallel nine times with the local authorities outside of that process. The Applicant emphasised that engagement was therefore extensive. The Applicant explained that they welcomed the involvement of the community noise action groups in the noise envelope development process but framing the Noise Envelope Group process on the basis of the feedback received through the public consultation was important because the noise action groups are not well-known in the local community. A recent independent survey conducted locally as part of a review of Gatwick's Noise Management Board interviewed just over 2,000 people and found that only c. 1% of those interviewed were able to identify a Gatwick community noise action group. So in framing the consultation process in this way the Applicant provided a solid foundation on which to take forward the process. The Applicant also emphasised the comparison between the initial outline of the noise envelope shared as part of that public consultation in 2021 and where it is today, and the evolution that continues to take place. This shows that the Applicant has listened to stakeholders and has developed the noise envelope throughout the process.

- 2.1.43 **[Post-Hearing Note:** The Applicant has included at Appendix A to this document the independent noise opinion research survey report produced by SRU on the basis of a survey of local residents conducted in April and May 2024 to inform the development of the next phase of the London Gatwick Noise Management Board.]
- 2.1.44 The Applicant added in relation to the timing of the submission of the updated noise envelope that the **Updated Central Case Aircraft Fleet Report** [\[REP4-004\]](#) was submitted at Deadline 4 and responded to at Deadline 5, i.e. 6 June. The Applicant reviewed those submissions and held a board meeting on Friday 14 June to consider that emerging information and to discuss a voluntary tightening of the noise envelope. Emerging from the uncertainty of COVID-19 has created more confidence in the rate of airlines' fleet transition but Gatwick has operated successfully for many years without a noise envelope and accepting and then agreeing to a tighter noise envelope now is a very significant step for the business to take. The decision was taken as promptly as it could

have been and was taken as part of this process and demonstrates that the Applicant is listening.

- 2.1.45 The ExA asked how long would it take for any exceedance of the proposed envelope to be discovered by the Applicant once in effect.
- 2.1.46 The Applicant explained that the proposal involves future forecasting on a five-year basis and that the Applicant would identify a potential breach well in advance of that occurring and take steps to correct it before it occurs. The Applicant noted that there is monitoring of actual noise levels, but that, critically, the monitoring of actual noise levels will be used to benchmark the forecasting and that the process involves forecasting forward for five years, which should ensure that any risk to the envelope is apparent in good time to enable remedial action to prevent any breach.
- 2.1.47 The ExA asked the Applicant to expand upon the element of preventative analysis.
- 2.1.48 The Applicant explained that, within the Annual Monitoring and Forecasting Report, submitted every year, the Applicant is required to submit future forecasts for the next five years with anticipated noise levels. If within that forecasting there is any breach predicted, there is then a restriction that the Applicant cannot release capacity until it has identified the measures to prevent the forecast breach. The noise envelope is forward-looking in the way it works.
- 2.1.49 The ExA asked whether the Applicant is saying that a breach would never happen.
- 2.1.50 The Applicant confirmed that a breach is unlikely to happen because it would have been detected in advance.
- 2.1.51 The ExA asked whether that position is different to what is in the submitted materials.
- 2.1.52 The Applicant confirmed that it is not.
- 2.1.53 The ExA invited comments from Interested Parties.
- 2.1.54 The JLAs noted their proposed environmentally managed growth (EMG) framework and that this would constrain growth if environmental standards were not being met rather than constraining release of capacity if breaches were anticipated. The JLAs noted that both options have a degree of prediction but that the JLAs have requested a system of thresholds and limits and where thresholds are exceeded on the way to limits, growth should not be allowed

within permitted capacity. The JLAs raised a concern that the Applicant's proposal could lead to a lag in addressing exceedances.

- 2.1.55 The JLAs also raised a concern regarding the Applicant's ability to stop declaring capacity if a breach is forecast given the timing for declaring capacity and declaring slots and stated that this is why thresholds near to limits are required that prevent the declaring of further capacity.
- 2.1.56 CAGNE flagged a concern with there not being a plan should a breach occur.
- 2.1.57 The Applicant responded that, regarding threshold levels, the difference between EMG and the Applicant's proposals is that EMG is backwards looking (what has happened and how close it was to limits) and this makes it necessary to have thresholds to ensure you don't meet the limits. What the Applicant proposes is five-year forecasts which identify how close to the noise contour limits the airport will be within those five years. The Applicant noted that it would have to submit details of any actions that are necessary to remain in compliance. The Applicant confirmed, regarding the assertion that there is no plan if there is a breach, that there is a section (7.2) in **ES Appendix 14.9.7: The Noise Envelope** (Doc Ref. 5.3 v3) regarding actions which are required if there is a forecast breach to bring the airport back into compliance.
- 2.1.58 The Applicant noted that the declaration process is an extensive process undertaken years before the declaration is made. The declaration process is based on a business plan undertaken five years out. That process is based on relationships and discussions with the airlines as well as the historic performance of the airlines. The Applicant knows what airlines are likely to do and what airlines are likely to come into Gatwick. The Applicant is able to accurately understand how much noise will occur within a season and the expected demand for the next season. Combining those factors, the Applicant would know whether it can or cannot release capacity based on the performance within a season. The Applicant has the full right to not release capacity if it is concerned about potential breaches.
- 2.1.59 The Applicant added in relation to the assertion that there would be a lag to mitigation being in place because capacity is already released by the time a breach is detected, that this could be the case if there was not a forward-looking forecast being undertaken. But as there is, and the period of this is five years, it is unlikely that the Applicant would forecast a breach occurring in years 1 or 2 which would not have also been forecast previously in years 4 or 5, and so the Applicant is always going to be restricting capacity releases before the breach arises. That is why the Applicant has agreed that, if there is a forecast breach in any of the five years which the forecast is in respect of, Gatwick cannot release

capacity in the next season until actions have been identified to prevent that predicted breach occurring.

- 2.1.60 CAGNE referred to **ES Appendix 14.9.7: The Noise Envelope** [REP5-030] and its reference that a plan will be put in place, but noted that there is no detail to this plan.
- 2.1.61 The ExA queried whether the process outlined by the Applicant would be independently verified and scrutinised.
- 2.1.62 The Applicant confirmed that it would be independently scrutinised and verified by the CAA. The Applicant further confirmed that paragraph 7.2 of **ES Appendix 14.9.7: The Noise Envelope** (Doc Ref. 5.3 v3) sets out what a compliance plan needs to include, noting that the contents of a particular plan would be tailored to the issue in question and cannot be fully prescribed now but would need to satisfy the CAA that the plan would be sufficient to rectify any forecast breach. The Applicant explained that the way the JLAs have advanced EMG is not forward-looking but backward-looking and that the Applicant considers a forward-looking approach to be preferable - looking five years into the future rather than one year previous to determine the position for the next year. The Applicant also noted that when undertaking a future five year forecast to determine how the airport is expected to perform against the limits it is likely a quota count budget will be created, as one of the tools to forecast noise performance in the future five years, but that this is not the only measure and having the contour limit is the adequate metric to ensure noise emissions from the airport so as not to exceed the required level.
- 2.1.63 The JLAs asserted that their budget approach is forward-looking and raised concerns that at Luton there was a history of breaches and the JLAs want to apply those learnings here. The JLAs also raised concerns regarding monitoring and the CAA and stated that they are not happy that they do not have a monitoring role. The JLAs referred to the exchange of submissions between the Applicant and the JLAs regarding the interpretation of EU Regulation 598/2014 and its domestic implementing regulations and that these require the JLAs to be the competent authority for aviation noise monitoring purposes.
- 2.1.64 GACC raised concerns that if there were to be a breach of the noise envelope, there would be additional noise burden on local communities but no financial consequences or future restrictions.
- 2.1.65 The Applicant noted that it has looked at Luton and EMG carefully and considered whether it was an appropriate approach to a noise envelope for Gatwick and concluded that the Applicant's approach was preferable. The

Applicant also noted that, in respect of Luton breaching noise levels, it did so because it wasn't future forecasting what they would be and that, if they had been, maybe the breach wouldn't have occurred. The Applicant noted that its proposal is not to act looking backwards as regards a limit with blindness to the expected performance of future operations, but instead to implement a well-considered plan looking five years into the future aligned with the airport's business planning. In relation to who should be the monitoring authority, the Applicant disagreed with the JLAs' interpretation of the legislation and considered that it does not prevent another entity monitoring a requirement imposed under a DCO. Regarding consequences of a breach, the Applicant noted that a breach of the noise envelope could have very serious financial and reputational consequences for the Applicant, particularly in terms of how they address the breach, and that the controls proposed by the noise envelope are effective as a deterrent in light of this.

- 2.1.66 **[Post-Hearing Note:** The Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018 identify who the competent authority is for the purpose of Regulation 598/2014. In accordance with the requirement the CAA will scrutinise and verify the Annual Monitoring and Forecasting Reports and those will then be published. At that point the JLAs may review that information to monitor the performance of the airport in respect of the noise envelope. There is not anything in law which requires a local planning authority to be responsible for the scrutiny of the noise envelope, and providing for the CAA to be the independent noise reviewer does not remove or relieve the local authority from its position under Regulation 598/2014.]
- 2.1.67 The Applicant emphasised that this is also an issue of principle regarding who controls the airport. Until Government policy changes, Gatwick is a designated airport of strategic national importance. It is hoped that Gatwick's reluctance to surrender control to the local authorities is understood in this context. The JLAs' desire to control the airport is inconsistent with Government policy and illustrates why policy is written as it is. The suggested EMG document [[REP5-093](#)], for example, suggests (remarkably) that the JLAs may impose a two-year delay on slot allocation while the local authorities consider the potential for any breach to occur. Gatwick has no intention of breaching the noise envelope – this would have significant impacts on its business and local reputation. There is no reason to think that looking five years ahead as proposed is insufficient. The Applicant noted regarding independent verification by the CAA that they are the expert body for these purposes and are therefore the appropriate body. The Applicant agreed to set out in writing for information what steps would be taken to stay within the envelope day-to-day.

- 2.1.68 **[Post-Hearing Note:** the Applicant has responded to this query in its separate responses to the ExA's action points arising from ISH 8 on noise (Doc Ref. 10.50.4), in response to **Action Point 15.**]
- 2.1.69 CAGNE noted that the Applicant had referred to a survey undertaken regarding community noise action groups and requested that the Applicant provide the methodology for that survey and explain for what purpose it was undertaken.
- 2.1.70 The Applicant agreed to respond in writing.
- 2.1.71 **[Post-Hearing Note:** Information which provides a summary of the survey that was undertaken by the Applicant to better understand community views on noise issued and noise management associated with the airport is included at Appendix A to this document.]
- 2.2. 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:**
- **How the mitigation is secured, initiated, designed, implemented and maintained;**
 - **Efficacy of the mitigation in terms of the avoidance of likely significant effects; and**
 - **Extension to non-residential receptors.**

How the mitigation is secured, initiated, designed, implemented and maintained

- 2.2.1 The ExA asked if the Applicant could be more proactive in encouraging the take-up of the relevant schemes.
- 2.2.2 The Applicant noted that it has laid out how the schemes would be advertised in the update to the **Noise Insulation Scheme [REP4-017]**, including notifying all eligible households. At Deadline 5 the JLAs submitted around 30 detailed comments on the noise insulation scheme and the Applicant considers that there is merit in engaging with the JLAs on those specific points and will propose a noise Topic Working Group in the coming weeks. The Applicant confirmed that it will submit an update to the noise insulation scheme in due course to address those and that it wants to adopt as many of the comments as it can within reasonable bounds.

- 2.2.3 The JLAs welcomed the proposed Topic Working Group and summarised their concerns on the scheme including the merit in use of single mode contours to determine the extent of qualifying houses, determining the boundary of contours around settlements for clarity, the merit in including an area under a one additional awakening contour and the inner zone commencing from 60dB Leq rather than 63dB.
- 2.2.4 Charlwood Parish Council flagged concerns with the quality of windows installed under the existing scheme, issues with heat (such that residents should be offered heat pumps or air conditioning) and the metric used for the noise contours.
- 2.2.5 CAGNE reiterated their proposed clarifications regarding the noise insulation scheme, with outstanding matters including the treatment of ground noise in the noise insulation scheme document. CAGNE also noted that the Applicant stated they have insulated over 400 properties in a single year so should be pushing for a more ambitious scheme than the pace suggested for the DCO scheme.
- 2.2.6 Nicky Forsythe-Richards raised concern that those outside the scheme contour will not get mitigation measures, noise insulation will not mitigate outside areas and that windows cannot be opened at night due to night flights.
- 2.2.7 Rusper Parish Council raised concerns that conservation area designation limits what can be fitted to certain properties and that a single supplier is used for the existing scheme. Rusper Parish Council also noted that they invited Gatwick to send a representative to discuss the scheme with the Parish Council but this was declined.
- 2.2.8 The Applicant noted that the current noise insulation scheme covers around 2,000 properties, has been in place for many years and was upgraded in 2014. Before looking to implement the new insulation scheme, the Applicant wrote to every person that had taken up the existing scheme. 158 responses were received and analysed and that review helped the Applicant to understand what might work better in the new scheme. The new scheme covers around 4,300 properties. It doesn't just aim to mitigate what is only an incremental impact of noise from the project (with flights increasing only c.10% at night and c.19% in the day), which wouldn't warrant a scheme as comprehensive as that proposed. The scheme proposed addresses the total impact of the airport and is more generous. The inner zone addresses higher levels and the outer zone addresses lower levels.
- 2.2.9 The Applicant noted regarding a single mode contour that this has been discussed in the Topic Working Group (TWG) and that the Applicant and JLAs

agree to disagree. There is CAA guidance that the best correlation to noise annoyance is average mode rather than single mode. Further, it would be unfair to apply a single mode contour because people in the zone 30% of the time at one end of the runway and people in the zone 70% of the time at the other end would be offered the exact same thing. Other airports, including Luton, base their noise insulation schemes on average mode contours.

2.2.10 **[Post Hearing Note:** As regards single mode contours, this issue has been discussed in the Topic Working Group Meetings. The Applicant responded to a technical note issued on behalf of the local authorities on 6 January 2023 in relation to noise metrics. The response was circulated to the local authorities on 3 February 2023 as part of papers for Noise TWG 4 of 8 February 2023. The issue is addressed directly on page 374 of **ES Appendix 14.9.9: Report on Engagement on the Noise Envelope** [\[AS-023\]](#). Leq 16 hr and Leq 8 hour are defined as average modal split by the Department for Transport when defining LOAEL. This is because long term noise effects such as annoyance and sleep disturbance are not determined by either noise levels on westerly operating days or by noise levels on easterly operating days, but by the combination of both as experienced in the relevant proportions over the long term. CAP 1506: *Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance, Second Edition* (July 2021) concludes that:

“Practically, this means that single-mode contours are unsuitable for decision making, but that they may be helpful for portraying exposure and changes to exposure. Of the average-day modes, the existing 92-day summer average mode was found to correlate better than shorter average modes. There was therefore no evidence found to support a change from the current practice of basing LAeq,16h on an average summer day.”]

2.2.11 Regarding boundaries around settlements, the Applicant noted that the current scheme dates back 10 years and was by reference to a map whereas the new scheme is available online through the online air noise viewer, which allows someone to zoom in to check definitively whether they qualify. However, the Applicant was happy to discuss this further with the TWG.

2.2.12 Regarding awakenings, the Applicant referred to the earlier discussion but added that the JLAs are suggesting that one additional awakening is sufficiently significant to warrant noise insulation. An awakening is measured by electroencephalography (on an electroencephalogram EEG) and around 20-24 awakenings occur each night, mostly unnoticed. It is being suggested that the number of awakenings increasing from 20 to 21 would warrant noise insulation. The Applicant does not believe that is correct. While one additional awakening

may be useful data for aggregating total health impacts over thousands or millions of people, it is not significant for an individual so as to warrant sound insulation.

- 2.2.13 Regarding suppliers, the Applicant confirmed it will be re-tendering the package. It may use more than one supplier and may use a secondary supplier alongside a primary supplier.
- 2.2.14 Regarding heat and overheating, the Applicant does not consider the solution to be air conditioning or heat pumps as it is not appropriate to offer an energy-consuming solution and no other airport does so. The Applicant noted that it has offered blinds and acoustic ventilators which are specified in the noise insulation scheme to deliver air at a minimum of 170m³ per hour, enough to change the air in a large room at least twice every hour. The Applicant noted that it cannot guarantee to avoid overheating at all properties – the properties already exist as constructed and cannot be rebuilt by the Applicant to ensure good thermal insulation and ventilation.
- 2.2.15 Regarding ground noise, the Applicant explained that the noise insulation scheme does cover ground noise. The policy requirement for the inner SOAEL zone is to avoid a significant adverse effect but in the outer zone the requirement is to minimise where practicable. For ground noise there are methods to minimise ground noise. There is a large bund around the north perimeter of the airport, the serpentine wall around the apron areas, and also trunk roads to the east and other roads in the area which make ground noise less noticeable. Hence, noise control measures have already been taken, and further measures will be taken through the project, e.g. reconfiguring the western noise bund, to address ground noise at source. This meets the policy requirement to minimise noise in the outer zone and the Applicant does not need to provide insulation here.
- 2.2.16 Regarding 400 homes being insulated in a year, the Applicant noted that this gives the Applicant confidence that the scheme as proposed can be delivered.
- 2.2.17 The Applicant noted that all insulation will be rolled out before the significant adverse effects of the Project occur, but that this does not require the rolling out of insulation in the outer zone because of the nature of the assessed effects there that are not significant.
- 2.2.18 The ExA noted that the Topic Working Group sounds constructive and asked when the output from that would be submitted into the examination.

- 2.2.19 The Applicant confirmed that it will aim to agree a date for the meeting with the JLAs prior to D6 and will confirm the programme in writing at Deadline 6.
- 2.2.20 **[Post-Hearing Note:** the Applicant has responded to this query in its separate responses to the ExA's action points arising from ISH 8 on noise (Doc Ref. 10.50.4), in response to **Action Point 16.]**
- 2.2.21 The ExA queried why the Applicant did not take up Rusper Parish Council's invitation to address the Council on the scheme.
- 2.2.22 The Applicant noted that there is a distinction between the current scheme and the proposed scheme and that, as the Parish Council wanted to debate the proposed scheme, the Applicant considered that such discussion should take place through the examination process rather than bilaterally with a single Interested Party. The Parish Council can also feed its comments through the topic working group that has been proposed.

Efficacy of the mitigation in terms of the avoidance of likely significant effects

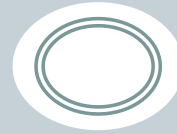
- 2.2.23 The ExA queried how the Applicant can be confident that the scheme will work.
- 2.2.24 The Applicant noted that experience at other airports supports the approach, as do the results of the survey it undertook of the current scheme in 2019. The Applicant relayed that 158 responses were received: 68% said the scheme had improved noise within their home to some extent; 50% said it had reduced sleep disturbance; 80% said it would disturb them less if the house could be ventilated without opening the windows and 74% said they would consider wall-mounted ventilation. This suggests that the scheme would benefit from acoustic ventilation, which is why this forms part of the new scheme.
- 2.2.25 The ExA queried what the Applicant's design target is for the scheme.
- 2.2.26 The Applicant noted that Noise Insulation Regulations for Roads and for Railways do not set absolute numerical values for internal noise levels because there may be other parts of the structure that allow noise in that are not part of the scheme. It would be difficult for the Applicant to address wall construction or roof construction to keep noise out. The Applicant noted that it has specified the minimum performance of the glazing and has picked up doors, and ceilings in upstairs bedrooms where possible. For the inner zone the Applicant has committed to looking at ceiling space above bedrooms where practicable. The principle is that the Applicant will go beyond glazing for the inner zone. The performance of the glazing is specified as RW35.

- 2.2.27 The Applicant added that paragraphs 4.2.2 – 4.2.5 of the **Noise Insulation Scheme** [REP4-017] set out the improvements proposed to be achieved .
- 2.2.28 The ExA asked the Applicant if it can submit the review of the current noise insulation scheme into the examination.
- 2.2.29 The Applicant confirmed that it will do so at Deadline 6.
- 2.2.30 **[Post-Hearing Note:** the Applicant has responded to this query in its separate responses to the ExA's action points arising from ISH 8 on noise (Doc Ref. 10.50.4), in response to **Action Point 17.**]
- 2.2.31 The ExA asked whether the Applicant has a target level for internal noise.
- 2.2.32 The Applicant reiterated that the Applicant cannot specify a target internal noise level because it wouldn't be reasonable for the Applicant to rebuild the home if made of poorly insulated materials. This is not expected and not done at other airports. The specification for the glazing is an acoustic glazing standard, RW35, and is a good standard to apply.
- 2.2.33 The ExA invited comments from Interested Parties.
- 2.2.34 Marathon Asset Management ("**MAM**") flagged that there are points regarding specific mitigation under discussion regarding the Holiday Inn. Issues include the number of rooms to be used for cabin crew (only 28 meet the contractual requirement for rooms overlooking the car park) and the ability to close the trickle vents in the affected rooms or install secondary glazing given the need to comply with building regulations. MAM flagged concerns with the timing of discussions.
- 2.2.35 The Applicant confirmed that it has been working with the hotel to understand how it operates and to assess noise impacts. Through this, the need for mitigation has been limited to only a small number of days where particularly loud works are to be carried out near to the hotel, including the use of chainsaws to fell trees. Only during those days would mitigation be required. The Applicant also noted that during its visit the hotel manager said that c. 90 rooms (out of 206 total) were available for cabin crew, split equally across the front and rear giving 45 available on the south façade, and the Applicant therefore does not know where the figure of 28 rooms has come from. The Applicant stated that it would not dwell on the trickle vent but that they would be capable of being open or closed, as they are now, and could therefore presumably be closed for the relevant periods of construction without an issue as regards building regulations.
- 2.2.36 The Applicant added that it does not accept any allegation that it has delayed. It noted that heads of terms are with MAM and that a meeting took place last week.

- 2.3. The ExA would like to hear from the Applicant and other Interested Parties about noise effect thresholds following submissions made since ISH5.**
- 2.3.1 The ExA confirmed that it would defer this to written submissions but invited brief points from Interested Parties.
- 2.3.2 The JLAs flagged that they would welcome clarity on how the results of the surveys being spoken about would feed back into the design of the noise insulation scheme.
- 2.3.3 CAGNE flagged that due to the changes it would be useful to have an updated noise chapter.
- 2.3.4 The Applicant noted that it does not understand the point made by the JLAs because the results of the surveys have already fed into the design of the noise insulation scheme. Regarding an updated chapter, that will be covered in the later agenda item.
- 2.3.5 **[Post-Hearing Note: discussion on a consolidated ES is recorded at the end of The Applicant's Written Summary of Oral Submissions – ISH8 – Draft DCO (Doc Ref. 10.49.6).]**

ANNEX A: Independent Noise Opinion Research Survey Report

Independent Opinion Research Report



London Gatwick and Local Communities

Quantitative survey results from April and May 2024

Objectives



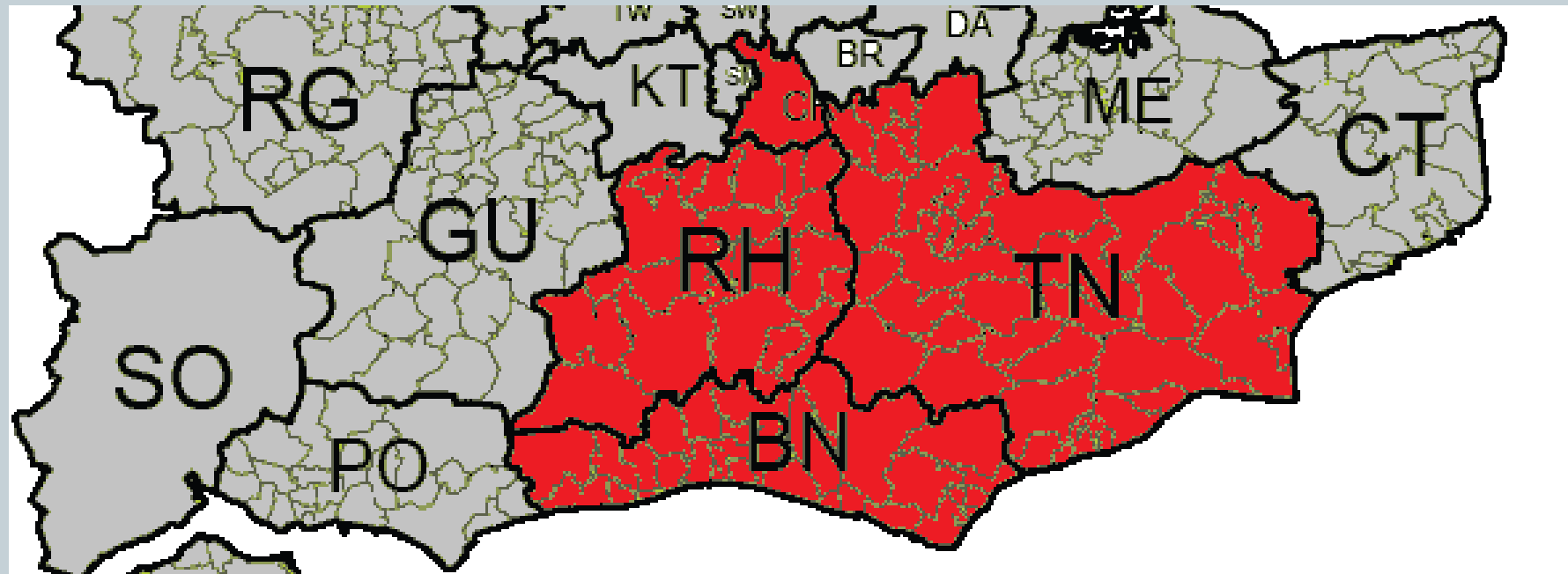
- Understand what the public thinks about noise from Gatwick and how the public's views should be taken into account
- Conduct an independent assessment of community opinion
- Understand how the local community can have its say
- Measure levels of public concern about noise issues
- Identify most effective forms of public feedback to London Gatwick on noise management

Methodology



- Online survey of 2,002 residents, between 14 April and 4 May 2024
- Respondents were asked 10 questions
- All respondents 18+
- Characterised according to age, gender and postcode
- Overall margin of error +/-2% (at 95% confidence interval)

Respondent locations



Respondent postcodes

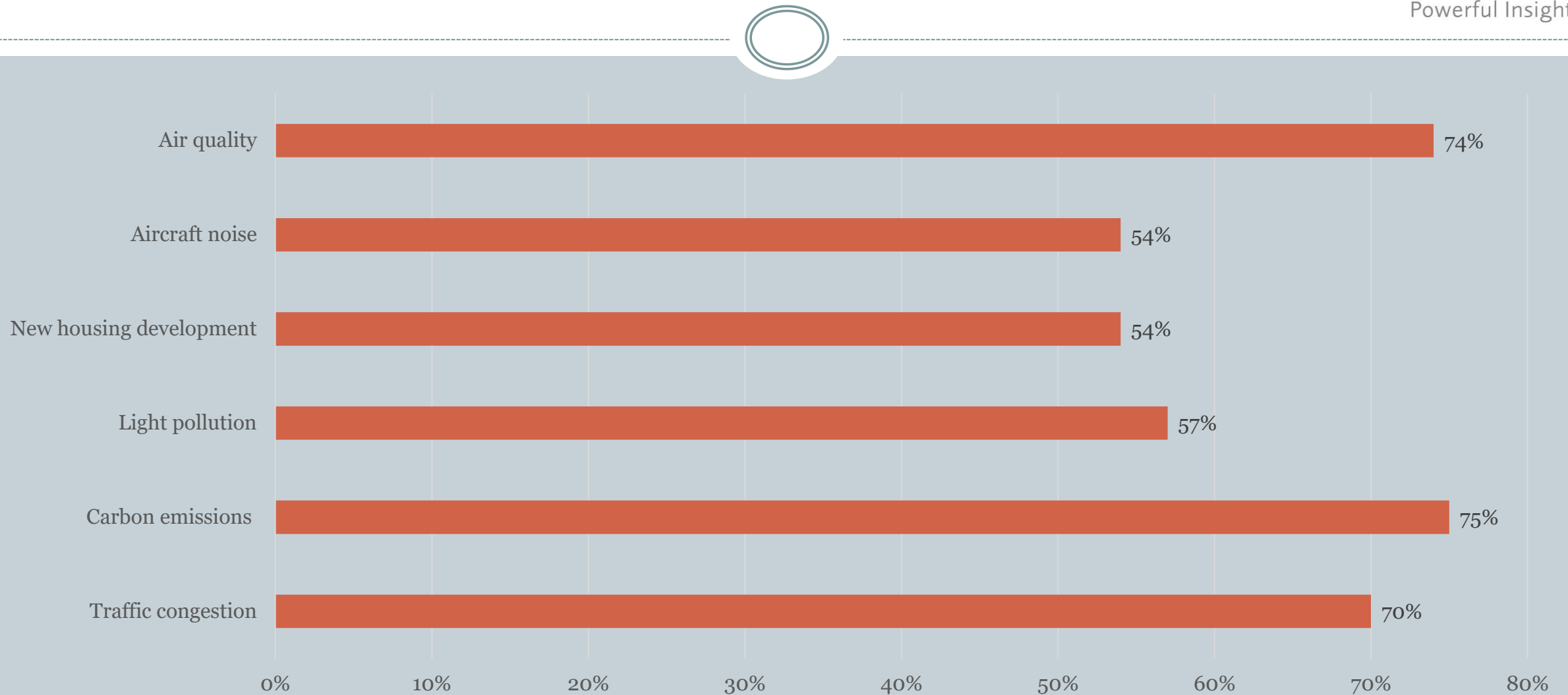
- Total number of interviewees, n=2002 (Margin of Error +/-2%)
- Gatwick local, n=1200
- RH, Redhill = Crawley, Horley, Horsham, Forest Row
 - CR, Croydon = Merton, Sutton, Tandridge, Bromley
- Kent, n=402
 - TN, Tunbridge Wells = Tonbridge, Ashford, Sevenoaks, Rye
- South Coast, n=400
 - BN, Brighton = Brighton and Hove, Lewes, Hassocks, Worthing

Snapshot findings

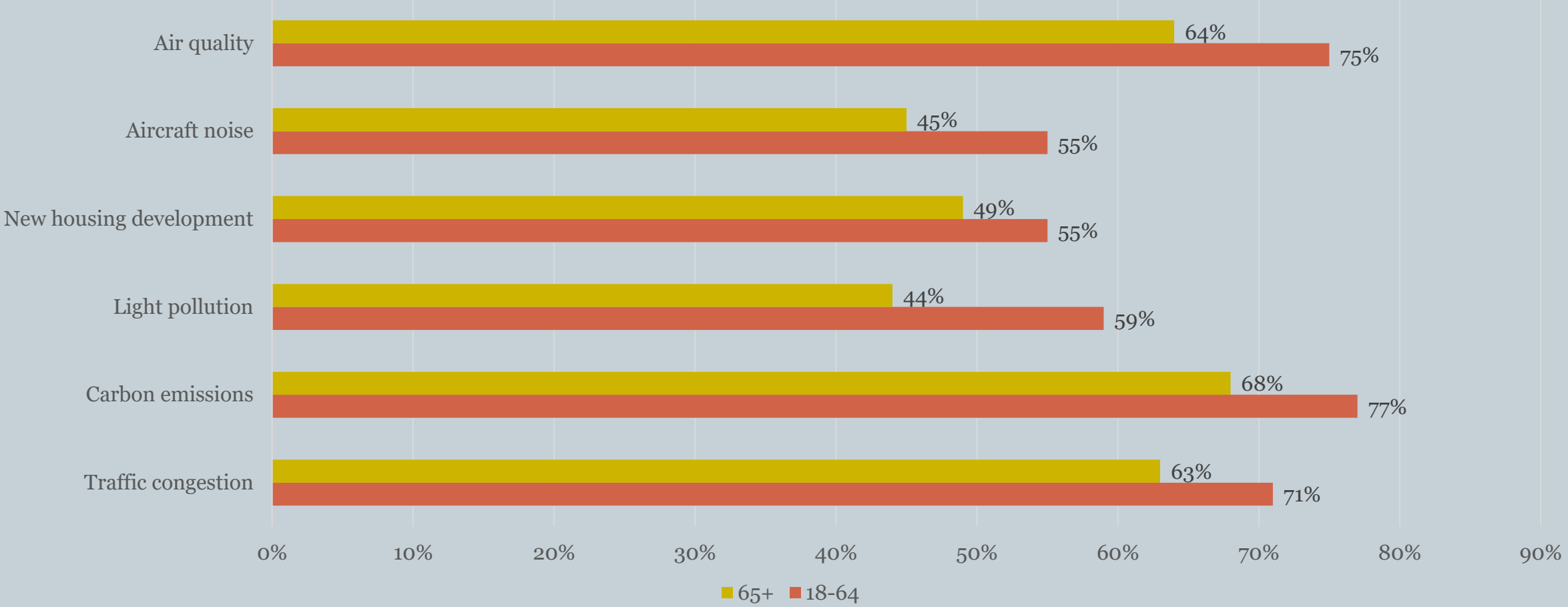


- Noise is not the big issue, say residents (the planet matters more)
- Of the concerns about noise, respondents were most concerned about the noise impact of aeroplanes flying too low
- Older residents feel less passionately than younger residents on all issues
- Respondents were mostly unaware of the various representative organisations
- Gatwick generally responds well to residents' concerns
- People like digital communication, but prefer to send complaints by email
- To receive information from London Gatwick, they prefer online presentations
- Respondents demonstrated a higher awareness of London Gatwick's work to reduce noise at night than other noise initiatives

Respondents are more concerned about traffic congestion, carbon emissions and air quality

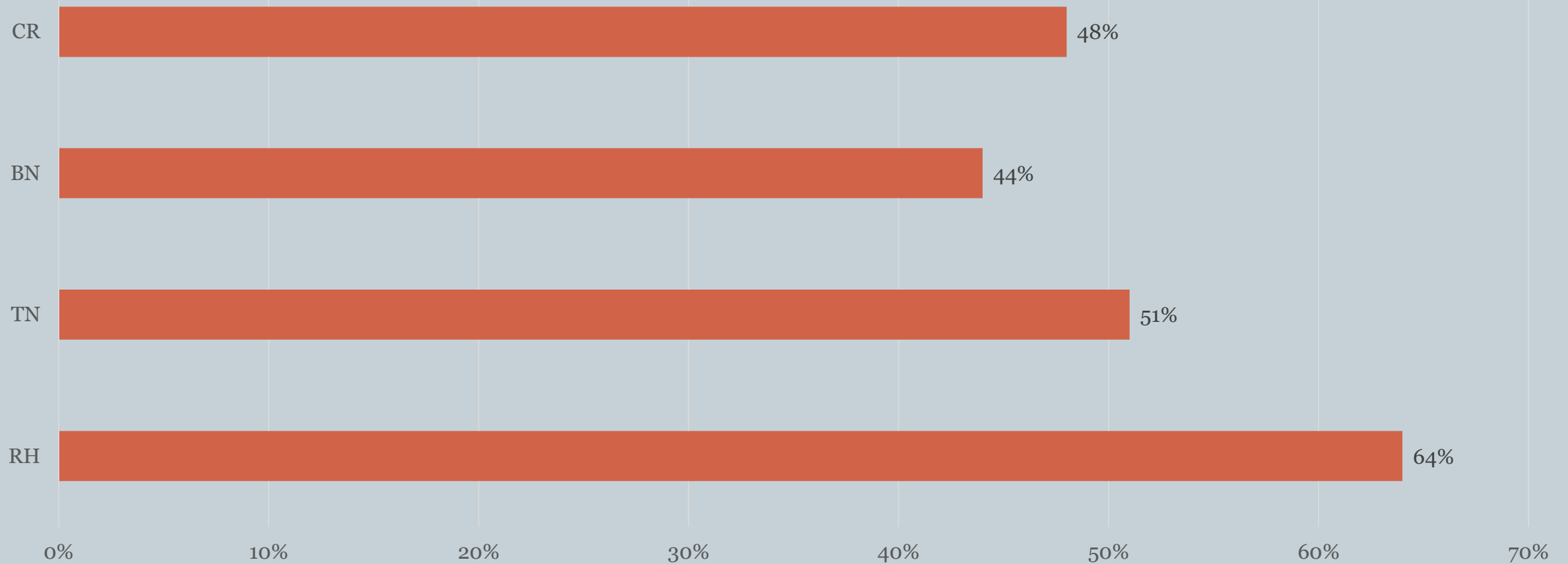


Older residents were less concerned than younger residents about issues related to London Gatwick

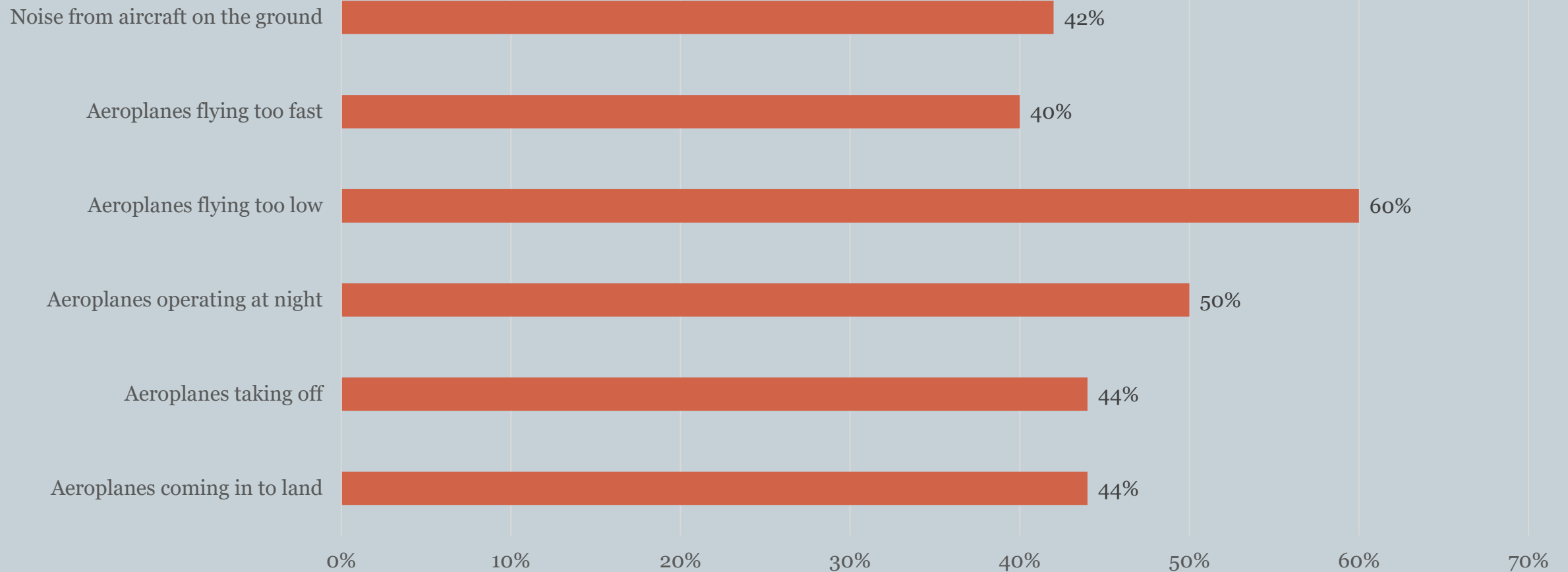


Q1. How concerned are you by the following issues related to London Gatwick? Net very/ slightly concerned. Unweighted; base n = 2002

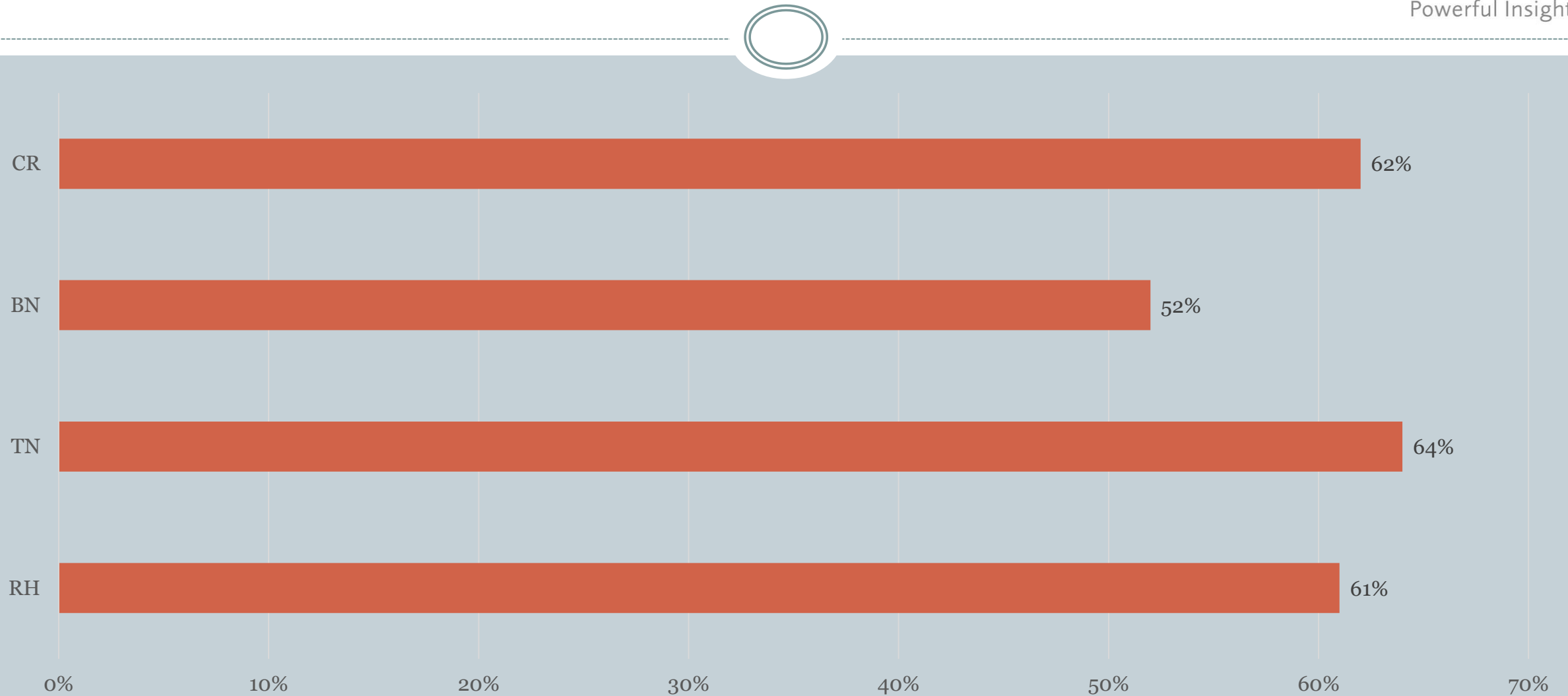
More respondents in the RH postcode are concerned about new housing developments than in other postcodes



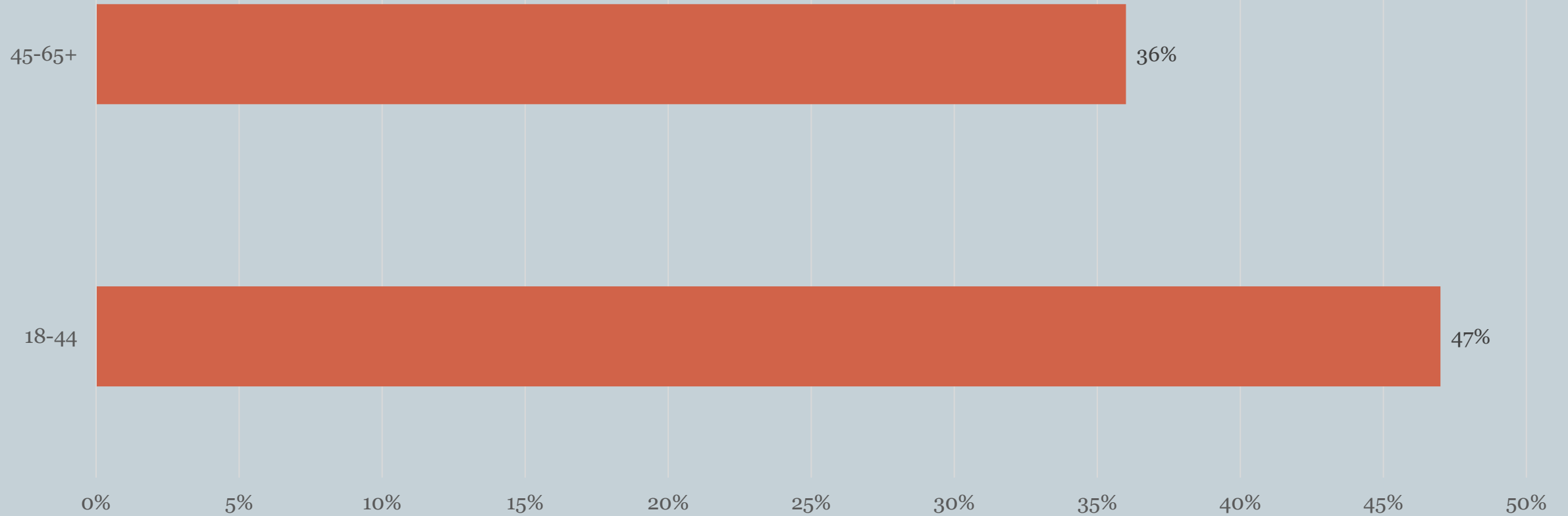
Respondents were most concerned about the noise impact from aeroplanes flying too low



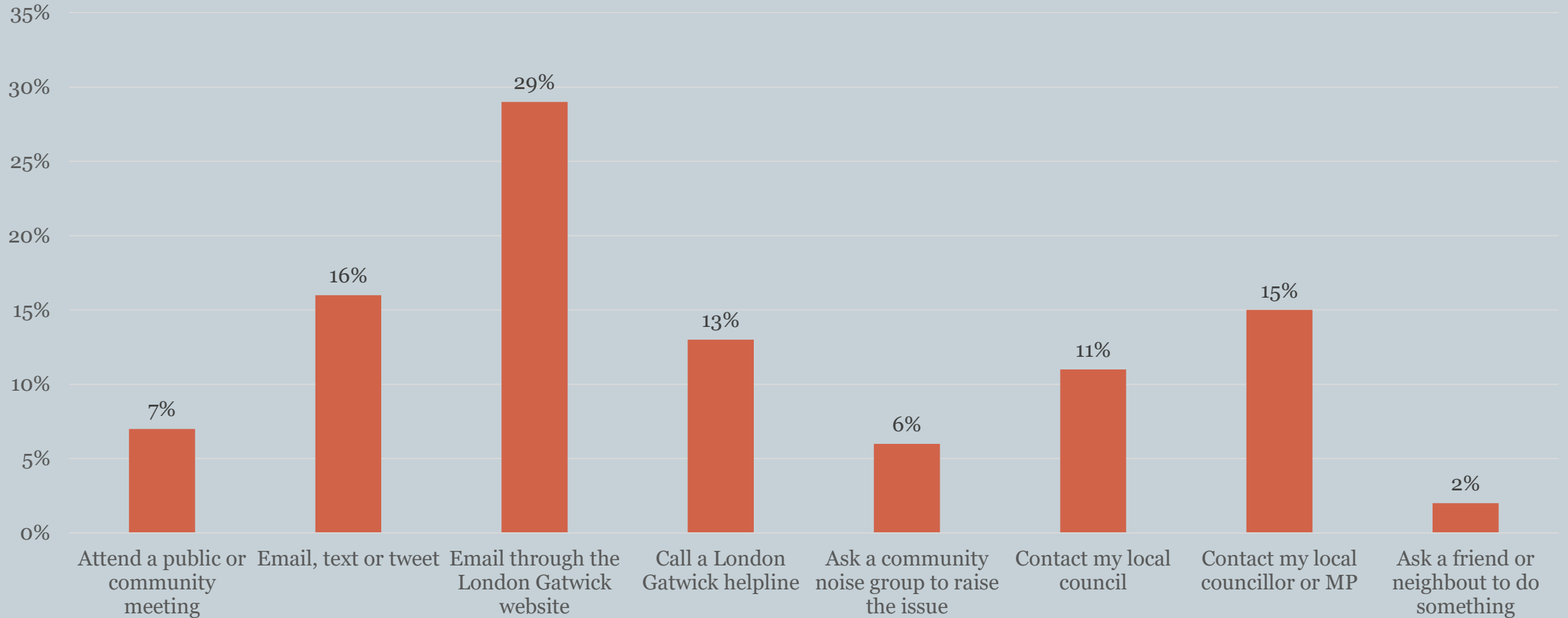
Respondents in Brighton were the least concerned about the noise impact of aeroplanes flying too low



Younger respondents were more concerned about the impact of noise from aircraft on the ground

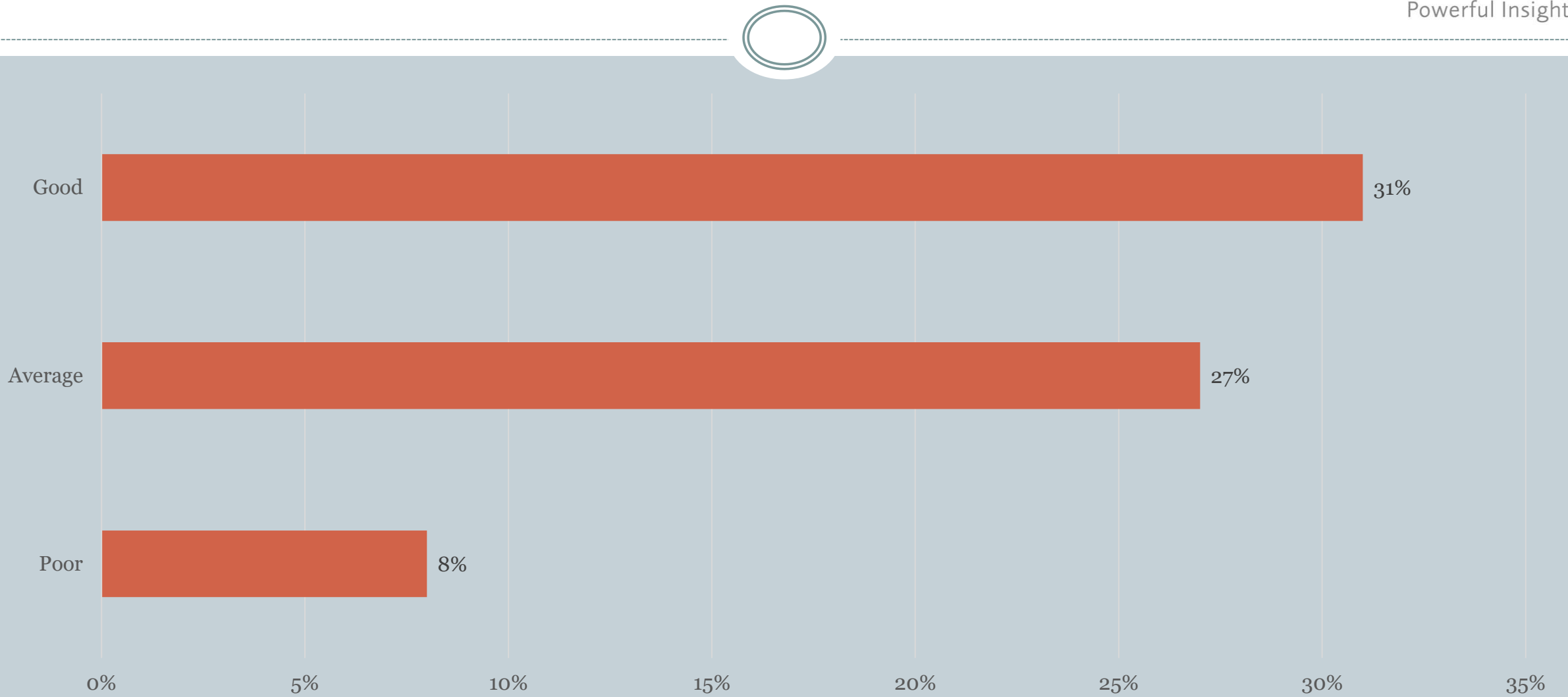


Respondents would prefer to send an email through the London Gatwick website to voice their concerns

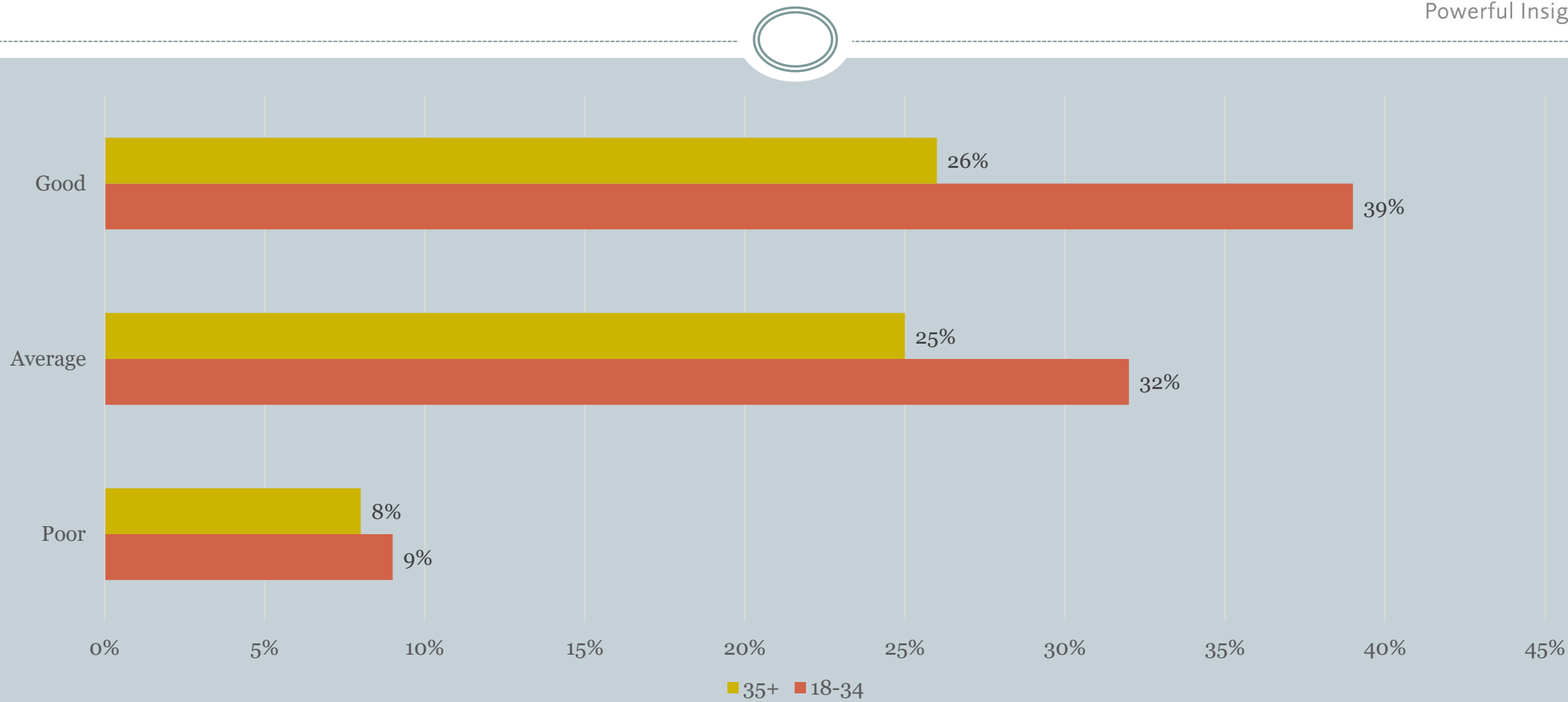


Q3. If you were to have any concerns about the impact of any aspect of London Gatwick's operations, please place (in order or preference from top to bottom) the following methods you would choose for resolving them. Unweighted; base n = 2002

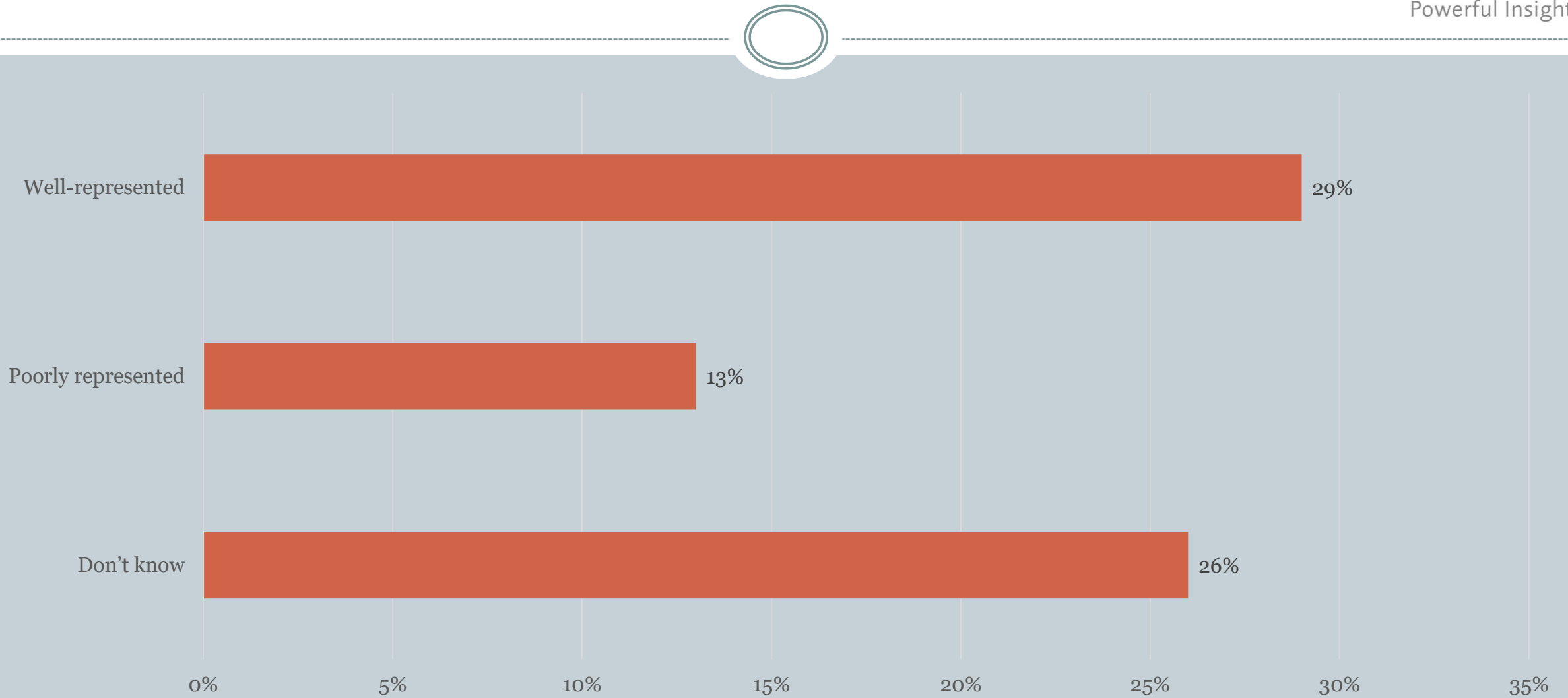
Respondents thought that London Gatwick is good at responding to residents' concerns



Younger respondents thought that London Gatwick was better at responding to residents' concerns



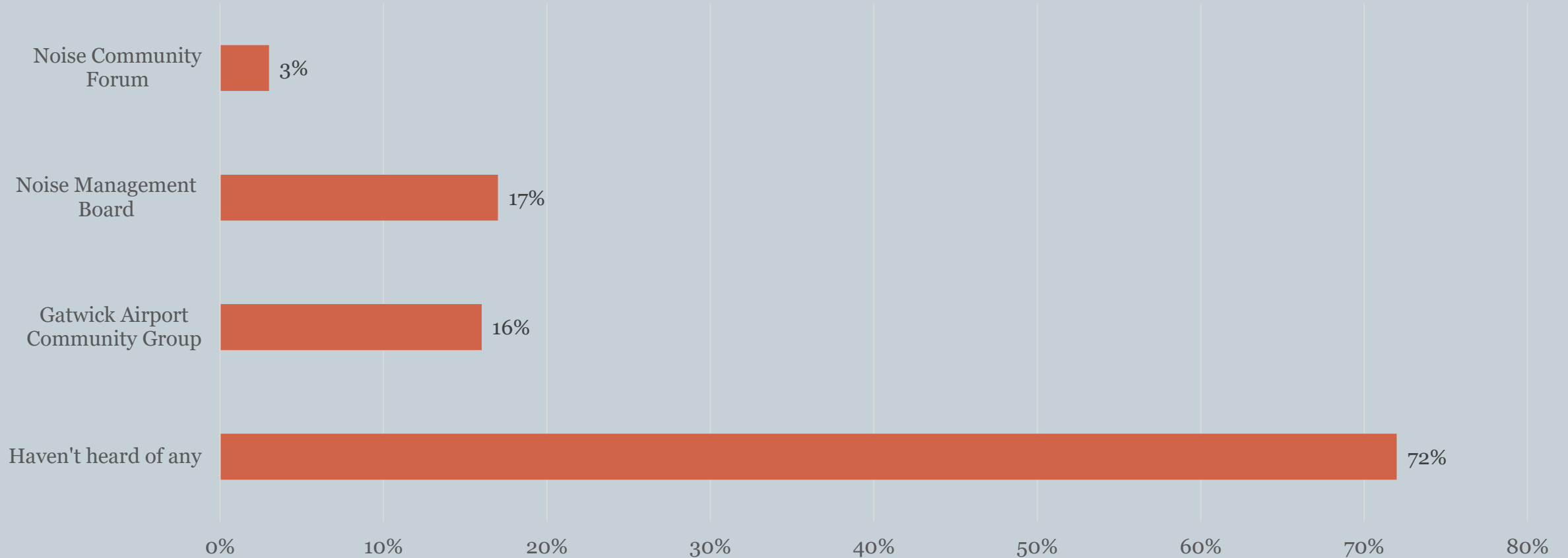
Respondents indicated that they felt well-represented on noise issues relating to London Gatwick



However, respondents are largely unaware of representative organisations



Which representative organisations have you heard of?



When asked to name a community noise group...

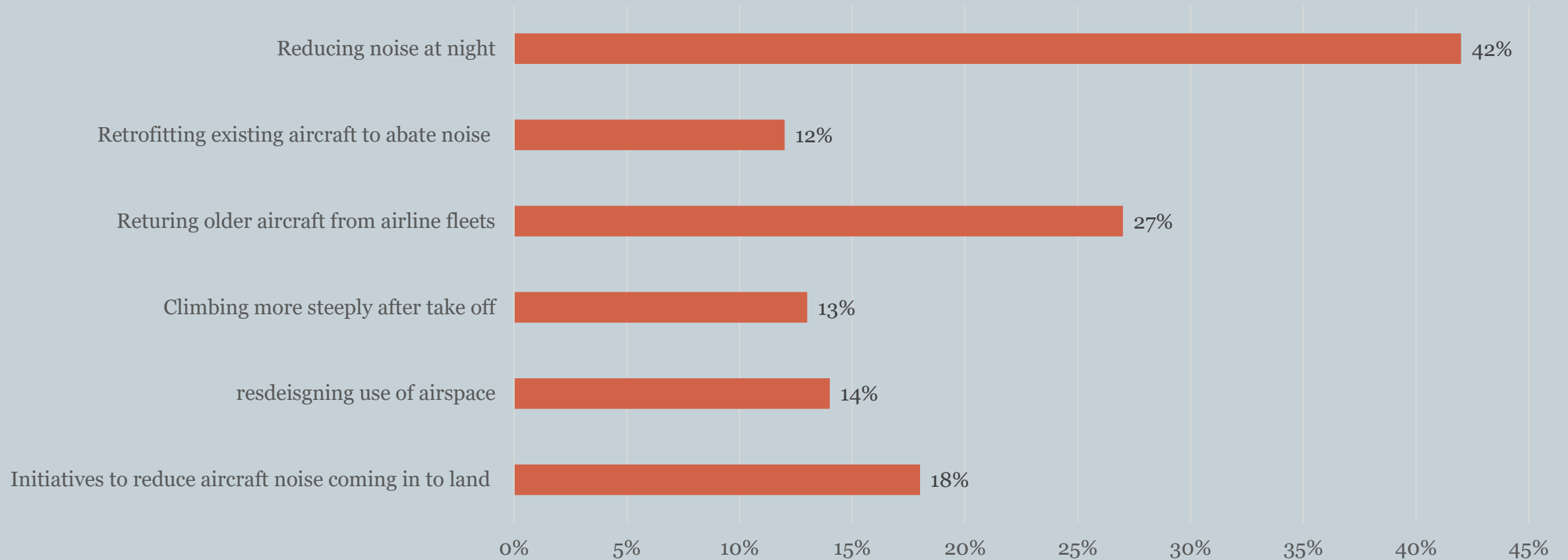


- 17 out of 2,002 respondents said CAGNE
- 4 said GACC
- No other community noise group was named

Four out of ten respondents were aware of London Gatwick's efforts to reduce noise at night



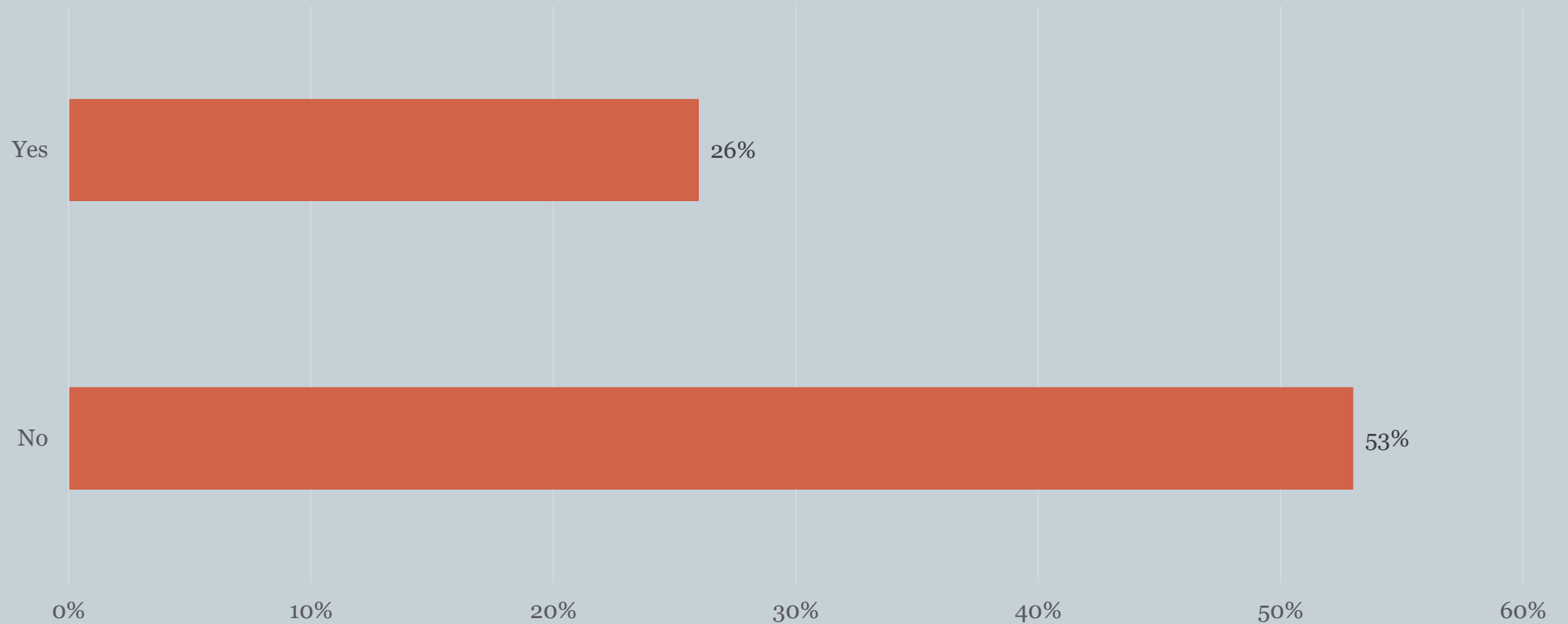
Which of the following initiatives to reduce noise are you aware of?



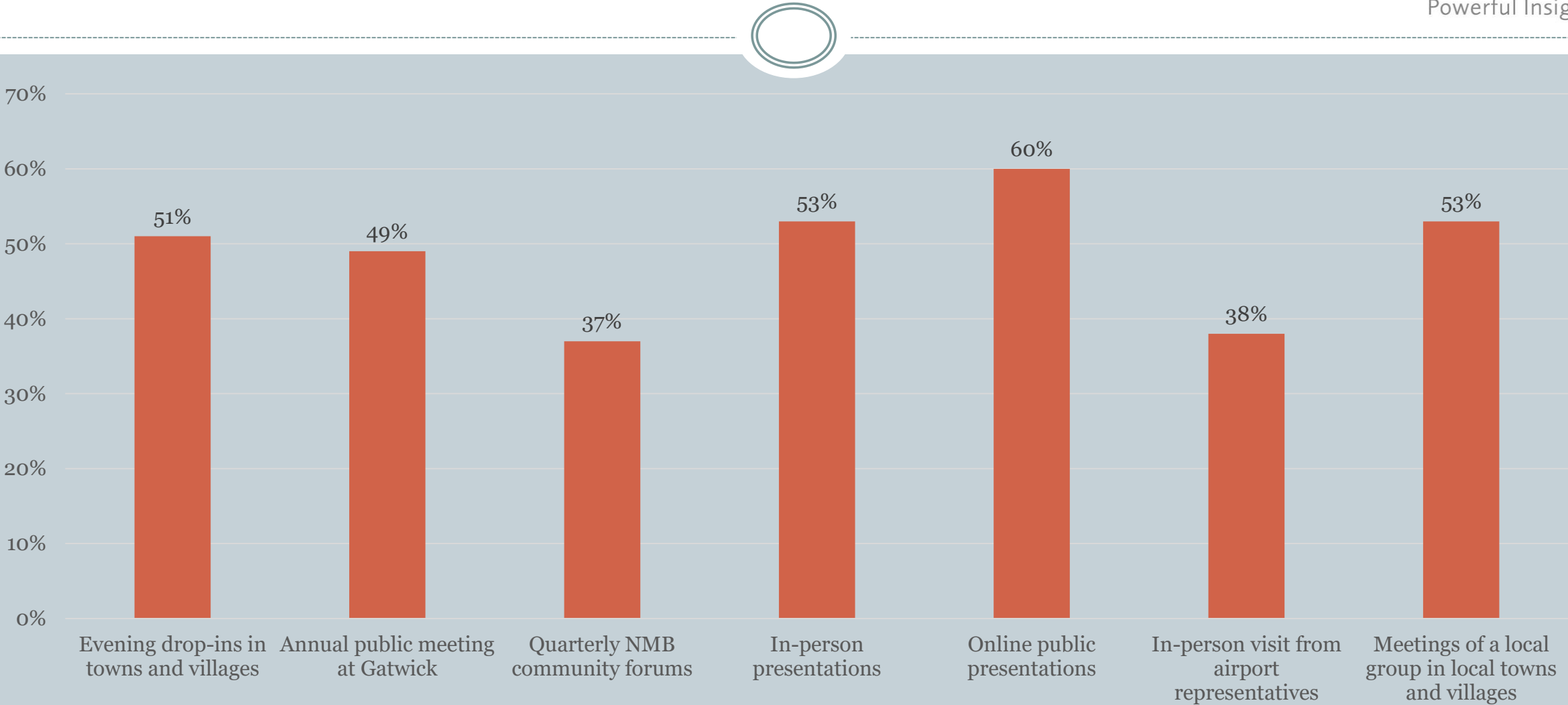
One in four respondents want the opportunity to engage with London Gatwick about noise issues



Would you like the opportunity to engage directly with the airport about noise issues?



Potential methods of engagement



Q9b. Which of the following activities or events would you be interested in attending? Base: Those who do not say they would not like to engage directly with London Gatwick about noise issues. Unweighted; base n = 944

How could the airport better support local communities?



- *“Consider publishing facts and statistics regarding current noise and pollution levels more frequently to give public a better understanding of what progress has been made on these issues”*
- *“Be more proactive about sharing information in terms of noise reduction initiatives.”*
- *“Engage more with local communities about issues”*
- *“More inclusive forums such as online forums”*
- *“Leaflets/stands at major supermarkets/shopping centres that locals use.”*
- *“Have more chat groups within Gatwick & the public”*
- *“Perhaps a specific social media feed? It could be used when unexpected noise is planned which can help put people at ease.”*
- *“Communicate future plans openly and honestly”*