

Note

Title	Deadline 6 Noise Responses		
Project	Gatwick Airport DCO		
Reference	28AD.NT.7.0	Author(s)	BHo
Date	12 July 2024	Reviewer	TS

Overview

1. Limited new noise information has been provided by the Applicant at Deadline 6.
2. This note sets out our full response to the updated Noise Envelope, expanding on our previous comments set out in REP6-122. Also included are several comments on the Applicant's D6 noise documentation and our response to the noise question NV.2.8.
3. There remains vast amounts of information outstanding, including matters relating to the primary metrics for the core case, all of which we have attempted to summarise in **Appendix A**. We await the Applicant's response to GEN.2.11 of the ExA's further written questions, where these items should be covered.

AS-024 The Noise Envelope

4. Suono had previously set out a summary of our concerns relating to the noise envelope in REP6-122 while additional information was awaited from the Applicant. We expand on these matters here.
5. The Applicant may wish to update section 8.3.3, where it states that the noise envelope contour areas will be set based on the slower fleet transition forecast, now that this is no longer the case.

Insufficient Evidence

There is insufficient information provided by the Applicant detailing a full assessment of the new core case (Updated Central Case) against the new baseline, as detailed in our note REP4-099.

6. The following information is missing from the noise assessment to allow the Updated Central Case to be valid (and therefore for limits to be set from it):

Air noise assessment

- 2047 forecasts and assessment of primary metrics for new core case.
- 2029 – 2047 assessment of secondary metrics, including Number Above contours and awakening assessment for new core case.
- 2029 – 2047 detailed information and results of noise assessment at community-representative locations for new core case.

Ground noise assessment

- All quantitative information, including forecasts (within ground noise model), assessments of primary and secondary metrics, assessment results and any discussion or explanation of results.

Road traffic noise assessment

- Any justification that a new fleet mix will lead to the same results, given that the new fleet mix can carry a different number of overall passengers leading to a different number of vehicles on the road network.

7. We also note that the updated diagram in section 6.1.10 of AS-024 (tracked change version) shows an indicative noise contour value from 2043 onwards. Given no fleet forecasting information is available for this period, it is not clear how the Applicant can present any such data without the risk of it being misleading.

8. The diagram also only shows daytime values and no comparable figure for night-time is available.

Temporal Scope

The temporal scope of the noise envelope is insufficient, as detailed in our note REP2-070.

9. There is no certainty that noise levels will continue to reduce over time. Section 6.3.1 of The Noise Envelope appendix [APP-177] states:

“The noise envelope should always remain relevant and should reflect evidence of the improvements in average fleet noise performance over time. The envelope should not function to prevent airlines serving changing markets. As noted above, the outcome of review for the 3rd Noise Envelope Period and subsequent noise envelope periods may require the noise envelope contour to change, which may include a reduction or an increase. (Subject to not exceeding the noise contour area required to be achieved during the 1st Noise Envelope Period). This is to ensure that the Airport can meet changing market needs in terms of routes served and aircraft types used.”

10. This open-ended flexibility does not provide certainty of future noise levels, or demonstrate reduction over time, which is expected of the aviation industry. Section 3.3 of Aviation Policy Statement 2013 summarises this succinctly:

“As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows.”

Monitoring Party

The Local Authority are well-placed to monitor and oversee the DCO, should it be permitted.

Recent experience at Luton Airport with the 19 mppa decision has shown that the Local Authority is the appropriate body to deal with any breaches (or potential breaches) of noise contours and Luton Council drew praise within the Inspector’s report when the breach was regularised.

11. The Local Authority has powers available to them to take enforcement action where material harm is arising as a result of a breach, as has been highlighted in sections 8.109 and 8.110 of the decision letter for the 19 mppa application at Luton Airport (reference APP/B0230/V/22/3296455).

8.109 There has been a misleading narrative by LADACAN regarding the breaches of condition 10 that occurred in 2017, 2018 and 2019. It was the Airport itself through its own retention of expert noise consultants and an effective monitoring system that identified those breaches. Both LLAOL and the LPA scrutinised the effect of those breaches occurring to see if any material harm was occurring. It was established that none of the breaches resulted in material harm, as the effect of the breaches was an increase in noise levels experience of 1dB or below which would have been imperceptible. Consistent with the PPG, they followed an entirely orthodox, proportionate and lawful approach of responding to the breaches by requiring a planning application to be made to regularise the position.

8.110 LADACAN's planning witness confirmed that it would have been disproportionate for the LPA to have taken enforcement action. Further, that in a situation where breaches had been identified by the Airport, there was an assessment of effects, and then an application to regularise the breach, which was entirely in accordance with what one would expect under the PPG.

12. Rather than identifying a new body who has not undertaken such tasks before in the CAA, existing systems can be used to great effect here at Gatwick Airport.

Lack of Plans

There is no plan in place, should a breach occur, despite Mr Jarvis's assurances on behalf of the Applicant. We note that the Applicant has accepted submitting measures that would be put in place to prevent a breach occurring (listed as Action Point 16), which are expected to be largely the same measures, such as reducing the number of flights.

13. We await the measures to be submitted by the Applicant.

REP6-087 The Applicant's Response to Actions (ISH8)

14. In section 2.1.4 the Applicant states:

"As a consequence of the reduction in the noise envelope contours amendments will also be required to reduce the extent of the noise insulation inner and outer zones, to correlate with the Noise Envelope Period 1 noise envelope contours."

15. There is no 'requirement' to reduce the extent of the noise insulation zones. Rather, this is a business decision taken by the Applicant and there is a lack of transparency in the decision-making.

16. The noise insulation zones were previously based off of the Slower Forecast Transition noise contour areas. The Applicant has confirmed that the SFT is a sensitivity case and has been throughout the examination period. It is not clear why an update to the core case should lead to any changes to the Noise Insulation Scheme, when the sensitivity case this is formed from has not changed.

17. It is also not clear why the Noise Insulation Scheme updated document will be submitted at a later stage, rather than alongside the updated Noise Envelope (REP6-122), as stated in last sentence of 2.1.4.

Further Written Questions

NV.2.8

Noise limit reviews

Whilst routine periodic reviews and extraordinary reviews are considered in R16 in conjunction with Section 8 of Appendix 14.9.7: The Noise Envelope Version 2 [REP5-029] to what extent could this be sufficiently detailed in requirement(s) that allows for both routine periodic reviews and the extraordinary reviews?

*How often should routine reviews take place?
Who should be able to initiate an interim/extraordinary review?
Who should participate in them and how?
What would be the scope of such reviews?*

Response:

18. So long as the below is secured in a requirement of some form then we have no comments on the precise manner of how it is secured.

Review Time Periods

19. Routine reviews of the noise envelope should take place every five years, as proposed by the Applicant.

20. To use the Applicant's general wording, these reviews should begin at either (1) the end of the **fourth** year of the operation of the NRP; or (2) the end of the year when annual commercial ATMs reach 382,000 (whichever is the sooner).

21. The reason we propose the fourth year, compared to the Applicant's proposal of nine years, is that the bulk of growth is proposed to occur quickly from the opening of the new runway, and should therefore occur one five-year cycle earlier.

22. The review acts as a check and balance of airport operations and does not necessarily necessitate a reduction in the noise contour area limits, meaning it would be logical to hold a review during the period of growth as opposed to waiting until the growth has occurred.

Initiating Interim and Extraordinary Reviews

23. It is not clear what is meant by an 'interim review' as this phrase is not used within REP5-029 and we take 'interim' and 'extraordinary' to have the same meaning in this context.

24. Any extraordinary review should be able to be initiated by the Airport, the Local Authority that the airport is situated in, or by a Secretary of State. Should any named party call an extraordinary review, all named parties should be able to participate.

25. How these parties participate depends on the reason for needing an extraordinary review, which is discussed in the section below.

Participation within a Review

26. Review participants should be limited to the Airport, the Local Authority that the airport is situated in, and Secretaries of State.

Scope of a Review

27. The Applicant has proposed three reasons for an extraordinary review being required. These are:

- airspace change;
- introduction of low carbon emissions aircraft;
- force majeure.

Each is discussed in turn.

28. Airspace change is a valid reason to allow the noise contour area limits to be reviewed.

29. As was proposed by the Applicant at the Luton Airport DCO, there should be a requirement that any changes to contour area limits can only be approved where the Applicant has demonstrated that such changes would not result in materially worse noise effects than those assessed in the Environmental Statement.

30. Introduction of low carbon emissions aircraft is not a valid reason to allow the noise contour area limits to be reviewed. This is not a consideration of government policy. The Costs Decision [APP/C1570/W/20/3256619, May 2021] for the Stansted Airport 43 mppa inquiry concludes in section 22:

"...reliance on a perceived direction of travel in policy or emerging policy that may never come into being in the form anticipated is not a sound basis for making planning decisions."

31. Any change to limits due to any future introduction of low carbon emissions aircraft would require a change in government policy, and therefore is not appropriate for inclusion within the scope of an extraordinary review.

32. Force majeure does not appear to be a valid reason to allow the noise contour area limits to be reviewed. The only example provided is the COVID-19 pandemic. At no point during the pandemic did any UK airport come close to their noise contour area limits, due to the fact that the number of flights was materially reduced. We request that the Applicant provide a more suitable example for where force majeure may be relevant for the premise to be considered.

33. Otherwise, it would appear that the argument made by the Applicant is that it would have been practicable to reduce noise limits during the COVID-affected summers of 2020-2022. We note this would have been manifestly unreasonable.



Appendix A. Noise Issues

Noise issues identified by Suono to date.

Topic and Issue	Summary of our understanding of Applicant's position	Summary of Suono's position
Identification of core and sensitivity cases	Updated Central Case replaces Central Case.	UCC is not sufficiently assessed.
Air noise: results for all assessment years	The information provided in the Noise Chapter and Addendum is sufficient.	Results are missing for primary and secondary metrics for the new core case.
Noise envelope limits are too flexible	Noise contour limits set for 14 years into the future only.	Noise policy states that residents must be given certainty, which is not the case.
Providing forecasts used in modelling	Set out in REP3-071 Appendix F	Forecasts provided.
Air Noise UAELs	UAELs not set.	UAELs should be set as per previous permitted applications.
Lack of School Assessment	A school assessment is not necessary.	It is not acceptable to ignore a potentially significant noise effect.
Awakening assessment shortcomings	Awakening assessment only needs to consider air noise.	Awakening assessment should consider air and ground noise together.
Future generation aircraft noise levels not justified	Applicant has not provided any justification, so position is unclear.	Justification should be provided.
Air noise: model assumptions and clarifications	The assumptions used are sufficiently accurate.	Justifications should be provided.
Total aviation noise for air and ground assessments	There is no need to consider both sources cumulatively.	Comparable contours for both assessments should be provided.
Flightpaths	The existing flightpaths can be used.	It has not been demonstrated that the flightpaths are the reasonable worst-case.
Additional noise controls	No additional noise controls are necessary.	There is not enough information to inform what noise controls are necessary.

Topic and Issue	Summary of our understanding of Applicant's position	Summary of Suono's position
Noise contour figures (air and ground)	The figures provided are sufficient.	Noise contour figures should be provided using a high-quality Ordnance Survey underlay to allow the identification of residences.
Noise Insulation Scheme: worsening	The Applicant has updated their NIS as a result of Suono's comments.	There remain outstanding improvements to be made.
Noise Insulation Scheme: policy	The NIS is sufficient.	The Inner Zone should be expanded to cover the 60 dB LAeq,16hour daytime contour area.
Noise Insulation Scheme: funding	The NIS is sufficient, having been revised as a result of Suono's comments.	The level of funding should be revised upwards to at least match industry best practice.
Noise Insulation Scheme: overheating	The NIS is sufficient.	Mitigation, such as blinds or cooling mechanisms, should be made available to the whole scheme.
Noise Insulation Scheme: ground noise	The NIS is sufficient, having been revised as a result of Suono's comments.	It is not possible to inspect the proposals, as the noise contours provided are insufficient.
Noise Insulation Scheme: clarifications	The NIS is sufficient, having been revised as a result of Suono's comments.	Multiple requests for clarification have been set out in this note.
Noise Insulation Scheme: schools	The NIS is sufficient, having been revised as a result of Suono's comments.	The 'mitigation' offered is actually compensation and does not reduce the likelihood of significant effects occurring.
Fixed mechanical plant noise errors	The Applicant has not updated their original assessment.	The assessment should be updated to account for fundamental errors.
Ground noise: model and assessment descriptions	The information provided in the Noise Chapter is sufficient.	We request a full description and details of the noise model and assessment.
Ground noise: LOAELs and SOAELs	These thresholds should match the air noise assessment.	The Applicant's approach does not align with these thresholds.
Ground noise: EGR splits	The Applicant has provided 60% of split locations.	100% of how locations are split in model should be provided.
Ground noise: providing contours	The Applicant has provided contours at one value only.	Full sets of noise contours should be provided.
Ground noise: results for all assessment years	The Applicant has provided results for only a selection of assessment years.	Results are missing for primary and secondary metrics for the new core and sensitivity cases.

Topic and Issue	Summary of our understanding of Applicant's position	Summary of Suono's position
Ground noise: figures showing modelled locations	The information provided in the Noise Chapter is sufficient.	A figure showing where noise sources are located in the ground noise model should be provided.
Ground noise: baseline measurements	The baseline measurements provided are representative.	The baseline measurements are potentially not representative due to a changing noise climate since 2016.
Ground noise: wind corrections	The wind corrections within the noise model are sufficient.	The wind corrections are not the reasonable worst-case, nor standard industry practice.
Ground noise: taxi speeds	The Applicant states two inconsistent positions in their documentation.	Taxi speeds in APP-075 and APP-173 differ, and the ground noise model could be underpredicting noise effects.
Ground noise: bund heights	The bund and barrier height can be reduced from 12m to 10m.	Reducing the barrier height is contrary to aviation noise policy.
Road traffic noise: assessment traffic flows	There is no need to update the road traffic flows within the noise model with the new core case.	Justification should be provided as to why the road traffic noise model does not need to be updated.

