

From: Gurtler, David
Sent: 18 January 2019 14:11
To: 'James Dontas'
Subject: RE: Condition 12 - BAP reports

James

This has taken a lot more time than I anticipated and it is more complicated than just considering whether a review should be taking place on 1st January 2019 or 1st July 2019 – mainly because there are different requirements in the planning conditions to those in the s106 agreement.

Going back to the original condition (condition 11[e] of permission LBC ref: 12/01400/FUL) the requirement is that “the scheme (*Noise Control Scheme*) including the QC System shall be monitored and reviewed on a regular basis. Such a review shall take place, not later than the 1st and 4th year after introduction and every subsequent 5 years.” These review periods were carried forward in condition 9(ii) of the s73 application (LBC ref: 15/00950/VARCON)

Also the original permission included a Noise Control Monitoring Scheme (condition 13) and a Ground Noise Control Scheme (condition 14) which were to be subject to review over the same periods, so it would seem sensible to combine these reviews to encompass everything.

The legal agreement also had review periods associated with the Noise Management Plan (NMP), but these vary to those in the planning permission, requiring a review in the 1st, 3rd and 5th years following commencement and then every fifth anniversary thereafter.

My understanding is that whilst commencement of development was 1st January 2016, the full implementation of the Noise Control Scheme (NCS) was 1st July 2016. That would mean that:

1. for the planning conditions covering NCS (plus noise control monitoring scheme, plus ground noise control scheme) the first review was to be 1st July 2017 and the second review (in the fourth year) would be 1st July 2020.
2. for the s106 agreement covering the NMP the first review would have been 1st January 2017, the second review (in the third year) was due to be 1st January 2019 and the third review would be 1st January 2021.
3. Note that the s106 agreement also has review dates for other things, notable:
 - Residential noise insulation scheme should be reviewed 1st January 2019 (and then every five years)
 - Non-residential noise insulation scheme should be reviewed 1st January 2019 (and then every five years)
 - Track violation penalty system subject to a review on an annual basis

So in terms of the planning conditions and the s106 agreement there is a difference in the dates when things are required (and if you went by both documents together you would be providing reviews on 1.1.2017, 1.7. 2017, 1.1. 2019, 1.7. 2020 [and every five years thereafter], 1.1. 2021 [and every five years thereafter]). **So it would seem sensible if we can regularise things, so maybe this year we aim for 1st July 2019 and then we next go for 1st January 2021 and every five years thereafter** (this would relate to the commencement of development date in the future which is a date we all know from the s106).

The s106 agreement did reference the NCS (basically the BAP report which was submitted pursuant to conditions 11-14 of the original permission [BAP ref: A9501-R04-JGC-ZP and LBC ref:

14/01519/DOC]) but the Noise Management Plan itself in the s106 is more comprehensive, as it covers:

- a) the Residential Noise Insulation Scheme;
- b) the Non-Residential Noise Insulation Scheme;
- c) the Noise Insulation Fund;
- d) the operation of LLACC;
- e) review processes for the Noise Management Plan.

Legal Agreement requirements for Noise Management Plan Review

The legal agreement sets out fairly succinctly what it anticipates being covered in the NMP review, namely “submit to the Council for its written approval a report on the operation of the Noise Management Plan which shall review the effectiveness of the Noise Management Plan in achieving the principal objective of minimising noise disturbance from aircraft using the Airport and which shall include for the period since the Noise Management Plan was last approved by the Council or since the last Noise Management Plan Review Date (whichever shall be the later date) as a minimum the following:

- i. the details of aircraft using the airport including the numbers and types of aircraft taking off and landing at the Airport;
- ii. details of any infringements of noise limits specified for arriving and departing aircraft and of any deviations from the tracks to be followed by aircraft using the Airport;
- iii. the number of complaints received from the public in relation to noise disturbance, together with their details including their geographic origin and type;
- iv. details of any Penalties imposed upon aircraft operators under the terms of the Noise Management Plan;
- v. details of the airborne noise and ground noise abatement procedures adopted for the Airport and their effectiveness;
- vi. the effectiveness of any modifications to the Noise Management Plan or earlier review of it previously implemented
- vii. any additional proposed modifications to the Noise Management Plan which may achieve better the principal objective of minimising noise disturbance from aircraft using the Airport.

Planning Condition matters to be included in Review

In terms of what would be expected in the NCS review (planning condition as opposed to s106), it is worth looking at what is required to be included in the NCS, that is set out in the conditions (11-14), so this should include:

- Control of noise from aircraft during the day (0700-2300) and the night (2300-0700) period – so the review would need to consider what measures were advocated in the original report to satisfy the condition, how successful those measures have been, what additional measures might be required in order to comply with the controls that are in place in terms of noise (as set out in the NCS);
- Summary of the position for the noise quota system for the Night Quota Period (2330-0600) for each year leading up to the latest review, how effective the Noise Quota System has been;
- Summary of the sanctions that had been introduced by the airport to cover breaches on take-off or landing of the Quota Count System, then a summary for each year up to the

review period of how the systems has been monitored, the sanctions imposed and the effectiveness of those sanctions;

- Details covering the phasing out of QC2 aircraft from the night period;
- Compliance with the annual movement count for the night quota period as well as compliance with the annual noise quota restriction and the early morning shoulder period restriction
- The success of steps to secure the progressive reduction in maximum daytime noise violation limits
- Update on the success of the noise control monitoring scheme, providing details of how it is working, the effectiveness of the sanctions programme
- Update on the success of the ground noise control scheme which was to limit the ground running of aircraft and provide preferential stands for aircraft during the night period, as well as ground running/testing of aircraft engines

BAP Report matters to be included in Review

The BAP report dated 4th December 2014 (ref: A9501-R04-JGC-ZP) which was submitted to discharge conditions relating to noise (LBC ref: 14/01519/DOC), since this included various things so it might be that the airport in providing a review of the operation of the NCS comments on the various sections and the compliance with what was set out there, so for instance:

- Prohibitions on taking off or landing
 - Confirm in line with para 4.1 that no aircraft with a quota count of 4, 8 or 16 took off or landed during the night period (in the various years leading up to the review period)
 - Comment on the success/monitoring of para 4.2 in terms of the number of occasions an operator of an aircraft did not provide sufficient information to enable take-off or landing or claimed that an aircraft was exempt
- Maximum number of take-offs and landings during the night period
 - Confirm total numbers of take-offs and landings in the night period for the years leading up to the review period, so not to exceed 9,650
 - Confirm total numbers of take-offs and landings in the night period using the quota count system did not exceed 3,500 for each year leading up to the review period
 - Set out how at this review the quota count is to be reduced (note the noise quota needs to get down to 2,800 by 2028 so for this review it should be dropping from the 3,500 level)
- Carry-over
 - Provide details of whether a carry-over of any shortfall in the 9,650 from preceding years has taken place and what percentage of the maximum number of take-offs and landings that equated to.
 - Provide details of whether a carry-over of any shortfall in the 3,500 from preceding years has taken place and what percentage of the maximum number of take-offs and landings in the noise quota that equated to
- Overrun of movement limits
 - Provide details of whether the 9,250 limit has been exceeded in any of the previous years leading up to the review and then indicate
 - a. if by less than 10% the amount that the total was reduced to for the following year (e.g. exceeded by 50 total reduced next year to 9,600)
 - b. if by more than 10% the amount that the total was reduced to for the following year (e.g. exceeded by 1,000 total reduced next year to 8,595 [arrived at by 9,650 - 965 - 2x45])
- Overrun of quota limits

- Provide details of whether the 3,500 quota limit has been exceeded in any of the previous years leading up to the review and then indicate:
 - a. if by less than 10% the amount that the total was reduced to for the following year (e.g. exceeded by 50 total reduced next year to 3,450)
 - b. if by more than 10% the amount that the total was reduced to for the following year (e.g. exceeded by 400 total reduced next year to 3,050 [arrived at by 3,500 - 350 - 2x50])
- Disregarded movements
 - Provide details of the number of disregarded movements in each year leading up to the review period with a breakdown of:
 - a. Those allowed which would have led to serious congestion or hardship to passengers/animals
 - b. Those allowed which resulted from widespread/prolonged disruption of air traffic
- Exclusions
 - Provide details of the number of take-off and landings that have been excluded as they consisted of an emergency (specify the emergency)
- Sanctions
 - Provide details of the sanction regime that has been operating in the review period in relation to operators of aircraft which take-off or land in breach of the NCS
- Phasing out of QC2 flights during the night period
 - Provide details of the number of QC2 take-offs and landings for each year in the review period
 - Provide details of the success of phasing out of QC2 aircraft
 - Provide details of the roll out of the incentivisation scheme (lower noise limit to 80dB[A] and differential landing charges for QC1/QC2 aircraft)
- Early morning shoulder period (0600-0700)
 - Provide details of whether the 7,000 limit has been exceeded in any of the previous years leading up to the review
- Maximum noise violation limits
 - Provide confirmation that the noise violation limits set out in condition 11(i) were implemented by 1st July 2016
 - Provide details of any further reduction in the classifications of aircraft on departure
 - Provide details of compliance with the programme for the progressive reduction in daytime noise violation limits post 1st July 2016 to 1st January 2020
- Noise control monitoring scheme
 - Provide update on the fixed noise monitoring terminals and track keeping
 - Provide a summary of the effectiveness of the complaint handling system
 - Provide an update on the sanctions imposed in relation to track violation and noise violation of aircraft, the effectiveness of the sanctions and recommendations of other measures that might be considered if the system is not producing appropriate results
- Ground noise control scheme
 - Provide a summary of the measures that were in place to control ground running during the night period and the effectiveness
 - Provide an update on the preferential use of stands during the night period
 - Provide an update on steps to reduce use of APUs and roll out of fixed electrical ground power to stands
 - Provide details of events of ground running of any aircraft engines at night for testing/maintenance (should not be happening), and details during the day period with steps to minimise and control the noise.

Note also that the BAP report in Section 2.6 provided details of what they anticipated would be in the NCS review in the first and fourth years after the scheme had been implemented. The updates were to include:

- Noise Contour Areas
- QC2 Night-time Usage (w.r.t. phase out of QC2 night flights / conditions 11 (d))
- QC Budget Usage (w.r.t. reduction of noise quota to 2,800 by 2028 / condition 11 (f)(ii))
- Annual movements, night quota period, early morning shoulder period
- Annual Movements by Marginally compliant Chapter 3 aircraft
- Breaches of noise limits or flying off-track
- Payments for Noise Insulation Fund
- (The above to be compared against limits)
- Performance Analysis of Efficiency of:
 - Noise Monitoring System
 - Noise Contouring System
 - Noise Control Scheme
 - Noise Quota system
 - Ground Noise control Scheme
 - Track Monitoring System
 - Noise and Track Violation Sanctions

Conclusion

Whilst the BAP report did point out that much of the information required to meet the terms of the conditions (and consequently the NCS Review) is provided within reports that LLAOL currently produce, such as the quarterly environment reports and the annual monitoring report, I think the review should be a stand-alone document, that can be submitted on 1 July 2019, with the next one on 1 January 2021 (five years after the implementation of the planning permission) and then every five years thereafter.

The review should consider the actions that were required and specified as being part of the NCS to reduce the impact of noise associated with the airport on the surrounding communities and then provide information on the effectiveness of the measures that LLAOL has set in place and making recommendations and a programme for the next period as to how things can be improved further.

Regards

David