



March 2019

No Night Flights

www.nonightflights.info

NNF14 – Noise

TR020002: Comments For Deadline 4; also request to speak on 21st March

1. The following are comments from No Night Flights on certain noise-related issues arising from the applicant's answers to the First Written Questions from the ExA and from the submissions sent for the same deadline by Historic England and Thanet District Council.
2. The initial representations from No Night Flights were registered with PINS as 20014211. No Night Flights is aware that these important concerns about the applicant's assessment of noise are not otherwise being dealt with in evidence to the ExA and hence seeks permission for two committee members to make a 10-15-minute intervention at the noise specific hearing.

Summary

3. The applicant's replies fail to remove serious doubts about his noise assessment. It remains unclear why he says that noise footprints from super jumbo jets will be so much smaller than the levels actually measured when Manston was operational. The principal workhorse (Boeing 747-400) is the same as was measured. The figures will be even worse if the aircraft are more heavily laden. Nor have the populations of Ramsgate and Herne Bay declined in the years since the airport closed.
4. Expert input is needed to examine the various modelling flaws, which appear to include:
 - optimistic assumptions about "worst case" operations, runway usage, and flight swathes
 - reliance on dubious sources for ambient noise data
 - misuse of certain noise metrics, allowing him to mask the adverse impact on historic Ramsgate (which is close by and directly under the flight path) and not to count any of his noisy night flights
 - mitigation that is not apt to avoid potential significant effects on health and quality of life.
5. Expert opinion is also needed on the acceptability in this case of determining adverse effects and compensation on the basis of artificial "equalised" noise levels, averaged out over 16- and 8-hour periods. We contend that the key adverse effects of this proposal are associated with the relatively very high sound levels of individual noise events and the fact that so many households lie within an 85dB(max) contour. The Leq approach tends to mask that, meaning that the assessment does not give the clear picture of the impact of the proposal which is required by the EU Directive.
6. We are aware that the ExA needs "*access as necessary to sufficient expertise to examine the environmental impact assessment report*".¹ We note that the newly created Independent Commission on Civil Aviation Noise has been invited to attend the noise-specific hearing but unless they are able to assist the ExA technically to consider these complex matters we would suggest that a source of independent expertise is identified. In any event we seek the opportunity to be heard at the noise specific hearing.

¹ See Article 5(3)(b) of the parent law in Directive 2011/92/EU (amended)

Number of Air Traffic Movements (ATMs) assessed for SOAEL and LOAEL impact and mitigation/compensation purposes

7. The applicant has responded to the ExA's main questions in this area² by proposing a cap on ATMs. However, the physical capacity of the Proposed Development will remain in excess of 127,052 ATMs **unless the number of stands requested is reduced**. That figure of 127,052 does not include night flights. It is not clear if it includes General Aviation ATMs. The applicant's newly proposed cap on ATMs will be subject to commercial and political pressures, including airspace horse-trading and may be re-negotiated in the future: one man's cap is another's underused capacity.³ It is clear from looking at recent and current airport planning applications (e.g. Stansted and Luton) that a cap on ATMs cannot be taken as a permanent limit: it is the physical capacity of the runway plus stands that matters. A realistic "worst case" must be considered as a basis for calculating the SOAEL and LOAEL noise contours and the ExA should accordingly require the applicant to assess the full range of possible effects arising from the number of stands he is seeking – rejecting forecasts based on what the Applicant says is "probable".
8. It would appear from its reply to ExA's question Ns 1.3 that RSP doesn't appear to believe its own evidence or noise modelling, preferring to "wait and see" whether the additional 115 properties within the Significant Observed Adverse Effect Level (SOAEL) actually do suffer the impacts that RSP have modelled and forecast. This is simply unacceptable. Either RSP's modelling is good enough to base decisions on, or it isn't. RSP cannot cherry-pick which of the consequences of its proposal – as modelled and forecast by its own experts – it wishes to take responsibility for.

Night-awakening metric attributed to Basner et al 2006

9. The Basner et al 2006 report finally submitted by the applicant in response to the PINS and ExA questions⁴ does not appear to supply the "awakening" metric by which the applicant dismisses as insignificant aircraft noise levels at night in excess of 80 dB LASmax unless the average number of noise events during the night above this level is already at least 18.
10. The applicant refers to "emerging good practice" but it is unclear how this work from 2006 fits with the standards recommended in 2018 by the World Health Organisation⁵ and with the professional guidance set out for planning purposes in May 2017 by the UK representative body for acoustics consultancy organisations.⁶ Expert assessment is needed.
11. In its 2018 report, the WHO said:
12. *"For average noise exposure, the GDG [Guideline Development Group] strongly recommends reducing noise levels produced by aircraft below 45 dB Lden, as aircraft noise above this level is associated with adverse health effects."*

² See e.g. replies to ExA question AQ.1.18 and 1.19

³ See the discussion of this topic in the submissions to the ExA numbered NNF09 and NNF 10

⁴ See ExA question Ns.1.3

⁵ The WHO guidance on this point is discussed in our submission to the ExA NNF09

⁶ ProPG: Planning & Noise – a joint initiative from the Association of Noise Consultants (ANC), the Institute of Acoustics (IOA) and the Chartered Institute of Environmental Health (CIEH) – May 2017; also Presentation "PROG PLANNING & NOISE: Noise Events" Dani Fiumicelli, Birmingham, June 2017

13. *“For night noise exposure, the GDG strongly recommends **reducing noise levels produced by aircraft during night time below 40 dB L_{night}**, as aircraft noise above this level is associated with adverse effects on sleep.”*
14. RSP are proposing allowing 747-400 aircraft to operate at night⁷ and we know from authenticated historical data that these will produce a noise footprint of over 85 dB (max) affecting most Ramsgate residents, plus many living in the St Nicholas conservation area and in the Reculver/Beltinge areas.⁸
15. The UK acoustics body recommendations state:
16. *“The L_{Amax} of noise events plus the number of events can be used as the basis of assessing impact; although this is subject to an upper limit. For example work which informs the WHO community noise guidelines recommendation that peak noise in bedrooms should not exceed 45 dB L_{Amax} more than 10 to 15 times per night concluded that “It will be noted in particular that the tolerance to noise in regard to sleep passes through a maximum value for an optimum number of 10 to 15 flights per night and that beyond 20 to 25 occurrences of noise per night the aircraft need to be very quiet or the dwellings provided with excellent sound proofing”. The official presentation of this guidance includes the following: “THE INITIAL SITE NOISE RISK ASSESSMENT SHOULD INCLUDE THE CONSIDERATION OF THE INDIVIDUAL NOISE EVENTS WHEN THE EXTERNAL L_{A,MAX,F} EXCEEDS 60 dB.”*
17. The technical report produced for Canterbury and Thanet district councils by Ricardo noted that:
18. *“The 60 dB L_{ASmax} contour is not provided in the application and would have a large footprint area. The 60 dB L_{ASmax} contour is used to represent the onset of potential awakenings as with a 15 dB sound reduction for an open window this represents an internal noise level of 45 dB L_{ASmax} and the onset of potential sleep disturbance.”*
19. The evidence shows that the applicant will be subjecting over 30,000 people to sound levels much greater than the threshold for “onset of potential sleep disturbance”. Yet the applicant appears to want permission not to count the first 17 times he does this each night. Nor has he provided the contours which the professional bodies say would be most revealing of the extent of the disturbance at night caused by his proposed development. What sort of assessment is that?
20. We have not been able to identify any literature which suggests that any events as noisy as the applicant proposes can be disregarded for awakening purposes. The UK professional acoustics organisations appear to suggest the contrary.⁹
21. Mr Freudmann should recall from his appearances as a representative of airport management before the local airport consultative committee (KIACC) the large number of public complaints frequently generated by a single 85 dB flight.¹⁰ For him now to present a metric insisting that such events would need to exceed 18 a night to create a significant nuisance is an insult to the community his Committee purported to assist.
22. RSP’s answer to the ExA’s question Ns 1.7 is instructive – RSP show that, if you look at the numbers *their way*, nobody is ever woken by a plane.
23. The ExA asks about the 21dB noise reduction provided by insulation: “The figure of 21dB was derived specifically to be used with the annual averaged L_{night} metric. Explain why it is

⁷ See paragraph 1.5 of the Noise Mitigation Plan submitted by the applicant as APP/2.4

⁸ See fuller discussion of this topic in NNF09

⁹ See footnote 6 above

¹⁰ See fuller discussion of this topic in NNF09

appropriate to apply a yearly average to a noise event assessment.” This is a good point, as the use of average noise figures obscures the minute to minute realities.

24. RSP reply that : *“The average figure concerns the average insulation provided by a window and does not change with the noise indicator used.”* This is clearly true – a certain amount of noise insulation will provide “X” decibels of “muffling”. The noise insulation will have a “single event” figure of “X” decibels – every minute of the year – giving it an annual average figure of “X” decibels.
25. In the next sentence, RSP make the unsupported and indefensible assertion that: “The use of the yearly average noise reduction is consistent with the use of average aircraft forecasts to provide an assessment of the typical noise exposure.”
26. This is pure deceit. The average aircraft noise (across whatever time period) will **never** match the peak noise of any single event – it will inevitably be far lower. The “noise exposure” is the outside noise minus the muffling effect of the noise insulation. Using **average** aircraft noise gives a far lower starting point for the sum, and inevitably a far lower result. Of course, it’s not even possible for a human being to experience **average** aircraft noise – we are only aware of the “single events”, which is why everyone should focus on using this perspective as the preferred meaningful metric.
27. The ExA continues: “Provide separate assessments for windows open and windows closed scenarios”, and RSP’s response is astonishing.
28. They continue to rely on their Basner-derived metric that assumes everyone wakes 24 times a night and that it would take **eighteen** 80dB L_{ASmax} overflights to induce a 25th, additional, awakening. Both elements of that assumption are extraordinary claims that are **not** supported by extraordinary evidence. Nonetheless, RSP applies Basner’s formula to the windows question and comes to the conclusion that with the windows closed 29 overflights would cause one additional awakening, and with the windows open it would take just 14 overflights.
29. RSP points out that “during the maximum forecast year an average of seven night-time flights are forecast” – well below the figures of 14, or 18, or 29 – and “hence aircraft noise alone will not typically result in additional awakenings”.
30. The appeal to RSP of Basner’s methodology is clear – it produces the extraordinary and nonsensical conclusion that there **will not “typically” be any additional awakenings from aircraft noise alone**. RSP forecasts fewer than 14 night flights, so by their calculations it would be **impossible** for them to cause any additional awakenings, ever.
31. It’s worth reflecting on this a while, just to savour the absurdity of the assertion: according to RSP’s business plan, and the metrics they have chosen, **nobody will be woken by aircraft noise in the first twenty years of Manston operating as a 24/7 freight hub**. Of course, reality is different, as the complaints made to KIACC when the airport was open attest. Just one 747-400 night flight in a night caused awakenings and resulted in complaints.

“Temple metric” – assessment of impact of noise on the HAZ and upon heritage assets in Ramsgate, St Nicholas etc

32. The applicant’s answers to the ExA’s questions in this area appear to rely on the application of the so-called Temple Aviation Noise Metric developed for Historic England as a method for assessing the impact of aviation noise on the built heritage.¹¹ The applicant repeatedly claims

¹¹ e.g. HE.1.3 – 1.5

that his counter-intuitive findings about flying super-jumbos¹² at low level over historic Ramsgate are fully in line with the agreed scope and methodology for historic environment assessment.

33. The ExA should ask for an expert evaluation of this crucial claim, because it appears to be false:

- as the Temple report itself explains, the recommended methodology is addressed primarily to the situation of heritage assets likely to be affected by **existing** aviation noise (i.e. as affected the runway expansion schemes recommended by the Davies Commission at Heathrow and Gatwick). In such cases the report argues that it would be appropriate to consider changes in aviation noise levels and the "averaging" metric (see page 18 of the report). However, where the assets are not currently affected by noise, the report makes it plain that **absolute noise levels** should be used.¹³
- the applicant seems to have applied the methodology recommended for sites where the heritage assets are currently affected by aviation noise.
- It would appear that he ought to have paid much greater attention to absolute noise levels, i.e. the noise footprint produced by an aircraft typical of those they propose to operate - a fully-laden 747-400 passing at low level directly over Ramsgate harbour in a straight line to the runway, just 3km distant. The eminent noise consultants Bickerdike Allen have reported to the local council that nearly all of Ramsgate lies within the 80dBA contour produced by such a flight and that finding is fully supported by noise monitoring data from a 3-year period.
- The heritage assets in question are not currently affected by current aviation noise. The aerodrome ceased operations some 5 years ago and (as the applicants point out in paragraphs 8 and 9 of their NSIP justification document of July 2018) would require planning permission as well as CAA consents to re-commence any aviation. Assuming

¹² i.e. the noisy 747-400s and Airbus 380s which the applicant predicts to provide the workhorses of their fleet until and beyond year 20

¹³ *"The absolute aviation noise level can be used where a heritage asset is currently unaffected by aviation noise; and the change in aviation noise level can be used where a heritage asset is currently affected by aviation noise but will be subject to lower or higher aviation noise levels as a consequence of the Airport Commission's final recommendations."* "8.0 "Conclusions

*"Unfortunately, whilst there is a need for a consistent means of doing so; there are no established methods and metrics for assessing the impacts of noise on the setting of heritage assets. However, the principles of Environmental Impact Assessment (EIA) can be used to develop a method of assessing the impacts of aviation noise on heritage assets. Such a methodology can be summarised as follows: • Use airport noise contours and noise information to identify the spatial scope of the study based on **defined absolute noise levels or changes in noise levels [emphasis added]**. • Use Geographic Information System (GIS) databases to locate heritage assets within the spatial scope of the study. • Screen the identified heritage assets into a non-noise sensitive and four noise sensitive categories. • Overlay the noise information on the GIS layer with the identified noise sensitive heritage assets. • Screen out those heritage assets where a noise impact is unlikely due to the absolute noise levels or change in noise levels not being sufficient to have an adverse effect. • Undertake a detailed site-specific assessment of the noise impacts on the remaining noise sensitive heritage assets where the absolute noise levels or change in noise levels has been identified as being potentially sufficient to have an adverse or beneficial effect.*

This detailed appraisal will take into account factors including the following: • The nature, character and level of existing ambient noise levels, • The type of noise sensitive category the asset falls within, • How frequently and for how long the aviation noise is likely to occur, • How high is the absolute level of aviation noise or how big a change in aviation noise is expected."

that a DCO is granted, Ramsgate and Herne Bay would not have suffered aviation noise from Manston for at least 8 years and more likely 10 by the time aviation recommenced.

34. It should be noted that HE's response to the ExA questions addressed to it has proceeded on the belief that the applicant has adopted an appropriate methodology and that the 60dB Leq contour adopted is based on acceptable "worst case" assumptions. Those beliefs appear to be unfounded.
35. There is further important guidance at 5.3 of the Temple report about the assessment of particular sites. It is far from clear that this has been correctly applied by RSP in this case, e.g. in relation to the closed Order of Benedictine nuns at Minster Abbey (where tranquillity is crucial), or the newly funded heritage centres at the Pugin church and St Augustine shrine at Ramsgate (which will experience significant disruption of the intended heritage experience). There are other examples which we would like to bring to the ExA's attention.

Flaws and inconsistencies of professional measurement and methodology

36. The answers given to the ExA about LOAEL and SOAEL continue to ignore the serious inconsistencies between his modelling and historical empirical data available locally about the generation and propagation of aircraft noise. The Bickerdike Allen noise consultants calculated the numbers of people within an 85 dB (A) SEL contour produced by a flight departure to the east is "up to 30,903 [people] for the Boeing 747-400".¹⁴ The applicant has chosen to present his figures in terms of households rather than people, nor is the dB(A)SEL metric identical. However, the threshold used by Bickerdike Allan is 5dB higher and it focussed solely on noise impact to the east of the runway. It did not include people living to the west of Manston. In the circumstances, it would seem that the 80dB(A)SEL contour is likely to include at least twice the number of people estimated by the applicant – between 40,000 and 50,000 people.
37. NNF has significant concerns about unsound and unsafe local sources which appear to have been used for establishing ambient noise "discounts" for noise modelling. These raise substantive doubts about accuracy and compromise confidence in the applicant's approach generally. NNF questions the selection of sites for establishing baseline ambient noise monitors for RSP's environmental assessment and hence the applicant's ability accurately to "discount" its aircraft noise impact predictions. Enquiries showed that (a) most of the monitors were located in the gardens of people actively lobbying for return of aviation at Manston and (b) at least some monitors appear to have been sited adjacent to localised sources of intense ambient noise, e.g. a giant local tree roost for noisy birds, the roundabout at Ramsgate harbour, and between the A299 and the railway.¹⁵
38. Assumptions that noise will be managed by directing flights over less populous areas by using the western runway appear highly dubious and certainly not "worst case" The official records held by the Kent International Airport Consultative Committee (surveyed in NNF09) show approximately 70% of aircraft overflying Ramsgate on landing and taking-off over Herne Bay – reflecting the predominant south west winds.¹⁶ We understand that there can be no determination by CAA on the viability of the applicant's aspirations during the DCO examination.

¹⁴ i.e. the Bickerdike Allen report discussed in NNF09

¹⁵ See further discussion of this topic in NNF09

¹⁶ See further discussion of this topic in NNF09

39. Assumptions about the noisiness of aircraft in future fleets appear not be “worst case” The predictions on aircraft type are in the applicant’s Appendix 3.3. The applicant states that he has reduced his predictions of LAS(max) noise impact in year 20 to take account of his hopes that cargo operators will use quieter aircraft in the future.¹⁷ However, RSP’s hope that aircraft will become quieter cannot be relied upon. Freighters are custom-built to do one job, reliably – and they do. In 2009 Eurocontrol (Dependent on the Dark, p62) estimated the **average** age of the European freighter fleet to be 24 years. The evident durability of old freighters, and the relative cheapness of converting old passenger aircraft into freighters rather than buying new freighters, together mean that it will take decades for advances in aircraft and engine design to percolate through to become commonplace in the freighter fleet. It is absurd to assert that Year 20 noise impacts at Manston will be significantly reduced as a result of the European or global freighter fleet being quieter.
40. Assumptions about RSP’s ability to manage noise at night by offering daytime capacity rest on RSP’s beliefs that this will succeed as a business model. These appear to be contradicted by the record of business failure at Manston as a result of the application of just this model. It is a fact that Manston never reached anything like its daytime ATM capacity. Despite that, airport operators sought permission for scheduled night flights, saying that they could not attract cargo business without them, and that they also needed night flights to attract a passenger airline to base aircraft at the airport. These repeated requests for scheduled night flights and greater night flights freedoms are a matter of public record and are captured in the minutes of KIACC.¹⁸ They included requests to operate QC4 cargo planes at night . This is a crucial consideration – the applicant’s claim that ample daytime capacity will mean little or no need for night flights ignores the realities of the UK aviation market and the reality of past business experience at Manston.
41. The ExA cannot assume that an ATM cap offered today will properly protect the future health of the local population and the surrounding environment (themselves the subject of UK government international responsibilities). An assertion by the applicant that the true “worst case” need not be assessed because the applicant will cap use of its development to about 20% of that development’s built capacity¹⁹ carries no lasting weight. That cap will in all probability be managed by toothless local community mechanisms.²⁰ That cap can be overturned at any time. The “worst case” is plainly five times what the applicant has assessed and presented to the ExA. The environmental assessment is therefore unacceptable as a basis for granting the DCO application.
42. In its reply to ExA’s question Ns 1.1 RSP misrepresents its own proposal:
- “36 aircraft flying overhead per day... in the peak operating year” – equates to 13,140 annual ATMs (36 x 365). The Applicant’s proposal is for 26,468 cargo and passenger ATMs in the peak operating year (as well as GA and night flights, as far as we can make out)
 - “36 aircraft flying overhead per day... 4-5 aircraft per hour” – at 4½ aircraft an hour, all 36 aircraft would arrive within 8 hours. Nowhere else in the Applicant’s documentation is there any suggestion of an 8-hour working day.

¹⁷ The predictions on aircraft type are in the applicant’s Appendix 3.3. The applicant states that he has reduced his predictions of LAS(max) noise impact in year 20 to take account of his hopes that cargo operators will use quieter aircraft in the future “The reduction from Year 2 is due to the forecast phase out of the Boeing 767-300 and Boeing 767-400 aircraft in the fleet” (see ES 12.7.55)

¹⁸ See discussion in NNF09

¹⁹ A cap of 26,468 ATMs and a capacity of 127,052 ATMs. Neither of these ATM totals includes night flights, as far as we can ascertain

²⁰ See further discussion in NNF10

Going for the bottom end of the market

43. Please note that in spite of his protestations about night flights, the applicant has not resiled from his request to allow QC4-rated aircraft at night. These have long been banned as too noisy at the London airports. Given the applicant's need to compete in a declining cargo-only market coupled with Manston's well attested geographical limitations it is implausible that he will operate with no or very limited night flights, despite his repeated public assurances. The Davies Commission team concluded that "switching on Manston" would require significant regulatory and financial inducements.²¹ The absence of an explicit ban on planned night flights in the application and the proposal for a negotiable quota tend to suggest the applicant's intention to prop up an airport operation at Manston by capturing the bottom end of the freight market – noisy QC4 night flights banned at the majority of other UK airports. The applicant's predictions of the high numbers of heavily laden 747-400s and Airbus aircraft it expects to operate in year 20²² serves as a rebuke to airport apologists who claim we can expect ultra-modern aircraft to glide noiselessly into Manston.

Mitigation

44. The applicant is offering grants "towards the costs" of insulation and thus it is possible that some householders will not be able or willing to fund the additional costs from their own pocket. It seems wrong in principle that that householders should be required to pay for dealing with pollution created by a private company. In any event it can be seen that even the meagre mitigation on offer requires a degree of sponsorship from the general public. The polluter should pay, according to the parent EU Directive: however, **this polluter is asking the victims to chip in.**
45. Notably, noise insulation is offered on the basis of equalised, averaged night-time noise and not on potential individual aircraft noise events or awakenings. Nor is the applicant offering ventilation for residential buildings. As such, it cannot be said that the proposed mitigation will avoid potential significant effects on health and quality of life.
46. When asked by the ExA at question Ns 1.5 to "provide the evidence which demonstrates that noise insulation is effective at mitigating the adverse psychological and physiological health outcomes associated with aviation noise", RSP concede that:
47. *"... adverse health outcomes associated with noise exposure in affected buildings would be reduced in proportion to the effectiveness of sound insulation at further attenuating noise and reducing indoor noise levels..."*
48. And that:
49. *"... the inference that reducing internal noise levels would reduce this risk [of adverse health outcomes] is considered reasonable..."*
50. RSP accept the principle that more insulation is better, but argues that localised acoustic quirks make it impossible to predict the exact level of noise reduction that would be achieved, and hence impossible to predict the health impact (or reduction in health costs, more accurately) that might arise. RSP then use this as a reason to model the impacts **without**

²¹ The exact words used: "No commercial details provided, but acceptance that viability is dependent on finding the right fiscal signals or regulatory mechanisms to persuade airlines and air cargo carriers to loosen their attachment to the principal London airports and enable Manston to be "switched-on" as a "relief valve" for the regions [sic] most congested airports, implies that private sector funding may be difficult to attract."

²² 5.2-6 Environmental Statement Volume 6: Appendix 3.3

noise insulation, which results in “*findings of moderate adverse effects*”, and then to assert that noise insulation is “*likely*” to reduce the effects.

51. RSP assert that “*Only limited direct evidence is available of the effect of noise insulation on reducing adverse health outcomes associated with aviation noise, as this has been little studied.*” This is disingenuous, at best. There may be only a few studies of the “*effect of noise insulation*”, but there are many studies of the effect of noise **reduction** that results from increased distance from the noise source.
52. The net effect of physical noise insulation, and the net effect of increased distance from the noise source, are exactly the same – a reduction in perceived noise and nuisance – but achieved through different means. Adding 21dB of noise insulation to a house near the noise source will be equivalent to being in a more distant house where the noise has attenuated by 21dB due to distance – the two houses will be equally “quiet”, by definition. It is this equivalence that would allow RSP to assess the effects of insulation, without needing to rely on the few studies that specifically focussed on insulation.
53. There is no need for RSP to rely on the handful of physical noise insulation studies when there are so many studies available of the effects of noise reduction resulting from the attenuation of noise with distance from the noise source. The availability of these analyses makes a nonsense of RSP’s assertion that: “*deriving a relationship between the magnitude of noise reduction and change in health outcome was not possible*”, as this relationship has already been “derived” in previous studies. It is this **known** relationship between noise and health that underpins any and all mitigation measures.
54. Despite the evidence that noise reduction does indeed result in a “*decrease in annoyance and sleep disturbance*”, RSP is content to offer a noise mitigation regime that will not “*necessarily fully remove the impact*”, thus **knowingly** imposing on the local residents a “*predicted residual health and wellbeing effect [that] is conservatively assessed to be ‘moderate adverse’*”. RSP is seeking to have its cake and eat it. As the polluter, it accepts that its proposal will have an adverse effect on local people. It accepts the link between this and negative health outcomes. The responsibility is squarely on RSP to mitigate the negative outcomes associated with its proposal. What RSP does is to suggest a very limited noise insulation scheme. If, as RSP claims, there is little evidence of the effect of insulation on protecting people from suffering damage to their health, then RSP, **as the polluter**, needs to identify alternative mitigation measures that will have that effect. If noise insulation does to some extent protect people from suffering damage to their health, then RSP needs to widen the scheme to cover more people.