



No Night Flights

NNF15

**A critique of
RiverOak Strategic Partners'
Revised Noise Mitigation Plan**

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Acronyms

- **CCC** Community Consultative Committee
- **CTF** Community Trust Fund
- **NMP** Noise Mitigation Plan
- **RSP** RiverOak Strategic Partners

Preamble

1. The existence of a NMP is material recognition of the obligation on RSP to be “a good neighbour” and strive to reduce the impact on local people of the unwanted by-products of their business – particularly noise.
2. The NMP was RSP’s opportunity to present a framework for operations, and a system of monitoring, and an approach to mitigation that would reassure the local residents that anyone disadvantaged by the operation of RSP’s freight hub would be recompensed according to the scale of their need. Instead, RSP sets its own (absurdly high) ATM and QC limits, and draws up its own noise maps. RSP’s *theoretical* noise contours will define who can apply to the CCC to make a claim – relocation and noise insulation and ventilation claims will only be valid within specific noise contours. The CCC will assess the claims solely on the basis of the NMP. RSP’s *theoretical* noise contours will also define where the CTF money goes.
3. RSP makes no effort to identify the actual noise contours, to establish, accurately, who is entitled to recompense. This simple ruse ensures that RSP’s mitigation costs will be hugely reduced. Mitigation won’t be offered on the basis of actual need, but solely on the basis of RSP’s theoretical noise contours.
4. The NMP offers too little to too few.
5. The NMP does not address locals’ concerns about night flights. RSP’s extraordinary and carefully chosen metric dictates that 18 or more night flights of a certain level of loudness are required before there is **even the possibility** of being woken. This contradicts the evidence that one flight a night at this level of loudness is enough to wake people.
6. The NMP offers nothing to too many.

Pages 1-4

7. This document suffers from lack of clarity and poor drafting.
 - Page 1 is headed **MANSTON AIRPORT NOISE MITIGATION PLAN**.
 - Page 5 is headed **NOISE MITIGATION PLAN**.
8. Where does the NMP actually start? Are pages 1-4 included in the NMP? Given that **any and all claims** will be determined “*based solely on the provisions of this Noise Mitigation Plan*” [6.4], it is essential to know exactly which pages of this document constitute the NMP.
9. RSP states that it is “*not obligatory*” to produce a NMP, but that they believe “*that it is right to do so*”. A simpler truth that requires no belief in an altruistic applicant, is that it is inconceivable that an application for a nationally significant air freight hub would not be accompanied by an NMP.
10. RSP goes on: “*It is also right that those potentially affected by noise were given a chance to comment upon the provisions of the plan during the statutory consultation period before it was finalised and included in RiverOak’s application.*” (p1). Let us be clear: the consultation itself was **deeply flawed**, and the application now being examined threatens **levels of noise far beyond anything that has ever been consulted on**. There has been precious little in the way of “right” so far.
11. The methodology RSP proposes to use to identify “*significant adverse effects on health and quality of life on individual receptors*” (p1) is also flawed.
12. **Best Practice** RSP says that the effect levels for aircraft noise it has adopted are based on the most recent evidence and best practice. This is nonsense. RSP’s levels are based on out of date guidelines. NNF has commented on this in detail in NNF09 paragraphs 80-130 and in NNF14.
13. **LAeq (x hours)** is used as a metric. As highlighted in the recent Government consultation¹ this is widely recognised as being **unhelpfully misleading**, in that this metric does not accurately reflect the situation actually experienced by “*individual receptors*”, i.e. people (see also para 20 in this document). NNF has commented on this in detail in NNF09 at paragraphs 7-24.
14. **SOAEL** of 63dB LAeq (16 hour) is **unacceptably high** [see ExQ2 Ns 2.13]. As the ExA points out, the Aviation Policy Framework and the CAA both cite **57 dB** LAeq (16 hour) as the appropriate SOAEL threshold. RSP are demanding to be allowed to get away with making a far higher level of noise, and this **must be rejected**. NNF has commented on this in detail in NNF09 paragraphs 80-130 and in NNF14.
15. **Basner** is quite simply the most **extraordinary** metric we have ever seen in relation to night noise nuisance. Basner is not used in any other UK Noise Mitigation Plan that we can find. Significantly, this Basner metric is not referred to anywhere else in this document, which emphasises the importance of clarifying whether pages 1-4 form part of the NMP. We have commented on Basner in detail in NNF09 pp17-21 and NNF14 pp3-5.

¹ Department for Transport (2017) Consultation Response on UK Airspace Policy: A Framework for balanced decisions on the design and use of airspace.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653801/consultation-response-on-uk-airspace-policy-web-version.pdf

16. **Runway Preference Scheme** is presented as a novel and promising solution to be explored. In fact, it has been tried, and proved **ineffectual**. The prevailing winds continued to prevail – regardless of any policy-writing – and the pilots continued to fly the planes safely, i.e. **into** the wind. The airport operator’s stated directional preference can only come into play when the wind can safely be ignored.
17. On p3 footnote 6 regarding the QC count: *“The night time period quota figure has been arrived at based on a typical mix of aircraft operating within the noise levels that have been assessed in the environmental statement, rather than taking the noisiest possible aircraft”*. RSP make no attempt to explain or justify their explicit decision to **avoid** looking at the **worst** case. Night flight noise nuisance is the key issue for many local residents, but RSP’s decision to ignore the noisiest case in favour of their hypothetical *“typical mix of aircraft”* (which is not described) is relegated to a footnote on page 3, which may or may not be part of the NMP. Wholly unsatisfactory.
18. On p3 RSP mention the Aviation Policy recommendations, referring in footnote 7 to para [2.39] of the response to a DfT consultation on airspace.² The rest of the section from that consultation is relevant, and is reproduced in full at Appendix 1 in this document. Here are some highlights, our emphasis throughout:
19. *“Some considered the proposals were inadequate and felt reducing noise should be the priority through **quieter or fewer aircraft, rather than to allow noise and then mitigate the impact with compensation.**” [2.42]*
20. *“Many felt that the current metrics needed to be re-assessed and were concerned that **average noise contours do not accurately reflect the situation.**” [2.43]*
21. *“The majority supported the proposal for financial assistance toward insulation [...] but **criticised building insulation or glazing as a means of compensation, both because windows and doors needed to be closed to receive the benefit and it doesn’t lessen noise impacts outside.**” [2.45]*
22. *“Some felt that the noise thresholds for financial assistance and full insulation are set too high and that **noise contours and consequent compensation eligibility could be expanded.**” [2.46]*
23. Although these comments were made in the context of a wider Government consultation, it is striking how readily they can be applied to this proposal – simply because RSP’s proposal exhibits exactly those recurring flaws that have been so widely recognised and criticised in the Government consultation.

² *ibid.*

Process

Community Consultative Committee

24. The independent Chair (appointed in consultation with Thanet DC, Canterbury CC, and Dover DC) establishes the CCC's terms of reference, based on the NMP [8.4]. We can see no rationale whatsoever for limiting the CCC's terms of reference to issues mentioned in the NMP. This would mean that the airport's consultative committee would have a far less influential and far-reaching role than the previous consultative committee had. This is unacceptable.
25. Amongst other things, the CCC will make "*recommendations*" to the operator regarding noise insulation and ventilation claims, and relocation claims [8.2]. This raises the issue of how much power or influence the CCC has over the airport operator. Given that the CCC will have effectively grown out of the NMP, the airport operator should have no grounds or reason to refuse or ignore the CCC's recommendations. How much clout will the CCC actually have?
26. We note that there is no provision made here for **public meetings** of the CCC. Again, what RSP is proposing falls short of what was in place previously. This really does demonstrate RSP's keenness to have the community involved as little as possible, and to have as little voice or influence as possible.

Community Trust Fund

27. All penalties will be paid into the CTF [9.1]. The penalties described in sections [16] and [17] are levied on the aircraft operators by RSP. NNF's view of this proposal is jaundiced by experience. Our previous experience is that penalties were not always levied when they should have been. Indeed, the airport's Managing Director on one occasion told us that "*he did not want the airport to get a difficult reputation*". The airport operator is of course free to make such a business decision, but **must** then pay the fine into the CTF itself. The terms of the NMP dictate that specified breaches attract fines paid into the CTF – if the airport operator wishes to waive the fine on a customer, they must pick up the tab themselves.
28. In [9.2] RSP says that the CCC will "*apply*" these funds to "*projects that can offer a direct benefit to communities living within the 50 dB LA_{eq} (16 hour) day time contour and* 40 dB LA_{eq} (8 hour) night time contours*". * Does this "**and**" mean that either condition can be met, or that both conditions must be met?
29. RSP will pay £50,000 per annum (reviewed annually) into the CTF [9.3]. The CTF is always cash-limited – to whatever cash is in it – and RSP needs to clarify whether unspent money is rolled over from year to year. This has severe implications for those noise sensitive community buildings that fall fractionally outside RSP's SOAEL but which experience significant noise nuisance. They will all be competing for a very limited mitigation fund.

Making a claim

30. Annually, "*the airport operator will report the forecast noise exposure*" which will "*identify properties which may be eligible for a claim*" [6.1], and this brings us to the intellectual dishonesty and moral bankruptcy at the heart of this NMP.
31. It is common ground that the airport operator is obliged to protect residents who experience the worst effects of the airport's operation. Whatever threshold is set – the Government and CAA would use 57dB, RSP wants to use 63dB – the explicit understanding is that anyone over that threshold gets the appropriate protection. Those protective, mitigating measures are explicitly and directly linked to the level of noise experienced by residents – inevitably, given their purpose. The mitigation should go wherever the noise goes – the more noise, the more

mitigation. It is intellectually dishonest and morally bankrupt of RSP to try to limit mitigation to an area within a **theoretical noise contour of their own devising**. Any resident experiencing noise nuisance above the agreed threshold who happens to live outside RSP's noise contour must not be ignored, they deserve recompense. They would be evidence of the flaws in RSP's model.

32. **Every resident experiencing noise nuisance above the agreed threshold deserves recompense, regardless of whether or not they reside within a theoretical noise contour generated by RSP's computer model.** Compensation must be based on the reality of the noise suffered by people, and not on a theoretical forecast.
33. Disappointingly but unsurprisingly, RSP makes no commitment to establishing **actual** noise contours. RSP's noise maps are shown to be flawed by the actual readings taken when the airport was operational, and the area that would be entitled to mitigation is actually far larger than RSP's maps would suggest. RSP wish to rely on their theoretical noise contours to keep down their mitigation costs. As an example, in 2009, when the airport was operational, TDC gave planning permission for a two storey dwelling to be built in St Mildred's Road, Ramsgate. St Mildred's Road is in the centre of town towards the harbour. A condition was imposed that the developer should first submit for approval a noise attenuation scheme, reflecting the fact that the proposed dwelling would be affected by aircraft noise would be in the 57-63dB L_{Aeq} 24hours contour for aircraft noise. RSP's theoretical contour maps do not reflect this reality.
34. The airport operator will notify property owners within the noise contour of their eligibility **[6.2]**, and those owners will then be able to apply to the Community Consultative Committee **[6.3]**.
35. Disappointingly but unsurprisingly, RSP makes no move to proactively contact those whose quality of life they are diminishing, preferring to make the residents do the work. The NMP is predicated on RSP's own **modelled** noise contours which, become the sole determinant of who is **eligible** – not eligible to claim, but eligible to *apply* to claim. If the CCC approve the claim, RSP will appoint the contractor to do the work. The NMP ensures that only those living within the specific noise contour can ask for anything, and they only get what they're given.

Purchase and relocation assistance scheme

36. In **[5.2]** RSP says: *“the airport operator will offer to purchase the property for its market value (in the absence of the proposed development)”* [emphasis added]
37. However, **[5.4.2]** says: *“All properties predicted to be eligible for relocation assistance ... will be valued by an independent surveyor within 6 months of the making of [the DCO].”* [emphasis added]
38. **All** eligible properties should be valued not just in the **absence** of the proposed development, but in the **absence of the threat** of the proposed development, i.e. **before** the DCO is made. Values, already dented by the threat of a DCO, will fall if the DCO is made, and will fall further through the construction and subsequent operational phases of the proposed development. The baseline for valuation should be as **“DCO-free”** as possible.
39. In **[5.5]** RSP says that the *“relocation settlement shall take account of any reduction in property value resulting from a change in the noise environment following the opening of the airport”*, which begs a few questions:
 - How does RSP propose to distinguish the value reduction due to noise from value reductions due to any other causes?
 - Does this mean that noise **before** the awarding of the DCO and the opening of the airport is completely disregarded?

- Does this mean that nobody can relocate until after the airport has opened, i.e. **after** they have been subjected to the noise?
40. In [5.2] RSP makes clear the sum total of its offer: relocation expenses of £5,000 plus 2.5% of purchase price (up to £600,000), i.e. a maximum of £20k. That's it. Moving house is stressful enough at the best of times (on a par with death and divorce, apparently), and it can only be worse to have it forced on you. Yet this is exactly what RSP will be doing, and offering miserly compensation in return. This is unacceptable.
41. This proposed mitigation measure suffers from the same basic flaw as do RSP's other mitigation measures, i.e. they are based on LAeq (16 hour) contours. The fact is that RSP plans to operate a smaller number of much noisier planes than other airports that offer mitigation based on LAeq. As we have said previously, NNF has commented in detail on the inappropriateness of LAeq as **the** metric to assess the actual noise impact on residents and their lives of the potential RSP proposals.

Airport operator reporting responsibilities

42. The reporting deliverables that RSP proposes in [7.1] are infrequent and largely high-level, i.e. of limited use. The most notable gap in their proposed suite of reports is any reporting of **actual** noise contours. As explained earlier, RSP seek to avoid their **actual** obligations. What RSP suggests falls far short of the reporting provided by previous operators. Previously, all the reporting was quarterly. In addition, the **actual** noise monitor readings were reported, as were the number of night flights, the airlines responsible, and the reasons for any unscheduled night flights having been allowed. Runway usage was also reported on. It is clearly ludicrous to report just once a year on issues such as complaints. This suggest that RSP has little or no interest in addressing complaints promptly.
43. RSP makes no mention of real-time or live data reporting, which we assume is an oversight. Modern flight-tracking software (e.g. Webtrak) provides timely, accurate information on individual ATMs and would help residents identify "problem" flights. RSP should provide this facility on the airport's website, in the interest of transparency.
44. In [7.4] RSP says: "[...] *The airport operator will be expected to formally respond to any recommendations made by the Community Consultative Committee, taking any actions deemed necessary within the bounds of this noise mitigation plan.*"
45. The obligation on RSP is to "*respond to*" recommendations, not to follow them or provide alternative solutions, which suggests that RSP will be free to ignore the CCC. RSP may then take "*any actions deemed necessary*" – by whom? – "*within the bounds of this noise mitigation plan*" – a phrase that adds no clarity. In practice, RSP alone will determine what is "*necessary*", and what is "*within the bounds*" of the NMP.

Noise

Aircraft noise monitoring

46. Aircraft noise monitoring can serve two useful purposes: by providing quantitative measures of the impact on people (or “*residential receptors*”); and by providing validating or corrective input for computer modelling. RSP’s approach provides neither.
47. RSP’s “aircraft noise monitoring” appears to consist entirely of fining some noisy departures, which is inadequate, and rather pointless. A single sensor under each departure route, a long way from the airport, offers too small a sample of the world to be useful. RSP needs to deploy a larger number of sensors along the length of the arrivals routes, **and** along the length of the departures routes, paying particular attention to where there are concentrations of people.
48. In [16.1] RSP says that “*Permanent fixed noise monitoring terminals will be located under each of the aircraft departure flight paths at a distance of 6.5km from the start of take-off roll*” and that aircraft will be fined for exceeding a time-dependent noise threshold. This begs a number of questions.
- Why only departures? Departing aircraft can peel away to the left or right, avoiding the largest towns. Arriving aircraft will **always** be restricted to a straight-line approach over the largest towns, and will therefore **always** be experienced by largest number of people. Clearly the arrivals **must** be subject to the same regime as the departures.
 - Why **only** at 6.5km? As mentioned above, a wider array would prove far more useful.
 - Will the thresholds ever be exceeded? The limits are 90dB LASmax (daytime), and 82dB LASmax (0600-0700), 6.5 km from the start of take-off roll. These aircraft have taken off and flown several kilometres from the airport. There are two issues here: if an aircraft is creating 90dB LA_{max} 6.5 km from the start of take-off roll, then the noise that will have been created when that aircraft overflew Ramsgate (for example) will have been substantially louder than this. Secondly, an aircraft is creating 90dB LA_{max} 6.5 km from the start of take-off roll, when it *should* be high in the sky by then, it suggests that the aircraft has been flying low for many kilometres. This is clearly a safety issue.
 - How does [16.3] marry up with RSP’s proposal to operate nothing louder than QC4 at night? RSP says it will fine aircraft exceeding 82dB LASmax at the noise monitor 6.5km away. Can RSP clarify what QC category of plane it would expect to make this level of noise. The QC certification procedure, laid down in Chapter 3 of ICAO Annex 16, requires three 'reference points' to be taken into account:
 - **approach**, under a 3 degree descent path 2000 m from the runway threshold;
 - **lateral** (or sideline), 450 m to the side of the initial climb after lift-off (or 650 m for Chapter 2 aircraft) - at the longitudinal position where noise is greatest;
 - **flyover**, under the departure climb path, 6500 m from start-of-roll (SOR).
49. RSP must commit to measuring the **actual** noise over **residential** areas. Aircraft noise monitoring is not done for its own sake, it is done to assess the impact of the airport’s operations on **all** the local residents – not just those who happen to live on a departure route 6.5km from the start of take-off roll. Once again, it is clear that RSP intends to take less responsibility for the noise pollution created by its operation than previous operators did. Even in what was accepted by TDC to be a sub-optimal noise monitoring regime, previous operators committed to having noise monitors in residential areas. This is the only way of measuring accurately the impact of airport operations on the local noise environment in which people live and work.

Aircraft quota count and movement restrictions

50. RSP is ignoring Government policy on the issue of Quota Count ratings and the level at which the noise generated by an aircraft causes disturbance. NNF comments on this in detail in NNF09 paragraphs 96-110. Put simply, RSP has ignored the Government's new QC category and has ignored the fact that the Government says that all ATMs (bar a very few specialist aircraft) should count towards an airport's overall limit on night ATMs and the Quota Count.
51. In [1.7] RSP wants an Annual QC cap of 3,028 between 2300-0700 to cover its night-time traffic. Laughably, RSP then proceed to try to redefine night as 2300-0600. This is unacceptable, showing a shocking disregard for all the local residents and everyone under the departure flightpaths. Let's be clear – the eight hour spell from 2300-0700 was specifically and deliberately designed and defined to provide respite from aircraft noise for everyone in earshot.
52. Given the conditions stipulated in [1.4] and [1.5], the logical inference is that the 3,028 QC points will be used up by:
 - unscheduled landings between 2300-0600, and
 - take-offs, and scheduled landings, and unscheduled landings, between 0600-0700.
53. RSP should be able to confirm this is the case.
54. The simplest conclusion is that RSP's business model assumes:
 - a large number of late arrivals ("*unscheduled landings*") through the night, and/or
 - a frantic early morning rush-hour between 0600-0700.
55. On the one hand, RSP insists '*no night flights... except late arrivals*'. On the other hand, RSP is asking for a **huge QC count** for night-time noise. This Quota Count far exceeds the proposed Quota Count previously rejected by TDC as having the potential to cause more harm than good. NNF comments on this in NNF09 at paragraphs 144-149. In addition, we have highlighted in our response to ExAQ2 Ns. 2.4 the fact that RSP is seeking a disproportionately higher Quota Count than Heathrow, when the Quota Count is compared to the annual ATM cap. RSP has produced no evidence to support the notion that any value created by this over-generous night flight scheme could outweigh the considerable environmental and social downsides.
56. Again, RSP is being **intellectually dishonest**. Saying that there will be no night flights – *except for late arrivals* – is self-contradicting nonsense. A flight, **any** flight, between 2300 and 0700 is a night flight, by definition. It doesn't matter whether it is scheduled or unscheduled, or whether it is late or early, or whether it is arriving or departing – it's still a night flight. It doesn't even matter if the airport operator has tried to move the goalposts and pretend 0600-0700 *isn't* night – **it's still a night flight**.
57. To make matters worse, RSP persists in seeking to include QC4 rated aircraft in its night flight scheme [1.6]. This means that a fully laden 747-400F could take off from Manston heading east over Ramsgate from 0600 in the morning. It also means that a fully laden 747-400F could land "late" at any time between 2300-0700 (a landing 747-400F only counts as QC2). Given the years of evidence when Manston was operational about the disruption to sleep that just one of these planes causes, this is clearly unacceptable. Again RSP has not set out any "balancing act" between the disruption that this would cause to local residents and the environment, and any benefit that RSP says would accrue if this night flight regime is accepted. When the Government expresses concern that planes rated QC0 and QC0.125 expose affected communities to noise levels that the WHO identify as being capable of

causing sleep disturbance, it is extraordinary that RSP is proposing ATMs rated QC4 at Manston, at night.

Noise insulation and ventilation scheme – residential properties

58. In [2.1] RSP states that “*Eligibility for the scheme is consistent with current and emerging Government policy.*” This is clearly not the case. As highlighted in para 14 of this document, RSP wants to set the threshold for SOAEL – which defines eligibility for mitigation – far higher than is recommended by the CAA or the Aviation Policy. RSP seeks to hide the meanness of its treatment of local residents by presenting it as the norm.
59. In [2.2] RSP imposes an arbitrary cap of £10,000 on funding “*towards acoustic insulation and ventilation*”. This should **not** be capped. RSP has **no right** to impose any adverse effects on anyone, and should pay whatever it takes to provide effective mitigation. Some mitigation measures will be more expensive than others. It’s simply one of the costs of doing business for RSP.
60. In [2.3] RSP states that it is they alone who will appoint the contractors to carry out the mitigation works. RSP need to clarify their responsibilities. If the work is sub-standard or ineffective, does the resident claim against the contractor or RSP?
61. In [2.5] RSP stipulates “*One application will be considered per property*”, which is unhelpfully loose drafting. RSP must specify how it will deal with HMOs, with blocks of flats, shared freeholds, etc. There also needs to be sensible provision for the resident who finds they need further mitigation measures (the first instalment having proved ineffective) and applies for more, while still below the £10k cap.
62. In [2.8] RSP specifically excludes properties that are not “*in residential use*” on the date of the DCO being made. This would exclude, for example, the Manston Green development and other properties being built during and after the DCO. What about properties that happened not to be “*in residential use*” on that particular day? In practice, this mean exclusion is simply another ruse by RSP to avoid taking responsibility for the consequences of their actions.

Noise insulation and ventilation scheme – noise-sensitive buildings

63. In [3.1] RSP says it will “*provide reasonable levels of noise insulation and ventilation*” within the “*60dB LAeq (16 hour) day time contour*”. The term “*reasonable*” is unhelpfully undefined, and is itself unhelpful. RSP must commit to delivering **effective** levels of noise insulation and ventilation, rather than “*reasonable*” levels. That is the point of mitigation: it’s not about the quantity of it, it’s about whether there’s enough of it – and this applies equally to residential properties and noise-sensitive buildings.
64. RSP makes no commitment to funding mitigation for schools within the 50dB LAeq (daytime) contour, saying merely that it will assess the need. Again, this is simply not good enough. As the polluter, RSP must pay to mitigate the adverse effects of its development.
65. One example of a CTF-funded project given in the NMP is “*Noise insulation and ventilation grants for noise sensitive community buildings outside the SOAEL level*” [9.4.1]. This should not be paid for from the CTF, it should be dealt with as part of the standard mitigation measures and paid for by RSP. Common sense dictates that if a noise-sensitive building is suffering enough noise that it requires noise insulation and ventilation grants, and it happens to be outside the SOAEL boundary, then **the boundary is in the wrong place**. Once again, we see RSP trying to limit mitigation to its own theoretical noise contours, rather than providing mitigation on the basis of need.

66. In the March ISH on Noise, RSP was questioned about the appropriateness of its chosen metric, i.e. LAeq , when assessing the noise impact on schools. Self-evidently, schools do not operate a 16 hour day. What matters to schools is the actual noise impact on the educational environment, both inside and outside the classroom, while pupils are present. A 16 hour average will always understate the reality. NNF and other local residents have given evidence at the two open floor hearings of the damaging effect of aircraft noise on our schools and the interruption to lessons that was experienced when the airport was operational. RSP's proposals seek to avoid taking responsibility for just such an impact.

Operational Issues

Training Flights

67. In [10.1] RSP says “*Other than General Aviation training that is based at Manston Airport, there will be no routine training flights.*” Which raises obvious issues:
68. RSP need to describe the nature, quantity and timing of “*General Aviation training*”, and
69. RSP need to describe the nature, quantity and timing of **non-routine** training.
70. NNF has commented on the disproportionate impact of training flights before, and most recently in its response to ExAQ2 Ns. 2.8. RSP has yet to provide any assessment of the potential costs and benefits of training flights to enable the ExA to assess whether an appropriate balancing act is capable of being made between the known negative impact on residents and the local environment, and any claimed potential benefit that might accrue..

Reverse Thrust

71. In [12.1] RSP says “*The airport operator will establish a policy...*” This policy should already be written, and should form part of the NMP.
72. RSP hopes to minimise the use of reverse thrust – except where “*operationally essential*” – by relying on guidelines to pilots in the AIP. In practice, it will be the pilot’s call.

Aircraft approach

73. Aircraft operators will be encouraged to use low power/low drag procedures to reduce noise [13.1] – by relying on guidelines to pilots in the AIP, some of which are unachievable. Section [13.2.1] (f) requires that “*inbound aircraft in both VMC and IMC should, whenever possible avoid flight below 3000 ft over towns*”, which is clearly impossible over Ramsgate, and may not be possible over Herne Bay. RSP needs to spell out clearly how what it proposes here is an improvement on previous operations.
74. We welcome noise mitigation measures being “baked in”, but Manston’s problem (as ever) is location, location, location. The reality is that Ramsgate will **always** get hammered by arrivals from the east **and** departures to the east, and that Herne Bay will **always** be under the mandatory route for arrivals from the west.

Runway operation

75. In [14.1] RSP offers a heavily caveated commitment to Runway 28 for Departures and Runway 10 for Arrivals, **i.e. towards the West** – and a matching note to pilots in the AIP. We have dealt with RSP’s “Runway Preference Scheme” in paragraph 16 of this document and in a series of submissions by No Night Flights. The fact remains that years of evidence reported to the Airport Consultative Committee show that around 70% of arrivals were over Ramsgate, and that variable number of departures (between 30-70%) were also over Ramsgate.

Off track flight

76. In [17.2] RSP says it will “*seek to establish*” routes that avoid densely populated areas. Given the simple facts of life, as explained above in paragraph 74, there is very little room for manoeuvre here. This is an unrealistic hope, being presented as a policy goal.
77. In [17.3] RSP says that aircraft operators will be required to ensure **95%** of each calendar year’s departures are within the NPR. Which begs the questions:

78. What about **arrivals**?

79. Given the quality of instrumentation on the ground and in the air, why not nearer **100%**?

80. In **[17.4] RSP** says: *“Any aircraft operator which fails to meet the target in paragraph 17.3 [i.e. the 95% threshold] and subsequently fails to work collaboratively with the airport operator after being notified of persistent departures outside of the NPRs will be subject to a track keeping penalty of £500 per aircraft departure.”*

81. So, RSP will inform an aircraft operator at the start of the year whether it has breached the 95% limit by persistently departing outside the NPRs in the previous year. It's then RSP's call to determine whether they have *“worked collaboratively”*. If they haven't, a small fine will be imposed... when? On every departure? Forever? It's hard to see this poorly-drafted penalty clause ever being invoked.

Wake Turbulence

82. The Wake Turbulence Policy outlined in RSP's Appendix 2 should be improved. RSP are expecting residents to wait for two days – while they have a hole in their roof – until RSP's experts arrive. Surely RSP would have enough expertise on tap at Manston, amongst its hundreds of employees, to be able to provide (in less than two days) someone who can recognise vortex damage.

83. It would be helpful for RSP to commit in writing in this policy to fully reimbursing residents who have been obliged to carry out emergency repairs.

84. It appears that RSP want to appoint the contractors for the repairs. As described in paragraph 60 of this document, RSP need to clarify the lines of accountability for the works carried out.

Summary

85. RSP has no **right** to impose noise on local residents.
86. RSP has an **obligation** to mitigate the impacts of its business on residents.
87. RSP's current proposals threaten far more aircraft and far more noise than was ever consulted on, and this NMP does not offer adequate protection to residents.
88. RSP claims to be using "best practice". It isn't. It is using out of date guidelines.
89. RSP uses LAeq (x hours) throughout the NMP. This misleading metric must be replaced.
90. RSP sets the SOAEL level too high at 63dB_{LAeq (16 hour)} – it should be 57dB_{LAeq (16 hour)}.
91. RSP wants to use the Basner metric, expecting us to believe that 17 flights a night, every night, would never wake anyone. This absurd metric would allow an intolerable number of night flights, and must be rejected.
92. RSP wants to hobble the Community Consultative Committee by restricting its terms of reference to the NMP alone. The CCC should be able to represent and champion the interests of the community unfettered by this pointless restriction.
93. RSP offers no public CCC meetings – for a "community" body, this is clearly unacceptable.
94. RSP predicates its entire mitigation provision on its own computer-generated, theoretical noise contours, regardless of actual need.
95. RSP makes no attempt to establish **actual** noise contours, i.e. no attempt to find out who is actually suffering from the adverse effects of RSP's business.
96. RSP must be directed to produce, and refresh, **actual** noise contour maps.
97. RSP's preferred reporting style is "little and late". RSP must provide live flight tracking and reporting on its airport's website.
98. RSP says it will only monitor the noise of departures. This is ridiculous.
99. RSP wants to whittle away at the internationally accepted definition of "night". RSP must not be allowed to shrink the night to satisfy their greed.
100. RSP promised "no night flights" throughout the consultation, and now wants a huge Quota Count for night flights – more than Heathrow, *pro rata* by ATMs. This must be rejected.
101. RSP wants to allow QC4 aircraft at Manston at night. This is unacceptable.
102. RSP wants to cap mitigation at £10k, regardless of need. This is unacceptable.
103. RSP wants to cap relocation compensation at £25,000. This is miserly and unacceptable.
104. The NMP offers too little to too few, and offers nothing to too many.

Appendix 1 – Airspace Change Compensation Proposals

105. **Question 1d Please tell us your views on the airspace change compensation proposals.**
106. **2.39** *The government proposed four changes to aviation noise compensation policy, to improve fairness and transparency. The purpose was to incorporate airspace changes into the existing compensation policy so that compensation policy would be the same for all changes which affect noise impacts regardless of whether they are a result of infrastructure change or a tier 1 or 2 airspace change. The four proposed changes to current policy were:*
- *Change the policy wording to remove the word ‘development’ in terms of when financial assistance towards insulation is expected so that compensation is applicable regardless of the type of change (infrastructure or airspace change);*
 - *Change the policy wording to allow for financial assistance towards insulation in the 63dB LAeq level or above to be applicable regardless of the level of change that causes a property to be in that noise contour level (i.e. remove requirement for a minimum 3dB change);*
 - *Additional wording to encourage an airspace change promoter to consider compensation for significantly increased overflight as a result of the change, based on appropriate metrics which could be decided upon according to local circumstances and the economics of the change proposal; and*
 - *Include a requirement of an offer of full insulation to be paid for by the airport for homes within the 69dB LAeq or more contour, where the home owners do not want to move.*
107. **2.40** *Question 1d received 374 comments and the majority of responses were supportive of the four changes proposed. They were broadly seen as fair, thorough and addressed noise impacts. Many also welcomed the cost being absorbed by the aviation industry.*
108. **2.41** *Most supported the proposed removal of the word development and removal of the requirement for a 3dB change and agreed these additional steps would ensure that those impacted by airspace changes were compensated. 15*
109. **2.42** *Some considered the proposals were inadequate and felt reducing noise should be the priority through quieter or fewer aircraft, rather than to allow noise and then mitigate the impact with compensation. Some were concerned that, due to the new expectation to consider compensation, airspace design could be limited and that rather than aiming to limit noise or carbon emissions, it could instead lead to increased routing over rural areas in order to minimise paying compensation.*
110. **2.43** *Many felt that the current metrics needed to be re-assessed and were concerned that average noise contours do not accurately reflect the situation. They also felt Performance Based Navigation (PBN) changed the dynamics of how noise is experienced with the increase in the number and concentration of aircraft overhead.*
111. **2.44** *Several thought noise changes impacted on property value. Some requested a policy on compliance with compensation that can be monitored and enforced, including a policy on fining those who have not met their obligations to compensate.*
112. **2.45** *The majority supported the proposal for financial assistance toward insulation regardless of whether a change in noise impact is attributable to an infrastructure development or an airspace change, but criticised building insulation or glazing as a means of compensation, both because windows and doors needed to be closed to receive the benefit and it doesn’t lessen noise impacts outside.*

113. **2.46** *Some felt that the noise thresholds for financial assistance and full insulation are set too high and that noise contours and consequent compensation eligibility could be expanded.*
114. **2.47** *The proposal to encourage airspace promoters to consider compensation for significantly increased overflights that occur as a result of the airspace change based upon appropriate metrics was supported in principle. However several respondents disagreed with the words 'encourage' and 'consider', and were concerned that airspace change sponsors will exploit the wording to lessen the amount of compensation payments. Others commented that 'overflight' as well as 'significantly increased' are not defined clearly enough and again that this could lead to the proposals not being complied with.*