

FACC Questions – October 2020

FACC – A series of Questions and Answers between Geoff Marks – and Richard Ward - RBC relating to Noise Contours.

Between 1st and 21st October.

1st October 2020 - GM Question - I will be grateful if you would address the following two questions before the next FACC convenes later this month.

Q1. Is the 6.6 sq km and 2.4 sq km areas invoked in the S106 agreement the outcome of 55dB(A) and 60dB(A) contours modelled on the basis of 50,000 movements of the mix of aircraft established in 2010? Can the contours be overlaid on a map and brought into the public domain?

Q2. As you know, noise contours represent the Equivalent Continuous Sound Levels generated by an averaged number of daily movements over the period June to September. Do you agree that given the weekend movement limit, the noise contour policy is robust only if limiting contours are modelled for both an average weekday and an average weekend day; the weekday Leq 16hour contour modelled on the basis of 50,000 minus 8900 (41100) annual movements, and for a weekend day an Leq 12hour contour modelled on the basis of 8900 movements?

8th October 2020 - RW Answer - In response to the questions raised, I can advise the following

Q1. Yes, these contour areas are based on the contours modelled in support of the 2009 planning application by Bickerdike Allen Partners and represent the predicted areas covered by the 55dB and 60 dB contours in a 2019 scenario with 50,000 Business Aviation movements, with an added 0.5 dB tolerance. The contours on which they are based have been mapped and are in the public domain. Material relating to the 2009 planning application (Planning Ref: 09/00313/REVPP) and the 2010 Appeal can be viewed via the Council's Planning application portal at <https://publicaccess.rushmoor.gov.uk/online-applications/applicationDetails.do?keyVal=KKYXA5NM07W00&activeTab=summary>

Q2. The 55dB(A) and 60dB(A) noise contours for the Airport are based on annual activity, rather than the 92-day summer period typically modelled at designated airports. Whilst I can agree that there are recognised weaknesses in the use of noise contours, when considering any control mechanisms to include within planning policy it is necessary to have regard to accepted methodologies and to ensure any such controls are compliant with current Government planning policy. The current planning controls have established a 'noise budget' not to be exceeded which, in keeping with existing Government policy, is based on average annual noise exposure and does not differentiate between weekdays and weekends, although both are taken into account in producing the contours.

9th October 2020 - GM Question - Thank you for your comprehensive response to my questions.

I agree with you that the use of noise contours, despite their weaknesses, is government policy. Perhaps in recognition of those weaknesses, the government's Aviation National Policy Statement (NPS) says at paragraph 5.60 that "*Suitable review periods should be set in consultation with the parties above* (my emphasis) *to ensure the noise envelope's framework remains relevant*". The parties referred to in this paragraph are local communities and, most importantly, the Independent Commission on Civil Aviation Noise (ICCAN).

Such a review in line with this government advice is overdue given that the current contours overstate the agreed daily noise thresholds, significantly so in the case of Saturdays and Sundays.

Should the transition to PBN operations in February of this year have an impact upon the size and position of the contours, then clearly the provisions of the S106 agreement would be an additional case for a limiting contour review. This says at paragraph 2.1(b) *“ where a noise benefit can be demonstrated then, subject to reaching prior agreement in writing with the council (all parties acting reasonably, the site can be operated within a noise budget defined by noise contours of differing land areas or position from the contours defined in paragraph 2.1(a).*

12th October 2020 - RW Answer - Thank you for your thoughts.

The Airports NPS (2018) sets out government policy for future development at Heathrow Airport, but I understand that all LPAs may need to have some regard to it when determining development applications for new runway capacity and other airport infrastructure in the South East. However, the Aviation Policy Framework is still Government policy on wider aviation issues and as you may recall Policy SP4.2 of the Rushmoor Local Plan does include a requirement that in the event of a future application being received to change the pattern, nature and/or number of business aviation movements, the noise contour budget shall be remodelled to provide an accurate, up-to-date figure against which to assess the noise impact of the changes proposed by the application.

With regards your final comment, this review has already taken place which is why we have the current 55db(A) and 60db(A) noise contour areas of 6.6 Km² and 2.4 km² respectively. The contours defined in paragraph 2.1(a) are the original contours of 9.09 km² and 4.01 km² established under the 2000 planning permission.

12th October 2020 - GM Question - My take on the current 55dBA and 60 dBA contours is that they were establishment as an obligation, a condition, of the 2010 planning approval (see S106 para 12.1). They were not established by invoking the S106 obligation to the Council at paragraph 2.1(b) that makes provision for contour reviews triggered by operational changes having noise benefits for the local communities (as measured by the government’s preferred Laeq noise metric)

Very much in hindsight, I draw your attention to the annual INM7 Noise assessment report for 2011. In his report Miles Thomas concludes that:

“Contours produced for the year 2011 and the predicted contours for the year 2012 are within the planning permission area limit. Their size is considerably smaller than the original planning consent contours, reflecting the change in aircraft operations on which the modelling process is based, the allowance for the steeper approaches used, and the findings of the validation exercise.”

This was a missed opportunity to establish contours that give the operator the incentive to continue to pursue noise reduction measures. I put it to you that now would be a good time to do just that given the further noise benefits that should accrue from the introduction of Performance Based Navigation (PBN) in February.

16th October 2020 - RW Answer - Paragraph 2.1(b) of the S106 agreement refers to a possible revision to the original planning consent contours of 9.09 km² and 4.01 km² established under the 2000 planning permission. I think this is made clear by the wording *“the Site can be operated within a noise budget defined by noise contours of differing land area or position from the contours defined in paragraph 2.1(a)”*. Such a review took place at the time of the 2009 planning application

and subsequent Appeal Hearing, when some amendments to the S106 agreement were negotiated with the Airport operator, and some additional benefits secured, introducing the revised 55dBA and 60 dBA contours set out in para 12.1. There is no provision in place to revisit the contours defined under paragraph 12.1, other than that introduced by Policy SP4.2 of the Rushmoor Local Plan.

20th October 2020 - GM Question - You say there is no provision in place to revisit the contours defined under paragraph 12.1 of the S106 agreement, other than that introduced by Policy SP 4.2 of the Rushmoor Local Plan. I take it that in reaching that conclusion you have had regard for the policies set out in paragraph 7.115.

As I read this paragraph, it is left to FAL to update the contours so-as-to establish a baseline against which projected noise impacts of the changes proposed by any future planning application can be assessed. The projected noise budget contours must be smaller than the updated baseline if the planning application is to be acceptable to Rushmoor.

I have two further questions; (a) does such a deferral of the updating, to an unspecified date, conform with national policy as set out in paragraph 3.29 of the APF? and (b) If a further planning application by FAL is unlikely in the foreseeable future, or if the deferral of the updating is judged not to conform to national policy, how should the contour updating be triggered if not by invoking the S106 provisions defined in paragraph 2.1.(b) ?

21st October 2020 - RW Answer - I can advise that the Rushmoor Local Plan was subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The inspector concluded that the policies for Farnborough Airport were justified and consistent with national policy.

21st October - GM Response - Having taken part in the 'hearing in Public' of the Local Plan I am well aware that the Local Plan noise policies have been endorsed by the Planning Inspectorate. I regret not being smart enough to have posed my questions at that time.

I will decide in due course whether to raise my questions elsewhere. As it for Rushmoor and FAL to interpret the policies, it would be very