



Department for
Communities and
Local Government



Department
for Transport

To the appeal parties listed overleaf

Our Ref: APP/R5510/A/14/2225774

26 January 2016

Dear Sir or Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY LONDON HEATHROW AIRPORT
ENABLING WORKS TO ALLOW IMPLEMENTATION OF FULL RUNWAY
ALTERNATION DURING EASTERLY OPERATIONS AT HEATHROW AIRPORT**

I am directed to say that the Secretaries of State for Communities and Local Government and for Transport are considering the report of the Inspector L Rodgers BEng (Hons) CEng, MICE, MBA, who held a public local inquiry from 2 to 19 June 2015 into the above appeal.

In his report, the Inspector considers the mitigation offered in respect to residential properties by Heathrow Airport Limited (HAL) including HAL's offer to meet the full cost of noise insulation to properties which, after scheduled easterly alternation has commenced, would experience an increase in noise of 3db or more which results in exposure to external aircraft noise levels of 63dB LAeq 16hrs or more (referred to in the submitted Undertaking as 'Type B' properties); and HAL's offer to financially assist the relocation of those living in residential properties experiencing external aircraft noise levels of 69dB LAeq 16hrs or more after scheduled easterly alternation has commenced (referred to in the submitted Undertaking as 'Type A' properties).

The Inspector recommends that, supposing the Secretaries of State were minded to allow the appeal, then an additional condition would be necessary to ensure that the insulation scheme is made available to those households who would otherwise only be entitled to relocation assistance. The Inspector's suggested condition is:

Julian Pitt, Decision Officer
Planning Casework Division
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel 0303 444 1630
pcc@communities.gsi.gov.uk

Dean Muir
Department for Transport
Room 1/24, Great Minster House
33 Horseferry Road
London SW1P 4DR

Tel 020 7944 5413
dean.muir@dft.gsi.gov.uk

“Any property which, after Scheduled Easterly Alternation has commenced, would experience external aircraft noise levels of 69dB LAeq 16hrs or more (referred to in the submitted obligations as a ‘Type A Property’) shall be offered, as an alternative to relocation assistance, noise insulation on the same terms and in the same form as a property which, after Scheduled Easterly Alternation has commenced, would experience an increase of 3dB or more which results in exposure to external aircraft noise levels of 63dB LAeq 16hrs or more (referred to in the submitted obligations as a ‘Type B Property’).”

The stated rationale the Inspector gave to support this recommendation is set out in Annex B to this letter.

The Secretaries of State invite representations on whether the draft condition has any implications for the cases that parties put at the Inquiry. Representations are also invited on whether this condition would accord with policy on noise in the Aviation Policy Framework 2013 (paras 3.36 and 3.39), the National Planning Policy Framework 2012 (NPPF, para 123) and the Noise Policy Statement for England 2010, and meet the tests for planning conditions set out at paragraph 206 of the NPPF. The Aviation Policy Framework can be found at <http://tinyurl.com/bx67ean>, the Noise Policy Statement for England at <http://tinyurl.com/oqxzv5o> and the Framework at <http://tinyurl.com/o5s4ydt>.

Therefore, before the Secretaries of State proceed to their decision on this case, you are invited to make representations on the matters above. If you wish to make any representations, then they should be sent to Julian Pitt at the address at the bottom of the first page of this letter by close of **Wednesday 17 February 2016**. Representations may be disregarded if received after that date.

The responses will be circulated to all the parties to whom this letter is addressed for comment by close of **Thursday 3 March**, after which the above matters will be considered closed to further correspondence.

This letter should not be regarded as an invitation to any party to seek to reopen any of the other issues which were covered at the inquiry. Please note that the Secretaries of State wish to emphasise that they are inviting representations on this issue to enable them to come to a properly informed decision, and this letter should not be read as any indication as to what is the Inspector’s main recommendation or Ministers’ views on the appeal proposal.

Yours faithfully

Julian Pitt

Julian Pitt

Authorised by the Secretary
of State for Communities and
Local Government to sign
in that behalf

Ian Elston

Ian Elston

Authorised by the Secretary
of State for Transport to sign
in that behalf

Annex A

Letter sent to:

Mr S Allen & Mr Ian Frost	Heathrow Airport Ltd
Mr S Volley & Ms Sarah White	London Borough of Hillingdon
Mr J Walsh	London Borough of Hounslow
Mr J Walsh	London Borough of Harrow
Ms Emily Cragg & Mr Tim Smith	Berwin Leighton Paisner
Mr S Smedegaar	Greater London Authority
Mr Alexander Kidd	Historic England
Mr Paul Tomson	Spelthorne Borough Council
Katy Jones	Clerk, Colnbrook with Poyle Parish Council
Michael Kiely	Clerk, Wraysbury Parish Council
Cllr J Bowden	Royal Borough of Windsor and Maidenhead
Cllr George Bathurst	Royal Borough of Windsor and Maidenhead, Chair, Aviation Forum
Mr W Da Costa	West Windsor Residents' Association
Cllr G Viridi	interested party, London Borough of Hounslow
Cllr J Lenton	Horton & Wraysbury Ward (Royal Borough of Windsor and Maidenhead)
Cllr Dexter Smith	Slough Borough Council - Colnbrook with Poyle Ward
Ms C Milne	
Mr M Beer	Old Windsor Parish Council & Old Windsor Residents' Association
Mr K Gill & Mrs K Kaur	interested party
Mr G Gill	interested party
Mr Julian Davis	interested party
Sara Berwick	interested party

Inspector's rationale for the condition referred to in this letter

The Inspector recommends, if planning permission were to be granted, that it would be necessary to impose the additional condition set out in this letter to ensure that the 'Cranford-specific' insulation scheme is made available to those households who would otherwise only be entitled to relocation assistance. His rationale is as follows (verbatim extract from the Inspector's report, with minor edits to explain acronyms and references):

Notwithstanding that relocation assistance would be available to those properties there are likely to be households who, for perfectly valid reasons, do not want or are unable to relocate. In consequence it seems to me that an insulation scheme should also be made available to those households who would otherwise be entitled to relocation assistance. I am conscious that the Planning Policy Guidance (PPG) notes that "*At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise.*" However, whilst it may not be possible to fully mitigate the effects of noise the adverse effects could clearly be reduced. The implications otherwise are that the development should not proceed.

Although Inquiry document INQ/49 (Heathrow Airport Ltd ['HAL'] Technical Note: Noise Contours and Insulation Schemes) suggests that those eligible for relocation assistance are eligible for noise insulation under either HAL's existing or Cranford-specific insulation schemes, inspection of Figure B attached to INQ/49 suggests that there are few, if any, residential properties that would be entitled to the Cranford-specific insulation scheme. Whilst HAL's existing residential 'Day Insulation Scheme Boundary' (based on 1994 69dB LA eq 18hr) would appear to encompass all the properties newly coming within the 'Relocation Assistance' 69dB LAeq, 16 hour contour, HAL's evidence to the Inquiry was that uptake of the existing scheme is low – a situation reflected in 'Managing Aviation Noise', published by the Civil Aviation Authority in May 2014 (CAP1165). Whilst the existing scheme includes the provision of free secondary glazing (or half price double glazing) to external windows and doors, and loft insulation, HAL recognises that the current scheme's restriction to half-price double glazing may have limited the extent of take up [as set out in HAL's Inquiry evidence].

In consequence it is my view that the proposed mitigation above a noise level of 69dBLAeq 16hrs should only be regarded as appropriate if the Cranford-specific insulation scheme is made available to the affected households. This might be achieved by the imposition of an appropriate condition on any permission.