Dear Secretary of State,

Re: Consultation Response to Gatwick Northern Runway Development – Inner Zone Mitigation Inadequacy and Considerations

1. I (interested party 20044924) am writing in response to your letter dated 27 February 2025 regarding Gatwick Airport Limited's (GAL) application for development consent for the Northern Runway. As a resident — located within the defined "inner zone" and a property GAL have identified as "predicted to experience major adverse significant effects" under GAL's Environmental Statement (paragraph 14.9.103 of chapter 14 noise and vibration) — I submit this letter to express my strong concerns regarding the inadequacy of GAL's proposed mitigation measures, as well as to highlight key legal implications concerning property rights and nuisance, which in my opinion have not been adequately considered or addressed.

Inadequacy of GAL's Mitigation Proposals – Inner Zone Perspective

2. Despite enhancements outlined in Annex 2, GAL's noise insulation and property relocation schemes remain inadequate in both scope and delivery. The schemes fail to account for the real-world impacts expected to be experienced by residents and in my view remain fundamentally incomplete in addressing the multifaceted nature of harm caused by aircraft noise and the associated effects on properties such as mine, located within the LAeq 16h ≥60 dB or LAeq 8h ≥55 dB contour, and the subsequent mental and physical consequences.

3. In "TR020005-003987-Annex 2 - Requirement 18 (receptor-based noise mitigation)", GAL relies on precedent (e.g. Luton DCO) to justify its proposed thresholds and the structure of its scheme to residents but does not fully consider the public concerns about noise levels. In contrast, the Examining Authority's (ExA) proposals sought to realign thresholds with public health evidence, not precedent alone.

4. Simply relying on precedent to justify the structure and thresholds of the proposed mitigation schemes is an inherently flawed approach. Precedent reflects past decisions made under different circumstances, often before updated scientific evidence, societal expectations, or legal interpretations. It risks entrenching outdated practices that no longer meet contemporary standards for public health, environmental protection, or human rights. Policy should be informed by the most current evidence and importantly the lived experience, not constrained by legacy frameworks or decisions that fail to address the specifics of each situation.

5. GAL frames the ExA's proposal, and in particular the requirement to buy a property as extreme and impractical, stating it places an "unjustifiable and disproportionate burden on an applicant" (paragraph 4.33 of TR020005-003987-Annex 2 - Requirement 18 (receptor-based noise mitigation)). However, GAL's own proposal lowers the standard of protection for residents and pushes that burden onto local residents. If these proposals are approved without revision, it will ultimately result in local residents subsidising a corporate infrastructure project through loss of property value, well-being, and autonomy. This is neither fair nor lawful and places the interests of the airport above those of residents.

6. Further, GAL overlook the fact that if they were required to purchase properties from the residents that suffer “major adverse significant” impacts, they would be able to resell these properties at the prevailing market value. This would not reflect an uncapped liability, and would appear to me to be a far more reasonable and fairer approach than ultimately expecting residents to be financially disadvantaged.

7. The European Court of Human Rights in *Hatton v United Kingdom* [2003] accepted that aircraft noise could interfere with Article 8 rights (respect for private and family life). The UK avoided liability only because it had implemented measures to strike a fair balance. In my opinion, GAL’s current proposals, particularly as it applies to properties in the inner zone, and more importantly in my circumstances (those that GAL have identified as being significantly adversely affected), fail to strike such a balance—omitting consideration for outdoor spaces, peak noise, blight, and potential physical damage, and lack any proactive compensation or consideration for the human rights of those individuals affected.

Private Nuisance, Property Rights, and Blight

8. The aircraft noise and associated impacts from this project will substantially interfere with my use and enjoyment of my property, both indoors and outdoors.

9. The persistent disruption that will be caused by vibrations, noise spikes exceeding 80dB, potential for vortex strikes, and night-time awakenings fall well within the scope of unreasonable interference, especially when GAL acknowledges the effects as "major adverse significant" at my property in their own Environmental Statement.

10. The proposed runway raises serious legal issues:

    - *Coventry v Lawrence* confirms planning permission does not negate nuisance law;
    - Article 8 of the ECHR protects peaceful enjoyment of the home—including gardens;
    - Article 1 of Protocol 1 of the ECHR protects property from disproportionate interference; and
    - The lack of interim redress raises concerns under Article 13 of the ECHR.

11. In addition to the physical and acoustic impacts, it is highly likely that I will also face economic prejudice due to the issue of blight. Compensation under GAL’s scheme is only made available once the runway is operational. This means that during the long interim period:

    - The value of my home may be significantly depressed; and
    - I may be unable to sell or relocate, effectively being trapped in a deteriorating environment.

12. This constitutes a form of constructive deprivation of the utility of my property. It undermines my legitimate expectation of peaceful enjoyment and may engage further

protections under Article 1 of Protocol 1 of the Human Rights Act and the Land Compensation Act 1973.

Areas where I consider the Scheme Fails to Provide a Complete and adequate Solution

Financial Cap Removal: A Partial Solution Only

13. While removing the financial cap for the insulation scheme is a positive step, it does not resolve core shortcomings of the scheme, namely:
    - Ineffectiveness of internal insulation in shielding the property from outdoor noise;
    - Only certain rooms being eligible, which appears to be entirely at the discretion of GAL (all areas in my home are noise sensitive including outside spaces);
    - Insufficient allowance for property redecoration or repair caused by insulation work;
    - Burden placed on homeowners to coordinate, manage, and oversee complex installations; and
    - Construction inconvenience including multiple contractor visits.

Vibration and Structural Damage: Unacknowledged and Unmitigated

14. The scheme does not address vibration impacts caused by aircraft, which already result in window and doors rattling at my property. Nor does it acknowledge the risk of vortex strikes, a recognised phenomenon capable of physically damaging properties.

Garden and Outdoor Space: Entirely Ignored

15. Ignoring outdoor spaces neglects a fundamental part of a residents' lived environment. My garden comprises over half my property footprint and is critical to my wellbeing and mental health —yet the scheme offers no mitigation or compensation.

16. UK law makes it clear that an outdoor space is part of the home. In Coventry v Lawrence [2014], the Supreme Court confirmed that planning permission does not legalise nuisance, and that excessive noise affecting garden use may be actionable. My garden is not just part of my property—it is essential to my and my family's wellbeing. It is a space where we unwind from work-related stress, relax, and spend time with friends and family, including hosting social gatherings and barbecues. The proximity of the new runway and the resultant increase in aircraft noise would make this kind of use impossible, rendering our garden effectively unusable for much of the day. This level of interference, which GAL fails to address, is clearly unreasonable. This omission contradicts findings from the WHO 2018 Environmental Noise Guidelines and legal precedent such as *Coventry v Lawrence* [2014].

Window Closure Assumption: detrimental to wellbeing and Impractical

17. The proposed use of acoustic ventilators assumes residents will live with sealed windows. This is impractical and unhealthy. It fails to account for comfort, wellbeing, and ventilation needs—particularly the risk of condensation and mould in well-insulated

but poorly ventilated homes. My home already suffers from outbreaks of mould where I cannot fully ventilate the property due to the prevailing noise from aircraft. If this project were to go ahead this would be amplified and put my health and that of my family at risk, as a result of an inability to something as simple as open a window!

Lack of Recourse for Installation Issues

18. There are no enforceable homeowner protections regarding installation quality, post-installation property damage, or delays. My personal experience with GAL's current insulation scheme involved a two-and-a-half-year delay, repeated follow-ups, and property damage for which I received no redress. This scheme will be significantly larger, and based upon my experiences, I have serious concerns about GAL's ability to deliver this effectively and on time.

Ongoing Monitoring and Lifetime Effectiveness

19. There is no commitment to ensuring that insulation continues to perform effectively over time. No guarantee of upgrades, maintenance, or responses to future noise level changes are offered.

Construction Phase Impacts: Overlooked

20. GAL does not propose mitigation for construction-related dust, vibration, and disruption. Residents are left without compensation for temporary loss of amenity, increased cleaning, or related household costs.

Inadequate Homeowner Assistance for Relocation

21. I understand my home may fall within the 66dB contour and could therefore be eligible for the Homeowner Assisted Moving Scheme offered by GAL, which provides a maximum of £40,000 in support covering "reasonable moving costs", estate agent fees (capped at 1% of the sale price), and stamp duty. However, even with potential eligibility, the scheme remains fundamentally inadequate:

    - The cap does not reflect real-world moving costs for average homes in the area, where stamp duty, agent fees, legal costs, and removals would almost certainly exceed the allowance proposed, leaving residents who do not want to deal with the increased noise footing the bill.
    - The scheme is only triggered after the first year of dual runway operations—meaning residents must endure the impacts before any compensation is made available.
    - The use of approved suppliers and contractors may limit flexibility and increase the complexity of relocation and offers no guarantee over quality of service.
    - There is no provision for loss of value in the property or the difficulty of marketing it in the intervening years.
    - In summary, the scheme fails to reflect the full financial, psychological, and practical burden of being forced to move. It neither offers sufficient monetary redress nor timely intervention as might be expected under Article 1, Protocol 1 standards of the Human Rights Act.

Misleading Use of Average Noise Metrics

22. GAL relies on LAeq noise averages, which mask the impact of loud individual events. At my property, peak aircraft noise regularly exceeds 80dB, causing sleep disturbance and stress, which will become far worse if the project were to proceed. The scheme's reliance on LAeq averages hides the severity of high impact events and underestimates the lived experience. This concern is echoed by the World Health Organization's Environmental Noise Guidelines (2018), which recommend the use of alternative metrics—such as Lmax and number of noise events—when assessing health risks and designing protective measures.

Dispute Panel

23. While the dispute panel is a positive step, the scheme lacks:
    - Transparency on homeowner representation;
    - Clarity on whether panel decisions are binding;
    - A robust appeals process; and
    - Legal safeguards for installation quality and delay

Conclusion

24. *Paragraph* 5.68 of the **Airports National Policy Statement (ANPS)** sets out the key test for managing noise impacts from airport development. It states that *development consent should not be granted unless the Secretary of State is satisfied that the proposals will*:
    1. *Avoid significant adverse impacts on health and quality of life from noise;*
    2. *Mitigate and minimise adverse impacts on health and quality of life from noise; and*
    3. *Where possible, contribute to improvements to health and quality of life.*
25. GAL's proposed mitigation scheme fails to meet this test. It focuses almost exclusively on indoor noise insulation and offers only delayed, conditional relocation support. It does not provide a comprehensive or proportionate response to the multiple, serious harms acknowledged for properties experiencing "major adverse significant effects," such as mine.
26. The scheme entirely overlooks critical dimensions of lived experience, including the use of outdoor space, mental health impacts, peak noise events, property value depreciation, and structural risks such as vibration and vortex strike. It is also reactive and under-resourced (compared to expected costs), placing significant administrative, financial, and logistical burdens on residents rather than GAL.
27. In short, the mitigation offered by GAL does **not** satisfy the policy aims of ANPS §5.68 as it applies to those of us in the inner zone—especially where properties have been identified as expected to suffer "major severe adverse effects". It neither avoids harm,

adequately mitigates it, nor contributes in any meaningful way to an improved quality of life.

Accordingly, I respectfully urge the Secretary of State to require GAL to:

- Require a revised and more equitable mitigation approach before any consent is granted;
- Include outdoor noise impacts in mitigation and compensation plans;
- Ensure legal compliance with nuisance law and ECHR rights;
- Offer unblighted property acquisition options;
- Create compensation frameworks that address pre-construction blight and provide interim relief for those unable to move;
- Address peak noise levels, not just LAeq averages;
- Fund insulation, repairs (where caused by installing insulation and other measures), and aftercare without any cost to homeowners;
- Provide binding obligations for structural protection and post-installation repair; and
- Introduce guarantees for maintenance, inflation-adjusted funding, and re-evaluation based on future noise data.

Thank you for considering this submission.

Yours sincerely,

Steve Harrison