**ANNEXURE 2**

**First Tier Scheme**

1. Purpose of the Scheme
   1. This scheme provides sound insulation and sound mitigation measures for Eligible Properties within the Actual 57dB Contour and includes the following:
      1. secondary glazing or thermal double-glazing and sound-attenuating vents; or
      2. provision for alternative measures or works of similar or equivalent cost to be agreed with the Council where implementation of the measures provided for in this Scheme would not be practicable or would be detrimental to amenity.
2. Eligible Properties
   1. A Residential Dwelling or a Public Building shall be an “Eligible Property” for this Scheme if it fulfils one of the criteria in sub-paragraph (a) and all of criteria (i) to (iii) in sub-paragraph (b) below:
      1. *Age and location of property*
         1. it is within the 1998 57dB Contour and was existing on 21 July 1998 or was constructed subsequently pursuant to planning permission granted before 21 July 1998; or
         2. it is outside the 1998 57dB Contour but within the 2009 57dB Contour and was existing on 9 July 2009 or was constructed subsequently pursuant to planning permission granted before 9 July 2009; or
         3. it is outside the 2009 57dB Contour but within the CADP 57dB Contour and was existing on the date of this Agreement or has been constructed subsequently pursuant to planning permission granted before the date of this Agreement; or
         4. it is outside the CADP 57dB Contour but within the Future Growth 57dB Contour and was existing on the date of Deed of Variation Five or has been constructed subsequently pursuant to planning permission granted before the date of Deed of Variation Five; or
         5. it is outside the Future Growth 57dB Contour
      2. *Noise exposure* 
         1. it is:
            1. within the Actual 57 dB Contour; or
            2. within the Predicted Reduced 57dB Contour; or
            3. within the Predicted 57dB Contour and has a façade contiguous with another Residential Dwelling which is wholly or partly within the Actual 57 dB Contour or the Predicted Reduced 57dB Contour; and
         2. it has not already benefited from this Scheme or (as part of the Past Noise Insulation Works) either the First Tier Works or the Public Buildings First Tier Works; and
         3. it does not form part of a development which has been the subject of the equivalent payment pursuant to NIPS1 or NIPS2.
3. Annual Performance Report
   1. With effect from the Commencement of Development the Annual Performance Report shall specify the geographic area within which the properties which are eligible for this Scheme are situated.
4. Scope of works

The scope of works offered to an eligible dwelling under the First Tier Scheme will be as follows:

* 1. Only the “Habitable Rooms” in a dwelling may benefit from the works undertaken pursuant to the First Tier Scheme; these are the following rooms: living room, bedroom (not including a bathroom or an en-suite), dining room, either a kitchen in excess of 7 m2 if the living room is less than 14 m2 or a kitchen in excess of 11 m2 where the living room is 14 m2 or more.
  2. In addition, only the windows and external doors to Habitable Rooms on the following elevations may benefit from works undertaken pursuant to the First Tier Scheme:
     1. for dwellings in zones A and C identified on Plan 17 (attached to this Agreement) all elevations;
     2. for dwellings in zone B identified on Plan 17 only the south east and west facing elevations;
     3. for dwellings in zone D identified on Plan 17 only the north east and west facing elevations.
  3. For a single-glazed dwelling, the scope of works will depend on whether or not eligibility under the First Tier Scheme is confirmed in an Annual Performance Report published before or after Commencement of Development:
     1. If the relevant Annual Performance Report is published before Commencement of Development: secondary glazing and sound-attenuating vents;
     2. If the relevant Annual Performance Report is published on or after Commencement of Development: secondary glazing or thermal double glazing (at the election of the owner/occupier of the dwelling) and sound-attenuating vents.
     3. These works shall produce an average sound reduction not less than 25 dB averaged over 100 to 3150 Hz in accordance with the procedure of British Standard Publication BS EN ISO 16283-3:2016 and BS EN ISO 16283-1:2014 (or any subsequent revisions of those publications).
  4. In the case of:
     1. A double-glazed dwelling and/or
     2. a dwelling which is required by legislation or by a condition imposed on any planning permission for its construction to have noise insulation that achieves or exceeds the acoustic standard specified in the First Tier Scheme

- the scope of works will be limited to sound-attenuating vents only.

* 1. Where secondary glazing is installed:
     1. The type of secondary glazing units fitted shall relate to the form of the primary windows. The design of secondary units should facilitate cleaning of both surfaces of the primary windows from within the treated room. Secondary units shall be either a side-hung casement type, or horizontally or vertically sliding units. Costings and/or quotations shall be accompanied by full details of the systems offered.
     2. The secondary system shall generally comprise 4mm float glass within white polyester powder-coated aluminium frames. 6mm float glass and toughened glass shall be used where required by B.S. 6206 for safety reasons. Anodic oxidation shall comply with British Standard 1615.
     3. The minimum air gap between primary and secondary panes will be 100mm, where this can be accommodated within existing reveals. Where the reveal depth is insufficient to achieve an air gap of 100mm, secondary glazing shall be fitted flush with the inner face of existing walls subject to a minimum of 50mm being achieved. Where a minimum air gap of 50mm cannot be achieved within existing reveals and with the secondary glazing fitted flush with the inner face of existing walls boxing out of the reveals will be necessary. In these cases the reveals shall be boxed out to achieve a minimum reveal depth of 67mm. In addition, in all cases where a minimum gap of 100mm cannot be achieved the glass thickness of the secondary pane shall be increased to 6mm.
     4. The top and side reveals between primary and secondary windows are to be lined with an approved sound absorbent material treated with a suitable fungicide.
     5. The secondary glazing system is to be mounted on a timber frame with white gloss painted finish. Any gaps between sub-frame and reveal shall be sealed with an approved resilient sealant.
     6. Where it is necessary to remove and refix existing curtain tracks, pelmets etc., this is to be undertaken by the secondary glazing installer.
     7. Free hanging white venetian blinds with tilt mechanism (or similar) will be supplied and fitted between primary and secondary windows unless otherwise agreed with the owner of the dwelling.
  2. Where thermal double glazing is installed:
     1. The double glazed unit shall generally comprise 4mm glass /20mm cavity/4mm (or similar to comply with current Building Regulations requirements) within a UPVC or aluminium frame. Toughened glass shall be used where required for safety reasons.
     2. The double glazed unit shall be designed to comply with relevant thermal efficiency requirements of the Building Regulations (Approved Document L)
     3. Where it is necessary to remove and refix existing curtain tracks, pelmets etc., this is to be undertaken by the glazing installer.
  3. Where Habitable Rooms have external doors, they will be fitted with weatherstrip seals to the thresholds, jambs and heads. Where this is not practicable or the required acoustic standard as set out in 4.3 above is not achieved, a new door offering the required acoustic standard will be provided. Opening fanlights over doors shall be sealed and fixed in a closed position. Glazed doors and fanlights shall not be fitted with secondary glazing where the sealing measures meet the acoustic standard specified in paragraph 4.3 above.
  4. Acoustic ventilation shall (unless otherwise agreed with the Council) be offered within each Habitable Room and shall comprise either two permanent sound attenuating vents or one combined mechanical and permanent sound attenuating vent or one mechanical sound attenuating vent and one permanent sound attenuating vent. Where vents are installed:
     1. The requirements of the Noise Insulation Regulations 1975 (as amended) regarding additional permanent sound attenuating vents for adequate ventilation for combustion appliances shall apply (unless otherwise agreed with the Council).
     2. Existing air bricks within Habitable Rooms shall be blocked up (but flues and direct inlet ducts to combustion appliances shall not be blocked) or replaced by permanent sound attenuating vents as required.
     3. The permanent and the combined mechanical and permanent vents shall (unless otherwise agreed with the Council) satisfy the specification requirements of the Noise Insulation Regulations 1975 (as amended) regarding their construction, installation, effective area, self-generated noise levels and sound attenuating performance.
     4. The mechanical sound attenuating vent shall comprise a Siegenia-Aubi Aeropac SN Acoustic Ventilator or such other vent as may be agreed with the Council.
  5. The Airport Companies shall be responsible for ensuring that the dwelling meets the ventilation requirements of the current Building and Gas Regulations on completion of the First Tier Scheme works. All additional ventilation shall be sound attenuated as provided in paragraph 4.8 above. However, any requirements for additional ventilation in the future arising from changes to the dwelling including its gas appliances or legislation shall be the responsibility of the dwelling owner.
  6. If any of the above works are impractical, an alternative specification of works as agreed with the Council will be implemented, provided that the works shall produce an average sound reduction of not less than 25dB averaged over 100 to 3150Hz in accordance with the procedure of British Standard Publication BS EN ISO 16283-3:2016 and BS EN ISO 16283-1:2014 (or any subsequent revisions of those publications).

1. Public Buildings Scope of Works

The scope of works offered to a Public Building under the First Tier Scheme will be dependent on the results of an inspection of the building:

* 1. The Airport Companies will seek permission to gain access to the building to undertake an inspection of the premises.
  2. Within three months of the inspection the Airport Companies shall submit to the Council for written approval a survey report for the building which will include information on the existing and future aircraft noise levels, the acoustic performance of the existing building envelope, information on legislation and planning conditions relevant to the sound insulation of the building envelope and any significant defects relating to the sound insulation performance of the building envelope. The report will also identify the works (if any) which can reasonably be carried out to the Public Building to improve the sound insulation performance having regard to guidance on internal noise levels in BS 8233:2014 “Guidance on sound insulation and noise reduction for buildings” or Building Bulletin 93 “Acoustic Design of Schools” (or such other guidance for internal noise levels within Public Buildings as may be relevant or issued from time to time). Any works must be designed to ensure that existing arrangements for ventilation are either maintained or improved in a manner that is reasonably consistent with the designed use of the building.
  3. The survey report shall be resubmitted to the Council if the Council (acting reasonably) require changes to the works identified in the report.
  4. The works set out in the approved survey report shall constitute the agreed scope of works for the relevant Public Building.

1. Listed Building Scope of Works

Where an eligible dwelling or Public Building is a listed building i.e. it is included in a list compiled or approved by the Secretary of State under section 1 Planning (Listed Buildings and Conservation Areas) Act 1990, the scope of works will be dependent on the results of a survey of the premises:

* 1. the Airport Companies will seek permission to gain access to undertake an inspection of the premises to assess its suitability for works under the First Tier Scheme;
  2. within three months of the inspection the Airport Companies will submit to the Council for written approval a survey report which will include information identifying the relevant listed building together with a schedule of the works which in the Airport Companies’ opinion should be undertaken (subject to obtaining listed building consent) as part of the First Tier Scheme having regard to the listing particulars of that building and the objective of achieving the relevant acoustic standard;
  3. the survey report shall be resubmitted to the Council if the Council (acting reasonably) require changes to the works identified in the report;
  4. within three months of the later of the receipt of pre-application advice from the Council or the receipt of the Council’s approval of the survey report the Airport Companies will apply for listed building consent (if required) for any works included in the approved report;
  5. in the event that listed building consent is not obtained for the works specified in the approved report the Airport Companies will submit a revised schedule of works (the “Revised Schedule”) for the Council’s further approval and apply for listed building consent (if required) for the works described in any approved Revised Schedule within six months of the refusal of listed building consent (or such longer period as may be agreed by the Council);
  6. if listed building consent is not granted for the works specified in the Revised Schedule, either through an application or appeal procedure, the Airport Companies will seek to agree with the Council alternative measures with the objective of achieving the relevant acoustic standard for the relevant listed building having regard to its use.

1. Circumstances where works inappropriate

If it is agreed by the Council that the undertaking of works under the First Tier Scheme in the case of any given dwelling or Public Building either:

* 1. is not reasonably practicable; or
  2. would be significantly detrimental to residential amenity; or
  3. would increase the noise exposure for occupiers of the relevant dwelling or Public Building; or
  4. would damage the integral structure of the building

- and that no works should therefore be undertaken at the relevant dwelling or Public Building, the Airport Companies shall have no further obligation under the First Tier Scheme in relation to that dwelling or building Provided That as part of that agreement the Council and the Airport Companies may agree alternative measures to be undertaken by the Airport Companies of equivalent value to the cost of works which would otherwise be necessary at the relevant dwelling or Public Building

1. Procedure (Dwellings)

The Airport Companies will offer the owner and (if different) the occupier of each eligible dwelling the opportunity to have works undertaken at the dwelling pursuant to the First Tier Scheme in accordance with the following procedures (see also Fig. 1):

* 1. within 30 days of the publication of an Annual Performance Report which confirms for the first time that a dwelling is eligible for the First Tier Scheme the Airport Companies will notify the owner and (if different) the occupier of that dwelling of its eligibility and (subject to paragraph 8.2 below) within six months of publication of the relevant Annual Performance Report seek permission from the owner and (if different) the occupier to carry out the works under the First Tier Scheme;
  2. (unless otherwise agreed with the Council) if the dwelling is a listed building the Airport Companies will seek permission for carrying out works within six months of the later of:
     1. the date of receipt of written approval from the Council to the works contained in an approved survey report or a Revised Schedule or to any alternative measures pursuant to paragraph 4 above or
     2. the date of receipt of listed building consent (if required) for such works;
  3. subject to the grant of the requisite permission from the owner and (if different) the occupier of an eligible dwelling and subject to paragraph 8.4 below, the Airport Companies shall carry out the required scope of works at the dwelling under the First Tier Scheme within six months of the receipt of that permission (or such longer period as may be agreed with the Council);
  4. prior to undertaking the works under the First Tier Scheme the Airport Companies shall carry out an initial survey of the windows to be treated in the eligible dwelling and in so doing:
     1. the Airport Companies will identify and give written notice to the Council and the relevant owner and occupier of any existing defects;
     2. the Airport Companies will agree with the Council
        1. which defects (if any) must be remedied to ensure that the works to be carried out under the First Tier Scheme can be undertaken satisfactorily and to the required acoustic standard and
        2. how the costs of any such remedial work will be apportioned as between the owner/occupier and the Airport Companies and (if undertaken by the Airport Companies) the timeframe for the remedial work.
     3. if remedial work is required then the Airport Companies will give written notice of this requirement to the owner and the occupier of the relevant dwelling and (unless the Airport Companies undertake the remedial work themselves) the need for the owner/occupier to remedy the relevant defects before the works under the First Tier Scheme can be undertaken;
     4. if remedial work is required the Airport Companies will undertake the works under the First Tier Scheme within six months of the defects being remedied or (unless the Airport Companies undertake the remedial work themselves) within six months of receipt of notice from the owner/occupier that the defects have been remedied, whichever is later.
  5. In relation to any eligible dwelling the Airport Companies will be deemed to have fully discharged their obligations under the First Tier Scheme where any of the following circumstances apply:
     1. no works are required under the First Tier Scheme at the dwelling; or
     2. all works or other measures required under the First Tier Scheme at the dwelling have been undertaken satisfactorily; or
     3. (where there are existing defects in the dwelling and the owner and/or occupier of the dwelling is responsible for remedying them) the Airport Companies have notified the Council and the owner/occupier of the relevant dwelling of defects which must be remedied before the works under the First Tier Scheme can be undertaken at the dwelling satisfactorily and to the required acoustic standard and requested that they are remedied on at least two occasions and the Airport Companies have not received notice confirming that such defects have been remedied Provided That:
        1. the second occasion on which the Airport Companies give notice is at least three months after the first occasion; and
        2. on the second occasion the owner and the occupier (if different) are notified in writing that this represents the final opportunity to remedy existing defects and benefit from the First Tier Scheme; and
        3. at least three months have elapsed since the second occasion; and
        4. the Airport Companies have notified the Council in writing of these events and the fact that they consider that they have discharged their obligations under the scheme; or
     4. the Airport Companies shall have sought permission to undertake works at the dwelling under the First Tier Scheme and/or in the case of a listed building permission for inspection of the dwelling from the owner and (if different) the occupier of the dwelling on at least two occasions and such permission has not been given by the owner and/or the occupier (either because it has been refused or the owner or the occupier has failed to answer) PROVIDED THAT:
        1. the second occasion on which the Airport Companies seek permission is at least three months after the first occasion; and
        2. on the second occasion the owner and the occupier (if different) are notified in writing that this represents the final opportunity to give permission and benefit from the First Tier Scheme; and
        3. at least three months have elapsed since the second occasion; and
        4. the Airport Companies have notified the Council in writing of these events and the fact that they consider that they have discharged their obligations under the scheme.
  6. Where the Airport Companies have discharged their obligations under 8.5(c) or (d) above in respect of a dwelling, they will nonetheless consider any future request from the owner/occupier of that dwelling to benefit from the works under the First Tier Scheme and for the avoidance of doubt where such request is received from the owner/occupier of a dwelling which was eligible for the First Tier Scheme but where the previous owner/occupier refused or failed to respond to an offer of works under the First Tier Scheme (so that no such works were undertaken), the Airport Companies shall seek permission from the owner and (if different) the occupier of that dwelling to carry out the works under the First Tier Scheme, in accordance with the procedure in this section 8 provided that where time is calculated from the date of publication of the Annual Performance Report time will instead be calculated from the date of receipt of the request.

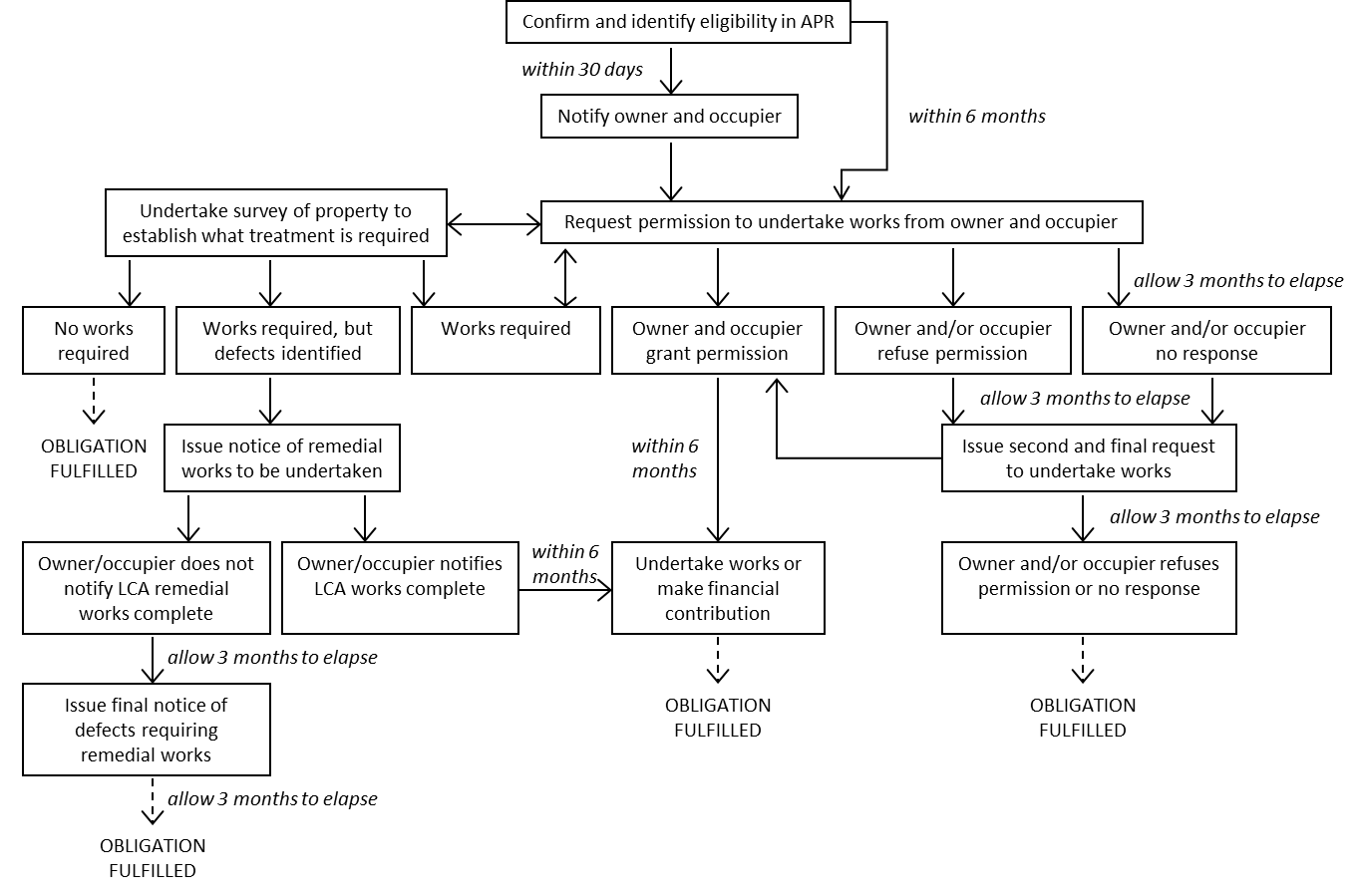
1. Procedure (Public Buildings)

The Airport Companies will offer the owner and (if different) the occupier of each eligible Public Building the opportunity to have works undertaken at the dwelling pursuant to the First Tier Scheme in accordance with the following procedures (see also Fig. 1):

* 1. within 30 days of the publication of an Annual Performance Report which confirms for the first time that a Public Building is eligible for the First Tier Scheme the Airport Companies will notify the owner and (if different) the occupier of the Public Building of its eligibility and (subject to paragraph 9.2 below) within six months of publication of the relevant Annual Performance Report seek permission from the owner and (if different) the occupier to undertake the inspection of the building referred to at paragraph 5 above;
  2. the Airport Companies will seek permission for carrying out works at the Public Building under the First Tier Scheme within six months of the date of receipt of written approval from the Council to the works contained in an approved survey report under paragraph 5.2 above;
  3. (unless otherwise agreed with the Council) if the Public Building is a listed building the Airport Companies will seek permission for carrying out works within six months of the later of:
     1. the date of receipt of written approval from the Council to the works contained in an approved survey report or a Revised Schedule pursuant to paragraph 4 above or
     2. the date of receipt of listed building consent (if required) for such works;
  4. subject to the grant of the requisite permission from the owner and (if different) the occupier of an eligible Public Building and subject to paragraph 9.5 below, the Airport Companies shall carry out the required scope of works at the Public Building under the First Tier Scheme within six months of the receipt of that permission (or such longer period as may be agreed with the Council);
  5. prior to undertaking the works under the First Tier Scheme the Airport Companies shall carry out an initial survey of the windows to be treated in the eligible Public Building and in so doing:
     1. the Airport Companies will identify and give written notice to the Council and the relevant owner and occupier of any existing defects;
     2. the Airport Companies and the Council will agree which defects (if any) must be remedied to ensure that the works to be carried out under the First Tier Scheme can be undertaken satisfactorily and to the required acoustic standard;
     3. if remedial work is required then the Airport Companies will give written notice of this requirement to the owner and the occupier of the relevant Public Building and (unless the Airport Companies undertake the remedial work themselves) the need for the owner/occupier to remedy the relevant defects before the works under the First Tier Scheme can be undertaken;
     4. if remedial work is required the Airport Companies will undertake the works under the First Tier Scheme within six months of the defects being remedied or (unless the Airport Companies undertake the remedial work themselves) within six months of receipt of notice from the owner/occupier that the defects have been remedied, whichever is later.
  6. In relation to any eligible Public Building the Airport Companies will be deemed to have fully discharged their obligations under the First Tier Scheme where any of the following circumstances apply:
     1. no works are required under the First Tier Scheme at the Public Building; or
     2. all works or other measures required under the First Tier Scheme at the Public Building have been undertaken satisfactorily; or
     3. (where there are existing defects in the Public Building) the Airport Companies have notified the Council and the owner/occupier of the relevant Public Building of the defects which must be remedied before the works under the First Tier Scheme can be undertaken at the dwelling satisfactorily and to the required acoustic standard and requested that they are remedied on at least two occasions and the Airport Companies have not received notice confirming that such defects have been remedied PROVIDED THAT:
        1. the second occasion on which the Airport Companies give notice is at least three months after the first occasion; and
        2. on the second occasion the owner and the occupier (if different) are notified in writing that this represents the final opportunity to remedy existing defects and benefit from the First Tier Scheme; and
        3. at least three months have elapsed since the second occasion; and
        4. the Airport Companies have notified the Council in writing of these events and the fact that they consider that they have discharged their obligations under the scheme; or
     4. the Airport Companies shall have sought permission to undertake works at the Public Building under the First Tier Scheme and/or an inspection of the Public Building from the owner and (if different) the occupier of the building on at least two occasions and such permission has not been given by the owner and/or the occupier (either because it has been refused or the owner or the occupier has failed to answer) PROVIDED THAT:
        1. the second occasion on which the Airport Companies seek permission is at least three months after the first occasion; and
        2. on the second occasion the owner and the occupier (if different) are notified in writing that this represents the final opportunity to give permission and benefit from the First Tier Scheme; and
        3. at least three months have elapsed since the second occasion; and
        4. the Airport Companies have notified the Council in writing of these events and the fact that they consider that they have discharged their obligations under the scheme.
  7. Where the Airport Companies have discharged their obligations under 9.6(c) or (d) above in respect of a Public Building, they will nonetheless consider any future request from the owner/occupier of that building to benefit from work under the First Tier Scheme and for the avoidance of doubt where such request is received from the owner/occupier of a Public Building which was eligible for the First Tier Scheme but where the previous owner/occupier refused or failed to respond to an offer of works under the First Tier Scheme (so that no such works were undertaken), the Airport Companies shall seek permission from the owner and (if different) the occupier of that building to carry out the works under the First Tier Scheme, in accordance with the procedure in this section 9 provided that where time is calculated from the date of publication of the Annual Performance Report time will instead be calculated from the date of receipt of the request.

1. Flow Chart

The procedures described in paragraphs 8 and 9 are illustrated in the step by step guide at Fig. 1



**Figure 1**

1. Council owned properties

Where the Airport Companies are required to undertake works under the First Tier Scheme to any dwelling or Public Building which is owned by or otherwise in the control of the Council:

* 1. the Airport Companies shall agree with the Council whether the Council or the Airport Companies (at the Airport Companies’ reasonable expense) will undertake the works;
  2. in the event that the Airport Companies are to undertake such works as set out above the date from which the time limit is calculated for seeking permission to carry out works pursuant the First Tier Scheme shall (unless the dwelling or the Public Building is a listed building) be the date of the agreement reached under paragraph 11.1 above (unless otherwise agreed with the Council).