**ANNEXURE 7**

**Second Tier Noise Insulation Scheme**

1. **Purpose of the Scheme**

## This scheme provides sound insulation and sound mitigation measures for Eligible Properties within the Actual 66 dB Contour (and, as from Implementation of the S73 Permission, the Actual 55dB Night Contour) and includes the following:

1. Secondary glazing or funding of up to 100% of the cost of High Performance Acoustic Double-Glazing; and
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.
3. **Eligible Properties**

## 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 2009 66 dB Contour and was existing on 9 July 2009 or was constructed subsequently pursuant to planning permission granted before 9 July 2009; or
       2. it is outside the 2009 66 dB Contour but within the CADP 66 dB 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.
       3. It is outside the CADP 66dB Contour but within the Future Growth 66dB 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
       4. it is outside the CADP 66dB Contour and the Future Growth 66dB Contour but within the Future Growth 55dB Night Contour (PROVIDED THAT, in the case of any Public Building, it is a building routinely used in the night-time period to which the Future Growth 55dB Night Contour relates) and was existing on the date of Deed of Variation Five or has been constructed subsequently pursuant to a planning permission granted before the date of Deed of Variation Five; or
       5. it is outside the Future Growth 66 dB Contour and the Future Growth 55dB Night Contour
    2. **Noise exposure**
       1. it is:
          1. within the Actual 66 dB Contour; or
          2. within the Predicted Reduced 66dB Contour; or
          3. within the Predicted 66 dB Contour and has a façade contiguous with another Residential Dwelling which is wholly or partly within the Actual 66 dB Contour or the Predicted Reduced 66 dB Contour; or
          4. as from Implementation of the S73 Permission, if it is:

within the Actual 55dB Night Contour; or

within the Predicted Reduced 55dB Night Contour; or

within the Predicted 55dB Night Contour and has a façade contiguous with another Residential Dwelling which is wholly or partly within the Actual 55dB Night Contour or the Predicted Reduced 55dB Night Contour; **and**

* + - 1. it has not already benefited from this Scheme or (as part of the Past Noise Insulation Works) the Second Tier Works or Public Buildings Second Tier Works forming; **and**
      2. it does not form part of a development which has been the subject of equivalent payment pursuant to NIPS 1 or NIPS 2.

- and for the avoidance of doubt if the Residential Dwelling or Public Building has benefitted from the First Tier Scheme and/or the Intermediate Tier Scheme under this Agreement (and/or the First Tier Works under the 2009 Agreement) it may still be eligible for this Second Tier Scheme

1. **Annual Performance Report**

## 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.

1. **Scope of works**

## The scope of works offered to an Eligible Property under this Scheme will be as follows:

1. in a Residential Dwelling only the “Habitable Rooms” may benefit from the sound insulation works offered pursuant to this 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. all elevations within either a Residential Dwelling and/or a Public Building can benefit from the sound insulation works available under this Scheme;
3. for an existing single–glazed or thermal double-glazed window either:
   * + 1. Secondary Glazing (where feasible); or
       2. High Acoustic Performance Double Glazing (at the election of the owner/occupier of the Eligible Property); and
       3. Sound-Attenuating Vents

- Provided That the eligibility of the Eligible Property for this Scheme was confirmed in the Annual Performance Report immediately preceding Commencement of Development (or later) and noise insulation works have not commenced at the Eligible Property. Where eligibility of the Eligible Property for this Scheme was confirmed earlier or noise insulation works began at the Eligible Property prior to Commencement of Development the scope of the works will be:

(iv) (where practicable) secondary glazing and sound attenuating ventilators; or

(v) a contribution (up to a limit of 25% above the cost of installing secondary glazing and sound attenuating ventilators) towards the cost of installing high acoustic performance double glazing and sound attenuating ventilators (payable within 30 days of satisfactory installation)

1. where an existing Secondary Glazed window within an Habitable Room with a primary single glazed window is found to be in satisfactory order the scope of the works shall be either:
   * + 1. alterations to the existing secondary glazed window to achieve an equivalent sound reduction index (100 to 3150 Hz) to the secondary glazing specification described in paragraph 5.1 below determined using BS EN ISO 16283-3:2016 and BS EN ISO 16283-1:2014 (or any subsequent revisions of these publications); or
       2. High Acoustic Performance Double Glazing (at the election of the owner/occupier of the Eligible Property); and
       3. Sound Attenuating Ventilators.

- Provided That the eligibility of the Eligible Property for this Scheme was confirmed in the Annual Performance Report immediately preceding Commencement of Development (or later) and noise insulation works have not commenced at the Eligible Property. Where eligibility of the Eligible Property for this Scheme was confirmed earlier or noise insulation works began at the Eligible Property prior to Commencement of Development the scope of the works will be:

(iv) Sound attenuating ventilators and

(v) Alterations to the existing secondary glazed window to achieve an equivalent sound reduction index (100 to 3150 Hz) to the secondary glazing specification described in paragraph 5.1 below determined using BS EN ISO 16283-3:2016 and BS EN ISO 16283-1:2014 (or any subsequent revisions of these publications).

1. In the case of an Eligible Property :
   * + 1. with existing High Acoustic Performance Double-Glazing; or
       2. 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 achieved by this Scheme;

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

1. **Specification for Secondary Glazing**

## Where Secondary Glazing is to be installed it will comply with the following specification:

1. the type of secondary glazing units fitted shall relate to the form of the primary windows. The design of secondary units shall 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 accompanies 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 75mm being achieved. Where a minimum air gap of 75mm 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 75mm. 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 painted finish (white gloss paint unless the owner provides alternative paint). 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 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/occupier of the Eligible Property.
8. **Specification for High Acoustic Performance Double Glazing**

## Where High Acoustic Performance Double Glazing is to be installed it will comply with the following specification:

1. the high acoustic performance double glazed unit shall generally comprise 10mm glass /12mm cavity/6.8mm acoustic laminated glass (or similar glass as approved by the Council) within a UPVC or aluminium frame (in the case of aluminium the colour will be variable according to the Eligible Property being treated);
2. toughened glass shall be used where required for safety reasons;
3. the high acoustic performance double glazed unit shall be designed to comply with relevant thermal efficiency requirements of the Building Regulations (Approved Document L);
4. where it is necessary to remove and refix existing curtain tracks, pelmets etc., this is to be undertaken by the glazing installer.
5. **Further Specifications for Residential Dwellings**

## The following will apply to all Residential Dwellings:

1. where Habitable Rooms have external doors, they will be fitted with weatherstrip seals to the thresholds, jambs and heads in order to achieve an acoustic standard which is as far as practicable, compatible with high performance double glazing or secondary glazing fitted under this Scheme;
2. opening fanlights over doors shall be sealed and fixed in a closed position;
3. glazed doors and fanlights shall not be fitted with secondary glazing where the sealing measures meet the acoustic standard specified in paragraph 4.1(d) above;
4. fully glazed or patio doors or French windows will be treated as windows for the purposes of the scope of works;
5. **Acoustic Vents for Residential Dwellings**

## 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 in a Residential Dwelling:

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 all Residential Dwellings meet the ventilation requirements of the current Building and Gas Regulations on completion of the Second Tier Scheme works. All additional ventilation shall be sound attenuated as provided in sub-paragraphs 8.2(a) to (d) above. However, any requirements for additional ventilation in the future arising from changes to the Residential Dwelling including its gas appliances or legislation shall be the responsibility of the Residential Dwelling owner.
6. **Loft Insulation for Residential Dwellings**

## An offer to install loft insulation in a Residential Dwelling will be made in the following circumstances:

1. where no loft insulation is present the Airport Companies will offer to install 250mm thick thermal grade mineral wool insulation in the loft; and
2. where existing loft insulation is found to be unsatisfactory in which case the Airport Companies will offer to add further layers of insulation to increase the total thickness of insulation in the loft to 250mm.
3. **Public Buildings - Scope of Works**

## The scope of insulation works offered to a Public Building under this Scheme will be subject to the following additional provisions:

1. the Airport Companies will seek permission to gain access to the Public Building to undertake an inspection and survey of the building;
2. within three months of the inspection the Airport Companies shall submit to the Council for its approval in writing the survey report for the building which shall include the following:
3. information on the existing and future aircraft noise levels;
4. the acoustic performance of the existing building envelope;
5. information on legislation and planning conditions relevant to the sound insulation of the building envelope; and
6. any significant defects relating to the sound insulation performance of the building envelope;
7. the survey 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 Public Building.
8. the survey report shall be resubmitted to the Council for approval if the Council (acting reasonably) require changes to the works identified in the report;
9. the works set out in the approved survey report shall constitute the agreed scope of works for the relevant Public Building.
10. **Listed Buildings -Scope of Works**

## Where an Eligible Property is a listed building, namely 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 listed building;

## The Airport Companies will seek permission to gain access to undertake an inspection of the listed building to assess its suitability for works under this Scheme;

## Within three months of the inspection the Airport Companies will submit to the Council for written approval a survey report which will include the following:

1. information identifying the relevant listed building; and
2. a schedule of the works which in the Airport Companies’ opinion should be undertaken (subject to obtaining listed building consent) as part of this Scheme having regard to the listing particulars of the listed building and the objective of achieving the relevant acoustic standard.

## The survey report shall be resubmitted to the Council if the Council (acting reasonably) require changes to the works identified in the report.

## Within three months of the later of the receipt of pre-application advice from the Council or the receipt of the Council’s written approval of the survey report the Airport Companies will apply for listed building consent (if required) for any works included in the approved report.

## 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).

## If listed building consent is not granted for the works specified in the Revised Schedule either through an application or the 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. **Insulation Works Not possible**

## If it is agreed by the Council that the undertaking of works under this Scheme in the case of any given Eligible Property is:

1. not reasonably practicable; or
2. would be significantly detrimental to residential amenity; or
3. would increase the noise exposure for occupiers of the relevant Eligible Property; or
4. would damage the integral structure of the building; and
5. that no works should therefore be undertaken at the relevant Eligible Property;

the Airport Companies shall have no further obligation under this Scheme in relation to that Eligible Property PROVIDED THAT as part of that agreement the Council and the Airport Companies shall agree alternative measures that (subject to the agreement of the owner and (if different) the occupier of the relevant Eligible Property) shall be undertaken by the Airport Companies of similar or equivalent value to the cost of works which would otherwise be necessary at the relevant Eligible Property.

1. **Procedure for Installing Sound Insulation at Residential Dwellings (see Figure 1)**

## The Airport Companies will offer the owner and (if different) the occupier of each Eligible Residential Dwelling the opportunity to have the noise insulation works undertaken at the dwelling pursuant to this Scheme in accordance the procedures set out below.

## Within 30 days of the publication of an Annual Performance Report which confirms for the first time that a dwelling is eligible for this Scheme the Airport Companies will notify the owner and (if different) the occupier of that dwelling of its eligibility.

## Subject to paragraph 13.4 below, within six months of publication of the relevant Annual Performance Report the Airport Companies will seek permission from the owner and (if different) the occupier to carry out the works under this Scheme.

## Unless otherwise agreed with the Council, if the Residential 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
2. a Revised Schedule or to any alternative measures pursuant to paragraph 4 above; or
3. the date of receipt of listed building consent (if required) for such works;

## Subject to the grant of the requisite permission from the owner and (if different) the occupier of an eligible dwelling and subject to paragraphs 13.6 to 13.10 below, the Airport Companies shall carry out the required scope of works at the dwelling under this Scheme within six months of the receipt of that permission (or such longer period as may be agreed with the Council).

## Prior to undertaking the works under this Scheme the Airport Companies shall carry out an initial survey of the windows to be treated in the Eligible Residential Dwelling and in so doing

the Airport Companies will identify the current window specification (secondary glazing/thermal double or single and opening type) and give written notice to the Council and the relevant owner and occupier of any significant defects to the primary and, if applicable, secondary glazing.

## 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 Second Tier Scheme can be undertaken satisfactorily and to the required acoustic standard; and
    2. (subject to paragraph 13.8 below) 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.

## If an existing double glazed window within a Habitable Room of an Eligible Residential Dwelling is found to have defects as a result of reasonable use, the owner and/or occupier of the Residential Dwelling will be entitled (at the election of the owner/occupier of the Eligible Residential Property) to either:

* + 1. remedial works to the existing double-glazed window and the provision of a secondary system and sound attenuating ventilators; or
    2. installation of high acoustic performance double glazing and sound attenuating ventilators

–Provided That the eligibility of the Eligible Property for this Scheme was confirmed in the Annual Performance Report immediately preceding Commencement of Development (or later) and noise insulation works have not commenced at the Eligible Property. Where eligibility of the Eligible Property for this Scheme was confirmed earlier or noise insulation works began at the Eligible Property prior to Commencement of Development the scope of the works will be:

* + - * 1. remedial works to the existing double-glazed window and the provision of a secondary system and sound attenuating ventilators; or
        2. a contribution towards the cost of installing high acoustic performance double glazing and sound attenuating ventilators (payable on satisfactory installation) equivalent to the cost of the remedial works referred to in sub-paragraph (i).

## 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 this Scheme can be undertaken.

## If remedial work is required the Airport Companies will undertake the works under this 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.

1. **Deemed Discharge of Obligations Owed to Residential Dwellings**

## In relation to any eligible dwelling the Airport Companies will be deemed to have fully discharged their obligations under the Second Tier Scheme where any of the following circumstances apply:

* + 1. no works are required under the Second Tier Scheme at the dwelling; or
    2. all works or other measures required under the Second 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 Second 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 Second 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 this Scheme; or
    4. the Airport Companies shall have sought permission to undertake works at the dwelling under this 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 Second 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 have discharged their obligations under the Scheme.

## Where the Airport Companies have discharged their obligations under paragraphs 14.1(c) and 14.1(d) above in respect of an Eligible Residential Dwelling they will nonetheless consider any future request from the owner/occupier of that Residential Dwelling to benefit from sound insulation works under this Scheme and for the avoidance of doubt where such request is received from the owner/occupier of a dwelling which was eligible for the Second Tier Scheme but where the previous owner/occupier refused or failed to respond to an offer of works under the Second 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 Second Tier Scheme, in accordance with the procedure in section 13 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 for Installing Sound Insulation at Public Buildings (see Figure 1)**

## 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 Public Building pursuant to this Scheme in accordance with the procedures below.

## 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 Second 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 15.4 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 and survey of the building referred to at paragraph 10 above.

## The Airport Companies will seek permission for carrying out works at the Public Building under this 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 10 above.

## 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 11 above; or
    2. the date of receipt of listed building consent (if required) for such works;

## Subject to the grant of the requisite permission from the owner and (if different) the occupier of an Eligible Public Building and subject to paragraphs 15.6 to 15.8 below, the Airport Companies shall carry out the required scope of works at the Public Building under this Scheme within six months of the receipt of that permission (or such longer period as may be agreed with the Council).

## Prior to undertaking the works under the Second 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 this Scheme can be undertaken satisfactorily and to the required acoustic standard.

## 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 this Scheme can be undertaken.

## If remedial work is required the Airport Companies will undertake the works under this 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.

1. **Deemed Discharge of Obligations Owed to Public Buildings**

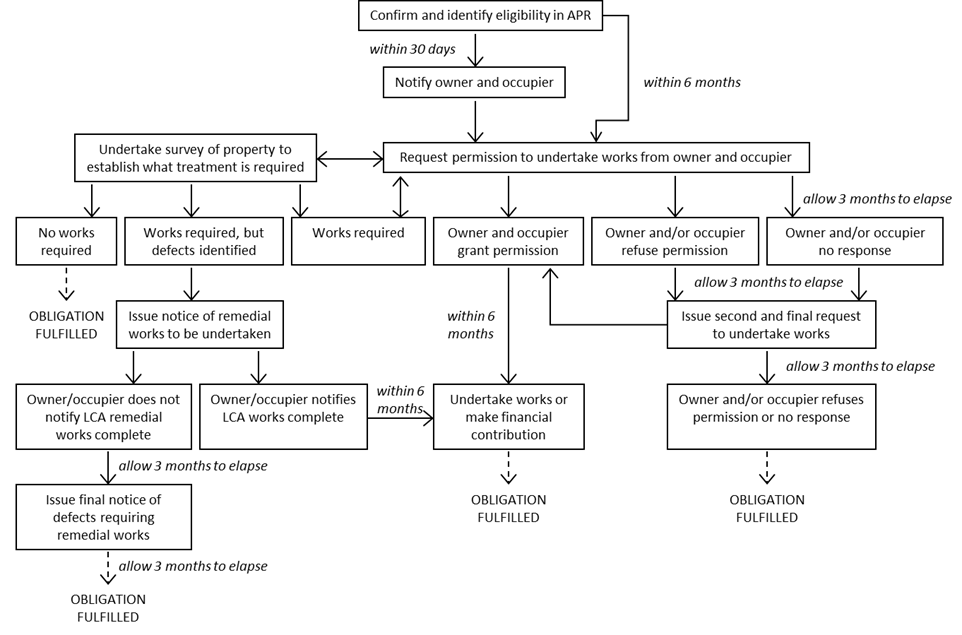
## In relation to any Eligible Public Building the Airport Companies will be deemed to have fully discharged their obligations under this Scheme where any of the following circumstances apply:

* + 1. no works are required under the Second Tier Scheme at the Public Building; or
    2. all works or other measures required under the Second 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 Second 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 Second Tier Scheme; and
       3. at least three months have elapsed since the second occasion; and
       4. the Airport Companies have notified the Council of these events; or
    4. the Airport Companies shall have sought permission to undertake works at the Public Building under the Second 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 Second 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 this Scheme.

## Where the Airport Companies have discharged their obligations under paragraphs 16.1(c) and (d) above in respect of an Eligible Public Building they will nonetheless consider any future request from the owner/occupier of that Public Building to benefit from sound insulation works under this 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 Second Tier Scheme but where the previous owner/occupier refused or failed to respond to an offer of works under the Second 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 Second Tier Scheme, in accordance with the procedure in section 15 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. **Figure 1**

The procedures described in the above paragraphs are illustrated in the step by step guide at Figure 1 below.



1. **Council-Owned Properties**

## Where the Airport Companies are required to undertake works under the this Scheme to any Residential 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 this Scheme shall (unless the dwelling or the Public Building is a listed building) be the date of the agreement reached under paragraph 18.1(a) above (unless otherwise agreed with the Council).