



CAGNE Response to the Gatwick Airport New Flight Path Consultation 13 August 2014

CAGNE – Communities Against Gatwick Noise and Emissions.

CAGNE was formed due to the ADNID trial being instigated by Gatwick Airport on the 17th February. It now has an extensive network of members covering areas of North Horsham, Warnham, Slinfold, Rowhook, Winterfold, Kingsfold and Rusper. Based in a desirable area that delights from being surrounded by ANOB's and the South Downs.

CAGNE works closely with the GACC, CPRE Sussex and CAGNE EAST as well as other bodies such as Airport Watch and AEF. CAGNE has professional airline pilots and qualified aviation staff on its committee.

Preliminary-The First Consultation

Many residents of Warnham and surrounding parishes were unaware of the new flight path consultation that took place during Christmas and as it was only available on line it was not accessible by many. The size of the document, the technical language used and lack of information by which informed decisions could be made all served as deterrents. The difficulty was increased by the lack of maps with routes. We do not believe that the Lmax figures were presented in this consultation, so how could affected residents know of its consequences?

Many, like Warnham Parish Council, were unable to complete the questions due to their complexity and abstruse terminology relating to aviation. We believe that Warnham Parish Council was not alone in this.

GATCOM commented on its complexity.

GAL state that 1,000 people provided answers, but we have ascertained that 65% stated that they did not want the NPRs changed. This does not appear to be reflected in the present Consultation.

There follows CAGNE's Response to the Gatwick Local Area Consultation of May 2014.

A. FAILURE TO MEET NATURAL AND NORMAL CONSULTATION REQUIREMENTS

1. Consultation only available online
2. Rural areas do not have fast broadband or some areas no or little internet Connection.
3. At 120 pages the prospect of downloading and printing is enough to deter anybody from making copies for friends or neighbours.
 - Elderly and non-computer literate people are thus excluded
 - Those who are partially sighted or blind are excluded.
 - The document is highly complex and does not enable the 'lay' person to participate in the consultation; please see Appendix 1.
4. Equality law. See Appendix 1
5. The document is not available to those without access to the Internet nor many of

- those that are, due to connection speeds.
6. We believe this is a serious breach of the legal requirements.
 7. As a minimum requirement all material /content should be made available online in html/text and/or Accessible-PDF format.
 8. The decision to produce Large Print, Braille, audio or BSL copies, Easy read or language versions are made on the basis of what is 'reasonable' and are mainly dependent on the audience for which the information is provided.
 9. Easy Read - is generally produced when, as in the consultation, complex messages are being communicated and require comprehension by people with learning difficulties.
 10. Misleading document:
 - i) the choice presented on page 29 of the document lists 7 alternatives, in a column; six alternative routes, followed by the words "None of these, Don't know" as the final choice. This led the responsible delegate on one Parish Council (Slinfold and Warnham) to believe that to answer "none of these" would be treated in the same way as "Don't Know" ie disregarded. He therefore advised the PC to adopt one of the specified routes. Fortunately, before the vote was taken, the PC was persuaded by parishioners' representations and doubts voiced by some members that this was not the course to take. We sincerely hope that this misleading verbiage was inadvertent, but the fact remains that it is misleading. Contrast the options presented in 1(a) of the Questionnaire itself.
 - ii) The maps were initially published with wrong captions, as can be seen in the change log of the consultation document, as follows:
The change log corrections are:
"05/06/14 Maps 10 to 15 option B
Label in key on maps 12a-d corrected. "Option A route centreline", corrected to read "Option B route centreline"
05/06/14 Maps 16 to 22 option C
Label in key on maps 16 & 17 corrected. "Option A route centreline", corrected to read "Option C route centreline"
013/06/14 Maps 38 & 39
Caption corrected on maps 38 & 39.
RWY26", corrected to read "RWY08" 30/06/2014".

How can a reader understand any of the proposed options if they were mislabelled on the map?! This is a very serious mistake as the whole consultation is about different options for a change of flight paths, but then falsely gives the impression that Option B is Option A on maps 12a-d and that maps 16 and 17 also show Option A, whereas in fact they showed Option B.

This mistake was corrected on the 5 June, i.e. nearly 2 weeks of the 12 weeks consultation period had already passed. Any replies which were given before the correction are based on wrong maps. And any interested party who looked at the consultation at an early stage, such as possibly parish councils, and who printed out the wrongly labelled maps might have worked with the print outs without ever referring again to the online document, i.e. even replies after the correction might be based on wrong maps.

The wrong labelling of maps is also another example how carelessly the consultation has been put together.

B. IMPORTANT DEFICIENCIES IN INFORMATION

1. It ought to be quite unnecessary to quote the provisions of the CAA guidance in CAP725:

i In exercising its air navigation functions, the CAA must give priority to maintaining a high standard of **safety** in the provision of air traffic services in accordance with its statutory duties set out in Section 70(1) of the Transport Act 2000 (ISBN 0 10543800).....

The CAA must exercise its air navigation functions in the manner it thinks best to:

- a. Secure the most efficient use of airspace;
- b. Satisfy the requirements of all airspace users;
- c. Take account of the interests of any person in relation to the use of any
 - i. particular airspace or the use of airspace generally; whilst taking account of the Civil Aviation Authority (Air Navigation) Directions 2001 and the Civil Aviation Authority (Air Navigation) (Variation) Direction 2004;
- d. The Government's policy on sustainable development;
The Government's policy on reducing, controlling and mitigating the
 - i. impacts of civil aviation on the environment; and
- e. **The need to reduce, control and mitigate as far as possible the environmental impacts of civil aircraft operations; in particular the annoyance and disturbance caused to the general public arising from aircraft noise and vibration, and emissions from aircraft engines.....**

iv A change to the use or classification of airspace in the UK can take many forms and may be simple and straightforward to implement with little noticeable operational or environmental impact. Conversely, a change may be complex and involve significant alterations to existing airspace arrangements that impact upon the various airspace user groups and the general public. All airspace changes are unique and, regardless of scale, will require some form of consultation. In pursuit of efficiency, changes to airspace arrangements, which fall within the scope of this document as set out in 'Application of the Airspace Change Process', should be made after consultation, **only where it is clear that an overall environmental benefit will accrue or where airspace management considerations and the overriding need for safety allow for no practical alternative.** The level of consultation will be determined by the 'impact' that the change will have on others and not the 'size' of the change itself. "

Having regard in particular to (f) above it is a fundamental shortcoming that the consultation document is totally deficient in giving the public the relevant information about noise. That is the government's priority at below 4,000 feet. It is ignored. No actual noise measurements are given for the new flightpaths..There is no research as to noise levels prior to the ADNID trial being carried out, so no true measure is available as to the impact it has had on residents and the environment.

2. No noise contours are given for the ADNID route or the other options,, keeping

residents away from the true picture, and precluding a proper understanding and informed comment.

3. As Sir Howard Davies commented when he visited West Sussex, the Leq measurement is not a clear or relevant measurement of the noise residents experience and will not be used by the Airport Commission as the only determining factor on noise below 4,000 feet and yet Gatwick (“GAL”) cling to it, giving rise to the suspicion that it serves them well as a shelter.
4. It is well known that disturbance ranging from distraction and discomfort to mental and other health problems are caused by individual aircraft being very noisy for
 - a) “bursts” of time. A far more appropriate measurement is an Lmax reading.
5. Where altitude is expressed, it is in feet above mean sea level(amsl)in order to provide a common datum. However, when developing proposals, sponsors should take account of the specific surface level involved. This is particularly the case when
 - a) airspace changes involve heights under7000ft asml* (see CAP 725, para 1.5)
6. There is insufficient detail as to what times of day households will be affected and as to the nature of Respite.
7. There are no noise contours for arrivals.
8. No night flight contours are provided.
9. There is no adequate sourcing of the important population figures.
10. There is no information/comparison as to the relative impact of PBN(concentration of a route) against dispersal, which residents are used to.
11. There are no details of the merger points for West Sussex inbound, causing untold noise for those below and yet there will be no further consultation. Surely residents are meant to be consulted?
12. There is no examination of delays due to weather conditions
13. Simply to redraw the lines of NPRs on a map does not illustrate the impact a plane has on the RELEVANT area which is nowhere illustrated, due, as we have said, to the gross deficiency in proper noise measurement detail.
14. The ADNID route details and the trial route do not give a true representation of what types of plane (eg A320 or A380) will actually be flown on these routes, now or in the foreseeable future, and so residents cannot be expected to form a realistic view as to the noise impact .
15. NATS and GAL had a long time to detail this proposal to determine the best benefits for them whilst knowing the full details whereas residents have only been allowed weeks to understand a very complex document with limited facts.
16. There is no significant potential to maximise CO2 efficiency below 7,000 feet (amsl) and therefore no over-riding CO2 efficiency justification for changing pre-existing flight paths.
17. The CO2 reductions are outweighed by the number of extra flights Gatwick seeks to add to the daily flights for take off
18. Certainly there is no environmental justification for the suggested flight paths, nor are GAL able to produce one, except for spurious points about CO2 emissions and population numbers.
19. Re para 3.15 First bullet point – NATS and LGW have failed with this in the trial. They have managed to take flights that took off over an area of minimal population which was then dispersed at high altitude over an area of sparse population and concentrate it at low altitude over 3 villages that have a total population in excess of

5000 people.

20. Re para 3.16. This is not the case in the trial. Flights have gone from low population to high population as many surrounding villages and the town of Horsham are being significantly affected, who population is in excess of 30,000. See Stuarts findings on the supposed reduction of people overflow
21. Communities have NOT been informed what concentration will mean to their quality of life, health and property values.
22. There is no evidence that GAL acknowledges the Government's recognition of the ICAO "balanced approach" principle to aircraft noise management.
22. The ADNID 1X trial SID was introduced without warning or consultation and has resulted in a huge increase in aircraft noise for the village of Ruser, which is described below. The fundamental principles of the Government guidance² on the environmental impact of aviation have been effectively ignored.

C. BIAS

1. The questionnaire has been formulated in a partisan manner and this is apparent in the creation of the false impression that new flight paths will create less noise in the way that the effects on health education, the quality of life and property values are ignored.
2. In the very limited design of routes, eg bunched and with no respite or variation re RWY26 departures
3. In the preoccupation with the interests of GAL and the airlines to the virtual exclusion of the government requirement that the interests of the public be paramount, not only of residents for instance greatly increased traffic but a failure to address the problems that exist within the terminals at peak periods at present, let alone as the result of near doubling of flights. See Appendix 2.
4. Appendix E of the document states quite unashamedly that the changes presented in this consultation would result in more airlines being able to depart at the hour of their choosing rather than affecting the overall number of flights.
5. There is no independent information made available for consultation other than that provided by those that seek to profit
6. The statistics as to population affected are distorted and untrue.
7. In the consultation, GAL have elected to deliberately bundle in addition to the main flight path options a proposal to reduce the size /area of existing NPRs. This GAL says is to better reflect actual flight paths. The problem in doing this is firstly it is over loading the consultation with unrelated technical issues, yet (importantly for GAL) enables GAL's marketing machine to promote the new flight paths as something which reduces the number of people affected. This is disingenuous to say the least as of course the population count in a smaller sized NPR will be less even if the flight paths remained unchanged.
8. On a similar theme of not comparing apples to apples, the new proposed flight paths are a maximum of 2km wide. The existing NPRs are 3km wide. So even with the same aircraft following the same route there will be less population counted in a 2km wide NPR rather than a 3km wide one, yet the noise footprint will of course be the same. This amounts to corporate connivance.

D. EDUCATION

There has been no liaison with schools even though the detrimental effect of aircraft noise on children's learning abilities, recall and reading progress has been well documented in recent years. (See Noise Health 2003,2004,2010,2012: Am.J.Epiol.2006,2012; Front Psychol.2013: The Lancet 2005). There are around eight schools and at least

as many nurseries and pre-schools which have not been consulted or given time to be consulted. The current ADNID trial flies over 5 schools not previously over flown.

Educational establishments should have been treated as stakeholders in this consultation; no attempt has been made to contact them.

E. OBSCURITY

1. One may be forgiven for thinking that information and consultation has been made difficult to locate. Those wishing to find out about the flight trials must follow obscure links misleadingly labelled “Business Community”, “Corporate Responsibility”, “Airspace Strategy” and “ADNID departure trial/ ADNID FAQs.
2. The point has already been made (see A 1 above) that the lay person is likely to feel excluded. To understand the document fully, a good understanding of the DoT Guidance, and CAA’s CAP724 and 725, the Civil Aviation Act 1982 and the previous London Airspace Consultancy is required.
3. The 'ADNID departure trial' page provides extremely limited information: - just links to FAQ's; not directly relevant- 'noise pages'; and 'feedback' contacts. There is no mention of any consultation.
4. On the ADNID FAQ's page there is still no mention of a consultation and there are only 7 FAQ's. FAQ 3 states 'Why was a consultation over the flight path changes not held? [Answer] As this is a trial rather than a permanent airspace change, it is not usually necessary to undertake a consultation. This approach is endorsed in both the Civil Aeronautical Publication 725 (CAP 725) and the Government’s air navigation guidance to the CAA.' It gives the impression that this consultation is about the current flight-path trials and that before any changes to flight paths could be permanently adopted there would be a further process, including consultation regarding their adoption. We now understand that unless a proposal for permanency was significantly different to the trial then the present consultation would be the only consultation. We are concerned that the general public was not made fully aware of this.
5. The deadline of 14th August is hidden in the consultation document
6. The Consultation Document refers to Consultation stage 1 but the link to that document does not work

F. LACK OF PUBLIC ENGAGEMENT

1. No roadshow has been instigated by GAL to inform residents of changes to NPRs that have been in place for over 35 years.
2. The Head of Corporate Responsibility, the GAL representative that is detailed to communicate with stakeholders and leader of the GAL flight path team appears to have no aviation qualifications. One must therefore ask if correct technical details have been provided to those stakeholders to whom he has spoken
3. There is no attempt to match the members of the public that were consulted in the first phase with those consulted in the second. There has been no attempt to consult **all those affected** by the changes. Letters advising of the consultation were only sent to those who had written or called previously to GAL’s noise line or those answering the London Airspace consultation. This is totally illogical if attempting to engage with people not previously affected!
4. GAL refused to engage with community groups such as CAGNE or attend public meetings in key areas to be affected such as with Warnham Parish Council.

G. PROCEDURAL FAILURES

1. Duration of consultation exercise should normally last for at least 12 weeks with consideration given to longer timescales where feasible.
2. The formal consultation paper ends on 14th August 2014, in the middle of the school and summer vacation, which has a direct impact on the capacity and abilities of those impacted by it to respond as most families are on vacation. In effect, half of the consultation period falls within the summer vacation.
3. It would be sensible for the consultation period to be extended to at least the end of September 2014, by which time the majority of people will have returned from vacation, schools will have started their new terms and there would have been sufficient time for people to make a considered response to the Consultation Paper.
4. The GAL website was down for a week with GAL denying that it was faulty when reported at GATCOM. CAGNE had to call Ipsos MORI to confirm that there was an error. GAL continued to deny it was faulty. How many people tried to complete the document before going on holiday and thus missed the deadline for comments?

H. NOISE

1. Warnham and Slinfold parishes are noise sensitive areas, ie with a low level of ambient noise, and so the impact of aircraft noise is far higher than in an urban setting. This fact is not taken into account in the consultation.
2. It is recognized that the effect of noise in rural areas is 10 decibels louder than the same reading in an urban environment. The impact is illustrated by the huge increase in Gatwick Airports flight performance team figures for Jan-March this year, 6,300 complaints, whereas in the same period last year they received 2,000, with callers increasing from 390 to 944 for this year. This is clearly shown by the recent Gatwick Flight Performance Team report
3. There is no detail as to the noise that each route will bring to each area. As already mentioned, Leq 57 is so vague as to be near worthless as a measurement of the noise that residents experience and will not be used by the Airport.
4. Commission as the only determining factor on noise and yet Gatwick are asking residents to respond to a consultation offering Leq 57 alone. The UK is out of step with other European countries in relying on Leq. See "Plane Speaking, the March 2012 report of the Environment Committee of the London Assembly, paras 4.7-4.10. And see Recommendations 8 and 10.
5. GAL assert that they are complying with CAA and DoT guidance. The problem is that the guidance is poor and does not adequately take into account the noise of planes in rural locations e.g. recommendations of Leqs at 55dBA; the UK government has recognised that this is too low. See further the above London Assembly report, para 4.11: research by the WHO indicated that the 57dB LAeq was outdated, noting that the thresholds of 50dB (for moderate annoyance) and 55dB (for serious annoyance) better reflected individuals' experience.
6. Were the Lmax figures presented in the London Airspace consultation, and if not how are residents expected to know of the likely effects?
7. Simply to re-draw the centre lines of NPRs on maps does not represent the impact the aircraft noise has on an area. The proposed concentration of flights is accompanied by no research as to the impact it has at ground level. The consultation document gives no indication of the impact of such changes, whether negative or positive.
8. There are no details of the merger points for West Sussex inbound and yet residents are meant to be consulted. This will cause untold noise for those below

and no details have been provided and NATs seeks not to consult again.

**CAP725 at para 1. states: “Throughout this document, altitude is expressed in feet above mean sea level (amsl) in order to provide a common datum.” However, we require airspace change sponsors to take account of the altitude of the specific surface level involved when developing their proposals. This is particularly the case when airspace changes involve an altitude lower than 7,000 feet (amsl).’

9. Appendix D indicates that options e and f were discounted because they flew directly over Warnham (and Rusper and Slinfold – not mentioned). Just because the current ADNID trial routes passes over the north west part of Warnham they consider that the path is not over Warnham, this is incorrect as the impact is far wider than detailed, in a rural area. The same goes for Slinfold as the ASNID route skirts the west end of the village. (GAL have stated that ADNID is route d).
10. Tables such as Table 4 presented in para 6.28 have little validity because all they do is count (or more likely, approximate) the number of people under each route line or swathe width. Much more meaningful would be a proper and scientific measure of the decibel effect of each width with contour maps, together with numbers of people affected within contours.
11. To be able to say “we are not under an NPR” is valueless when a purchaser can empirically test an annoying, or worse, noise. (Those with the route imposed have had no choice and will suffer loss with no compensation whereas those that purchased under an NPR did so in the full knowledge of Gatwick Airport’s flight paths see below)
12. The consultation proposals do not meet the requirements of Government guidance which states that the number of people **significantly affected by noise** should be reduced and that the industry is “expected to address noise from low level air traffic as a local environmental priority in line with altitude-based priorities” (²3.2). The GAL proposal includes respite routes and acknowledges that this would mean “increasing the overall number of people affected by noise” (¹ 3.16). The company has made no attempt to address noise from low-level air traffic in line with the Government’s altitude-based priorities (² 4.1). There is no evidence that GAL has worked with NATS or the CAA in order to manage and mitigate noise in the immediate vicinity of the airport, no evidence of a determination by the regulator of what “immediate vicinity” means, and no evidence that the geography of the area or height above sea level of villages such as Rusper has been considered. See Appendix 2.

I. PREMATURE APPLICATION TO SAVE PAYING COMPENSATION

1. Even if an expansion in aircraft movements is necessary, no evidence is given that the existing NPRs cannot accommodate such. But neither in fact is there any justification
2. or increasing movements at present. In fact 2013 saw fewer movements than 2007. Appendix E states
“The table below shows the traffic growth assumptions from a 2012 base year. These growth rates are based on airline demand and apply equally to the change and no change scenarios assessed in this consultation. The RWY26 changes presented in this consultation as to departure routes would result in more airlines being able to depart in the hour of their choosing , rather than affecting the overall number of flights.”
The table then shows a 14.6% growth from 2012 to 2016. In other words, 276,119 Air Traffic Movements.

In fact, the historic figures for ATMs sourced from the CAA are as follows:

2009- 245,377

2010- 233,553

2011- 244,776

2012- 240,492

2013- 244,354

For the 5 years 2009-2013(2011 was a record year for passengers) this shows a fall of 0.42%.

On what, then, are GAL's predictions based? We are not told.

Airlines are looking for greater efficiency from using larger planes; therefore the number of movements from the runway should be reduced not increased for genuine greater efficiency(and reduction in CO2 emissions). See Appendix 2.

3. We do not believe that there is a need to change NPRs as there is spare capacity to the north of the M25 and with the new deal signed by EasyJet with Luton Airport, passengers from the north and midlands will be able to fly from an airport closer to them. The consequent reduction in the carbon footprint of cars using the M25 would be welcome. GAL is encouraging the opposite by these proposals.
4. There will be a huge fall in house prices where the noise impacts. Some indeed will have purchased at a premium not to be under an NPR. Some, who have paid off their mortgages, will see their life savings destroyed. Others will be pushed into negative equity. Many will be trapped with their families under the uninvited noise as they will no longer be able to afford to move. There is no mention of compensation for homeowners for the devaluation of their biggest asset, or damage to their health and/or education. A White Paper is proposed to remedy this gross inequity. As mentioned, we believe these proposals may have been made prematurely in order to pre-empt having to make reparation.
5. We submit that all those affected up to a 2 mile radius either side of the flight path and under 7,000ft should be entitled to full compensation and removal expenses paid for by the airport and ultimately the passenger. The principle should always be "the flyer pays"

J. PROFIT THE PRIORITY

1. The consultation pitches communities against communities and seeks only to profit two privately owned companies, Gatwick Airport and NATS, who have designed this proposal for new flight paths to achieve an increase of 2-5 airborne planes per hour, (even though the airport terminal is at full capacity at peak times already). See appendix E of consultation.
2. With increasing traffic on the busiest single runway in Europe, surely this increases the potential for accidents and there is no proof or evidence that this has been investigated by any parties aiming to profit from proposed changes.
3. This consultation ignores the requirement that **noise reduction** is the Government's priority below 4000ft
4. We suggest that the old routes have not been redesigned to accommodate PRNAV (PBN) but simply to fit the existing swaths with no consideration of the effect on residents of concentration vs dispersal of aircraft.

5. Paras 4.24 to 4.29 from consultation document –It appears that GAL want a blanket change without constraint.
6. Aviation is heavily subsidised and yet NATS have been permitted to design routes that meet their desire for greater fuel saving, greater number of planes in the sky over those on the ground during peak times. The CAA and DfT fully understand that residents and the noise they suffer under 4,000ft must be the priority over an airport’s desire to profit from greater ATMs.
7. It is clear that, rather than spreading flights more evenly throughout the day (apparently achievable within existing capacity and pre-existing flight path arrangements) the one and only purpose of the trial flight paths is to get more aircraft into the air more quickly (especially during the unmanaged morning peak demand times) to the financial benefit of the Gatwick operators and significant detriment to and disregard of people living locally.
8. The consultation includes very little evidence that GAL has actually followed the official Government guidance on environmental objectives for aviation. The company makes no attempt to conceal the fact that the consultation is all about increasing profitability, regardless of any environmental cost: e.g.. The airport states that it seeks to:
 - a. “make best use of existing runway capacity”;
 - b. “[reduce] delay”;
 - c. “accommodate more departures per hour”, and
 - d. “make the airport more attractive to airlines and their customers”.
9. Regardless of where the aircraft fly, the environmental burden of aircraft operations will still have to be shouldered exclusively by local residents, whilst the company and its client airlines stand to benefit financially from possible shorter routes and an increase in flight numbers. This proposal breaches paragraph 3.1 of the Government policy document because it does not deliver a “fair balance” between a) the negative consequences of increased noise for local residents and b) the economic benefits for the operator and its clients.
10. Possible safeguards which will be taken to protect residents, the countryside, agricultural pastureland and Areas of Outstanding Beauty are ignored.

K NECESSITY FOR NEW FLIGHT PATHS UNPROVEN

We do not believe that Gatwick Airport has illustrated the need to change NPRs for several reasons:

- The BOGNA route can still be used as the changes desired by the CAA into how planes are held (ie Willow) will be much higher than as previous and would therefore enable the Bogna route to be used. Aircraft in hold create fewer noise problems; what are the implications of moving Willow vs diverting traffic around it? These proposed changes are premature as Willow is likely to be moved under LAMP in any case.
- There is spare capacity at other airports such as Stansted and Luton and the new agreement signed by EasyJet with Luton Airport will enable passengers from the north to fly from an airport closer to them and so to reduce the carbon footprint of their journey to the airport
- Future introduction of fuel tax, VAT or other aviation tax is likely to reduce the demand for flights and an end of cheap flights which are heavily subsidised as is the industry as a whole.

L. HEALTH

1. Continuing exposure to aircraft noise increases the risk of cardiovascular disease. See the research study by Anna L. Hansell and others published in the BMJ of 8th October 2013: the conclusion stated “ High levels of aircraft noise were associated with increased risks of stroke, coronary heart disease and cardiovascular disease for both hospital admissions and mortality in areas near Heathrow airport in London.....” This consideration (which the authors state elsewhere as particularly caused by night time flying), appears to have been ignored.
2. Night time flights are known to have negative health implications. The noise by overflying aircraft into the early morning hours and then starting again before 6am provides less than 6 hours night time quietness. Instead of spreading flights more evenly throughout the day, a peak of departures happens during the early morning hours, waking residents before they would normally do, and making it impossible to go back to sleep due to the subsequent closely spaced burst of noise peaks
The World Health Organisation (WHO) Guidelines for Community Noise (1999)17, suggests that noise levels should not exceed:
50 dB LAeq,16hr for avoidance of moderate annoyance; and
55 dB LAeq,16hr for avoidance of serious annoyance
Therefore, noise contour maps should have been prepared for the above mentioned noise levels and the emphasis placed on Lmax.
Indeed, early flights are not as popular as GAL tries to suggest, as they are usually very cheap, i.e. demand is not as high as at later times.

M. TECHNOLOGY/ NOISE ABATEMENT PROCEDURES

1. The 10% target of reduced emission by NATS will be outweighed by GAL’s own forecast of growth in traffic ; see appendix E
2. Available technology is not being employed by GAL nor by the airlines, e.g. the A320 compressor “whine” could be reduced if airlines were required to modify their engines.
3. Para 1.9 DfT noise abatement. The consequences of this are not fully explained. NADP1/ NADP2 should be researched as both would make the planes much higher, approx. 1,000, before overflying populated areas. These systems are adopted by other European airports that seek to be a ‘good neighbour’.

N.LEGAL

1. Article 8 of the Human Rights Act entitles subjects to quiet enjoyment of property:
 - a. Aircraft noise interferes with the peaceful enjoyment of property. The relevance of Aircraft noise to this was tested in *Hatton v. United Kingdom*, where the subjects eventually lost. Without going into any further detail at this stage, we believe that there is an important distinction between these proposed routes and those in *Hatton* as in this case, contrary to the findings as to night flights in *Hatton*, it is indisputable that any new NPR will cause a substantial fall in property values.
2. Right to physical integrity: subjecting people to repetitive noise has been considered as torture the right to personal autonomy and physical and psychological integrity, i.e. the right not to be physically interfered with.

CONCLUSION AND SUMMARY

1. This entire consultation is fundamentally flawed. New flight paths are unnecessary.
2. It wholly fails in its stated purpose of “capturing local requirements”. It cannot possibly do so because GAL has failed to engage properly with the public, and, to those whom it has involved, it has presented misleading and inadequate information, particularly on the vital subjects of noise (where it clings to out-dated and discredited notions of human tolerance) and population counts. Indeed, there is no information at all on important topics such as environmental, health and education.
3. The consultation is more than misleading; it is biased, a vehicle for propaganda and, driven by the profit motive, fails to strike a proper balance between commercial considerations and the public interest.
4. Governmental guidance is ignored and there are numerous examples of failure to follow proper procedure.
5. The document shelters behind complexity and technicalities, yet at the same time fails to give essential details and is frequently obscure.
6. There is no attempt to integrate what GAL seeks with their bid for a second runway and inform the public of the likely effects of that proposal on the options presented here.
7. The consultation is so riddled with defects that any outcome must be susceptible to Judicial Review. The population figures that appear in the consultation document are not substantiated are grounds to challenge the whole consultation process. The CAA has now been asked three times for details and has not replied.
8. This all illustrates how important it is to hold an enquiry independent of GAL, the DfT and the CAA as to how to meet such requirements as GAL can prove it has-if these are contrary to the needs and wishes of the surrounding communities, GAL ought to pay for it.
9. We ask that an independent review by an independent body be paid for by Gatwick
10. The Sunday Times article recently brings into question the CAA independence from privately owned aviation companies and thus an independent review should be undertaken by a body not connected to those that seek to profit from ‘expansion by the back door.’

CAGNE rejects this consultation and all the options it presents and believes it to be a prelude for the second runway.

Appendix 1.

1. The Equality Act 2010 CHAPTER 15

Part 2 — Equality: key concepts Chapter 2 —

Prohibited conduct, Section 20

The Equality Act 2010 has specific requirements regarding companies who supply services and that require information sharing with the public.

Point (6) refers to the provision of information and is substantive of point (2) where an public organisation 'provides and services or practice' that could be disadvantageous.

Ie. Running a public consultation about services and/or changes to services.

Adjustments for disabled persons

Information provided to stakeholders should be easy to comprehend – it should be in an easily understandable format, use plain language and clarify the key issues, particularly where the consultation deals with complex subject matter. Consideration should be given to more informal forms of consultation that may be appropriate – for example, email or web-based forums, public meetings, working groups, focus groups, and surveys – rather than always reverting to a written consultation.

20 Duty to make adjustments

(2) The duty comprises the following three requirements.

(3) The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(4) The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(5) The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

(6) Where the first or third requirement relates to the provision of information, the steps which it is reasonable for A to have to take include steps for ensuring that in the circumstances concerned the information is provided in an accessible format.

Under terms of Schedule 19 of the EA2010, the Civil Aviation Authority is specified as a Public Authority needing to be complaint.

3. The Equality Act 2010, Equality Duty, requires that providers of information make reasonable adjustments to avoid disadvantage and must ensure that the information is provided in an accessible format.

Hence, at a minimum requirement all materials/content should be made available online in html/text and/or Accessible-PDF format.

The decision to produce Large print, Braille, audio or BSL copies, Easy read or language versions are made on the basis of what is 'reasonable' and

is mainly dependant on the audience the information is provided for. Easy Read is generally produced when complex messages are being communicated and require comprehension by people with learning difficulties.

Further information can be found

at http://www.equalities.gov.uk/equality_act_2010/public_sector_equality_duty.aspx where there are summary guides.

3. Consultation Principles - Guidance sets out the principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation.

Making information useful and accessible

Policy makers should be able to demonstrate that they have considered who needs to be consulted and ensure that the consultation captures the full range of stakeholders affected. In particular, if the policy will affect hard to reach or vulnerable groups, policy makers should take the necessary actions to engage effectively with these groups. Information should be disseminated and presented in a way likely to be accessible and useful to the stakeholders with a substantial interest in the subject matter. The choice of the form of consultation will largely depend on: the issues under consideration, who needs to be consulted, and the available time and resources.

Information provided to stakeholders should be easy to comprehend – it should be in an easily understandable format, use plain language and clarify the key issues, particularly where the consultation deals with complex subject matter. Consideration should be given to more informal forms of consultation that may be appropriate – for example, email or web-based forums, public meetings, working groups, focus groups, and surveys – rather than always reverting to a written consultation.

Appendix 2

Environmental Impact and Lack of Benefits for Residents

GAL makes it clear in the document that the changes are to benefit them with increases in flights whereas the Government requires the benefits to be on residents and not the sponsor. A balance whereas this consultation repeatedly details blatantly the benefits to GAL and airlines.

Gatwick Airport Limited is clearly aware of the contents of the Government guidance on environmental objectives for aviation² and appreciates that the CAA is responsible for enforcing official policy through the provisions of the Transport Act. Despite this, there is very little evidence that GAL has actually followed the official Government guidance. The company makes no attempt to conceal the fact that the consultation is all about increasing profitability, regardless of any environmental cost. The airport states that it seeks to:

“make best use of existing runway capacity”;

“[reduce] delay”;

“accommodate more departures per hour”, and

“make the airport more attractive to airlines and their customers”.

Regardless of where the aircraft fly, the environmental burden of aircraft operations will still have to be shouldered exclusively by local residents, whilst the company and its client airlines stand to benefit financially from possible shorter routes and an increase in flight numbers. This proposal breaches paragraph 3.1 of the Government policy document² because it does not deliver a “fair balance” between a) the negative consequences of increased noise for local residents and b) the economic benefits for the operator and its clients.

The consultation proposals do not meet the requirements of Government guidance which states that the number of people significantly affected by noise should be reduced and that the industry is “expected to address noise from low level air traffic as a local environmental priority in line with [] altitude-based priorities” (²3.2). The GAL proposal includes respite routes and acknowledges that this would mean “increasing the overall number of people affected by noise” (¹ 3.16). The company has made no attempt to address noise from low-level air traffic in line with the Government’s altitude-based priorities (² 4.1). There is no evidence that GAL has worked with NATS or the CAA in order to manage and mitigate noise in the immediate vicinity of the airport, no evidence of a determination by the regulator of what “immediate vicinity” means, and no evidence that the geography of the area or height above sea level of villages such as Rusper has been considered.

There is no evidence that Gatwick Airport Limited acknowledges the Government’s recognition of the ICAO “balanced approach” principle to aircraft noise management. The absence of any mention of noise abatement procedures indicates that GAL is either unaware of, or has willfully ignored, the Government’s desire to optimise the way that aircraft are flown and the routes they follow in order to reduce noise (² 3.3). The ADNID 1X trial SID was introduced without warning or consultation and has resulted in a huge increase in aircraft noise for the village of Rusper, which is described below. The fundamental principles of the Government guidance² on the environmental impact of aviation have been effectively ignored.

We note that whilst efficiency is a consideration, neither cost nor financial benefits are a consideration as yet two privately owned companies that are based overseas have designed this consultation and new routes.

Re i f) - The flight trials totally disregard 'the need to reduce, control and mitigate as far as possible the environmental impacts of civil aircraft operations' and actually significantly increase the numbers of people locally suffering environmental impacts, i.e., noise and air pollution from aircraft emissions.

Re iv - It is not clear that an overall environmental benefit will accrue. On the contrary, the flight trials are causing severe and widespread environmental damage (noise and air pollution from aircraft emissions) to people who have not previously been overflown whilst the numbers of people previously and now not being overflown is minimal and the majority of those chose to live where do knowing they would be overflown.

Re DfT Air Navigation Guidance

at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269527/air-navigation-guidance.pdf