

Noise Management Board Review Sub-Committee Report and Recommendations

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28th November 2018

Foreword

This report outlines the findings and recommendations of the review of the Noise Management Board (NMB). It is an important milestone in the progress of noise strategies for Gatwick and the effective engagement of all the stakeholders involved, from residents to the aviation and Government organisations involved. The Committee members recognize the importance of this work, we have each done our best to understand all points of view, and to represent all views when developing our findings, conclusions and recommendations.

On behalf of the Review Committee, our sincere thanks are due to all those who have taken the time to provide constructive feedback to our questionnaire, we acknowledge and appreciate your efforts, without which our task would have been much more difficult.

The establishment and work of the NMB has taught us a lot about the particular objectives of communities, the constraints faced by industry, and some of the anomalies related to noise policy and oversight. There is room for improvement. In order to make progress, the NMB relies on the proactive engagement and support of the aviation stakeholders, it is also evident that the development and implementation of noise strategies also needs more community involvement.

The review has been able to identify a number of key recommendations. Given the time available to conduct this review, it has not been possible to fully consider and to develop detail for every one of our proposals, but we have proposed a way forward. For instance, we have not proposed specific new Terms of Reference for the NMB to take account of the structural changes that we have concluded are necessary. Where such additional effort is still required, and reflecting advice from the NMB, the Committee will either continue its work to provide detailed proposals in time for consideration at the meeting of NMB in January, or where appropriate, we will pass some specific activities back to the NMB, so that they may benefit from further discussion and finalisation by the stakeholders concerned, and in a timescale to be agreed.

Our work has confirmed that all stakeholders want to see more focus on noise reduction actions going forward. It is also apparent that all NMB members need to be held to account for their part in the delivery of a successful noise mitigation strategy. This includes not just the technical measures, but also the efficient conduct of meetings and adherence to an agreed Code of Conduct, workplan and schedule. Our conclusions and recommendations take these aspects into account.

The issues facing the NMB are complex and challenging. However, we have been able to identify a range of measures that we believe will provide a foundation on which to build a stronger noise reduction strategy for Gatwick, and the people affected by aircraft noise.

28th November 2018

With the agreement of the NMB, the Review Committee intends to continue its work on the further definition of the identified tasks, and to prepare the necessary working papers for NMB/13. We believe that our recommendations will, if implemented, reinvigorate noise reduction strategies and engage more residents in constructive noise dialogue.

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Executive Summary

The Noise Management Board (NMB) is a unique body, bringing together representatives from all stakeholders in the management and mitigation of aircraft noise, with elected representatives and some Community Noise Groups (CNG). The Board has been operating since June 2016 and has now reached a level of maturity that warrants a root and branch review for the benefit of all, for continued progress in the delivery of noise reduction strategies for Gatwick.

The first term of appointment of the NMB Members, the Chair and Secretary, comes to an end in June 2019. The Chair therefore proposed at NMB/10 in April 2018 that a formal review of the NMB's Constitution should be undertaken to identify and agree any changes for the NMB that are desirable, so that they may be considered and concluded in good time for the second term. Any changes should also ensure the continuity of NMB competence during any periods of membership transition.

The NMB established a Review Sub-Committee, comprising five NMB members, to undertake an impartial review of the NMB, with the full and proper consideration of all pertinent topics, in order to reflect the views of all NMB Members and to make recommendations based on its findings.

The goal of the Review Sub-Committee has been to consider the purpose, objectives, governance, structure, membership, balance, legitimacy, outcomes, leadership and administration of the NMB.

Ipsos MORI have, on behalf of the Review Sub-Committee, conducted independent analysis of the related feedback received, and have reported a summary of the findings from the responses to both the constitutional questions posed to NMB/11 in June and the questionnaire developed and distributed by the Committee in October. The aim of the Ipsos MORI report is the provision of an independently derived summary and overview of feedback concerning the extent to which the current NMB Terms of Reference reflect what stakeholders think the NMB should look like, what the NMB should be doing, as well as suggestions to assist in improving the effectiveness of the NMB going forward.

The Ipsos MORI reports bring together the responses and aims to summarise the key themes in an impartial way, included here as annexes.

In addition to consideration of all the views expressed in the response to the questions, the Committee has also considered all available NMB governance information, including the NMB Terms of Reference, Code of Conduct, NMB Guiding Principles and the CNG Consensus Agreement. The Committee has also reviewed the report it commissioned from the NMB Secretary, outlining NMB Code of Conduct considerations.

The feedback has been organised to follow the sequence of questions posed in the Review Committee's questionnaire. The overlap of responses to each question, with key themes emerging that have pointed the way to the conclusions and recommendations. The key areas requiring attention, in the view of the Committee, are related to:

- The Vision for the NMB

- The Structure and membership of the NMB bodies and their Governance
- The need for the agreement of and accountability for SMART objectives
- The need for a review of NMB Communication and Documentation
- The need for an agreed NMB protocol to govern policy matters
- The Leadership of NMB bodies and voting mechanisms

The Committee has provided in tabulated form key points from the feedback reports, together with associated commentary, and the Committee's perspective on the topic. These themes have been transposed into a rationale for the conclusions that have been reached, with constructive recommendations for the NMB.

Given the time available to undertake the review, the Committee has not developed detailed suggestions on the precise membership and governance of any proposed new structures, but has proposed that this further work is undertaken during December, in preparation from the NMB/13 meeting in January. The Committee has also proposed for some activities that the NMB establish additional working groups with a longer timescale in view.

With the agreement of the NMB, the Review Committee intends to continue its work on the further definition of the identified tasks and to prepare the necessary working papers for NMB/13. The Committee believes that the review recommendations will, if implemented, reinvigorate noise reduction strategies and engage more residents in constructive noise dialogue.

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1. Introduction

The NMB is a unique body, bringing together representatives from all stakeholders in the management and mitigation of aircraft noise, with elected representatives and anti-noise campaign groups - Community Noise Groups (CNG). The Board is now mid-way through its third year and has reached a level of maturity that warrants a root and branch review to support the continued progress in noise reduction strategies for Gatwick for the benefit of all stakeholders.

The first term of appointment of the NMB Members, the Chair and Secretary, comes to an end in June 2019. The Chair therefore proposed at NMB/10 (April 2018) that a formal review of the NMB's Constitution should be undertaken to identify and agree any changes for the NMB that may be desirable, so that they may be considered and concluded in good time. There will also be a need to consider an implementation timetable, respecting the need to ensure continuity of NMB competence during any periods of membership transition.

The NMB has established a Review Sub-Committee to undertake an impartial review of the NMB, with the full and proper consideration of all pertinent topics, reflecting the views of all NMB Members.

NMB Review Sub-Committee Members:

- Helyn Clack, Surrey County Council. Chair
- Liz Kitchen, West Sussex County Council. Vice Chair
- Tim Norwood, GAL, NMB Sponsor
- Markus Biederman, Air Navigation Solutions, Airport Operations
- Atholl Forbes, PAGNE, the majority representative of CNG

The goal of the Review Sub-Committee has been to conduct a review of the purpose, objectives, governance, structure, membership, balance, legitimacy, outcomes, leadership and administration of the NMB, considering the views of all NMB Members (including GATCOM, who have canvassed their members for guidance).

NMB members were invited by the NMB Chair in June (NMB/11 IP25) to respond to five constitutional questions as a part of the review process. The responses to this request include a summary of views of how the NMB has performed to date and suggestions to assist in improving the effectiveness of the NMB going forward. The NMB Committee since convened to conduct a more in-depth review, has also issued a questionnaire posing ten additional questions and has invited all NMB members and alternates to respond.

Ipsos MORI have been requested by the Committee to conduct an independent analysis of the resulting responses and to report a summary of the findings for both the IP25 paper and, the Committee's review questionnaire. The summary of the reported findings is included later in this document.

In addition to consideration of all the views expressed in the response to the questions, the Committee has also considered all available NMB governance information, including the NMB Terms of Reference, Code of Conduct, NMB Guiding Principles and the CNG Consensus Agreement. The Committee has also reviewed the report it commissioned from the NMB Secretary, outlining NMB Code of Conduct considerations.

The Review Sub-Committee' report is planned for publication on 28th November at the Ad-Hoc meeting of the NMB. The Ad-hoc meeting is intended to provide those NMB Members that were not part of the Sub-Committee, the opportunity to ask questions and seek clarifications on matters arising in the Committee's work.

2. Legitimacy

At NMB/10 in April, the Chair proposed a review of the NMB in relation to the Board reaching the end of its three-year term in June 2019. The NMB agreed that it would be useful to take into account the lessons learned from the process of the constitution of the NMB, and the experience gained from regular joint meetings of the wide range of noise stakeholders involved with the Board.

The results of the proposed review would help to determine what adjustments might be needed to further build on the delivery of collaborative noise management strategies for Gatwick. NMB members were invited to reflect on the topics in preparation for NMB/11 in June. An Information paper, NMB/11 IP25, which sets out the genesis of the NMB and its objectives, posed five constitutional questions to which all members were invited to respond before NMB/12 in September.

Following further developments and dialogue over the summer, further adjustments to the review arrangements were made following the discussions at NMB/12. A fifth member, a majority representative of the CNG's was added to the Review Sub-Committee in October.

The NMB Review Sub-Committee, now made up of five NMB members led by County Council Members, continued the review work initiated by the Chair, and has conducted a more detailed assessment of the various issues and views arising.

Following the Ad-hoc meeting of the NMB, working papers incorporating the Review's recommendations and feedback, will be prepared for proposal to NMB/13.

3. Methodology

The NMB Review Sub-Committee reported to NMB/12 on September 26th, and sought guidance from NMB on objectives for the review and next steps. The Review Sub-Committee provided an indication of its preliminary intentions for consultation of and reporting to NMB, and confirmed the expected duration of the review.

Further adjustments to the review arrangements were made following the discussions at NMB/12. A fifth member, a majority representative of the CNG's, was added to the Review Sub-Committee in October.

The Committee was provided with the responses to the five questions posed by the NMB Chair to all members of the Board through NMB11/IP25 in June¹. Theses include a summary of views of how the NMB has performed to date and suggestions to assist in improving the effectiveness of the NMB going forward. The Committee has also developed and issued a questionnaire² posing ten additional questions to all NMB members, alternates and three advisers³ to respond.

Ipsos MORI has, on behalf of the Committee, conducted an independent analysis of the resulting responses and report a summary of the findings for both the IP25 paper and the Committee's Review Questionnaire. The Ipsos MORI reports are included as annexes later in this account of the NMB Review.

The aim of the Ipsos MORI reports is to provide an impartial overview of the responses to the questions posed to all members of the Board through the NMB review sub-Committee questionnaire, and to summarise the key themes emerging in an impartial way.

This includes a summary of views about the extent to which the current terms of reference reflect what stakeholders think the NMB should look like and what it should be doing, as well as suggestions to assist in improving the effectiveness of the NMB going forward.

In addition to considering all of the views expressed in the responses to the questions posed, the Committee has also considered all available NMB governance information, including the NMB Terms of Reference, Code of Conduct, NMB Guiding Principles and the CNG Consensus Agreement.

¹ Annex 3

² Annex 1

³ See NMB/12 WP03

4. Review of Responses and Feedback

The Committee was provided with the responses to the five questions posed by the NMB Chair to all members of the Board through NMB11/IP25 in June. These include a summary of views of how the NMB has performed to date and suggestions to assist in improving the effectiveness of the NMB going forward. The Committee has also developed and issued a questionnaire posing ten additional questions to all NMB members, alternates and three advisers to respond.

Ipsos MORI has, on behalf of the Committee, conducted an independent analysis of the resulting responses and report a summary of the findings for both the IP25 paper and the Committee's Review Questionnaire. The Ipsos MORI reports are included later in this account of the NMB Review.

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This includes a summary of views about the extent to which the current terms of reference reflect what stakeholders think the NMB should look like and what it should be doing, as well as suggestions to assist in improving the effectiveness of the NMB going forward.

In addition to considering all of the views expressed in the responses to the questions posed, the Committee has also considered all available NMB governance information, including the NMB Terms of Reference, Code of Conduct, NMB Guiding Principles and the CNG Consensus Agreement. The Committee has also reviewed the report it commissioned from the NMB Secretary, outlining NMB Code of Conduct considerations.

This review of responses and feedback is organised in the same sequence as the review questionnaire.

1) Purpose

There was broad agreement among many of the stakeholders that the statement shown was a somewhat accurate reflection of what the purpose of the NMB should be. However, it was described variously as “useful but incomplete” and “necessary but not sufficient.” In line with this, many stakeholders suggested some additions or amendments to make the purpose more comprehensive.

Feedback	Comment	Conclusion
1.1 There is broad agreement that the NMB Purpose Statement is an accurate reflection of the NMB’s purpose		
1.2 Some members believe that the existing purpose is necessary, but not sufficient, a broader purpose could for instance include;		
- a) enforcement of Government policy	The enforcement of Government Policy is a DfT/Defra/CAA role.	The NMB cannot enforce Government Policy, it can play a part with its interpretation, the Review Committee recommends that a working group be convened to establish a NMB protocol
- b) Monitoring role for NMB	Noise and Track Monitoring is the role of NATMAG. Monitoring of the END NAP is a GATCOM role. While GATCOM is already a NMB Member, the NaTMAG Chair is a member of the NMB Workplan Implementation Steering Group (WISG)	Any future structure of the NMB, should take into account the need for attendance of NaTMAG & GATCOM Chairs
- c) Comms role – improve understanding	GAL, GATCOM, NMB, NaTMAG and the Flight Performance Team (FPT) each develop and provide communication material.	Establish a NMB WG to consider and recommend what changes, if any, are advisable for communication and information dissemination. Report to NMB/14
1.3 It is important that the NMB is a fair reflection of all relevant stakeholders	All institutional stakeholders are represented at NMB, there are doubts that the breadth of community representation is sufficient, even though all four County Councils impacted by Gatwick participate at NMB	This issue is dealt with under Structure, section 4

2) Objective

The responses reflected mixed views across the stakeholders about whether the statement was the appropriate objective for the NMB. There were also some perspectives about whether the objective should change as time goes on and the operational environment changes. Some felt that the objective was currently appropriate, but that in the future, the creation of an independent commission on civil aviation noise and implementation of the Future Airspace Strategy there may be the possibility of a further objective, around influencing national organisations and programmes seeking to reduce aviation noise impacts.

Feedback	Comment	Conclusion
2.1 The NMB Should change as time goes on and environment changes	The NMB has an annual workplan, reflecting progress and external developments, so that NMB work is always relevant	The workplan should set out Specific, Measurable, Achievable, Realistic and Timely outcomes.
2.2 The NMB could include in its objectives the task of influencing (national) organisations and programmes to reduce noise, for instance, local authorities, MP's Ministers, and Government Departments, as well as ICCAN, and FASI(S).	This activity is already to some extent part of the NMB role, it could possibly be strengthened	The Chair, or a nominated and agreed NMB representative, to be an interlocutor for matters included in the applicable NMB Terms of Reference, for national noise bodies and programmes
2.3 NMB needs to be accountable to a regulatory body otherwise objectives difficult to achieve because of trust issues within the current constitution	The NMB is not a legal entity, and has no legal status. Its institutional member entities are already legally accountable to the regulator, with related and prescribed obligations. These entities are also obliged to operate within their own internal governance structure, Institutional members GAL, ANS, NATS, and Airlines are accountable to regulatory bodies. Solution to trust and conflict issues more likely to be a stronger governance of NMB	The Governance of NMB should reflect the need for full buy-in and accountability of all members for agreed work plan objectives
2.4The NMB needs more focus on Noise reduction, need to focus on action	This is already a core NMB objective, and is one of the clear purposes of the proposed 2019 work plan	More clarity of likely outcomes is required, in order to appropriately set community expectations and to hold industry to account for delivery objectives

2.5 NMB needs to seek to strike a balance between noise and growth	Progressing measures that address the balance of growth and noise is an adopted priority in the NMB workplan and is underway	Progressing the balance of growth and noise is already a NMB objective, and should be reflected in the NMB Terms of Reference
2.6 A need for clear vision and framework for noise management, balance across all interests	NMB needs a (clear) vision statement	Assign the task to develop a vision for consideration at NMB/13
2.7 Specific measurable outcomes that NMB accountable to deliver	All Members would need to agree targets and their role in that all would be accountable, but it will be necessary to be clear about the pathway that some near term deliverables are creating for follow on activity.	See 2.1 - All NMB workplan items need to have more clearly defined planned outcomes and delivery dates for quarterly reporting, and should be formally agreed at NMB level. The length of some projects means that it will be useful to describe shorter term objectives/outputs and how they may relate to longer term goals or a number of initiatives to achieve something more significant, such as the design of FASIS.
2.8 Suggest that NMB objectives need to include community engagement with aviation stakeholders	This is a primary objective of the existing NMB, to provide a forum at which communities can engage directly with aviation stakeholders, the NMB has delivered on this objective, for those connected to the Community Consensus agreement	Community engagement should be broadened within a new NMB structure, this topic is dealt with in section 4.

3) Governance

Comments about governance reflected a range of views, and highlighted some underlying concerns about balance and fair representation on the Board.

Those who felt that the governance arrangements were fit for purpose, noted that the NMB was set up to reflect the views held across all relevant stakeholders and suggested that the NMB was doing this effectively, ensuring that no individual agendas took precedence over others.

For those who did not agree with the current governance arrangements, this was largely rooted in the fact that they did not believe the governance to be truly impartial. It was noted that while the NMB is sponsored by GAL, this gives rise to distrust and a feeling among some that the NMB is biased towards the interests of the airport – regardless of whether or not this is the case. Similarly, there were questions raised about who the NMB should be accountable to – if this is GAL or regulatory bodies such as DfT or CAA, there are again concerns about the impartiality of policies.

It was suggested by some that having a truly independent Chair selected by all stakeholders may be a welcome adjustment.

Another concern about governance was related to the role and representation of CNGs on the Board. Given the important and influential role played by the CNGs, it was felt that it was important to ensure that they were governed well and that these governance arrangements were documented and evidenced.

Feedback	Comment	Conclusion
3.1 Concerns about fairness and balance of representation, Terms of Reference issues around balance or representation	There have been a number of remarks about the roles and responsibilities of individual CNG organisations, their geographical bias, and the allocation of NMB seats to CNG	The issue of fairness and balance is dealt with under the Structure section 4
3.2 The NMB is effective in reflecting views across all relevant stakeholders	Contrary to 3.1, the opposite view also exists	The issues of reflecting the balance of all views at NMB should be dealt with under Structure section 4
3.3 The NMB sponsored by GAL gives rise to distrust and bias	Any sponsor would risk being subjected to the same allegation. No alternative proposals, with alternative suggestions on sponsorship were received in feedback. However, good governance should be able to minimise any risk of bias by the sponsor, or other member, and to overcome distrust.	The Review Committee recognises that a SMART well-defined work programme, endorsed by all NMB members with defined deliverables and timescales should create a framework in which all NMB members can trust the collectively agreed plan, and the role of each member in its delivery

3.4 Who in NMB should be concerned about impartiality of Policies	All members activity reflects their established roles and responsibilities (set out in the NMB Code of Conduct).	The Review Committee agrees that all members should be aware of their roles and responsibilities
3.5 Independent Chair selected by all stakeholders	The Independent NMB Chair is appointed by agreement of GAL and the NMB. The views of CNG's on the present leadership differ from all other NMB Members on this matter	Matters of NMB Leadership are dealt with under section 9, Leadership
3.6 Ensure that the role and representation of CNG's is well governed, documented and evidenced	The CNG Consensus Agreement is the only current CNG specific governance at NMB, the appointment of particular CNG's at the NMB has been a matter of contention for some other members of the community since the constitution of the NMB in 2016	This issue dealt with under Structure section 4
3.7 CNG's can't be expected to concern themselves with airspace outside their group	The CNG Consensus agreement expects CNG's to take a balanced view representing the needs of all communities. This has not worked consistently in practice	Improved governance of CNG participation is needed, the participation of CNG's is dealt with under section 4
3.8 Suggestions that the efficiency of the NMB could be improved by use of a much larger community forum, and a smaller advisory group	While this suggestion relates to governance and efficiency, it is also a structural matter	The consideration of an expanded community forum is dealt with under Structure, section 4

4) Structure

The responses to this question reflected many of the same themes expressed in the previous questions about purpose, objective and governance.

Although there is broad agreement that the NMB should be a key channel for communication, it was noted that this shouldn't be a one-way communication but rather the NMB should provide a framework within which all stakeholders can discuss and agree target noise outcomes. While some participants suggested changes to the wording to strengthen the communication role of the NMB, it was also noted that making the NMB the primary vehicle for consultation would not meet regulatory requirements. Furthermore, it was felt that communication was just one of multiple ambitions that the NMB should have - focus should be on implementation of actions, not just communication.

The current size of the NMB was again raised as a concern, and it was suggested that sub-groups focusing on key issues such as arrivals and departures would be valuable as an opportunity to improve both decision-making and overall engagement. Responses once again referenced the proposal of a twin-track governance as discussed in section 3.

Feedback	Comment	Conclusion
4.1 Need a twin-track structure to involve more community representatives including local government;	Feedback has proposed reducing the size of the NMB, while increasing the breadth of community participation; additional CNG's, Parish Councils, District Councils and so on, while applying strong governance, independent Chairmanship and strong linkage to the NMB	The NMB comprises; a. The NMB b. NMB Community Workshops c. NMB Workplan Implementation Steering Group The Review Committee considers that the structure of the NMB should be changed. We propose a smaller NMB Executive Board overseeing an Implementation/Delivery Board, and linked to a new Community Noise Forum, that should also be created. All three of which will be subject to the NMB Governance and Code of Conduct as adapted. Further work to develop these concepts and resource requirements is necessary before NMB/13.
- Smaller sub-groups for specific initiatives	Smaller topic specific groups already exist, for instance FASI(S), WISG, NaTMAG, RNN, CDO, FPT	Where necessary, topic specific workshops will continue

- Smaller advisory group with independent Chair selected by Minister of Transport	The Minister is highly unlikely to be willing to be involved in local issues at Gatwick	Proposals for adapting the structure are included in the recommendations
4.2 Should not be one-way communication, need to strengthen communication role of NMB	Conflicts with complaints about too much information being circulated and available	As per 1.2: The Committee has made a proposal to establish a NMB WG to consider and recommend what changes, if any, are advisable for communication and information dissemination. Report available for NMB/14
4.3 Making NMB the primary vehicle for consultation would breach CAA consultation requirements (CAP1616)	Need to be clear about how the public is consulted on noise, it is not the NMB's task to consult. The CAA sets the rules on consultation, which by law must be followed. Community engagement at NMB is related to informing the development of airspace and operating solutions, whether or not noise related, but which can reflect the broad range of community views on noise.	The Committee considers that all community engagement needs to be clear in its purpose and regulatory context
4.4 Size of NMB is prohibitive, need a dual set up with smaller NMB and more community involvement in second group	This reflects a number of comments received and is dealt with in response to 4.1	See recommendation per 4.1

5) Membership

The comments reflect different views about the existing membership of the NMB, and the extent to which this enables meaningful discussions, agreement, and progress against objectives. There are also differing perspectives on whether and how the membership could be changed in future, with particular reference to community representation.

A key concern for some is that there are too many members on the NMB, and that this makes discussion and decision-making challenging. However, others feel there is a need to better represent views across a broader range of communities. In part, this is based on a perception that the NMB remains biased towards aircraft arrivals (particularly westerly), because of the reasons it was originally established.

Industry and sector representation is not discussed in much detail in the responses, other than to acknowledge the importance of key organisations being involved. The only issue described is a perception that organisational representatives do not always have authority to discuss and decide on key points as part of the NMB. This is seen as a significant constraint on how the NMB works in practice.

The comments about membership largely focus on the best way to capture and reflect community views. This centres on the role of CNGs on the NMB.

Feedback	Comment	Conclusion
5.1 Too many members of NMB	Split structure needed to allow delivery tasks to be considered	This issue is addressed under Structure, section 4.
5.2 Needs to find a way to better represent views across a wider range of communities, very difficult to understand real views of communities affected. Need to streamline CNG inputs, concern that CNG are not representative of communities on whose behalf they claim to speak.	Need better clarity on CNG participation, governance, memberships etc. and mechanisms to engage with a wider group of residents	This issue is addressed under Structure, section 4.
5.3 Perception that NMB is biased towards arrivals, need representation north of the airport	Need better clarity on CNG participation, governance, memberships etc. and mechanisms to engage with a wider group of residents	This issue is addressed under Structure, section 4.
5.4 Participation of key organisations involved critical	Continued involvement of organisations required for delivery of change remains a critical consideration	This issue is addressed under Structure, section 4.

5.5 Perception that organisational representation does not always have authority to discuss and decide key points	No representative at the NMB has authority at the NMB to initiate tasks or commit budget within their own organisations. Each organisation has its own financial and operational processes to respect. That is partly why NMB consensus is important – it strengthens the case within member organisations for change. One reason why NMB process and organisational governance needs to provide for agreement of all parties, to be properly understood and respected	See 2.1, the Committee recommends that the NMB workplan should set out Specific, Measurable, Achievable, Realistic and Timely outcomes. (SMART)
5.6 Parish Councils need a voice at NMB	Another example of the need to initiate a structure that is able to engage more widely.	This is addressed under Structure, section 4.
5.7 NMB Membership broadly correct but difficult in practice, some concern that NMB is weighted towards industry	<p>The NMB is currently weighted towards community representation</p> <p>Community representation = 7 seats</p> <p>Industry representation = 4 seats</p> <p>Government = 1 seat</p> <p>Regulator = 1 seat</p> <p>Chair = 1 vote</p>	The Review Committee has made recommendations for a change to the structure of the NMB under 4.1. Membership matters should be developed under this stream of work.

6) Balance

Much of the discussion around representation is covered in the summary of responses to Q5 above. However, the responses to Q6 include some additional points, again focusing on achieving appropriate and meaningful community representation.

There is recognition of the value of special interest groups, and that it is not enough to rely only on local elected representatives. Community groups can bring unique insight and bring greater challenge to the industry than councils who have a much wider range of responsibilities. Many groups have been created around Gatwick over recent years, arguably because pre-existing local processes and institutions, including councils, have failed to react to new noise challenges sufficiently quickly or robustly. In this view, community representation should be achieved through a pragmatic balance of councillors and CNG members, as it is now.

Feedback	Comment	Conclusion
6.1 Numerous references to the appropriateness of CNG at NMB whether related to arrivals and departures, east of west of airport, or north and the degree to which CNG represent or not the affected communities	NMB has been unable to find a way to include all community organisations that wish to be part of the NMB, questions of balance will remain unless all interested parties can be effectively engaged and consolidated views communicated to the NMB.	This issue is addressed under Structure section 4
6.2 Need better balance of growth and noise.	This is an established NMB priority	This issue is addressed under 2.5
6.3 Need to better balance industry and community	<p>Taking CNG, County Council and GATCOM members into account, there are 13 individuals normally attending NMB representing communities, plus on an Ad-hoc basis, the CNG Technical Advisor To70.</p> <p>Industry has GAL, NATS, ANS and Airlines, totalling 4 representatives.</p> <p>The Regulator (CAA and the Government (DfT) bring that total to 6.</p> <p>The NMB Administrator is also provided by GAL. The Noise expert from ERM also normally</p>	This issue has been addressed under the proposed workstream for Structure section 4.

	attends. On that basis total for Communities is 14 and for Industry 8.	
6.4 Local issues make achieving consensus very difficult		This issue has been addressed under Structure section 4.
6.5 Need to hold CNG discussions in a different forum, independently Chaired, which are then summarised and reflected back to NMB		This issue is addressed under Structure section 4.

7) Legitimacy

Comments about legitimacy reflect views on how representative and balanced the current membership is, as described at Q5 and Q6. Those who feel the current make-up is broadly right feel there is legitimacy; others who would like different community representation disagree, sometimes strongly. Other points made earlier in responses were again emphasised

Feedback	Comment	Conclusion
7.1 Membership representation and balance is an issue		This issue is addressed under the proposed workstreams for section 4.1
7.2 Who is NMB accountable to?	The NMB is accountable to its constituent member organisations, those that are legal entities each have their own governance to respect.	In the new structure, there should continue to be included a description of the roles and responsibilities of each NMB Member.
7.3 Members are not sufficiently empowered	There is no option other than respecting the legal structures, and the financial and operating obligations of all member organisations. The NMB has no power to oblige any organisation, or individual, to take any action, or to direct specific investment	The NMB relies upon the weight of its consensus of its members to influence the individual plans of its member organisations. The Committee considers that this issue is addressed in recommendation 2.5
7.4 The legitimacy of the NMB is only demonstrated by the way it achieves its objectives.	The entire Board is responsible for agreeing, setting and overseeing the delivery of its agreed objectives.	The NMB members should seek to agree NMB objectives that serve the NMB purpose and have a reasonable and legitimate basis for delivery, see 2.5

8) Outcomes

There are different views about NMB outcomes. A few comments describe the broad outcomes different NMB members would like to achieve being clear, even if there is a lack of consensus about what some of these should be.

In part the different views seem to be based on whether the comments focus on technical noise reduction measures and how to define and track these, or on how to agree and evaluate broader outcomes related to the experience of noise in local communities. The technical measures seem to be contested, although not all responses address this, making it difficult to describe the full range of views. However, several comments point out the importance of considering non-acoustic factors affecting communities, recognising that absolute noise levels are not the only issue.

Feedback	Comment	Conclusion
8.1 Need to focus on technical noise reduction and how to define and track, or how to agree and evaluate broader outcomes related to experience in communities	This feedback suggests that more noise data needs to be available for every community, indicating that experience at a local level is worse than that assessed by Government. This already sets the requirement for Noise Exposure Contour Reporting, CAA publishes figures for Gatwick communities each year (CAP1802).	The NMB outcomes are intended to reduce noise, this is delivered through the annual workplan. Section 2.
8.2 Important to consider non-acoustic factors	According to the CAA, at least 50% of noise complaints relate to non-acoustic issues	The NMB should seek to quantify the non-acoustic noise complaint issues, to establish whether or not they can be usefully addressed in the NMB workplan
8.3 Noise reduction and complaint targets need to be clearer, need metrics for before and after	There are targets for complaint handling by the Gatwick FPT. GAL has commissioned a benchmarking review of its noise communications and separately a review of noise reporting. Both reviews are expected to be complete by Q1 2019	The Review Committee considers noise reduction to be an important issue, which should continue to be a priority in the NMB workplan. The Committee notes that the NMB acknowledges the work of NaTMAG in monitoring, reporting and addressing complaints
8.4 Need to recognise the operational and technical constraints around noise reduction		This issue is addressed under 1.2 and 2.5

8.5 Progress should be published, but concern that much of the information circulated by NMB is too technical and is misunderstood by some NMB Members	Progress is reported by; GATCOM, FPT, NAP, and NMB, but is sometimes hard to find, there may be an opportunity for improved access. NaTMAG also has a role for noise reporting (away from NMB progress). Noise reporting and communication reviews are addressed at 8.3	Currently, NMB initiatives are reported by the NMB until they become business as usual, at which point the topics are reported by NaTMAG. The Committee also considers that the proposed communications working group will be able to determine the preferred way forward
8.6 Unable to develop a shared vision for noise management		This issue is addressed under 2.6
8.7 Slow pace of change frustrating communities, feel that industry is resistant to change		This issue has been addressed under 2.1
8.8 Need more regular reviews of progress against objectives		The Committee considers that the establishment of changes to the structure should take into account the frequency of meetings and communications of each body.

9) Leadership

There are relatively few comments about the leadership structure – instead the focus is largely on the effectiveness and perceived independence of the Chair.

There are many positive comments about the work done by the existing leadership. These comments argue that the Chair has done a good job in challenging circumstances, given the difficulty there will always be in reaching consensus and making progress. Those who are positive tend to be more content with the NMB overall, including its membership, balance and legitimacy.

Those who have concerns about leadership highlight two main issues: (i) the need for the Chair to be completely independent of GAL and the industry (potentially someone with no aviation background), and (ii) a desire to see a more proactive Chair who would take responsibility for delivering against agreed objectives, holding others to account. In this less positive view, there have been challenges around community expectations around noise reduction not being met, requiring new leadership that has the full confidence and trust of the community.

Feedback	Comment	Conclusion
9.1 Chair is effective and independent, has done a good job in difficult circumstances	The prospect of adding a Vice-Chair role to NMB has been discussed, it may also help with succession planning	The Committee considers the addition of Vice-Chair roles to the new NMB structures
9.2 Chair needs to be completely independent of GAL and Industry, no aviation background	The NMB Chair is appointed by joint agreement of GAL and the NMB. With GAL as sponsor, such an arrangement will need to continue to be the case	The Committee considers that the adapted Terms of Reference for the new structures will reflect the requirement that the chairs are elected by the respective members of these groups
9.3 Chair needs to be more proactive	The NMB ToR need to be clear on any additional remits provided to the Chair.	This issue is addressed in 2.2

10) Administration

Many comments are very positive about the administration of the NMB, describing the processes as clear and thorough. Linked to this, there is recognition that extensive information has been gathered and made available to NMB members, providing sometimes overwhelming levels of detail about issues related to its work.

Feedback	Comment	Conclusion
10.1 Process is clear and thorough	Noted	
10.2 Extensive information gathered and provided, sometimes overwhelming, not reviewed in sufficient detail by members. Need more time to be available to review documents	Noted	See 1.2c, the Committee has proposed that a small WG of NMB review communications and information dissemination, and consideration of what categories of NMB papers are necessary should be included in this review.
10.3 More focussed on key objectives. Greater focus on actions during meeting		See 2.1 and 2.7
10.4 Technical support to CNG's positive, to continue	Noted	Noted
10.5 Important information lost and some evidence not used. Views of CNG's not adequately captured in Minutes	All NMB material is lodged on file share site Box, NMB Minutes are reviewed and approved by NMB	Noted
10.6 When voting, votes should be recorded and published. The voting process has in the past created a veto, which in particular circumstances slowed or prevented progress of initiatives	NMB voting currently requires a 75% majority weighting	The Committee considers that this issue should be addressed under the proposed workstreams for structure and membership

5. Conclusions and Recommendations

The Committee was provided with the responses to the five questions posed by the NMB Chair to all members of the Board through NMB11/IP25 in June. These include a summary of views of how the NMB has performed to date and suggestions to assist in improving the effectiveness of the NMB going forward. The Committee has also developed and issued a questionnaire posing ten additional questions to all NMB members, alternates and three advisers.

Ipsos MORI has, on behalf of the Committee, conducted independent analysis of the resulting responses and have reported a summary of the findings for both the IP25 paper and the Committee's Review Questionnaire. The Ipsos MORI reports are included as Annexes later in this account of the NMB Review and are to provide an impartial overview of the responses to the questions posed to all members of the Board through the NMB review sub-Committee questionnaire, and to summarise the key themes emerging.

This includes a summary of views about the extent to which the current Terms of Reference reflect what stakeholders think the NMB should look like and what it should be doing, as well as suggestions to assist in improving the effectiveness of the NMB going forward.

In addition to considering all of the views expressed in the responses to the questions posed, the Committee has also considered all available NMB governance information, including the NMB Terms of Reference, Code of Conduct, NMB Guiding Principles and the CNG Consensus Agreement. The Committee has also reviewed the report it commissioned from the NMB Secretary, outlining NMB Code of Conduct considerations.

It is proposed that following the NMB Ad-Hoc meeting at the end of November 2018, any recommended changes to the Terms of Reference of the NMB be prepared before the end of the year, and submitted to the NMB for consideration at NMB/13 in January. NMB/13 is expected to be the last meeting for the NMB using its current Terms of Reference and part of the transition to any new structure.

The conclusions are organised around the findings related to the ten headings of the questionnaire prepared by the Committee. They reflect the responses and feedback to the review questionnaire, and the feedback to the questions posed in the Chair's paper NMB/11 IP25.

Responses related to questions of balance, governance and legitimacy of the NMB in particular refer to the need for structural and membership change. For ease of reference, these are dealt with under the structural heading section 4.

1.Purpose

The purpose of the NMB as defined within the Terms of Reference is '*to identify, coordinate, agree, and implement effective measures to reduce noise disturbance from aircraft using Gatwick Airport*'. There was broad agreement among many of the stakeholders that the existing NMB purpose statement is

a somewhat accurate reflection of what the purpose of the NMB should be. However, it was described variously as “useful but incomplete” and “necessary but not sufficient.” In line with this, many stakeholders suggested some additions or amendments to make the purpose more comprehensive.

In particular, it has been suggested that the purpose of the NMB could be expanded to include;

- enforcement of Government Policy, for which the Committee concluded is the responsibility of Government organisations. The NMB cannot enforce Government Policy, it can play a part with its interpretation, **the Review Committee recommends that a NMB working group be convened to establish a NMB protocol for addressing policy matters**
- monitoring, a role which in the context of Gatwick noise is already variously the responsibility of CAA, DEFRA, DfT NaTMAG, GATCOM and GAL. The Committee concluded that; **Any future structure of the NMB should take into account the need for attendance of the NaTMAG & GATCOM Chairs**
- A communications role, for which the Committee concluded that; **NMB should establish a communication working group to consider what changes, if any, are advisable for communication and information dissemination.** The working group should report to NMB/14.

Members feel that it is important that the NMB enables a fair reflection of views from all stakeholders, which has raised questions related to community representation and participation, even though all four County Councils associated with Gatwick participate at the NMB. The issue of expanding community representation is dealt with in the structure section.

2. Objective

The objective of the NMB defined within the Terms of Reference is *‘to develop, agree and oversee a coordinated noise management vision and consequent strategies for Gatwick, for all stakeholder organisations.’* The feedback reflected mixed views across the stakeholders about whether the existing NMB objectives were appropriate for the NMB. There were also some perspectives about whether the objective should change as time goes on and the operational environment changes. Some felt that the objective was currently appropriate, but that in the future, the creation of an Independent Commission on Civil Aviation Noise (ICCAN) and implementation of the Future Airspace Strategy (FAS) there may be the possibility of a further objective, around influencing national organisations and programmes seeking to reduce aviation noise impacts.

Some respondents feel that the NMB Should change as time goes on and the environment changes. The Committee concluded that provided the NMB has a vision, a clear purpose and an annual workplan, reflecting progress and external developments, the NMB work should be relevant and contemporary.

Feedback included suggestions that the NMB could include in its objectives, the task of working with (national) organisations and programmes to share best practice in reducing reduce noise, for instance such organisations and officials as other airports, and stakeholders, such as local authorities, MP’s, Ministers,

and Government Departments, as well as ICCAN, and FASIS. The Committee concluded that this activity is already, to some extent, a part of the NMB role and could possibly be broadened.

It was also suggested that the NMB needs to be accountable to a regulatory body, to overcome difficulties in achieving its objectives arising from trust issues within the current constitution. The Committee while understanding this concern, observed that the NMB is not a legal entity. Its institutional members are already legally accountable to the regulator, with related and prescribed obligations. These entities are also obliged to operate within their own internal governance structure. Institutional members GAL, ANS, NATS, and Airlines are all accountable to regulatory bodies. An effective solution to trust and conflict issues is more likely to be found in a stronger governance of NMB. All NMB workplan items should benefit from more clearly defined planned outcomes and delivery dates. More frequent progress reporting, perhaps monthly, may also be appropriate in some cases and could be agreed at NMB level. The length of some projects means that it will be useful to describe shorter term objectives/outputs and how they may relate to longer term goals or a number of initiatives to achieve something more significant, such as FASI(S).

Community engagement should be broadened within a new NMB structure, this topic is dealt with in the structural recommendations. The Committee has concluded that the governance of NMB should reflect the need for the full buy-in, and the accountability of all members for objectives agreed by the Board. In particular, the Committee has recommended that:

- **The NMB workplan should set out Specific, Measurable, Achievable, Realistic and Timely outcomes (SMART).**
- **The governance basis for which the NMB Chair, or a nominated and agreed NMB representative, may act as an interlocutor with national noise bodies and programmes, should be established in the NMB Terms of Reference**
- **The Governance of NMB should reflect the need for full buy-in and the accountability of all members for agreed objectives**
- **NMB objectives for the balance of growth and noise should be reflected in the NMB Terms of Reference**
- **A Vision Statement for NMB should be developed for NMB/13**

3. Governance

Members were asked whether they agreed that the NMB governance arrangements are fit for purpose, given the role and objectives of the NMB. Comments about governance reflected a range of views, and highlighted some underlying concerns about balance and fair representation on the Board.

Those who felt that the governance arrangements were fit for purpose, noted that the NMB was set up to reflect the views held across all relevant stakeholders and suggested that the NMB was doing this effectively, ensuring that no individual agendas took precedence over others.

For those who did not agree with the current governance arrangements, this was largely rooted in the fact that they did not believe the governance to be truly impartial. It was noted that while the NMB is sponsored by GAL, this gives rise to distrust and a feeling among some that the NMB is biased towards

the interests of the airport – regardless of whether or not this is the case. Similarly, there were questions raised about who the NMB should be accountable to – if this is GAL or regulatory bodies such as DfT or CAA, there are again concerns about the impartiality of policies.

It was suggested by some that having a truly independent Chair selected by all stakeholders may be a welcome adjustment.

There have been a number of remarks about the roles and responsibility of individual CNG organisations, their geographical location, and the associated allocation of seats at the NMB. Given the influential role played by the CNGs, it was felt that it was important to ensure that they were governed well and that these governance arrangements were documented and evidenced.

Because the NMB is sponsored by GAL, feedback indicated that this can lead to allegations of mistrust and bias. The Committee considered that any sponsor would risk being subjected to the same allegation. No alternate proposals for sponsorship were forthcoming in feedback, GAL shows that it is taking noise issues seriously by supporting the work of the NMB. The Committee concluded that a well-defined work programme, endorsed by all NMB members with clear deliverables and timescales, should create a framework within which all NMB Members can trust the collectively agreed plan, and the role of each member in its delivery. A number of the Committee's recommendations have proposed changes to the structure and governance of the NMB.

There have also been questions about who in the NMB should be concerned about the impartiality of policies. The Committee takes the view that any member activity can be expected to reflect their established roles and responsibilities (set out briefly in the NMB Code of Conduct). There is a potential lack of clarity related to the specific objectives of individual policies which might be subject to different interpretations.

As regards the selection and appointment of the independent NMB Chair, the nomination and appointment is already subject to the agreement of GAL and the NMB. The Committee noted that the views of CNG Members on NMB Leadership differ from all other members of the Board. The Leadership topic is dealt with more fully in section 9.

Lastly, much of the feedback received by the Committee relates to the number of participants at the NMB and the need to both improve efficiency and progress, while at the same time increasing engagement with and feedback to NMB from a much wider group of community representatives. These issues are discussed in the following structural section.

4. Structure

The NMB ToR states that 'The NMB should be a main channel through which GAL, NATS, ANS, Airlines, DfT and CAA communicate actions that are being taken to address the effects of noise from aircraft using Gatwick.' The responses to this question reflected many of the same themes expressed in the previous questions about purpose, objective and governance.

Although there is broad agreement that the NMB should be a key channel for communication, it was noted that this shouldn't be a one-way communication but rather the NMB should provide a framework within which all stakeholders can discuss and agree target noise outcomes. While some participants

suggested changes to the wording to strengthen the communication role of the NMB, it was also noted that making the NMB the primary vehicle for consultation would not meet regulatory requirements. Furthermore, it was felt that communication was just one of multiple ambitions that the NMB should have - focus should be on implementation of actions, not just communication.

Feedback included a number of suggestions that the size of the NMB should be reduced, at the same time, the benefit of increasing community engagement has also been identified. The Committee discussed the expected benefits of establishing second body closely linked to the NMB, intended to involve many more community representatives. The Committee considers that Increasing the breadth of community participation, to include additional CNG's, Parish Councils, District Councils and other interested organisations can be expected to improve the balance of community engagement by NMB. It should increase the involvement of communities affected by Gatwick who have not previously been able to be engaged in the NMB or its workshops. The Committee agrees the likely benefit of such a solution but has underscored the need for development of a strong governance structure for any new body, for independent Chairmanship (for instance independent of any particular community) and a strong linkage to and representation on the NMB.

The Committee noted that the NMB already has a structure comprising 3 distinct groups;

- a. The Noise Management Board
- b. NMB Community Workshops
- c. NMB Workplan Implementation Steering Group (WISG)

Feedback indicates that adjustments are needed to improve the efficiency, engagement and effectiveness of these arrangements.

Smaller sub-groups already exist for specific initiatives, such as FASIS, WISG, NaTMAG, RNN, CDO, FPT. While technical in nature and activity, these groups tend to share appropriate information with the NMB, but communities are not directly represented, but are represented through CNG Technical Advisors To70.

The Committee has also concluded that the needs of the NMB its membership and wider community interests will be better served if structure of the NMB is changed. A range of options have already been discussed. The Committee considered the need to create an additional community body, to address the balance and representation points identified by the review, and that this new body be linked to the NMB. The Committee also considers that the interdependent details of purpose, membership, leadership and governance for each group including the NMB, require further detailed work on the roles, responsibilities and governance for each, before finalising the proposal for the NMB in January.

We therefore propose a smaller NMB Executive Board oversee an Implementation/Delivery Board, and be linked to a new Community Noise Forum that should also be created. All three of which will be subject to the NMB Governance and Code of Conduct as adapted. Further work to develop these concepts and resource requirements is necessary before NMB/13. **Recommendation, 9. The Committee proposes that a two-tier structure be established,**

incorporating an additional community body, closely linked to the NMB, and that the Committee continue the work on the implementation detail of this structure through December 2018.

The Committee also acknowledged feedback that proposing the NMB as the primary vehicle for consultation for Gatwick would breach CAA consultation requirements (CAP1616). There is a need to be clear about how the public is consulted on noise, it is not the NMB's primary task to consult. Community engagement at NMB is vital and is related to informing the development of airspace and operating solutions, whether or not noise related, reflect the broad

5. Membership

The NMB membership consists of DfT, CAA, four paired County Council elected representatives, four community noise groups (with an additional four alternates), GATCOM Chair, Airlines, NATS, ANS and GAL. The feedback reflects different views about the existing membership of the NMB, and the extent to which this enables meaningful discussions, agreement, and progress against objectives. There are also differing perspectives on whether and how the membership could be changed in future, with particular reference to community representation.

A key concern for some is that there are too many members on the NMB, and that this makes discussion and decision-making challenging. However, others feel there is a need to better represent views across a broader range of communities. In part, this is based on a perception that the NMB remains biased towards aircraft arrivals (particularly westerly), because of the reasons it was originally established.

The Committee recognises the need to find a way to gather a wider range of community views at the NMB, acknowledging that it is very difficult to determine whether views expressed at the NMB adequately reflect those of all communities affected by the airport. It is also evident that there is real concern that CNG are not representative of communities on whose behalf they claim to speak. The NMB needs improved clarity on CNG participation, governance and membership. Together with improved mechanisms to engage with a wider group of residents.

The Committee also agrees with feedback that the participation of the organisations able to influence changes to the noise environment is critical to the ability of the NMB to make progress. The continued involvement of organisations required for delivery of change remains a critical consideration in any changes to the membership and structure of the NMB.

Some members indicated a perception that organisational representation at the NMB does not always have authority to discuss and decide key points. No representative at the NMB normally has the authority within their own organisation to initiate tasks or commit budget, before they have been evaluated, planned, budgeted and resourced. Each member organisation has its own financial and operational processes to respect. That is partly why NMB consensus is important – it strengthens the case within member organisations for change. An example of a reason why NMB process and organisational governance needs to provide for agreement of all parties, to be properly understood and respected.

The Committee shares the view that NMB Membership has been broadly correct but it has been difficult to achieve fairness, balance and efficiency in practice. The changes proposed in section 4, when fully developed, are expected to address the outstanding questions of NMB Membership, community engagement and meeting efficiency.

6. Balance

The questionnaire asked how should the NMB transparently demonstrate that its membership is representative of the communities effected by aircraft noise and the institutions responsible for its management. Much of the discussion around representation is covered in the summary of responses to Q5. However, the responses to Q6 include some additional points, again focusing on achieving appropriate and meaningful community representation.

There is recognition of the value of special interest groups, and that it is not enough to rely only on local elected representatives. Community groups can bring unique insight and bring greater challenge to the industry than councils who have a much wider range of responsibilities. Many groups have been created around Gatwick over recent years, arguably because pre-existing local processes and institutions, including councils, have failed to react to new noise challenges sufficiently quickly or robustly. In this view, community representation should be achieved through a pragmatic balance of councillors and CNG members, as it is now.

The NMB has until now been unable to find a way to include all organisations that wish to be a part of the NMB. Questions of balance will remain unless all interested parties can be effectively engaged and their consolidated views communicated to the NMB. The proposals for a change to the structure of community engagement for the NMB, are expected to address this issue.

Feedback also called for a better balance of growth and noise, which is already an established NMB priority for the NMB and is included in the proposed 2019 workplan. Some respondents also fed back their view that there is a need to better balance industry and community (at the NMB). Taking CNG, County Council and GATCOM members into account, there are thirteen individuals normally attending NMB representing communities, plus on an Ad-hoc basis, the CNG Technical Advisor To70. While industry has GAL, NATS, ANS and Airlines, totalling four representatives, the Regulator (CAA) and the Government (DfT) bring that total to six. The NMB Administrator is also provided by GAL. The Noise expert from ERM also normally attends, and on that basis the total representation/membership for Communities is fourteen and for Industry eight.

A number of respondents identified the need to hold CNG (and wider community) discussions in a different forum, independently Chaired, which can provide consolidated strategic guidance to NMB in planning the delivery of noise improvements. The NMB has been unbalanced, with a significantly larger community participation than industry. Yet the need for even greater community engagement is discussed elsewhere in this document. The proposed solution includes the establishment of a new structure enabling wider community involvement to help address this issue.

7. Legitimacy

Members were asked whether the NMB, and its membership as currently constituted, embody and demonstrate its legitimacy. The comments about legitimacy at the NMB reflect views on how representative and balanced the current membership is, as already described. Those who feel the current make-up is broadly right feel there is legitimacy; others who would like different community representation, disagree, sometimes strongly. Other points made earlier in responses were again emphasised.

In particular some feedback indicated that the accountability of the NMB can be unclear, that members are not sufficiently empowered, and that the legitimacy of the NMB can only be demonstrated by the way in which it achieves its objectives. The Committee consider that the NMB is accountable to its constituent member organisations, and that for this reason, a brief description of the roles and responsibilities of each member organisation should be retained in any revised NMB governance (This currently exists as part of the NMB Code of Conduct). As regards the empowerment of members, the NMB has no other option but to respect the legal structures and the financial and operating obligations of all member organisations. The NMB has no power to oblige any organisation, or individual, to take any action or to direct any specific investment. The NMB relies on consensus to influence the plans of its member organisations. The entire Board is responsible for agreeing, setting and overseeing the delivery of its agreed objectives.

8. Outcomes

The NMB was asked whether the outcomes agreed and sought by the NMB were clear and understood by stakeholders. There are different views about NMB outcomes. A few comments describe the broad outcomes different NMB members would like to achieve being clear, even if there is a lack of consensus about what some of these should be.

In part the different views seem to be based on whether the comments focus on technical noise reduction measures and how to define and track these, or on how to agree and evaluate broader outcomes related to the experience of noise in local communities. The technical measures seem to be contested, although not all responses address this, making it difficult to describe the full range of views. However, several comments point out the importance of considering non-acoustic factors affecting communities, recognising that absolute noise levels are not the only issue.

Feedback pointed to the need to focus on technical noise reduction and how to define and track progress, or how to agree and evaluate broader outcomes related to experience in communities. This feedback suggests that more noise data needs to be available for every community, indicating that experience at a local level, is perceived to be worse than that assessed using Government requirements for Noise Exposure Contour Reporting. The Committee concluded that NMB outcomes are currently intended to reduce noise, which is both objective and measurable, rather than to reduce annoyance, which while measurable, is subjective and may be related to non-acoustic factors.

Feedback also included requests for noise reduction and complaint targets to be clearer, with metrics to demonstrate progress (before and after), there were also requests that operational and technical constraints related to noise reduction need to be more clearly articulated. The Committee found that there is comprehensive reporting but that much of the information provided (by GATCOM, FPT, GAL, NaTMAG and NMB) is too technical and risks being

misunderstood. GAL will shortly receive a Noise communication benchmarking report, and is about to commission a review of Noise reporting. Respondents also noted that the NMB has been unable to develop and shared vision for noise management. Some feel that what they perceive is the slow pace of change is frustrating communities, creating the feeling that industry is resistant to change. The regular reviews of progress against objectives do not provide enough information.

9. Leadership

The questionnaire asked members what improvements to the NMB leadership structure they would recommend. There were relatively few comments about the leadership structure – instead the focus of comment has largely been on the effectiveness and perceived independence of the Chair.

There are many positive comments about the work done by the existing leadership. These comments argue that the Chair has done a good job in challenging circumstances, given the difficulty there will always be in reaching consensus and making progress. Those who are positive tend to be more content with the NMB overall, including its membership, balance and legitimacy.

Those who have concerns about leadership highlighted two main issues: (i) the need for the Chair to be completely independent of GAL and the industry (potentially someone with no aviation background), and (ii) a desire to see a more proactive Chair who would take responsibility for delivering against agreed objectives, holding others to account. In this less positive view, there have been challenges around community expectations around noise reduction not being met, requiring new leadership that has the full confidence and trust of the community.

The Committee recognised that CNG members of the NMB have taken a different position on NMB leadership to the remainder of the Board. As noted earlier, the NMB Chair is appointed by joint agreement of GAL the sponsor, and the NMB. Given that GAL is the sponsor of the NMB and operator of the airport, it is expected that this arrangement will continue. Some of the adjustments to the purpose of the NMB proposed in feedback, and related objectives proposed for the Chair could require changes to the Terms of Reference to legitimise, while others propose functions – such as enforcement of Government Policy, that are and will remain beyond the legal remit of most NMB members. However, the Committee recognises that from time to time there maybe issues for which the NMB may wish to show leadership, but the Committee does not envision that the Chair should advocate positions that have not been previously considered and agreed by the NMB.

The Committee also concluded that the addition of a Vice-Chair role for the NMB would help to dissipate the responsibility for managing the challenging issues faced by the NMB, could if a non-aviation industry candidate such as a County Council Member is selected, also increase the diversity of opinion at leadership level of the NMB, and could reduce the risks associated with NMB succession planning – a consideration for the future. **The Committee recommend the establishment of a Vice-Chairmanship role at NMB.**

Lastly, given that the Committee has recommended changes to the structure of the NMB and the establishment of an additional forum, each body will need to nominate and agree its Chairmanship under the context of a new structure.

10. Administration

The Members were asked whether in their view the Administration of the NMB working effectively and providing sufficient levels of support to the NMB and its members. Many comments are very positive about the administration of the NMB, describing the processes as clear and thorough. Linked to this, there is recognition that extensive information has been gathered and made available to NMB members, providing sometimes overwhelming levels of detail about issues related to its work.

The NMB processes are clear and thorough, with extensive information made available to members, which helps to avoid ambiguity, providing a comprehensive audit trail of activity and information. This in turn helps to counter risks arising from the circulation of incorrect information. Much of the information provided to the NMB reflects the range of requests for information, data and analysis, particularly from communities.

The other side of this coin is the tendency for NMB to be overwhelmed with too much paperwork, with the secretary and some members struggling to produce all appropriate information in good time for meetings. This means that not all NMB material is reviewed in sufficient detail by members prior to meetings. CNG in particular continue to press NMB for more action and a faster pace, therefore a consequence of the pace of activity is the increase in the amount of associated information provided in support.

The Committee has agreed that NMB should concentrate on fewer activities and generate less information for members, targeting material specific to key noise reduction and mitigation objectives agreed by NMB.

6. Key Recommendations

Key Recommendations	Proposed NMB Action
1. The Review Committee recommends that a working group be convened to establish a NMB protocol for Government Policy issues	Convene and instruct a working group to develop Policy Protocol for agreement by NMB
2. Any future structure of the NMB, should take into account the need for attendance of NaTMAG & GATCOM Chairs	Adapt Terms of Reference
3. NMB should establish a communication working group to consider what changes, if any, are advisable for communication and information dissemination. Following agreement on any restructuring, members of each body to confirm their requirement for supporting information and papers for meetings	Convene a Communications Working Group
4. The NMB workplan should set out Specific, Measurable, Achievable, Realistic and Timely outcomes.	Adapt Terms of Reference
5. The governance basis (see 1) for which the NMB Chair, or a nominated and agreed NMB representative, may act as an interlocutor with national noise bodies and programmes, should be established in the NMB Terms of Reference	Adapt Terms of Reference
6. The Governance of NMB should reflect the need for full buy-in and the accountability of all members for delivery of the agreed objectives	Adapt Terms of Reference
7. NMB objectives for the balance of growth and noise should be reflected in the NMB Terms of Reference	Adapt Terms of Reference
8. A Vision Statement for NMB should be developed for NMB/13	Committee to work on Vision
9. The Committee proposes that a two-tier structure be established, incorporating an additional community body, closely linked to the NMB, and that the Committee continue the work on the implementation detail of this structure through December.	Committee to continue work on structure
10. To establish a Vice-Chairmanship role at NMB.	Adapt Terms of Reference

Annex 1 Review Questionnaire

NMB REVIEW SUB-COMMITTEE QUESTIONNAIRE

1. Purpose

The purpose of the NMB defined within the Terms of Reference is 'to identify, coordinate, agree, and implement effective measures to reduce noise disturbance from aircraft using Gatwick Airport'.

Do you agree this should be the purpose of the NMB? If no, please propose an alternative or changes to the existing text.

2. Objectives

The objective of the NMB defined within the Terms of Reference is 'to develop, agree and oversee a coordinated noise management vision and consequent strategies for Gatwick, for all stakeholder organisations.'

Do you agree this is the appropriate objective for the NMB? If no, please propose an alternative or changes to the existing text.

3. Governance

Do you agree that the NMB governance arrangements are fit for purpose, given the role and objectives of the NMB? If not, can you suggest what adjustments, if any, could be made.

4. Structure

The NMB ToR states 'The NMB should be a main channel through which GAL, NATS, ANS, Airlines, DfT and CAA communicate actions that are being taken to address the effects of noise from aircraft using Gatwick.'

Does this statement satisfy the ambitions of the Board? If no, please propose any adjustments that you believe could usefully be made.

5. Membership

28th November 2018

The NMB membership consists of DfT, CAA, four paired County Council elected representatives, four community noise groups (with an additional four alternates), GATCOM Chair, Airlines, NATS, ANS and GAL.

To what extent does this composition of the NMB membership support or constrain the NMB in its efforts to achieve its agreed objectives?

6. Balance

How should the NMB transparently demonstrate that its membership is representative of the communities effected by aircraft noise and the institutions responsible for its management?

7. Legitimacy

Does the NMB, and its membership as currently constituted, embody and demonstrate its legitimacy? What improvements if any would you recommend?

8. Outcomes

Are the outcomes agreed and sought by the NMB clear and understood by stakeholders? How should the NMB demonstrate measurable outcomes for its work?

9. Leadership

What improvements to the NMB leadership structure would you propose?

10. Administration

Is the Administration of the NMB working effectively and providing sufficient levels of support to the NMB and its members? What changes if any would you propose to improve the functioning of NMB?

Please ensure that your response each question does not exceed 100 words

NMB Review Sub-Committee October 2018

28th November 2018

Annex 2 Ipsos MORI Report - Summary of responses to the sub-Committee questionnaire

The aim of this report is to provide an overview of the responses to the ten questions posed by the NMB Chair to all members of the Board through the NMB review sub-Committee questionnaire. This includes a summary of views about the extent to which the current terms of reference reflect what stakeholders think the NMB should look like and what it should be doing, as well as suggestions to assist in improving the effectiveness of the NMB going forward.

This report brings together the responses provided by all those who responded (n 22), and aims to summarise the key themes in an impartial way.

1. Purpose

There was broad agreement among many of the stakeholders that the statement shown was a somewhat accurate reflection of what the purpose of the NMB should be. However, it was described variously as “useful but incomplete” and “necessary but not sufficient.” In line with this, many stakeholders suggested some additions or amendments to make the purpose more comprehensive.

Some suggested additions to the purpose included:

- Including enforcement of government policy in relation to provide balance between growth and noise.
- Including a monitoring role for the NMB to monitor the delivery of noise management measures to ensure that the interests of the airport, industry partners and those affected by noise impacts, are balanced.
- Including a communications role, to seek to improve understanding of local communities and residents, particularly around what is practically possible in terms of noise management.

Some felt that the purpose was not precise and did not go far enough. They indicated that the reduction of noise stated needed to be clearly measurable and therefore available to audit. It was also noted that the lack of precision in the purpose left the scope potentially very wide, and that this lack of clarity, for instance around whether measures could include operating restrictions, has led to some tensions during discussions.

For some stakeholders, even if they thought the purpose was broadly correct, there were concerns as to whether it was possible to achieve. It was believed that the NMB may be unable to fulfil its’ purpose due to other inherent constraints, such as the level of consensus required when making decisions. It was also noted that for the purpose to be achieved, it was important that the membership of the NMB was a fair reflection of all relevant stakeholders.

28th November 2018

There were some stakeholders who did not agree with the purpose as stated. This was generally because they felt that the purpose should be more clearly distinct from the objective. It was felt that the purpose should be more focused on the provision of a fair and balanced local noise management framework that could act as a focal point for engagement and communication. On the other hand, the identification and implementation of noise reduction measures was seen to be more aligned as an objective.

2. Objective

The responses reflected mixed views across the stakeholders about whether the statement was the appropriate objective for the NMB. There were also some perspectives about whether the objective should change as time goes on and the operational environment changes. Some felt that the objective was currently appropriate, but that in the future, the creation of an independent commission on civil aviation noise and implementation of the Future Airspace Strategy there may be the possibility of a further objective, around influencing national organisations and programmes seeking to reduce aviation noise impacts.

Within the responses there were some concerns that even where the objective was considered appropriate, it may be unachievable due to trust issues within the current constitution, and resultant difficulties in terms of coming to agreement on important issues. Furthermore, it was noted that without the NMB being accountable to a regulatory body, objectives can be difficult to achieve because of the different, and in some cases, competing priorities of the NMB members.

Some thought that the objective was approximately what it should be but suggested some amendments and additions. These included making the focus about noise reduction rather than management, which could be perceived as a bit vague. It was also suggested that the objective include striking a balance between noise reduction and growth.

Broadly speaking those who did not think the current objective was appropriate felt that it was too vague, or not clearly enough linked to specific outcomes. Those who did not think the objective as stated was appropriate noted a range of alternate objectives.

Key themes within these suggestions included:

- Community engagement and engagement with aviation stakeholders.
- Inclusion of measurable noise reduction targets.
- A commitment to identify and implement effective measures to reduce aircraft noise.

Overall, there was considerable overlap between what stakeholders thought should be included in the purpose and what they thought should be included in the objectives and some disagreement about which elements belonged in which category. However, there was a general sense that between the purpose and objective there was a need for:

- A clear vision and framework for noise management that was balanced across the interests of all relevant stakeholders.
- A set of specific and measurable outcomes that the NMB would be accountable to.

3. Governance

Comments about governance reflected a range of views, and highlighted some underlying concerns about balance and fair representation on the Board.

Those who felt that the governance arrangements were fit for purpose, noted that the NMB was set up to reflect the views held across all relevant stakeholders and suggested that the NMB was doing this effectively, ensuring that no individual agendas took precedence over others.

For those who did not agree with the current governance arrangements, this was largely rooted in the fact that they did not believe the governance to be truly impartial. It was noted that while the NMB is sponsored by GAL, this gives rise to distrust and a feeling among some that the NMB is biased towards the interests of the airport – regardless of whether or not this is the case. Similarly, there were questions raised about who the NMB should be accountable to – if this is GAL or regulatory bodies such as DfT or CAA, there are again concerns about the impartiality of policies.

It was suggested by some that having a truly independent Chair selected by all stakeholders may be a welcome adjustment.

Another concern about governance was related to the role and representation of CNGs on the Board. Given the important and influential role played by the CNGs, it was felt that it was important to ensure that they were governed well and that these governance arrangements were documented and evidenced

Furthermore, some felt that even if the current Terms of Reference were considered appropriate in principle it was difficult to operate in reality due to issues around balance and representation. In particular, comments identified an imbalance in the levels of representation of the different affected communities, leaving some communities at a disadvantage. It was noted that CNGs couldn't be expected to concern themselves with airspace outside of their groups concern, for instance making decisions about arrivals that don't affect them. Therefore, it is important to ensure that there is representation from the various different areas affected.

There were some suggestions around improving the efficiency of the NMB, through changes to its governance and structure. A two-tier governance structure comprising both a noise management forum and an advisory Board, was recommended. Some responses provided more detail on what a two-tiered structure might look like: for instance, the forum could be a larger body comprising up to 100 members from central, regional and local government,

community representatives and aviation stakeholders, that could then be split into smaller subgroups to investigate specific initiatives. The forum would then feed into the much smaller advisory group. The advisory group would have an independent Chair selected by the Minister of Transport after consultation with the members of the NMB/NMF. It was felt that this two-tiered structure would help to enable more balanced representation across the CNGs, as well as improving overall efficiency by reducing the number of stakeholders on the core advisory group.

4. Structure

The responses to this question reflected many of the same themes expressed in the previous questions about purpose, objective and governance.

Although there is broad agreement that the NMB should be a key channel for communication, it was noted that this shouldn't be a one-way communication but rather the NMB should provide a framework within which all stakeholders can discuss and agree target noise outcomes. While some participants suggested changes to the wording to strengthen the communication role of the NMB, it was also noted that making the NMB the primary vehicle for consultation would not meet regulatory requirements. Furthermore, it was felt that communication was just one of multiple ambitions that the NMB should have - focus should be on implementation of actions, not just communication.

The current size of the NMB was again raised as a concern, and it was suggested that sub-groups focusing on key issues such as arrivals and departures would be valuable as an opportunity to improve both decision-making and overall engagement. Responses once again referenced the proposal of a two-tiered governance as discussed in section 3.

5. Membership

The comments reflect different views about the existing membership of the NMB, and the extent to which this enables meaningful discussions, agreement, and progress against objectives. There are also differing perspectives on whether and how the membership could be changed in future, with particular reference to community representation.

A key concern for some is that there are too many members on the NMB, and that this makes discussion and decision-making challenging. However, others feel there is a need to better represent views across a broader range of communities. In part, this is based on a perception that the NMB remains biased towards aircraft arrivals (particularly westerly), because of the reasons it was originally established.

Industry and sector representation is not discussed in much detail in the responses, other than to acknowledge the importance of key organisations being involved. The only issue described is a perception that organisational representatives do not always have authority to discuss and decide on key points as part of the NMB. This is seen as a significant constraint on how the NMB works in practice.

The comments about membership largely focus on the best way to capture and reflect community views. This centres on the role of CNGs on the NMB:

- Some comments argue that CNG members have shown considerable knowledge, commitment and focus and attend the NMB, workshops and preparation groups conscientiously. The importance of including community representation beyond elected councillors is generally agreed across the responses.
- However, there are several comments about achieving a better balance and breadth of representation between different communities, including both those close to the airport and those from further afield impacted by aircraft arrivals and departures. Others disagree that a lack of representation across communities is a problem and feel the right level of coverage has already been achieved.
- There are some inherent tensions around seeking to reflect community views recognised in the comments. The CNG groups do not always agree, and, combined with the varied attendance from different CNGs (because of shared seats), this means that it can be difficult to have a good understanding of the real views of affected communities. This is seen as diluting the value of participation in the NMB for some industry stakeholders. There were some suggestions for streamlining CNG inputs so that these can feed in appropriately after community representatives have already discussed issues among themselves. This reflects the comments made in relation to governance and structure, and the proposed two-tiered governance structure as described in previous sections.
- Related to this, a few responses express concerns that CNGs are not representative of the communities they are on the NMB to speak for, and instead are focused on the narrow concerns of a small number of residents. This is seen as making progress more difficult, because it is hard to agree actions that all communities are happy with. There are also different ideas around encouraging greater clarity about CNGs' memberships and representativeness, including constitutions, membership lists, and transparency about decision-making. However, not all responses agree that this is an issue, with some describing the CNGs as already representing their respective communities in a fair way.
- There was a specific comment about parish councils having separate representation reflecting their democratic legitimacy, rather than taking up a shared CNG seat.

As such, the current membership of the NMB is seen as being broadly right in principle, but there are concerns about how this works in practice, particularly in ensuring constructive and representative community input.

6. Balance

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Much of the discussion around representation is covered in the summary of responses to Q5 above. However, the responses to Q6 include some additional points, again focusing on achieving appropriate and meaningful community representation.

There is recognition of the value of special interest groups, and that it is not enough to rely only on local elected representatives. Community groups can bring unique expertise and bring greater challenge to the industry than councils who have a much wider range of responsibilities. Many groups have been created around Gatwick over recent years, arguably because pre-existing local processes and institutions, including councils, have failed to react to new noise challenges sufficiently quickly or robustly. In this view, community representation should be achieved through a pragmatic balance of councillors and CNG members, as it is now.

One comment discusses the importance of involving people passionate about change as they are the ones who will make a difference, meaning that achieving balance is the wrong emphasis for the NMB. As an example of this, the formation of the NMB is directly credited by some to the work of CNGs.

Responses also emphasise the importance of transparency, in terms of who the different representatives on the NMB are, their reason for being involved (across different types of members), and how they vote, along with any conflicts of interest. For some this could be achieved through greater transparency through published minutes. In particular, it should be clear to local communities how they can engage with the relevant CNGs and influence their involvement.

Other suggestions focus on having criteria for deciding which areas should have representation (based on noise impact), and then allowing groups to be involved that can demonstrate their governance arrangements, processes, and the strength of their memberships. An annual review of CNG membership is also advocated in one response, to ensure different organisations can be involved in the NMB.

Some comments describe a desire from industry for community consensus, but argue this was always optimistic (and will remain so). Taking steps to encourage community representatives to think beyond their immediate, personal concerns might help address this – but is also acknowledged as very challenging. Again, there are some suggestions for discussions among CNGs in a separate forum (Chaired by the NMB Chair or similar) that can then be summarised and reflected back to the NMB (although this would still include significant community representation).

7. Legitimacy

Comments about legitimacy reflect views on how representative and balanced the current membership is, as described at Q5 and Q6. Those who feel the current make-up is broadly right feel there is legitimacy; others who would like different community representation disagree, sometimes strongly. Other points made earlier in responses were again emphasised:

- The challenges around achieving consensus and how to address this, and how this has an influence on legitimacy.
- Comments arguing that legitimacy will only be demonstrated if the NMB achieves its objectives and tackles noise problems effectively.

- A concern about who the NMB is accountable to – without greater clarity about this, legitimacy is difficult to demonstrate.
- A view that members of the NMB are not sufficiently empowered to act on behalf of their organisations, undermining legitimacy.

8. Outcomes

There are different views about NMB outcomes. A few comments describe the broad outcomes different NMB members would like to achieve being clear, even if there is a lack of consensus about what some of these should be.

In part the different views seem to be based on whether the comments focus on technical noise reduction measures and how to define and track these, or on how to agree and evaluate broader outcomes related to the experience of noise in local communities. The technical measures seem to be contested, although not all responses address this, making it difficult to describe the full range of views. However, several comments point out the importance of considering non-acoustic factors affecting communities, recognising that absolute noise levels are not the only issue.

Overall, comments about improving outcomes include:

- Making noise reduction and noise complaint targets clearer. This will involve having agreed metrics, and a better understanding of current noise levels in different locations around the airport. This can be followed up by having agreed action plans for addressing noise issues, balancing the needs of different communities where appropriate.
- One comment highlights that assessing outcomes requires measures to be tailored to the intervention being tested. However, it is important to have agreed metrics so that 'before' and 'after' measures can be taken, and different types of approaches compared in a standard way.
- Another theme is the importance of recognising the operational and technical constraints around noise reduction, ensuring that outcomes are realistic and achievable.
- Progress against outcomes should be published through an annual report or other similar mechanism.

9. Leadership

There are relatively few comments about the leadership structure – instead the focus is largely on the effectiveness and perceived independence of the Chair.

There are many positive comments about the work done by the existing leadership. These comments argue that the Chair has done a good job in challenging circumstances, given the difficulty there will always be in reaching consensus and making progress. Those who are positive tend to be more content with the NMB overall, including its membership, balance and legitimacy.

Those who have concerns about leadership highlight two main issues: (i) the need for the Chair to be completely independent of GAL and the industry (potentially someone with no aviation background), and (ii) a desire to see a more proactive Chair who would take responsibility for delivering against agreed objectives, holding others to account. In this less positive view, there have been challenges around community expectations around noise reduction not being met, requiring new leadership that has the full confidence and trust of the community.

10. Administration

Many comments are very positive about the administration of the NMB, describing the processes as clear and thorough. Linked to this, there is recognition that extensive information has been gathered and made available to NMB members, providing sometimes overwhelming levels of detail about issues related to its work.

However, there are some specific concerns and suggestions for improvements:

- Several responses argue that too much paperwork is produced, and this view is held by some who are positive and some who are negative about how well the NMB is working. While detailed paperwork can provide a good audit trail, most comments suggest the papers are not all reviewed in sufficient detail by members, and should be more focused on key objectives.
- More time should be available to review documents before meetings.
- There should be a greater focus on actions during meetings.
- Related to this, the technical support to CNGs is seen as being positive and should continue, provided this does not lead to unnecessary or disproportionate work, particularly on issues that are not directly relevant to the remit of the NMB. There is a concern that the most important information is lost, and that some of the evidence NMB members have asked for is not used.
- There are comments about the views of CNGs not being adequately captured in meeting minutes.
- Some responses argue that votes should be recorded and published in the minutes to improve transparency.

Annex 3 NMB/11 IP25 Paper

NMB/11 AOB

NMB Constitution

NMB appointments

NMB/11 IP25

NMB/11 IP25 JUNE 2018

Why was the NMB Established?

The policies, procedures and imperatives related to the management of aircraft noise disturbance are extremely complex.

The complicated multi-layered interaction between the organisations able to effect any change in the impact of aircraft noise is equally complex.

Who is accountable and responsible for reducing the effects of aircraft noise?

- The short answer is everyone in aviation, and both the national and local government

It is challenging to align the collective responsibilities and initiatives of all the stakeholders concerned into a consistent and harmonized strategy for any particular location.

NMB/11 IP25 JUNE 2018

What is the objective of the NMB

What was the Arrivals Review Recommendation?

The objective of the NMB is to develop, agree and oversee a coordinated noise management vision and consequent strategies for Gatwick, for all stakeholder organisations, intended to improve the situation for arrivals at Gatwick.

This should include; joint and coordinated reports through the NMB, on progress of the implementation of these strategies and; through consistent communication and verifiable data, with transparent policies, the facilitation of proper understanding by residents.

NMB/11 IP25 JUNE 2018

GAL Action plan

March 2016 - To establish the NMB

Participants at the NMB planning meeting held in May 2016 welcomed an increase to the community group representation to four NMB seats, and agreed that these should reflect a *rural, urban, departure and arrival representation*.

Community Groups at the meeting agreed to develop a consensus on how the increased representation on the NMB will be utilised and to inform the chair by 14th June 2016. If no consensus is forthcoming, an interim solution will be used until a permanent representation can be jointly agreed.

NMB/11 IP25 JUNE 2018

NMB Membership

Recommended by the Arrivals Review

Constitution recommended by the Arrivals Review

- The establishment of a Noise Management Board (NMB) by summer 2016, to be operated under independent chairmanship and comprising representatives from each of the institutions able to effect change for Gatwick arrivals, as well as the chair of the Airport Consultative Committee (GATCOM), and both elected council members and residents' representatives.

NMB Constitution Agreed in June 2016

- NMB membership includes all aviation stakeholders able to influence noise mitigation measures; ANS, AOC, CAA, DIT, GAL and NATS, elected representatives from the four County Councils surrounding Gatwick, eight individuals nominated by CNG (sharing 4 places), and the chair of GATCOM.

NMB/11 IP25 JUNE 2018

NMB Membership

Agreed in June 2016

Institutions

- GAL
- Aircraft Operator with a minimum of 10% of the movements at Gatwick
- ANS – Tower ATC provider
- NATS – Air Navigation Service Provider
- CAA
- DIT
- GATCOM

Community Members

- County Council Representative #1
- County Council Representative #2
- Community Representative Pair #1 TWAANG, ESCCAN
- Community Representative Pair #2 GON, PAGNE
- Community Representative Pair #3 CAGNE, PLANE WRONG
- Community Representative Pair #4 HWCAAG, APCAG

NMB/11 IP25 JUNE 2018

NMB Terms of Reference

NMB Constitution

Each member shall have a single named alternate, who can attend the NMB as an observer, or can participate when the member is not available.

The number of NMB members should ideally not exceed 14; above that the NMB's effectiveness will increasingly be at risk. It is important that all representatives are of sufficient seniority, and where appropriate, is empowered, to reach decisions.

Care should be taken to ensure that a balanced geographical representation is always achieved for Community members of the NMB.

The term of NMB membership is 3 years, renewable. Individuals shall not serve more than 2 terms.

Care should be taken to ensure continuity of NMB competence during any periods of membership transition.

Volitional member organisations shall be invited to nominate their representative. Alternates will attend NMB when the respective member is not available.

The County Councils of Kent, Surrey, West Sussex and East Sussex should have either a member or Alternate participation on the NMB. Alternates must not be drawn from the same Council.

Eight Community Noise Groups are represented at the NMB as four pairs, each Member pair will exercise a single NMB vote. The Member pairs will normally switch their NMB voting member and alternate seat for each meeting unless by agreement within the pair and notified on each occasion to the NMB.

NMB/11 IP25 JUNE 2018

NMB Efficiency

From NMB/8 IP14

• The process used by the NMB to transition from the implementation of the recommendations of the Acoustic Review to the 2017/2018 Work Plan, has led to both an abundance of NMB papers setting out the detail of the many topics considered and, has also led to detailed discussion of the individual positions expressed by some CNG at NMB meetings.

• The established processes for the NMB in order to enable CNG to express their particular individual views has sometimes led to the inefficient use of the limited time available at NMB meetings. NMB time is also spent exploring the often-technical topics related to noise management to ensure that specific issues are able to be properly considered by all members. While this is understandable, it also has the potential to contribute to inefficiency at the NMB. Recognising these shortcomings, the CNGs have requested the NMB arrange additional briefings and workshops to enable both tutorial and detailed discussion of particular topics, whilst improving the exchange of information between NMB meetings.

• The CNG consensus agreement which forms the basis for CNG participation in the NMB, also includes the CNG agreed objective: 'Wherever Community representatives sit on the Noise Management Board will do so with an objective voice representing the views and interests of all the groups.'

• The diversity of opinion that is apparent at NMB meetings also suggests that there is still insufficient focus on coordinating and developing these community views and interests prior to each NMB. This supports the hypothesis that more opportunity for tutorial and discussion of key NMB topics is necessary.

• Lastly, while eight CNG are represented at the NMB, there are at least fourteen such groups participating in the Consensus Agreement. The opportunities available to these additional groups not participating in the NMB to hear details of the topics being addressed by the NMB, and to participate in the development of NMB strategies is limited. Broader engagement and inclusion, for instance in selected NMB briefings and workshops, could better inform the NMB and communities.

• The NMB had already noted and endorsed the need to reduce the amount of information that members are required to assimilate for each meeting, to improve communications, and to improve opportunity for detailed briefing and discussion by CNG and community representatives. Further steps are needed to meet these objectives, and to ensure that the NMB meetings enable an effective and productive use of time for all members.

NMB/11 IP25 JUNE 2018

NMB Workshops

Introduced as a result of issues identified on previous slide

As a part of the process for enhancing NMB communications and NMB meeting efficiency, NMB has agreed the plan and related purposes for proposed NMB tutorials and workshops (NMB/8 IP14).

The workshops will be scheduled between each NMB meeting and are primarily intended for Community Noise Groups participating in the CNG Consensus Agreement, and County Council representatives.

There will normally be four such workshops each year, each one will focus on a NMB priority activity, selected from the approved NMB work plan.

NMB/11 IP25 JUNE 2018

Noise Management Board

Is the NMB achieving its intended objectives?

Is the constitution of the NMB balanced and efficient?

Are the NMB processes delivering appropriate levels of communication and dialogue?

Is the pace and urgency in progress of NMB Activities appropriate?

What changes if any, could be usefully considered?

NMB/11 IP25 JUNE 2018

Proposed Process

- NMB/11 June 2018
 - Introduce topics for discussion and reflection
- NMB/12 September 2018
 - Consider feedback and any proposals received
- NMB/13 January 2019
 - Finalise any proposed constitutional changes
- NMB/14 TBD 2019
 - Last meeting of 1st term NMB appointments, adopt any changes
- NMB/15 New 3 year Term Commences

NMB/11 IP25 JUNE 2018

11

Annex 4 Ipsos MORI Summary of Feedback to NMB/11 IP25

NMB Review – Summary of responses

The aim of this report is to provide an overview of the responses to the five questions posed by the NMB Chair to all members of the Board through NMB11/IP25. This includes a summary of views of how the NMB has performed to date and suggestions to assist in improving the effectiveness of the NMB going forward.

This report brings together the responses provided by all those who responded (n 11), and aims to summarise the key themes in an impartial way.

Is the NMB achieving its intended objectives?

The NMB has been described as a very good model for developing and taking forward a noise management strategy - and is seen as offering progress by providing a forum for noise discussion and focusing considerable efforts on investigating possible improvements. There is broad agreement that the A320 series modification has been the most successful achievement towards achieving the NMB's intended objectives. However, work on this commenced before the NMB was established and so its success cannot be fully attributed to the Board. Nevertheless, stakeholders also pointed out that the NMB was involved in the subsequent FOPP pricing initiative which helped to ensure that other airlines made relevant modifications. Other evidence of the NMB showing progress towards its objectives includes the agreement of workplans relating to both arrivals and departures. GAL have also commissioned research at the request of the NMB and have made some changes following consultations with the NMB – specifically implementing the reduced night noise trial. However, stakeholders broadly agree that although the NMB has made some progress, it is not fully achieving its intended objectives. –The Board is seen as having been unable to develop a shared vision for noise management. Underlying this are different views about how to best balance noise management and growth. Some feel that the NMB is not achieving its objectives because the industry can be resistant to making necessary changes, meaning that growth is prioritised over noise mitigation. In this view, improvements have been minimal and are likely to be outweighed by the noise generated by increasing ATMs.

Overall, the responses indicate some dissatisfaction with the noise reduction actions that have been taken to date. For example, with regard to FED Arrivals, while there has been some redistribution of planes using the ILS, this has not translated into a redistribution of routes across the flight path swathe, as had been expected. As a result, the concentration is still felt to be too high in some areas. Similarly, some stakeholders are concerned about whether the Reduced Night Noise Trial (RNN) has been adequate.

Is the constitution of the NMB balanced and efficient?

Across the responses there is broad support for bringing all relevant stakeholders together in a specific forum to focus on noise. However, there are some concerns that the constitution could be more balanced and efficient.

In terms of balance, for some there is a concern that the NMB is weighted towards industry, allowing GAL to benefit more than communities. There are also concerns about how representative the CNGs are of those affected. Firstly, there is the general challenge that they seek to represent a large number of residents whose priorities differ in ways that cannot always be reconciled. In addition, the Board was initially set up with arrivals in mind and therefore has more representation from those who are affected by arrivals rather than departures. It was also noted that the current focus is on

the east and west of the airport. For some, this fails to recognise a substantial area to the north that is also affected - principally by Gatwick's Route 3 & 4 departures, but also by Heathrow departures and the Ockham stack, often over the same people. There are also suggestions that the inclusion of County Council representatives on the NMB is important to help provide balance, given their democratic accountability and ability to capture views from other councils.

In terms of efficiency, there is broad consensus that the size of the NMB may be prohibitive. For instance, the large number of attendees makes it difficult to manage meetings effectively. While some believe it would be difficult to reduce numbers without losing important input, others suggest a two-tiered system with a smaller core Board, and separate sub Committees representing arrivals and departures, to help solve this issue.

Are the NMB processes delivering appropriate levels of communication and dialogue?

There is consensus that the NMB is delivering a high level of communication and dialogue, and it is noted that effort has been made to include all participants in communications. The workshops are

seen as an effective platform for individual and group conversations. Overall, the feeling is that there is sufficient dialogue, but that this has not translated into enough action. Linked to this, there are some concerns that there may be too much communication.

The current schedule of meetings is described as requiring high engagement, given that there is a significant amount of preparatory work required. There are also some concerns about the appropriateness of the information that is being communicated through the NMB. Some of this information is technical, and stakeholders note that this may not be easily understood by all parties. This information is technical, and stakeholders note that this may not be easily understood by all parties. This can lead to misunderstandings and issues being misrepresented. For example, when CNGs are cascading information to other groups who are not part of the NMB.

Is the pace and urgency in progress of NMB Activities appropriate?

Stakeholders generally indicated that the pace and urgency in progress has been slower than anticipated – though it has been acknowledged that this has not been fully within the control of the NMB. In this view, the sense of urgency that was present initially has dissipated over time, as the NMB has, in the view of some stakeholders, become preoccupied with peripheral objectives. This perceived slow pace is identified as a key factor contributing to frustration within affected communities, and in some cases a deterioration in working relations between Board members. Underlying this is a sense that CNGs and industry members feel they are working at cross purposes. Among CNGs there are suggestions that there is a lack of urgency due to industry having little appreciation of the noise impact on communities. On the other hand, industry stakeholders have noted that they are bound by regulations and procedures, which mean that even small changes may take a considerable amount of time to implement. Due to these long lead times for enacting change, it has also been suggested that aiming for ‘pace and urgency’ may not be realistic for the work of the NMB.

Stakeholders also identified that in some cases, such as the Reduced Night Noise Trial, it has taken a long time to reach consensus between the different Board members and agree a plan. This has therefore, resulted in timelines being extended.

What changes if any, could be usefully considered?

Stakeholders suggest a range of changes to be considered, including changes to the NMB objectives, structure, composition and administration.

Objectives

Some recommend changes to the terms of reference, to add a new key objective of ensuring that the interests of GAL and its industry partners are appropriately balanced with those of local communities. This would involve regular reviews of whether this objective is being met, and advising the airport on steps that can be taken to ensure it is.

Structure

As discussed earlier, the size of the NMB is seen by some as prohibitive to getting things done efficiently. There were suggestions to reduce the size, and to set up a two-tiered system, with sub Committees convened to discuss specific issues in more detail, and then bring their recommendations to the Board. For instance, there were some questions around how useful it was for organisations such as GATCOM and airlines to be represented on the Board, and a suggestion that they may be better placed on a sub-Committee. This would then allow the Board to focus on strategic priorities.

Composition

For some, there is a lack of representation for those in affected areas to the north of the airport. As NMB activities move more towards departures, these perspectives will become increasingly relevant. Therefore, the composition of the Board should be altered to include representation from these communities.

There were also suggestions that parish/town council groups on each side of the airport should have their own designated seats on the Board, distinct from community noise groups. It was noted that these bodies are distinct from CNGs in terms of their role, and also in that they don't have individual members but represent the views of multiple groups.

Some stakeholders suggested that electing a new independent Chair for the NMB may help to give the Board fresh impetus.

Administration

There are suggestions for improving the recording of discussions during Board meetings. Making greater use of a voting system where the outcome is noted in the minutes would improve transparency and accountability as members of the public would be able to see how their representatives voted.

Annex 5 NMB Code of Conduct Considerations

To: NMB Review Committee

From: NMB Secretary

Date: 19th November 2018

Subject. NMB Code of Conduct – Sub-Committee Report

The NMB Review Committee has asked for a report from the NMB Secretary on NMB Code of Conduct issues. This report is intended to address that request. It is not intended as the response from the NMB Secretary to the formal report of an alleged Code of Conduct breach, raised by one Community Noise Group (CNG) against another, at NMB/12.

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1. Background

1.1 This report is intended to address a request from the NMB Review Committee for a briefing from the NMB Secretary on NMB Code of Conduct issues. This response is *not* intended as the response from the NMB Secretary to the formal report of alleged Code of Conduct breach, raised by one Community Noise Group (CNG) against another, at NMB/12, and a second complaint later raised by CNG.

1.2 The NMB was established with the specific intent of including some members from among then known anti-noise campaign groups surrounding Gatwick. The Community Noise Groups (CNG's) are organised community interest groups that are usually established to protest about the effects of aircraft noise and airport expansion, they reflect some of the views of particular local communities. The geographical extent of the CNG's area of interest and particulars of CNG membership is not set out in any detail. Some CNG's include elected Parish Councillors in their membership. Several of these groups use dedicated websites and make use of social media to publish information to support their particular cause, and in some cases to indicate their objectives. Most of the established anti-noise groups have no published governance.

1.3 The number of NMB seats to be made available to CNG was established in March 2016 as two, with each seat to have a nominated alternate. At the same time, recognising that at the NMB, the CNG are not legally appointed representatives of any residents, two NMB seats also requiring two alternates were allocated to elected County Councillors. CNG were, after several weeks, still unable to agree who would represent them on the NMB. In an attempt to resolve this impasse, the number of CNG seats was increased by the NMB Chair to four, leading to the CNG proposed Consensus Agreement, which was then used as the basis to constitute the NMB including the CNG participation. The CNG's solution adopted involved assigning the four NMB seats to eight CNG on a paired basis.

1.4 All NMB members have agreed the NMB Terms of Reference, Code of Conduct and NMB Guiding Principles. The NMB also later requested the CNG to nominate a coordinator (Charles Lloyd of GON) to coordinate the different CNG views. NMB meetings have tended to be dominated by differing CNG positions. Given that up to eight CNG organisations plus a coordinator have attended NMB meetings, challenging conduct situations have unfortunately sometimes developed. NMB Workshops were established and agreed, in part to create an environment in which these sometimes partisan CNG discussions could take place, and which could also involve wider community representation.

1.5 The NMB has no legal status or standing, its effectiveness depends on the cooperation and constructive participation of its membership. The NMB addresses noise issues at a strategic level. It does not itself make decisions; its power comes from its ability to make compelling recommendations to the relevant decision makers. However, it is clear that the weight given to recommendations will be influenced by the degree of consensus behind them.

1.6 Members of the NMB can disagree with any recommendation. In such case, that disagreement will be noted, but - provided that there is the majority support for the recommendation - it still goes forward in the name of the NMB.

1.7 In making recommendations, primary matters which must be taken into account are, in no particular order; Legal, Business, Political, Technical, User and Community. Of course, every NMB recommendation has to be within the law, but business considerations are also significant; several NMB member organisations operate as businesses and as such are obliged to deliver a fair return to their shareholders.

1.8 Members of the NMB represent organisations with widely differing remits and responsibilities, some of which include prescribed regulatory or rule-based functions. While each organisation has a role or potential interest in influencing the development and implementation of noise reduction strategies for Gatwick Airport, it is important that members are clear about the role, remits and authority of each organisation.

1.9 The NMB Code of Conduct seeks to describe the conduct expected of individuals who participate in the NMB, and is intended to ensure that NMB business is conducted in a constructive, civilised and professional manner, where all participants know what behaviour they should expect from other NMB participants.

1.10 Despite all of these measures, the NMB has encountered persistent breaches of the Code of Conduct, the NMB Terms of Reference and the CNG Consensus Agreement by some CNG members, which have manifested throughout the life of the NMB, pointing to shortcomings in the structure and purpose of the NMB.

2. Code of Conduct

2.1 The particular Code of Conduct issues encountered, which can be evidenced, can broadly be described as:

- a. Unprofessional conduct in communications between some CNG and beyond, showing a lack of respect and fairness to their fellow members. Some of these communications are widely disseminated to Ministers, Members of Parliament, and particularly the leadership of CAA, DfT, GAL, NATS and easyJet.
- b. Failure to respect collaborative decisions made at NMB, some NMB Members have sought the intervention by MPs, Ministers, and others, in NMB matters, when the outcomes, or prospective outcomes at NMB do not accord with individual views.
- c. Bringing the NMB into disrepute by making public allegations, or claims, that have no factual basis, concerning the membership, work and processes of the NMB.
- d. Issuing a public notice of no-confidence in the NMB as currently constituted and led, without previously either informing or attempting to discuss a prospective no-confidence statement, either at the Board, or with the Board's other members and its leadership.
- e. Leaking of confidential NMB material into the public domain, particularly using social media.
- f. Failure to adhere to the terms of the CNG Consensus Agreement and some aspects of the NMB Terms of Reference.

2.2 The Board as a whole is responsible for identifying and implementing corrective steps. Yet so far, it has failed to successfully address or to resolve the conduct issues, despite the established governance and additional measures that have been deployed which are intended to assist all Board members to conduct NMB business professionally and efficiently.

2.3 This suggests that more radical structural changes to the NMB are still needed, that can address the mechanisms used to canvass a broad range of community views on aircraft noise and airport growth. Structural changes are also needed to resolve conflicts of interest and to ensure that all views are properly and professionally communicated to the stakeholders responsible for planning and implementing noise management strategies.

3. Relationships Context

3.1 The Noise Management Board was established as a recommendation of the Independent Review of Arrivals, commissioned in August 2015 by Gatwick following complaints from some local community groups and elected officials, that Gatwick Airport arrivals are generating excessive noise disturbance and affecting more people. Gatwick Airport Limited (GAL) appointed Bo Redeborn to lead an independent review of flight routes used for aircraft on arrivals to Gatwick.

3.2 The Arrivals Review concluded that; community sensitivity to, perception of, and reaction to the noise from aircraft using Gatwick, had increased since 2012, which according to feedback at the time related to the following issues:

- a. The statutory public consultation of Airspace Change Proposals for Gatwick in 2013 (subsequently withdrawn), related to the UK Future Airspace Strategy and London Airspace Management Programme, their associated proposed P-RNAV arrival and departure routes, and the concentration of arrivals implied by the proposed introduction of a Point Merge procedure.
- b. The 2013 Approach Stabilisation Initiative by GAL and NATS, changing the radar vectoring methodology used by NATS air traffic controllers at Swanwick who manage Gatwick arrivals manoeuvring and sequencing, which created an arrival swathe concentration of aircraft, further east and further west of the airport.
- c. The work of the Airports Commission and the associated campaign by GAL to win approval for a new Runway at Gatwick.
- d. Airframe noise, generated by a design characteristic of the Airbus A320 family of aircraft. The use of these aircraft at Gatwick is progressively increasing; by 2014 they represented more than 60% of all aircraft movements at the airport.
- e. The 2014 ADNID trial of potential new departure routes and separation standards west of the airport. The introduction of RNAV-1 departure routes and the subsequent Post Implementation Review by the CAA.
- f. Residents felt that aircraft were operating lower than they had been in the past and were noisier than they used to be.
- g. The perceived inability of communities to influence noise factors through the normal community engagement process provided by the airport, including the Gatwick noise complaints procedure, (which is also reported by some residents to be inadequate) and the Gatwick Airport Consultative Committee (GATCOM).

- h. Insufficiently coordinated and sometimes inconsistent communications regarding arrivals procedures and noise mitigation from GAL, CAA, NATS and the DfT.
- i. The ubiquitous use of social media and of flight following Apps such as FR24, that enables the rapid dissemination of information and sometimes misinformation, which the institutions involved have often had neither the resource, coordination mechanisms, nor experience to manage effectively.

3.3 The Report of the Arrivals Review addressed each of these issues and made 23 Recommendations intended to resolve or to mitigate the effects identified, including the establishment of the NMB intended to address issues #3.2g & #3.2h in particular.

3.4 Prior to the Arrivals Review, some communities, which in their view were newly affected by noise, established organised campaign groups to protest these changes and to lobby the airport, airlines, air traffic control providers, the regulator and government. Three issues, which in particular related to the relocation and concentration of aircraft noise, in effect had pitted the newly affected communities against other communities (that had sometimes benefitted from the change);

- ADNID
- ILS join Point change
- LAMP 1 Point Merge

3.5 Several CNG were established in response to these programmes, including, but not limited to, APCAG, CAGNE, ESCCAN, GON, HWCAAG and TWAANG. The work of the Airports Commission also influenced community campaigns, with the Commission evaluating the potential for a completely new runway to serve London, being at Gatwick, rather than as it turned out to be, recommended by the Commission at Heathrow.

3.6 In total, the Arrivals Review encountered 14 CNG's, together with a number of local councils that wished to join the recommended NMB, as well as several (including GACC) that did not. However, the 14 CNG with an interest in joining the NMB were not able to agree who among their number could represent their collective interests by occupying the two NMB seats originally allocated.

3.7 In Spring 2016, an attempt was made to validate whether any elected legitimacy for prospective CNG participation at NMB could be established as a means of deciding how to allocate NMB seats to CNG. This required prospective CNG members of NMB to demonstrate their written governance, minutes of meetings and formal backing of their organisation by their associated Parish Councils, as well as their geographical domains of interest. This proved to be completely unworkable for a number of reasons. The attempts eventually foundered and were abandoned as being unworkable in May 2016 following a number of very unpleasant exchanges among CNG. The conduct exhibited CNG then has flared up again several times since, most recently related to the different positions taken by individual CNG about the future of the NMB.

3.8 Prior to the launch of the NMB, some Parish Councils also sought direct NMB representation, as did several Town and Borough Councils. Eventually CNG were asked to develop their own consensus on how they were to be represented at the NMB using the assigned seats.

3.9 Each CNG involved in this process naturally focussed their claims based on parochial interest, exacerbating the adversarial environment between the groups. Unpleasant and unprofessional e-mail exchanges, with various allegations, claims and counter claims quickly developed, as each set out to demonstrate what they considered to be their rightful seat at the proposed NMB. The subsequent decision by the proposed Chair of NMB to double (to 4) the number of CNG seats was intended to reduce the difficulty in achieving an agreement with CNG on representation. It was successful in that the CNG Consensus Agreement emerged and was adopted. Recognising the difficulty in achieving a professional conduct at the NMB, the then Member for Kent County Council, proposed that the NMB establish a Code of Conduct.

3.10 Nevertheless, the toxic relationships already apparent between some CNG, with different views on how noise should be managed (and moved around) was carried into the NMB, without adequately resolving the geographical balance obligation of clause #25 of the agreed NMB ToR. The specific geographical areas of interest identified by each CNG are still not defined. In July 2018, following the issue of the CNG letter of no confidence, CNG were asked by the NMB Secretary to provide details of their specific location. They did not do so. At the same time some CNG were claiming (and continue to claim) to represent various broad geographical areas, yet without offering any legitimate basis for doing so.

3.11 A less challenging but still significant adversarial environment also existed among the institutional and industry stakeholders (evidenced by finding #3.2h). An industry tendency existed, in which responsibility for the basis for a change of the noise environment, was attributed to another entity – in effect saying ‘it’s not us, its them’, understandably inflaming community frustrations.

3.12 The proposed Noise Management Board would therefore require particularly robust and effective governance and collaboration, in order for it to be effective, the main risks facing the newly constituted NMB being twofold.

3.13 The first risk to NMB effectiveness being that CNG would naturally seek to concentrate their efforts in attempting to ensure that any NMB initiatives favoured their community over any others, further exacerbating the existing adversarial position.

3.14 The second risk being a consequence of the first, that CNG would probably only reach a common position on noise issues that would not have different geographical consequences, for instance more punitive government restrictions on night flights and calls for expansion of the noise insulation schemes to substantially increase its applicable area.

3.15 CNG conduct related to the NMB has followed this pattern, there has been very little common agreement among CNG on practical noise strategies in the three years since the Arrivals Review was published. Noise remains very firmly a back-yard issue for CNG, most of which were as explained earlier, created as a result of the three hot topics - ADNID in 2014, the ILS Joining Point Change of 2013, and the original LAMP 1 Point Merge programme. As well as the parallel work of the Airports Commission on runway capacity for London. CNG views have tended to coalesce around interpretations of Government Policies and calls for more restrictive practices.

3.16 In the context of the NMB and this report, when matters of the distribution of noise are discussed, for instance with the still air runway protocol, RNN or ILS joining point, the CNG will not normally agree with each other, many do not adhere to their own NMB Consensus Agreement, or the NMB ToR. This in turn has led to many of the NMB Code of Conduct infractions now apparent. These issues appear to be a secondary consequence of the structural relationships that have been created by the NMB in its attempt to involve CNG in noise delivery decisions.

3.17 Incremental attempts to strengthen NMB Governance and to improve CNG involvement in NMB activity have failed to resolve either the natural conflicts that exist, or the consequent conduct issues. New relationships need to be created that allow communities to constructively participate in noise planning and to understand how the airport's growth is being managed, mitigated and balanced. Conduct issues are unlikely to be resolved as long as communities feel as though they are competing with each other to move noise away from their own back yards.

3.18 As a consequence of the conflicts and conduct, key industry decision makers have reported to the NMB leadership that attending the NMB as currently constituted is not the valuable use of their time that they had expected with such a Board.

4. Conclusions

4.1 Adversarial relationships existed among CNG and with industry before the NMB was established, and despite implementation of governance methods to manage the difficult topics, including the NMB Code of Conduct, these steps have failed to resolve the inherent conflicts and related conduct issues that exist between communities seeking to move noise away from their areas, to the detriment of others.

4.2 Attempts to manage this in the NMB environment have included the use of:

- a. NMB Terms of Reference
- b. NMB CNG Consensus Agreement
- c. NMB Code of Conduct
- d. GAL funding for a CNG Administrator
- e. Nomination by CNG of a coordinator to facilitate and agree positions prior to each NMB
- f. NMB Workshops with wider community involvement

4.3 Despite these measures, the NMB has encountered persistent breaches of the Code of Conduct, the NMB Terms of Reference and the CNG Consensus Agreement by some CNG members.

4.4 The conduct breaches have manifested throughout the life of the NMB, pointing to shortcomings in the structure and purpose of the NMB which has been unable to resolve the conflicts that have led to this behaviour. The existing NMB structure and governance measures have contributed to the deeply rooted adversarial positions, pitting communities one against the other, and against industry.

4.5 The existing NMB structure and governance has not adequately provided for other interest groups, including other CNG, Parish and other councils not represented on the NMB. The unintended consequence has been to further inflame conflict between community groups. Those CNG with NMB seats have attempted to justify the privileged position of NMB Membership, with either claims that clearly breach the NMB Code of conduct, or by ignoring requests for clarification of their geographical area and governance.

4.6 CNG failure to adhere to NMB protocols, for instance by stepping beyond the NMB structure, encouraging local and often national politicians to intervene on NMB matters, is an attempt to circumvent the established NMB processes and agreed actions, rather than using the agreed NMB mechanisms to solve issues at NMB level. This is conduct which significantly undermines the value of the NMB for other members.

4.7 Such steps by CNG also put the NMB members representing institutional organisations into a compromised position, undermining both the benefit of, and their willingness to, participate in the NMB. The consequence already apparent is that it will become easier for the leadership of NATS, CAA, ANS, and airlines to stay away from the NMB and simply concentrate instead on continuing to deliver their legal obligations on noise.

4.8 CNG's conduct in particular is undermining the willingness of industry members to support the Board, creating an existential issue that must be resolved if the NMB is to continue to achieve one of its purposes, improved community engagement by all stakeholders at Gatwick.

4.9 In the context of the NMB and this report, CNG's do not respect their own NMB Consensus Agreement, nor have CNG's resolved the lack of clarity related to individual CNG location or governance. This has contributed to the NMB Code of Conduct infractions now apparent. Given the structural arrangements, such outcomes are to be expected, they appear to a consequence of the structural relationships that have been created by the NMB in attempting, with the best of intentions, to actively involve CNG in noise delivery decisions.

4.10 The Board as a whole is responsible for identifying and implementing corrective steps. Yet so far it has been unable to adequately address or to resolve the conduct issues, despite the established governance and additional measures that have been deployed to assist all Board members to conduct NMB business professionally and efficiently.

4.11 This suggests that more radical structural changes are still needed to address the mechanisms used to canvass a broad range of community views on aircraft noise and airport growth, to resolve any conflicts of interest related to delivery, and to ensure that a full range of views are properly and professionally communicated to the stakeholders responsible for planning and delivery of noise management strategies.

Attachment A. NMB Code of Conduct.

Gatwick Noise Management Board (NMB)

Code of Conduct

Introduction

The Gatwick Noise Management Board has been established as a result of a recommendation of the Independent Arrivals Review. The associated Terms of Reference were adopted at NMB/1 on June 21st 2016.

The NMB recognises the importance of the participation of all its members, and will take all reasonable steps to ensure that all participants are supported and valued for their contributions.

The NMB has no legal status or standing, its effectiveness depends on the cooperation and constructive participation of its membership. The NMB addresses noise issues at a strategic level. It does not itself make decisions; its power comes from its ability to make compelling recommendations to the relevant decision makers. However, it is clear that the weight given to recommendations will be influenced by the degree of consensus behind them.

Members of the NMB can disagree with any recommendation. In such case, that disagreement will be noted, but - provided that there is the majority support for the recommendation - it still goes forward in the name of the NMB.

In making recommendations, primary matters which must be taken into account are, in no particular order; Legal, Business, Political, Technical, User and Community. Of course, every NMB recommendation has to be within the law, but business considerations are also significant; several NMB member organisations operate as businesses and as such are obliged to deliver a fair return to their shareholders.

Members of the NMB represent organisations with widely differing remits and responsibilities, some of which include prescribed regulatory or rule-based functions. While each organisation has a role or potential interest in influencing the development and implementation of noise reduction strategies for Gatwick Airport, it is important that members are clear about the role, remits and authority of each organisation.

This Code of Conduct seeks to describe the conduct expected of individuals who participate in the NMB, and is intended to ensure that NMB business is conducted in a constructive, civilised and professional manner, where all participants know what behaviour they should expect from other NMB participants.

The NMB Chair and Secretary are responsible for ensuring that NMB participants have read and understood this Code of Conduct.

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The NMB will decide what, if any, action to take if any member is found by the NMB to be in breach of this Code. In exceptional circumstances, this could include termination of NMB membership.

NMB Participants will: -

1. Treat other participants fairly, respecting each other and the principles of diversity and equality
2. Behave professionally in their relationships with the NMB, its members and all other participants
3. Permit others to express themselves and understand that all views are important even if they are not the same as their own - as long as no offence is caused, even if unintentionally
4. Inform the Chair or Secretary of the NMB if, in their view, any conduct issues arise from the contributions of any other NMB participant.
5. Not bring the NMB into disrepute.
6. Respect the confidentiality of any information that has been shared with the NMB on a confidential basis
7. Perform his/her NMB duties with honesty, integrity, impartiality, objectivity and in a constructive demeanour
8. Distribute in a timely manner, the NMB proposed Agenda, Minutes and any other information marked for circulation, to all interested parties within their respective organisations
9. Observe the NMB Terms of Reference as applicable

Code of Conduct Annex

Organisations participating in the Gatwick NMB

Department for Transport (DfT)

The DfT, a Government department, is tasked to ensure that airlines and airports provide the domestic and international connections the UK needs to grow and prosper. The DfT considers policies intended to balance the impact of air travel on climate change and also on noise levels for people living near airports with the strategic national economic contribution of air transport. The DfT is also responsible for continuing to make sure that air travel is safe and secure. www.dft.gov.uk

Civil Aviation Authority (CAA)

The UK's designated aviation regulator, the CAA ensures:

☑ That the aviation industry meets the highest safety standards ☑ That consumers have choice, value for money, are protected and treated fairly when they fly ☑ Improvements in airlines and airports' environmental performance ☑ That the aviation industry manages security risks effectively

The CAA is a public corporation, established by Parliament in 1972 as an independent specialist aviation regulator.

The UK Government requires that CAA costs are met entirely from charges to those receiving a service or regulated.

Most aviation regulation and policy is harmonised across the world to ensure consistent levels of safety and consumer protection. Worldwide safety regulations are set by the International Civil Aviation Organisation (ICAO) and within Europe by the European Aviation Safety Agency (EASA). www.caa.co.uk

Gatwick Airport Limited (GAL)

Gatwick Airport Limited (Gatwick) is the company licensed to operate Gatwick Airport by the CAA. Gatwick is owned and managed by Global Infrastructure Partners (GIP) and a consortium of its co-investors. GIP also owns Edinburgh Airport. www.gatwickairport.com

National Air Traffic Services (NATS)

NATS is the UK's leading provider of air traffic control services. Each year, NATS handles 2.4 million flights and 250 million passengers in UK airspace. In addition, NATS provides services to 13 UK airports, including approach control for Gatwick (managed from Swanwick). NATS is the designated manager of all upper airspace in the UK. www.nats.co.uk

Air Navigation Solutions (ANS)

Air Navigation Solutions Ltd is a British registered company with its own Board of Directors and Management team. Having been awarded a 10-year contract for the future provision of Air Traffic Control and Air Traffic Engineering Services at Gatwick Airport, the company has gained the certification and designation required to operate as an Air Navigation Services Provider (ANSP) in the UK market, and provides Air Traffic Management (ATM) services at Gatwick Airport. This was issued by the CAA on 1st March 2016. www.airnavigationsolutions.co.uk

Airlines

Airlines operating at Gatwick are represented at the NMB by easyJet, Gatwick's largest airline user through its Chairmanship of the Airline Operators Committee (AOC). easyJet is one of Europe's leading airlines, operating on over 800 routes across more than 30 countries with a fleet of over 240 Airbus aircraft. easyJet is a FTSE 100 company employing over 10,000 people including more than 2,300 pilots and 5,000 cabin crew. The airline flies more than 70 million passengers a year. www.easyjet.com

Gatwick Airport Consultative Committee (GATCOM)

GATCOM is constituted to meet the requirements of Section 35 of the Civil Aviation Act 1982, for an airport to provide adequate facilities for consultation with respect to any matter concerning the management or administration of the airport which affects the users of the airport, local authorities and any other organisation representing the interests of persons concerned with the locality in which the airport is situated. www.gatcom.org

County Councils

County Councils are represented at the NMB by constitutionally and legally elected Councillors, who at County level can represent and, therefore, speak on behalf of all of the populations within their respective electoral divisions.

County Councils have responsibility for much of the highway network and for securing the economic wellbeing of their administrative area. In discharging these powers and duties they have regard to the negative effects on their resident population and including noise and air pollution, and the adverse effects these can have on human health and the environment.

Community Noise Groups

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Community Noise Groups at the NMB are organised community interest groups that are usually established to protest about the effects of aircraft noise. These groups reflect the views of particular local communities. The geographical extent of their area of interest and particulars of their membership is not normally defined in detail. Some groups include elected Parish Councillors in their membership. Several of these groups use dedicated websites and make use of social media to publish information to support of their particular cause, and in some cases to set out their objectives.

Attachment B. Community Noise Groups Consensus Agreement

From: "East Sussex Communities for the Control of Air Noise"

Date: 14 June 2016 at 12:08:54 BST

To: "Bo Redeborn"

Cc: "Graham Lake"

Subject: Consensus Agreement

Dear Bo (proposed Chair),

I am writing as the Chair of the meeting which took place on 9th June at the Kempton Suite, Hilton Hotel at Gatwick.

We were able to achieve a consensus as follows.

1. The following statement. 'Whoever (community representatives) sits on the Noise Management Board will do so with an objective voice representing the views and interests of all the groups.'
2. That the following eight groups out of fourteen groups are seeking to be nominated:

TWAANG

ESCCAN

GON

PAGNE

CAGNE

PLANE WRONG

HWCAAG

APCAG

3. To secure this significant consensus we agreed that these eight would work in pairs. These teams will alternate the primary seat every meeting unless by agreement within the pairing. Each pair will exercise a single vote and the pairs will be left to decide between themselves the best way to work together. The pairings would be as follows:

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GON and PAGNE

CAGNE and PLANE WRONG

HWCAAG and APCAG

ESCCAN and TWAANG

We have been able to bring together the most committed, effective community representatives covering a multitude of areas - including arrivals, departures, urban, rural and parishes - that suffer from noise pollution to serve on the Noise Management Board.

4. We request that a secretariat can be funded by Gatwick for the community representatives. We also agreed on the need to continue engaging professional airspace consultants TO70 at Gatwick's expense⁴

Please let me know if you need any further reasoning on the above.

We hope we can now look forward to helping ensure that the Arrivals Review recommendations can be implemented and the problems of noise pollution for arrivals, departures and ground noise can be successfully mitigated.

Kind regards,

Dominic Nevill (Chair)

The Groups who have agreed with the contents of this above letter are as follows:

BIPLANE
CAGNE EAST
PAGNE
GON
CAGNE

⁴ (Agreed at NMB September 2016)

28th November 2018

PLANE WRONG
HWCAAG
APCAG
ESCCAN
TWAANG
TWSG
SPAG
LGVS
GANG

GACC who have not been involved in this particular process have sent the following comments:

“Having conveyed the news to members of our GACC Committee, I can say that we are pleased that you have reached a sensible conclusion. GACC will, of course, be willing to offer any help or advice you may need.”

East Sussex Communities for the Control of Air Noise (ESCCAN)

www.esccan.co.uk

Attachment C. Gatwick Noise Management Board (NMB) – Terms of Reference

Purpose

The purpose of the NMB is to develop, agree, oversee and maintain a coordinated noise management vision and consequent strategies for Gatwick, for all stakeholder organisations, intended to improve the situation for those affected by noise from aircraft using Gatwick.

This should include joint and coordinated reports through the NMB on progress of the implementation of these agreed strategies and, should seek to ensure consistent communication across all stakeholder groups, using verifiable data and transparent policies, to support the facilitation of their understanding by residents. This may also include when necessary, research and independent verification of information to be published.

The NMB can assist in ensuring that community concerns about aircraft noise are fully understood by key stakeholder organisations considering issues that may affect noise management around Gatwick. The NMB will focus initially on the implementation of recommendations from the Arrivals Review, but then extending to other important noise management issues.

The NMB should assist in the progressive development of consensus across its membership, to improve the alignment of responsibilities, initiatives and priorities of the key organisations able to influence change in the effect of noise from aircraft using Gatwick, whether for arrivals, departures or related to aircraft ground noise.

Objectives

1. The objective of the NMB is to develop, agree and oversee a coordinated noise management vision and consequent strategies for Gatwick, for all stakeholder organisations
2. The initial focus will be on the implementation of the Arrivals Review Recommendations
3. The NMB's remit extends to all important noise management issues related to Gatwick, including those related to departures, and aircraft ground noise, as well as arrivals
4. The NMB's scope includes all commercial matters that might reasonably be expected to have a significant impact on the noise environment at Gatwick
5. The NMB should be a body with real influence over operational stakeholders around the airport such as on airspace and aircraft operational issues
6. The NMB should influence and monitor the effective use of noise awareness training policies for staff of all Gatwick stakeholders and reported through NATMAG

7. The NMB should be consulted on all Gatwick noise related matters, such as compensation policy, noise insulation and community support
8. The NMB should be a main channel⁵ through which GAL, NATS, ANS, Airlines, DfT and CAA communicate actions that are being taken to address the effects of noise from aircraft using Gatwick
9. The NMB should seek to ensure the joint and co-ordinated reporting by stakeholders through the NMB, initially on progress of the Arrivals Review implementation and then on other noise issues and initiatives, and seek to facilitate better understanding by residents through more consistent communication and verifiable data
10. The NMB should establish a mechanism to identify and address unintended and unexpected consequences of noise improvement initiatives
11. Particular care will need to be taken by the NMB to avoid conflicting with the remits or duties of any of the other bodies already involved in noise matters related to Gatwick
12. If and when the Government establishes an Independent Noise Authority the NMB should ensure appropriate alignment between its own Terms of Reference and the remit of such a body
13. The NMB should agree and establish a process to set its SMART objectives and to regularly review and report its progress
14. The NMB should establish and maintain a transparent mechanism to adapt these Terms of Reference when agreed by members of the NMB
15. The NMB will seek to positively influence the noise environment of stakeholders by assisting the development of consensus among the various organisations represented through its membership
16. In the event that it is not possible to reach NMB consensus on any matter, after exhausting all reasonable efforts, a majority decision can be made provided that it represents at least 75% of the NMB Membership

Meetings and Reporting

17. The NMB should meet every 2 months, or at intervals agreed by the members
18. The agenda and minutes of NMB meetings should be published on the (NMB website)
19. NMB meetings will not be open to the public, unless agreed by the NMB members for specific dates or specific topics
20. It is expected that at least one public meeting will be conducted each year by the NMB, to facilitate community dialogue, a reasonable understanding in communities of the work areas of the NMB, and to report NMB progress and plans

Membership

21. The NMB will comprise a nominated individual to represent the following organisations:

⁵ Notwithstanding the obligations of the Gatwick Areas Joint Authorities Group, hosted by Crawley Borough Council

Institutions

- a. GAL
- b. Aircraft Operator with a minimum of 10% of the movements at Gatwick
- c. ANS – Tower ATC provider
- d. NATS – Air Navigation Service Provider
- e. CAA
- f. DfT
- g. GATCOM

Community Members

- h. County Council Representative #1
- i. County Council Representative #2
- j. Community Representative Pair #1 TWAANG, ESCCAN
- k. Community Representative Pair #2 GON, PAGNE
- l. Community Representative Pair #3 CAGNE, PLANE WRONG
- m. Community Representative Pair #4 HWCAAG, APCAG

- 22. Each member shall have a single named alternate, who can attend the NMB as an observer, or can participate when the member is not available
- 23. The number of NMB members should ideally not exceed 14; above that the NMB's effectiveness will increasingly be at risk
- 24. It is important that all representatives are of sufficient seniority, and where appropriate, is empowered, to reach decisions
- 25. Care should be taken to ensure that a balanced geographical representation is always achieved for Community members of the NMB.
- 26. The term of NMB membership is 3 years, renewable. Individuals shall not serve more than 2 terms
- 27. Care should be taken to ensure continuity of NMB competence during any periods of membership transition
- 28. Institutional member organisations shall be invited to nominate their representative Alternates will attend NMB when the respective member is not available
- 29. The County Councils of Kent, Surrey, West Sussex and East Sussex should have either a member or Alternate participation on the NMB. Alternates must not be drawn from the same Council

30. Eight Community Noise Groups are represented at the NMB as four pairs; each Member pair will exercise a single NMB vote. The Member pairs will normally switch their NMB voting member and alternate seat for each meeting unless by agreement within the pair and notified on each occasion to the NMB.
31. NMB meetings will be open to non-members only by specific invitation of the Chair
32. GAL shall appoint the Independent Chair and Secretary of the NMB by agreement of the NMB members
33. NMB membership terminates automatically for any member that fails to attend more than three consecutive full meetings of the NMB