

Dear

I'm writing to set out GACC's comments on GAL's departure noise limits and fines proposals, most of which I raised in yesterday's call.

1. It is shameful that GAL and DfT have allowed the current departure noise limits/fines regime to continue unchanged for so long. Your slides made clear that the regime ceased to have any meaningful effect in about 2005. As a result, for some 17 years there have been no incentives for airlines to reduce departure noise at Gatwick. Both DfT and GAL have been well aware for the great majority of that period that the regime wasn't fit for purpose, but did nothing for many years. Both have failed to take their noise management responsibilities seriously. GAL compounded this by choosing to consult on its proposals as part of the DCO, despite being told that was clearly inappropriate, thereby creating further delay. The arrangements now put in place should be subject to formal review at least every five years. The obligation to carry out reviews should be legally enforceable and there should be significant consequences for non-compliance.
2. We agree with GAL's proposal that there should be different limits for different categories of aircraft, but not with the specific categories and limits proposed. It is not clear whether the three categories GAL is proposing are sufficiently granular to incentivise noise reduction for all the main types of aircraft using the airport. In particular it seems quite likely that some quieter aircraft types within category B would never breach the limits. If that is the case, there would be no incentive for airlines to operate those aircraft in ways that achieve good operational departure practice. As a matter of principle GAL should ensure and demonstrate that there are effective incentives for all the main types of aircraft using the airport.
3. We do not agree with the proposal that limits should be set so as to achieve approximately 100 breaches per annum. There is no objective basis for that proposal other than GAL's desire to limit the number of breaches to a number it regards as manageable, which we do not think is a valid consideration. In our view the correct way to set limits is to identify the noise generated at the monitors (by each main type of aircraft) when operated on a best practice basis and to add a reasonable variance margin, identified objectively, for operating factors such as weather. That would generate a limit that all aircraft should be capable of achieving, and should be incentivised to achieve. We imagine it would result in many more than 100 breaches annually. In any event, it is unlikely that a 0.06% breach rate would create meaningful incentives.
4. Given the increased harm inflicted on communities in shoulder and night periods, GAL should incentivise better performance in those periods than in the day, as the current regime sought to do. For many people the shoulder periods are more sensitive than night periods, so both lower limits and higher fines in those periods should be the same.
5. We support the proposal to have higher fines in the night and shoulder periods.
6. Fines should be set at a level that creates meaningful incentives for airlines and pilots to improve their performance. Fine setting protocols in other polluting industries (such as utilities) should be considered. Given airlines are primarily incentivised by revenue and profit, a plausible approach would be to set fines by reference to the average revenue generated by a flight in the relevant category. This requires analysis, but a starting point might be 5% of average flight revenue per dB exceedance in the day and 10% in shoulder/night periods. The level of fines should be reviewed regularly. GAL should note that £1000 in 2001, when you stated that current levels were set, is about £2000 now.

7. There should be comprehensive, open book, reporting of breaches and fines on a basis and in a format to be agreed with stakeholders.

We'd be grateful if you could let us know how these comments will be considered and, if you intend to reject any of them, why you don't agree. We'd also like to understand how comments you receive will be referenced in your proposals to DfT and what opportunity we will have to engage with DfT directly.

Finally, given the extensive and wholly avoidable delay in introducing new limits and fines, GAL should commit to submitting proposals to DfT, that reflect comments received, by end March 2023.

We are copying this to Leon Hibbs, Mike George, the GATCOM secretariat and Ian Greene at DfT.

Regards

Charles