

[REDACTED]
[REDACTED]

31 August 2017
EIR Reference: E0003339

Dear [REDACTED]

I am writing in respect of your recent request of 3 August 2017, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

'Please would you accept this email as a formal request under the FOI Act for all communications between the CAA and GAL in respect of the decision and recommendations in CAP 1531.'

Our response:

Having considered your request in line with the provisions of the Environmental Information Regulations 2004, please find attached all communications between the CAA and Gatwick Airport Ltd (GAL) in respect of the decision and recommendations in CAP 1531. In the attachment labelled 'Text – CAA to GAL', this refers to a text message which was sent by the CAA to GAL on 3 April 2017 at 5:12pm.

Please note that all personal information contained within the attached communications has been redacted. In the CAA's view, disclosure of such personal information would be unfair and disclosure would therefore be a breach of the first data protection principle. Regulation 13(1) provides an exception from the duty to disclose this information. A copy of this exemption can be found below.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk
Head of External Information Services
Civil Aviation Authority
Aviation House
Gatwick Airport South
Gatwick
RH6 0YR

caroline.chalk@caa.co.uk

Civil Aviation Authority

Aviation House Gatwick Airport South Gatwick RH6 0YR www.caa.co.uk
Telephone 01293 768512 foi.requests@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with requests under the Environmental Information Regulations. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely

A handwritten signature in black ink that reads "Rihanne Stephen". The signature is written in a cursive style.

Rihanne Stephen
Information Rights Officer

CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.

Environmental Information Regulations – Regulations 13

(1) To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data.

(2) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene—

(i) any of the data protection principles; or

(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress) and in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it; and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998(1) (which relate to manual data held by public authorities) were disregarded.

(3) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1) of that Act and, in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it.

(4) In determining whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(5) For the purposes of this regulation a public authority may respond to a request by neither confirming nor denying whether such information exists and is held by the public authority, whether or not it holds such information, to the extent that—

(a) the giving to a member of the public of the confirmation or denial would contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded; or

(b) by virtue of any provision of Part IV of the Data Protection Act 1998, the information is exempt from section 7(1)(a) of that Act.

[REDACTED]

From: [REDACTED]
Sent: 04 April 2017 13:28
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: GAL Observations on Draft R4 Decision Letter

[REDACTED]

I will discuss with our legal.

In regard of AIP would this work:

GAL will work with DfT to investigate the possibility of clarifying AIP entry Gatwick Aerodrome 2.21: Noise Abatement Procedures sub paragraphs 8 and 9 and the notes that apply to that entry in order to resolve the potential for confusion of that UK AIP Entry regarding definition of the NPR, the vectoring altitude restriction (4000ft) and the air traffic control operational procedures regarding the overflight of Horley.

From: [REDACTED]
Sent: 04 April 2017 08:54
To: [REDACTED]
Cc: [REDACTED]
Subject: GAL Observations on Draft R4 Decision Letter

[REDACTED]

I got your text but needed to get this in an e-mail. I am on leave but very happy to chat at any stage.

Re comms plans we will release something short and simple via our airspace blog referring and linking to the release via the CAA website. I discussed it with [REDACTED] on Friday but as you are publishing a comprehensive response and the detailed data, referring to a single reference point seems the most appropriate way to tackle this.

I had a call with Stewart Wingate, Sir Roy, Charles and David McMillan yesterday having circulated extracts of the note to them (and our General Counsel) on Saturday. They are in agreement that we have no significant issues to raise as a result of the decision letter. But we do have some proposals for amendments to the wording of the undertakings based on legal advice.

I have included the extracts below where we suggest some changes, these have focussed on the undertakings (for obvious reasons). [REDACTED] also asked about issues to do with the word 'anomaly' in relation to the noise abatement wording contained in the Gatwick entry of the UK AIP. We have no preference to using either *discrepancy* or *anomaly*.

We had some concerns on areas we felt GAL was requested to undertake to do something together with bodies over which it has no control so have suggested a form of revised wording at 4 and 6 to reflect that. Under 1 I have amended the wording to better reflect the definitions included in the proposed ACP guidance (CAP 1520) so it now reflects *providing information* rather than *engagement*.

1. GAL will **use reasonable endeavours to provide information to** ~~engage~~ communities on the corrected conventional SID for Route 4 and explain why it has to be corrected and how it will align with the existing NPR.
2. With the objective of providing meaningful respite, GAL will consider options for a second RNAV 1 SID (with a similar design to the modified RNAV 1 design in Segments 1 and 2) but with a modified eastbound track similar to the original RNAV 1 design). Such design will consider modifications to prevent ballooning in all but the strongest south to south-westerly wind conditions). As well as **using reasonable endeavours to engage** ~~engaging~~ with local communities when investigating this option, GAL will liaise with DfT in respect of the NPR for this Route (and associated compliance monitoring swathe) and its impact on considering another RNAV 1 SID along this route.
3. GAL will consider the potential for obtaining respite by alternating or switching a proportion of Route 4 departures onto another route. GAL **shall consult** ~~should engage~~ with NATS to determine whether SID offloading onto other routes is feasible, given the network of overlapping flightpaths in the southeast of England. GAL will also need to take into account the effect on local communities affected by the other routes.
4. GAL should consider the possibilities, **in consultation** ~~together~~ with Heathrow and NATS, of withdrawing the published Heathrow to Gatwick positioning-flight SID.
- 5.
6. GAL will **use reasonable endeavours to** ~~undertake to~~ ensure their operators comply with noise abatement procedures. As a priority, GAL will require that:
 - a. where flights, as a consequence of applying a specific speed profile such as Noise Abatement Departure Procedure 1 (NADP 1), result in excursions on the inside of the NPR swathe, GAL will require the relevant operators to ensure that their SOPs are designed to maintain track conformance, within the NPR monitoring swathe and amend the AIP entry to reflect this.
 - b. where flights extend outside of the NPR monitoring swathe, particularly on days experiencing strong south to south-westerly winds, GAL will require the relevant operators to ensure that their SOPs are designed to maintain track conformance, within the NPR monitoring swathe.

I hope this makes our position clear. Any questions drop me a line or call.

Regards

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[REDACTED]

From: [REDACTED]
Sent: 31 March 2017 13:48
To: [REDACTED]
Cc: [REDACTED]
Subject: Route 4 PIR Draft Report Annexes
Attachments: Annex A-EG_AD_2_EGKK_6-3_en_2016-12-08.pdf; Annex B-EG_AD_2_EGKK_6-1_en_2017-03-02.pdf; Annex C - Temporary Chart LAM 4M 4V 5P 5W CHART V5_PA.pdf; Annex D - 20170330Annex D-PBNSIDRoute4AssessmentV12.docx; Annex E - RNAV1SIDDesignforRoute4inStrongWindsFromMainReportV10.1.docx; Annex F - 20170327NoiseAbatementExtractsEG_AD_2_EGKK_en_2017-03-02.pdf; Annex G - Up To 4000ft Comparison.pdf; Annex J - Density Comparison.pdf; Annex K - DetailedDataObtainedByGALfromAirlinesAndCAAAssessment.docx; Annex L - 20170330-ComplaintsDraftv7.docx; Annex M 20170330GateAnalysisOfRoute4(V1).docx; Annex N - PotentialForOptionsForReducingImpactOnLocalCommunitiesFromMainReport.docx; Annex O - ComplaintsFeedbackReceivedByTheCAAFFromMainReportv10.docx

Importance: High

[REDACTED]

These are the Draft Annexes to go with the Draft report.

As discussed, please confirm any factual accuracy issues back to [REDACTED] by Monday, together with confirmation on the undertakings.

Regards,

[REDACTED]

[REDACTED]

From: [REDACTED]s
Sent: 21 August 2017 10:57
To: [REDACTED]
Subject: FW: Text to GAL

Text:

[REDACTED] I know you're on leave and I don't need or want an answer today - I just wanted to give you time to think before we speak. A simple question; what are your communication plans for when we release the R 4 review? In particular around the undertakings and your next steps? [REDACTED]

Sent from my iPhone