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Imogen Brooks  
Principal Legal Adviser  
Office of the General Counsel  
Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London WC2B 6TE

July 10, 2017

Dear Imogen,

Re: Birmingham Airport Limited Post Implementation Review

Currently as a result of the adoption of Option 6, aircraft are overflying the centreline of Barston Village. Noise levels are causing our 'highly annoyed' parishioners distress and they have collectively funded an eminent QC (John Steel) specialising in aviation matters and an eminent airspace noise expert (Rupert Taylor Limited) whose reports we append.

Both of these professionals gave opinion that the alternative to Options 5 & 6 received insufficient consideration during the decision-making process.

The CAA's report SARG/ERCD/AG/Birmingham SIDs ACP identifies deficiencies in BAL's process for consulting on and selecting route Options to submit to the CAA for formal assessment, specifically the exclusion of Option 6X. The CAA highlights the shortcomings in the decision making process but nevertheless affirms that the noise impact has been adequately presented in the consultation and the submitted proposal. The CAA describes the inadequacies of the two criteria used by BAL that led to the exclusion of Option 6X from full consideration. Nevertheless the CAA appears to use them to justify that decision.

The CAA identifies that Option 6X would be a 'compromise' route between Options 5 and 6 for the two communities (Barston and Balsall Street East) closest to those SIDs. However, because it adopts the criterion of a minimum noise level change of 3dB and does not consider absolute levels it concurs with BAL that Option 6 should be selected because it would result in a larger noise level reduction for a greater number of households than Option 5 would.

Thus despite having identified deficiencies with the selection methodology used by BAL that led to the exclusion of Option 6X, and identifying its potential as a compromise route, the CAA supports the decision not to properly consider

Option 6X.

Furthermore, Rupert Taylor asserts that the single decision criterion of 3dB(A) did not derive from CAP725, was wholly inappropriate and that other criteria should have been used. The Secretary of State agreed with the inspector in his decision relating to the Farnborough Airport planning appeal that airspace decisions should not be based on discernable difference but on harm caused by the noise. CAA has now dropped discernable difference as a decision-making criterion, which by-the way, was adopted without consultation.

One of the purposes of PIR is to review 'change' and the above change is fundamental.

Barston community therefore demands a change from Option 6, be it Option 5 or an alternative that does not overfly the centreline of the village. At the very least, we need you to demonstrate that you are taking other options seriously.

Our independently commissioned noise monitoring (RandTech - appended) in September 2016 demonstrated that many aircraft types that overfly currently register over 75dB (LAmax), which according to CAP725 B.82 - states 70dB causes speech interference indoors – this causes harm.

Furthermore, Barston noise levels far exceed the World Health Organisation (WHO) 2014 guidelines e.g. at night there are LAmax levels of 70dB+, clearly exceeding the 45dB WHO figure.

While we are not demanding it, under Option 5 it is important to note that Balsall Street East rarely has events exceeding 70dB under this Option and the alternative could avoid both communities.

The airport is projecting future growth, particular night flights. The criterion of discernable difference excludes the impact of more flights on our community, which is why we are convinced it can only get worse and why you must accept that Barston residents are experiencing the discomfort and nuisance of absolute noise, which is the criterion that should have been used for this decision and there is both a legal case and a strong sense of injustice and Barston will continue to pursue this matter until fairness and even-handedness prevails.

Yours sincerely,

Rowena Lyon  
Councillor, Barston Parish Council

Attachments:

Stuart Dryden Report on Environmental Assessment  
Rupert Taylor Report  
Independent Noise Monitoring Report - Randtex

Advice note from John Steel QC