

**IN THE HIGH COURT OF JUSTICE**

**Claim No. CO/3151/2017**

**QUEEN'S BENCH DIVISION**

**ADMINISTRATIVE COURT**

**BETWEEN:**

**THE QUEEN  
on the application of  
PLANE JUSTICE LIMITED**

**Claimant**



**-and-**

**THE CIVIL AVIATION AUTHORITY**

**Defendant**

Royal Courts of Justice

**-and-**

**GATWICK AIRPORT LIMITED**

Transaction: 1209895  
Fee Code : ADMIN 2.5(a)  
Fee : £100.00  
Operator : P OSEI- KUEFOUR  
Dated : 17/01/2018 11:28:08  
Payment Mtd:

**CONSENT ORDER**

*In accordance with PD (Administrative Ct: Uncontested Proceedings) (QBD) [2008] 1 WLR 1377*

**BY CONSENT IT IS ORDERED that:-**

1. This claim for judicial review is allowed and the decision of the Defendant to confirm implemented modified RNAV SIDs and to approve for implementation the corrected conventional SIDs for departure Route 4 from Gatwick taken on 7 April 2017 ("the Contested Decision") is quashed on the grounds set out in the schedule to this Order.
2. The Defendant do pay the costs of the Claimant in respect of this claim in the sum of £35,000, to be paid within 21 days of the date of filing of this order.

*By the Court*

SCHEDULE

3. The Claimant challenges the Defendant's decision of 7 April 2017 to confirm implemented modified RNAV SIDs and to approve for implementation the corrected conventional SIDs for departure Route 4 from Gatwick ("the Contested Decision").
4. The Defendant agrees that the Contested Decision should be quashed on the basis that (1) magnetic drift was not the predominant factor causing displacement of Route 4 from the NPR; (2) the Defendant accepts that it ought to have taken the value of preserving the existing patterns of traffic and the value of leaving the route in its 2012 location into account and given weight to that; (3) the consultation was deficient.
5. The Interested Party does not object to the quashing of the Contested Decision.

Dated this                      day of                      2018.

Signature ..... *Rory Ferguson*

..... RORY FERGUSON, SOLICITOR

Civil Aviation Authority (Defendant)

Dated: 19<sup>th</sup> January 2018

Signature ..... *RS*

..... *Richard Buxton*

Richard Buxton Environmental and Public Law (for the Claimant)

19B Victoria St

Cambridge CB1 1JP

Dated: 11. Jan 2018.

ref: NVA1-001

*By the Court*

Signature .....

.....  
Gatwick Airport Limited (Interested Party)

Dated: 18<sup>th</sup> January 2018

ADMINISTRATIVE COURT OFFICE  
BY CONSENT ORDER AS ASKED  
06 FEB 2018  
*Colin Lamb*  
CAG. J Lamb AG LAMPH  
in exercise of powers  
delegated by the  
President of the QBD  
CAG LAM + 54. 1A

*By the Court*

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**GATWICK AIRPORT LIMITED**

Interested Party

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**SHORT FORM STATEMENT  
IN SUPPORT OF CONSENT ORDER  
QUASHING PLANNING PERMISSION**

*In accordance with PD (Administrative Ct: Uncontested Proceedings) (QBD) [2008] 1 WLR 1377*

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1. This Statement is provided in accordance with section 1 ("Determination of Proceedings") of the Practice Direction (Administrative Court: Uncontested Proceedings) (QBD) [2008] 1 WLR 1377.
2. The Claimant seeks an order quashing the Defendant's decision of 7 April 2017 to confirm implemented modified RNAV SIDs and to approve for implementation corrected conventional SIDs for departure Route 4 from Gatwick ("the Contested Decision").
3. The Claimant's pleadings refer to both the modified Route 4 RNAV SIDs and the designs for the corrected Route 4 conventional SIDs approved by the Contested Decision as "the Modified Route 4 SIDs".
4. The Court will see the Claimant's case from its Detailed Statement of Grounds but, in summary, two grounds of challenge are advanced:

- (1) The Defendant misinterpreted or misapplied the Secretary of State's January 2014 Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions ("the 2014 Guidance"), which it was required to take into account pursuant to s.70 of the Transport Act 2000, under which 2014 Guidance, amongst other things:

*'b. where options for route design below 4,000 feet (amsl) are similar in terms of impact on density populated areas the value of maintaining legacy arrangements should be taken into consideration'*

The Claimant's argument being that the Defendant had failed to take 'the value of maintaining legacy arrangements' into account and, in fact, had attached no weight at all to the value of preserving the existing patterns of traffic.

- (2) The Defendant failed to require the Interested Party, Gatwick Airport Ltd, to consult adequately in the course of making the Contested Decision.
5. The Defendant accepts that magnetic drift was not the predominant factor causing displacement of Route 4 from the NPR; concedes that it ought to have taken the value of preserving the existing patterns of traffic and the value of leaving the route in its 2012 location into account and given weight to that; also, that the consultation was deficient and consents to the quashing of the Contested Decision on those bases.