



Meeting note

Status	Final
Author	The Planning Inspectorate
Date	9 January 2020
Meeting with	Independent Commission on Civil Aviation Noise (ICCAN)
Venue	Planning Inspectorate offices, Bristol
Meeting objectives	Introduction and general process meeting
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (PA2008). Any advice given under s51 would not constitute legal advice upon which applicants (or others) could rely.

ICCAN introduction and overview

The Independent Commission on Civil Aviation Noise (ICCAN) introduced itself as a non-statutory, advisory body created to provide independent, impartial advice to government, regulators and the UK aviation industry. ICCAN distinguished itself from the proposed Independent Aviation Noise Authority (IANA) as described in the 2015 Airports Commission report. Following consultations undertaken by the Government in 2016 and 2017, it decided to establish ICCAN as a non-statutory advisory body rather than a statutory enforcement body such as IANA.

ICCAN displayed a PowerPoint presentation introducing its members, work so far, corporate strategy, two-year plan and longer term aims. The presentation slides are provided at **Annex A**. ICCAN highlighted that it planned to make recommendations on the future model of aviation noise regulation, and ICCAN's role within it, as part of a review its role at the end of its two-year plan, in line with discussions with the Department of Transport (DfT).

ICCAN explained that it had been operating since January 2019. ICCAN explained that it was in the process of appointing a panel of experts to advise its board.

Whilst being explicitly referenced in the Airports National Policy Statement (ANPS), which relates to the proposed expansion of Heathrow (third runway), ICCAN clarified that its remit extended to aviation schemes throughout the United Kingdom. ICCAN

highlighted that it had engaged with a number of airport developers and community groups in respect of aviation noise issues across the UK.

In relation to the expansion of Heathrow project, ICCAN stated that it had met with Heathrow Airport Ltd (HAL), the Heathrow Strategic Planning Group (HSPG), Heathrow Community Engagement Board (HCEB) and many community groups and individuals. ICCAN also published a formal response to HAL's Statutory Consultation in September 2019, which is available here: <https://iccan.gov.uk/iccan-response-heathrow-airport-expansion-consultation-sept-2019/>.

ICCAN stated that it had attended meetings of the Heathrow noise envelope design groups as an observer, and had been invited to observe the same at Luton airport, highlighting that it had not become a working member of such groups in order to maintain its independent status, which it considers to be a critical part of its function. ICCAN briefly outlined its relationship with other organisations including Public Health England and the Civil Aviation Authority (CAA) and engagement to date.

Trends in future aviation technology were discussed. ICCAN noted that it monitors development in technologies such as supersonic planes and electric aircraft. The potential timeline for introduction of such technologies was discussed.

PA2008 process

The Inspectorate displayed a PowerPoint presentation, provided at **Annex B**, which explained the various stages and associated timeframes of the PA2008 process and highlighted those stages that have clearly defined statutory deadlines attached to them.

The Inspectorate set out that the PA2008 process is frontloaded where applicants conduct the bulk of the work, such as relevant environmental assessment and consultation, before submission to offer certainty over what is being applied for. ICCAN asked how long the Pre-application stage lasts. The Inspectorate advised there was no statutory timeframe associated with Pre-application, noting that it would typically be no less than a year.

ICCAN queried the basis for defining a project as a Nationally Significant Infrastructure Project (NSIP). The Inspectorate advised that the PA2008 sets out the criteria and thresholds that define what makes a scheme an NSIP. The Secretary of State (SoS) can also make directions under s35 of the PA2008 to allow schemes deemed 'nationally significant', which fall outside the defined thresholds to be examined through the regime. ICCAN enquired how the Inspectorate is made aware of projects in Pre-application. The Inspectorate explained that applicants have a duty under s46 of the PA2008 to notify the Inspectorate before they commence Statutory Consultation.

The Inspectorate outlined the Acceptance stage: a period of 28 days (starting with the day after submission) for the Inspectorate to determine whether to allow the application to progress to examination. The Inspectorate noted the provisions of s55 of the PA2008. The Inspectorate explained that it makes the Acceptance decision under delegated authority from the SoS for Housing, Communities and Local Government.

The Inspectorate provided an overview of the Pre-examination stage and the Relevant Representation (RR) period. The statutory minimum for the RR period is 30 days; it is for applicants to determine the time given for people to register as Interested Parties (IP). The Inspectorate highlighted the factors that could affect the overall length of the Pre-examination stage included the length of the RR period and when the ExA is appointed. The Inspectorate noted that the Pre-examination stage ends at the close of the Preliminary Meeting (PM) - a procedural meeting in which all registered IPs and Statutory Consultees are invited to attend and influence how the Examination should be conducted.

ICCAN queried how long the Pre-examination stage is and who makes the decision on extending the Pre-examination stage. The Inspectorate noted that there is no statutory timeframe for the Pre-examination period, although typically it is three to four months in duration.

The Inspectorate stated that ExAs are appointed by the Inspectorate on behalf of the SoS. ExAs can be formed of single inspectors or panels of up to five inspectors. It was noted that aviation NSIPs are likely to have a panel of four to five inspectors.

The Inspectorate outlined that the six-month Examination stage is structured by an Examination Timetable. The Examination formally begins once the PM has been held. The Inspectorate emphasised that the Examination is predominantly a written process, with supplementary provision for various types of hearings.

The Inspectorate provided an overview of the different types of hearings and the triggers for when certain hearings must be held – namely Issue Specific Hearings; Compulsory Acquisition Hearings and Open Floor Hearings. The Inspectorate couldn't pre-empt the hearings held during an examination of HAL's scheme.

The Inspectorate emphasised that ExAs conduct examinations in an inquisitorial manner and decide following receipt of written submissions, what evidence requires further probing and testing through written questions and hearings.

There was high-level discussion about ICCAN's potential role in the examination process. ICCAN noted that its high-level aim to engage in examinations is set out in its corporate strategy and suggested that it may register as an IP at Pre-examination. The level of engagement anticipated at examinations was discussed.

The Inspectorate signposted to its Advice note eleven¹ (AN11) which explains how it works with public bodies and the specific roles with key statutory consultees such as Natural England and the Environment Agency are included as annexes to AN11; the possibility of a combined CAA-NATS and ICCAN annex to AN11 was discussed.

The Inspectorate explained that following the close of the six-month Examination, the ExA has three months to draft and submit its Recommendation Report to the relevant SoS, who in turn has a further three months to make a decision on whether consent is granted. For aviation schemes, the relevant SoS is the SoS for Transport.

The Inspectorate explained that applicants submit a draft Development Consent Order (DCO) on application but this may evolve during the Examination. The ExA also provides a revision of the DCO – its Recommended draft DCO - which is the best-case

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/12/Advice-note-11-v3_1.pdf

scenario to accompany its Recommendation Report. The Recommended draft DCO is provided even if consent is not recommended as the SoS may conversely decide to grant consent.

The Inspectorate advised that the SoS issues a 'Statement of Reasons', setting out its reasoning for whether consent was or wasn't granted, alongside its Decision. The SoS may also make minor amendments to the DCO. If larger changes are required, formal consultation would need to be conducted before the Decision can be issued and the implications of the changes for the examination process must be considered.

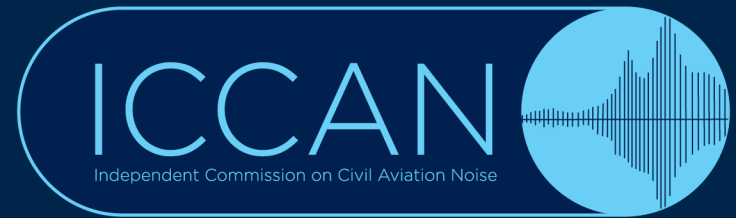
ICCAN queried which aviation scheme would be submitted next in light of HALs recent announcement of a delay to its programme for application to Late 2020. The Inspectorate stated that based on current dates set out in the Inspectorate's website it would be the London Luton Airport (LLA) expansion application, which is currently predicted for summer 2020.

The Inspectorate queried if ICCAN had engaged with other airports. ICCAN noted that it had visited and met with over 20 airports in the UK, and had further more regular engagement with LLA, HAL, Gatwick, Edinburgh and Manchester.

ICCAN noted the overlapping nature of the proposed HAL and Heathrow West applications and enquired whether the two Heathrow schemes would be examined together simultaneously. The Inspectorate highlighted that each scheme would be subject to examination and that Heathrow West was likely to lag approximately three months behind the HAL application.

Next steps

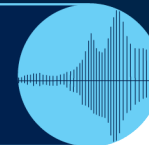
There was discussion regarding further meetings. ICCAN suggested that an engagement plan should be agreed going forward.



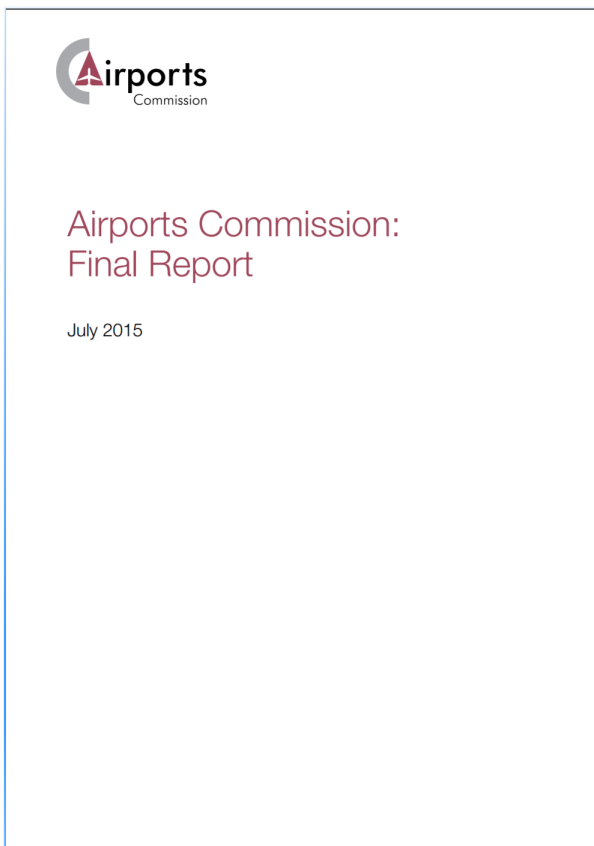
An introduction to ICCAN

Sam Hartley, Secretary to the Commission

The Planning Inspectorate
9 January 2020

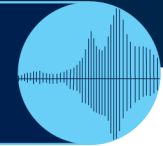


ICCAN – a potted history



ICCAN – a potted history





ICCAN Board



Rob Light, Head Commissioner

- Colin Noble, Commissioner
- Howard Simmons, Commissioner
- Simon Henley, Commissioner
- Simon Kahn, Commissioner
- Sam Hartley, Secretary to the Commission



Challenges for UK Aviation

- 30-year draft aviation strategy
- Airspace modernisation
- London & South East England
- Devolution
- Climate and air quality
- Future challenges

Aviation 2050 The future of UK aviation

A consultation



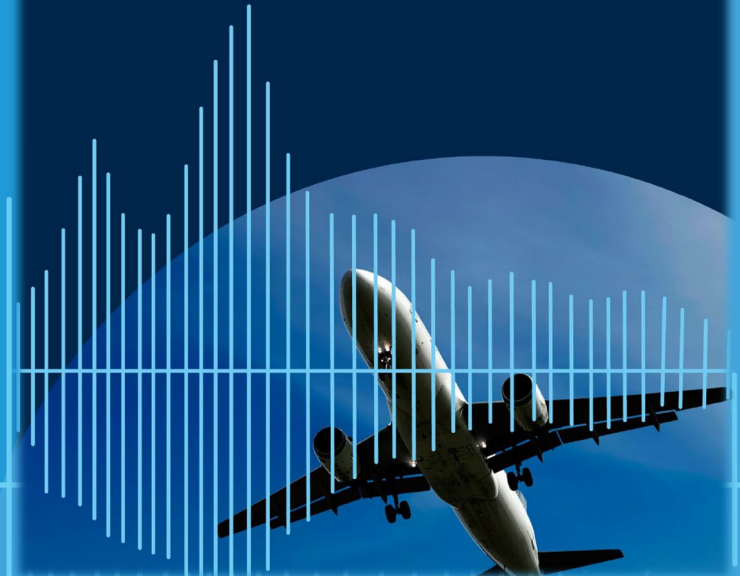


ICCAN – our work so far

- Established in January 2019
- Since met with hundreds of stakeholders
- Over 100 people commented on our priorities and plans
- Launched our 2-year Corporate Strategy in July



Corporate Strategy 2019 - 2021





Our two-year aim:

To improve public confidence and trust in the management of aviation noise, by building our expertise, credibility and profile across the UK



To improve public confidence and trust in the management of aviation noise, by building our expertise, credibility and profile across the UK

Strategic objective 1: increase trust transparency and clarity in the aviation noise debate

Strategic objective 2: promote consistency, responsibility and accountability within the industry and beyond

Strategic objective 3: establish our expertise, authority and credibility



ICCAN key plans and milestones

- Reviewing the Survey of Noise Attitudes - December 2019
- Publishing best practice for airports on how they engage and consult around airspace change - April 2020
- Producing an opinion on noise metrics - April 2020
- Publishing recommendations for regulation - September 2020

A growing profile...

The Times – News and Editorial, 7 September



Call for action to reduce aircraft noise pollution

Graeme Paton,
Transport Correspondent
September 7 2019, 12:01am,
The Times

Aviation Transport



Virgin Atlantic is among airlines that plan to retire the Boeing 747
ALAMY

Share [Email] [Facebook] [Twitter] Save [Star]

Action on the noisiest planes is needed to give hundreds of thousands of households peace from jets operating at UK airports, according to the new aviation noise watchdog.

The government should consider a series of long-term measures to regulate noise from the most disruptive aircraft, Rob Light said.

The head of the newly appointed Independent Commission on Civil Aviation Noise (ICCAN) said that national league tables could be created to name and shame individual airlines and airports responsible for the worst levels of noise. In his first interview, he said that a countrywide system of fines may be needed to penalise airlines that consistently fly into certain airports late at night, beyond their permitted operating hours.

LEADING ARTICLE
SEPTEMBER 7 2019, 12:01AM, THE TIMES

The Times view on loud aircraft: Quiet Please

New measures to encourage airlines to get rid of noisy planes are welcome



Share [Email] [Facebook] [Twitter] Save [Star]

One of the few positives to have emerged so far from the interminable saga over the proposed third runway for Heathrow is the creation of an Independent Commission on Civil Aviation Noise. The watchdog was established this year to find ways to reduce the nuisance of aircraft noise in Britain. This is an issue of importance not only to the half a million people living under the Heathrow flight path; more than a million Britons are affected by noise pollution from the country's major airports. A European Commission investigation in 2016 found clear evidence that aircraft noise pollution is associated with lower happiness and increased anxiety. With the number of flights into Britain expected to grow by 16 per cent to 2.9 million by 2030, the problem is becoming increasingly urgent.

The watchdog appears to have got off to an encouraging start. In his first interview, Rob Light, its chief executive, tells The Times today that he wants the government to consider a series of long-term measures. These include fines to penalise airlines that consistently fly into airports late at night in defiance of night-time flying bans, national league tables to name and shame the airlines responsible for the highest levels of noise pollution and greater incentives for airlines to phase out noisy aircraft such as the Boeing 747.

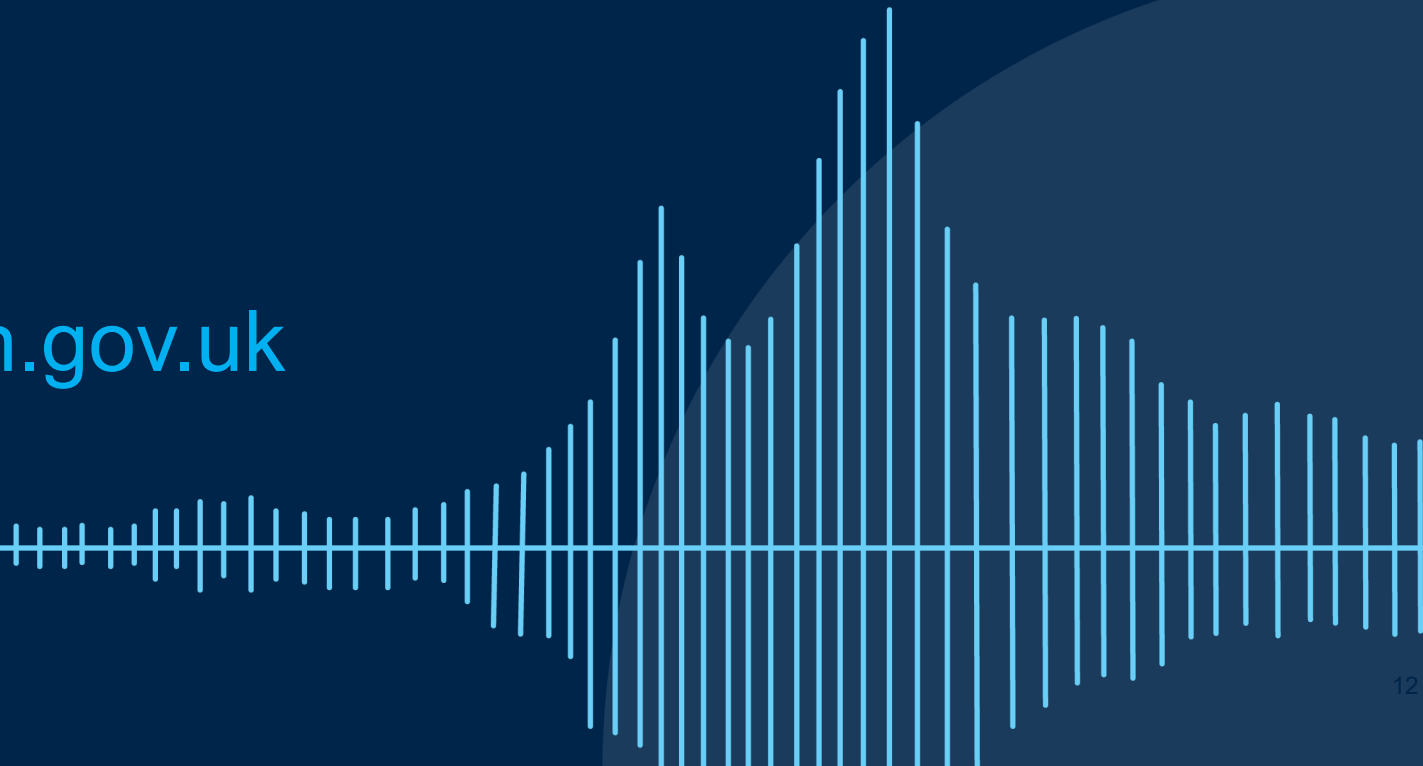


The ANPS and ICCAN's work with Heathrow

- Context of ANPS and timing of ICCAN set up
- Our work with Heathrow so far:
 - Bilateral meetings
 - Responses to consultations
 - Noise Envelope Design Group observer
- Discussions about future relationship; and with other airports
- Risks; and our role in relation to inquires/expansion determinations
- The future of ICCAN / noise advisory body / noise regulation

Questions

www.iccan.gov.uk





The Planning
Inspectorate

The Planning Act 2008 process



Principles



- Single consents regime
- Statutory timescales
- National Policy Statements
- Frontloaded
- Written process
- Inquisitorial



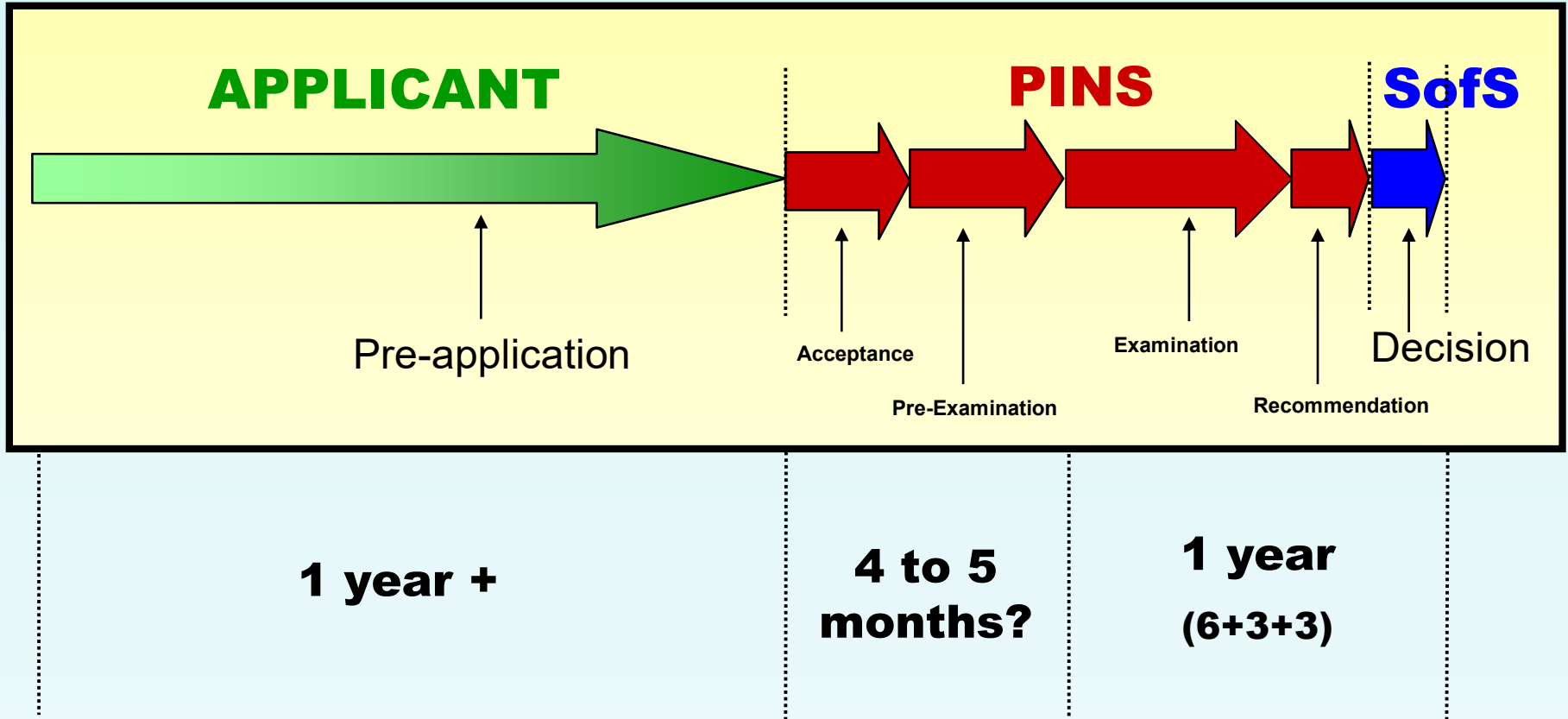
High-profile projects

- Open, transparent, impartial
- National/international interest
- Government interest
- Education – outreach
- Media/social media
- Risk management
- Resource management
- Legal challenge



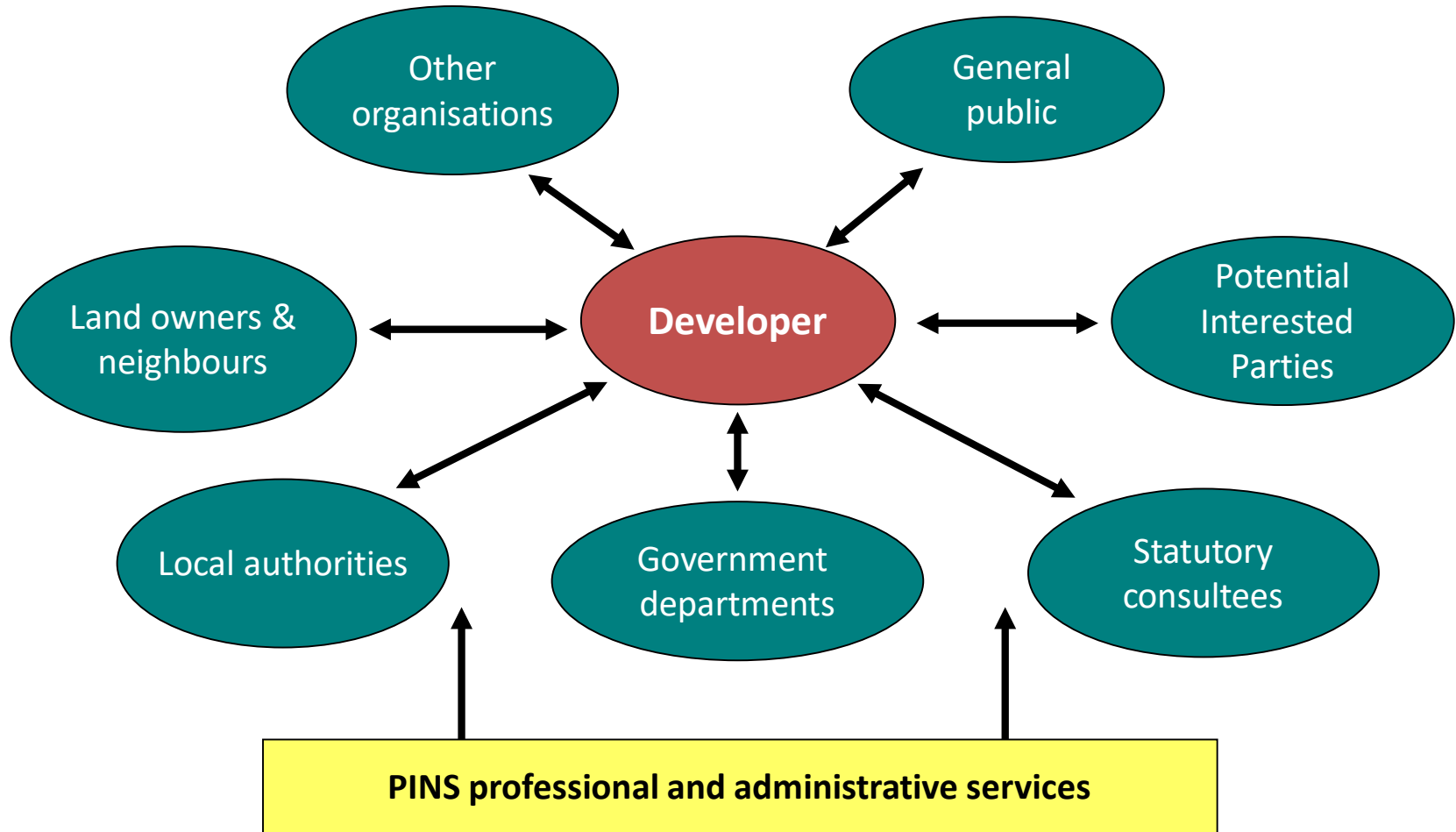


The PA2008 process





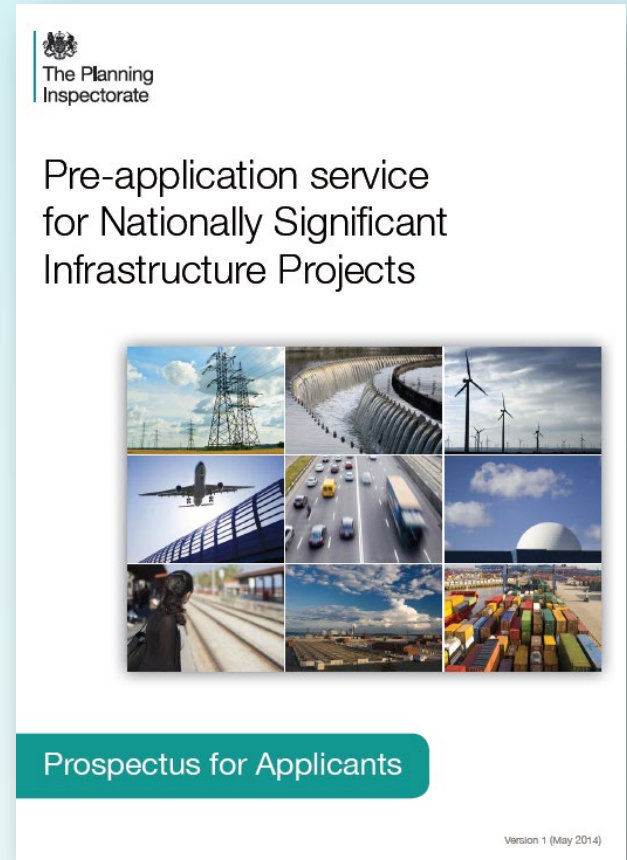
Pre-application engagement model





The Pre-application service

- Pre-application Prospectus
- **Not just for Applicants**
- s51 advice
- Outreach
- Draft documents review
- Better Pre-application engagement = smoother examination





The Applicant's role

~~UNPREPARED~~



- EIA (PEIR)
- Non-statutory/ statutory consultation
- Design evolution (mitigation)
- Assemble Order lands
- Prepare application documents
- Total application: No shocks!



Pre-application for statutory consultees

- EIA consultation bodies (Scoping)
- Statutory Government advisors
- Statutory Undertakers
- Protective Provisions
- Early and ongoing dialogue!
- Other consents/ licences
- Statements of Common Ground





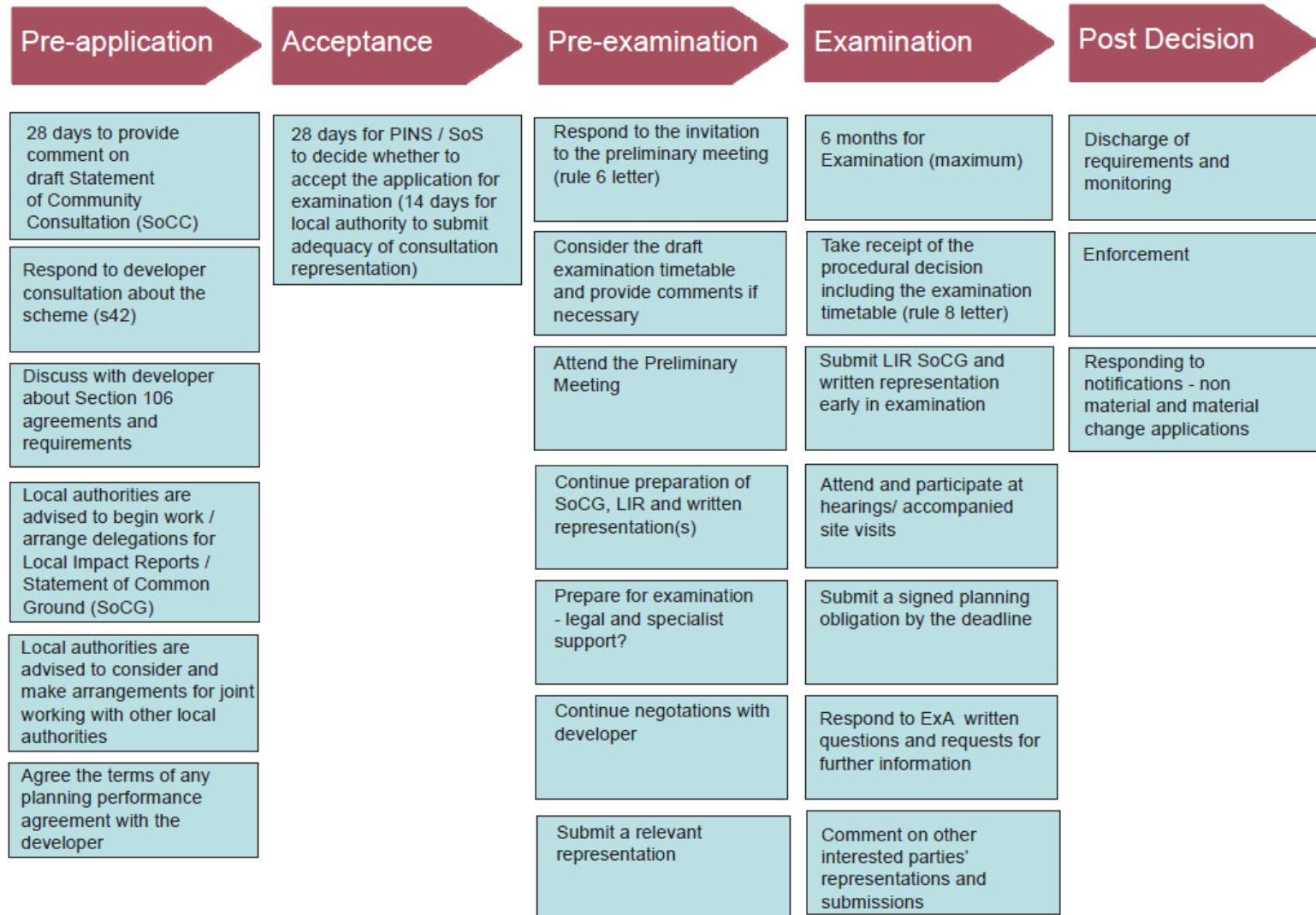
Pre-application for local authorities

- Statutory consultee
- ‘Community Champions’ (SoCC)
- Arrange delegations
- Joint working?
- PPAs?





Role of local authorities





Environmental considerations during Pre-application

- **NPS Assessment Principles**
- **Environmental Impact Assessment**
 - Secretary of State EIA Scoping Opinion
- **Preliminary Environmental Information (PEIR)**
- **Habitats Regulations Assessment**
 - Evidence Plans
- **Interest/ Access to Land (s52 & s53)**
- **Licences and permits**
- **Advice Notes**





Acceptance stage

- APFP Regulations
- 28 days to decide
- Full application
- Principal tests:
 - NSIP
 - Consultation Report
 - **Adequacy of Consultation**
 - Full suite of documents
 - Ensure all plans are correct
 - Satisfactory standard
- The Examining Authority





Adequacy of Consultation Representations

*“...“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”.
(Section 55 PA2008)*

- Invitees: s43 local authorities
- Timeline (warm-up)
- SoS must have regard
- SoCC compliance





Pre-examination

- Application accepted
- Examining Authority appointed
- **Relevant Representations**
- Initial Assessment of Principal Issues
- Preliminary Meeting
- **Local authorities**
 - Local Impact Report
 - SoCG

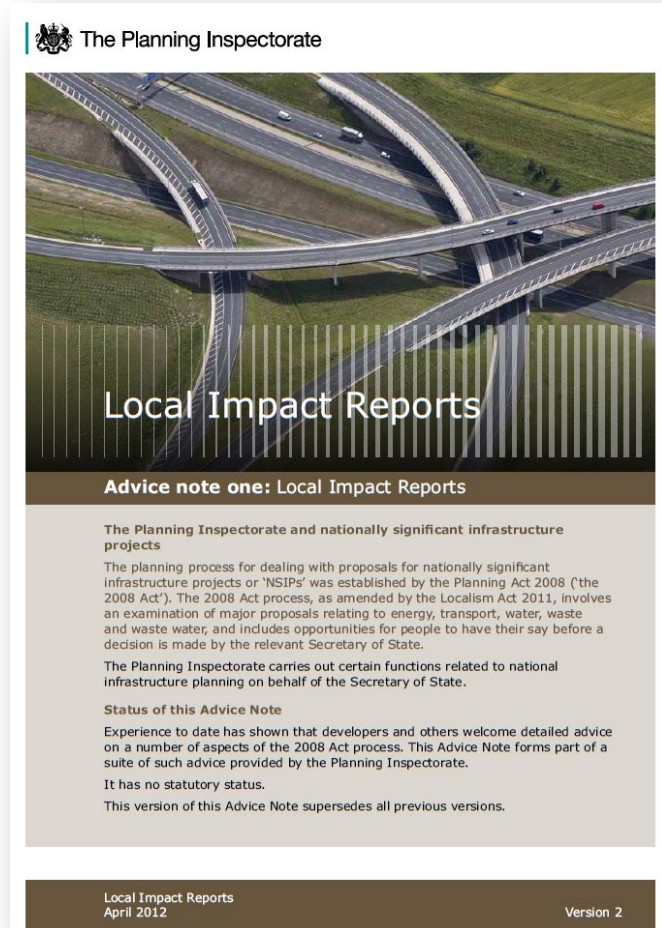




Local Impact Reports

“...a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)”.
(Section 60 PA2008)

- Invitees: s56A local authorities / Greater London Authority
- ExA and SoS must have regard
- Positive, negative and neutral impacts on local area
- Joint LIR - authorship
- Get ahead!



<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-1v2.pdf>



Environmental matters



- Environmental Statement and HRA Report
- Flexibility
- Securing mitigation
- Management/monitoring plans
- Licences and permits



Examination stage

- Six months
- Certainty
- Inquisitorial
- Relevant and important
- NPS(s)
- Local policy context



Recommendation stage

- ExA has three months to prepare and submit to SoS Recommendation Report taking account of:
 - National Policy Statement(s)
 - Local Impact Report(s)
 - Important and relevant matters
 - International obligations
- Recommended DCO included



The Recommendation Report

- Clear, consistent, structured
- Definitive
- The case for the development
- The case for CA powers
- Changes to the dDCO
- In-house QA
- Loose ends?
- **Robust to challenge**





Decision stage

- Relevant SoS has three months to take decision taking account of:
 - National Policy Statement(s)
 - Local Impact Report(s)
 - Important and relevant matters
 - International obligations
- Judicial review





Post-consent roles

- Discharging authority
- Requirement consultees
- Monitoring/enforcement
- Appeals (Advice Note 15)
- https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice_note_15_version_1.pdf
- Material/non-material changes





Legislation, guidance and advice

National Infrastructure Planning

[Cymraeg](#) [FAQs](#) [Contact](#) [Sitemap](#)

Enquiries: 0303 444 5000

The screenshot shows the website's navigation menu with the following items: Home, Projects, Application process, Legislation and advice, and Help. The 'Legislation and advice' menu is expanded, showing sub-items: Legislation, Guidance, Advice notes, National Policy Statements, Consents Service Unit, and Register of advice. A search bar is located in the top right corner with a 'Search' button. Below the navigation, there is a banner image of wind turbines and a 'Welcome to National Infrastructure' section with introductory text. At the bottom of the screenshot, there is a search box for project names and a 'Go' button.

- Planning Act 2008 and Regs/Rules
- DCLG Guidance (statutory)
- PINS Advice notes (non-statutory)

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/>



The Planning
Inspectorate

Questions?

