



Meeting note

Status	Final
Author	The Planning Inspectorate
Date	1 February 2019
Meeting with	Civil Aviation Authority (CAA)
Venue	CAA offices, London
Meeting objectives	Meeting to discuss Airspace matters specifically in respect of NSIP aviation projects
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 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Engaging in the planning process

The Civil Aviation Authority (CAA) provided a brief overview of their statutory functions including the Airspace Change Process, economic regulation and air traffic and aerodrome safety. The CAA distinguished between its function as a statutory consultee for the purposes of a Development Consent Order (DCO) and its regulatory role, highlighting that many of its regulatory decisions would follow any grant of development consent. The potential for the CAA to be engaged in different processes during a DCO examination were discussed eg Airspace Change.

In respect of noise, it was noted that CAA are statutory expert advisors to the Secretary of State and a statutory consultee to any relevant DCO process, but that the Independent Commission on Civil Aviation Noise (ICCAN) was now active. The CAA's regulatory function to decide the design of airspace (if consent is granted, changes which will be necessary for the proposed development to be utilised) requires the CAA to form a view on the noise impact of the change (and the health impacts of that noise) and to take that into account (along with other statutory duties) before making a decision on whether to approve the change.

CAA noted that it was actively engaged in multiple proposals that were progressing under PA2008 regime. The discussion did not cover matters that were subject to live examinations, however did note the purpose of hearings and Examining Authority Questions that were key parts of an examination of a DCO application. The discussion also noted the role and purpose of Statements of Common Ground and Letters of No Impediment to an examination; the Inspectorate noted that they should not necessarily be seen as alternatives and stressed that the former does carry statutory weight.

CAA outlined the various mechanisms by which it was engaging with promoters of PA2008 schemes particularly in respect of the dependencies and interactions of the regulatory processes.

Economic Regulation

CAA provided an explanation of its economic regulatory function, contained in the CAA Act 2012, and an overview of the licencing process in respect of the operation of Heathrow and Gatwick Airports.

The CAA explained the economic regulatory framework under the CAA Act 2012. The regulatory framework works to control the costs that a licensed airport operator can charge its airline customers through a price control condition that caps the maximum amount that can be charged. The distinction between CAA's economic regulatory function and the information and recommendation that any Examination Authority would make was discussed. The role of a Funding Statement in PA2008 was noted.

Airspace Modernisation Programme

CAA explained the Airspace Modernisation Strategy and the Airspace Modernisation programme. CAA noted the key stakeholders in this process and gave an indication of how it might interact with any PA2008 statutory processes.