



Meeting note

File reference

Status	Final
Author	The Planning Inspectorate
Date	5 March 2020
Meeting with	Civil Aviation Authority (CAA)
Venue	Teleconference
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.

Heathrow Third Runway Timescales

The Inspectorate acknowledged the recent High Court judgment relating to the Airports National Policy Statement (ANPS) and queried whether there could be implications for Heathrow Airport Limited's (HAL) application under the Airspace Change Process (ACP). The CAA noted that it was for a sponsor [airport] to submit an ACP application and stated that it had not received an update from HAL in this respect. However, CAA noted that the timescales for an application under the ACP are separate from the timescales for an application for a Development Consent Order (DCO).

Potential use of a CAA Position Paper

The CAA explained that it had been considering how to engage with any future examination of an airport application, including models of engagement such as Statements of Common Ground (SoCG) and Letters of No Impediment (LoNI). The Inspectorate suggested it was helpful for CAA to consider the form through which it could achieve a consistent approach to providing examining authorities context and advice on complex issues that crossed over decision-making and regulatory regimes. In lieu of a SoCG / LoNI, the CAA plan to draft a hybrid 'Position Paper' as the most beneficial way of sharing information on the role and remit of the CAA, the context of the Airspace Modernisation Programme, matters agreed between parties and a section

comprising bespoke content for the specific DCO application to which they related. It was noted that the situation would invariably evolve over time so that each position paper would need to take a view on matters on the given case at the appropriate time.

In addition to a future application by HAL, the Position Paper approach could be used for other airport applications such as the emerging applications by London Luton Airport Limited (LLAL) and Gatwick Airport Limited (GAL). It was noted that both schemes would be submitted under s105 of the PA2008 (where no relevant National Policy Statement has effect).

HAL's Noise Envelope

The CAA queried how the Inspectorate would undertake consideration of HAL's assessed noise envelope. The Inspectorate explained that the Examining Authority (ExA) would be responsible for evaluating the noise envelope accompanying any application for a DCO. The Inspectorate highlighted that the ANPS provided criteria regarding the matters that the ExA would need to take into account when considering the noise envelope. It was also noted that the Independent Commission on Civil Aviation Noise (ICCAN) was due to issue relevant guidance in April 2020 regarding noise metrics. The Inspectorate noted that the final Aviation Strategy would likely also include information on noise metrics

The Inspectorate queried what role the CAA had had in setting noise limits for airports under regimes other than the PA2008 regime. The CAA explained that local planning authorities set the limits but the CAA can have a role providing evidence for them to do so. The Inspectorate welcomed the CAA's consideration that it would be as helpful as possible to any examination in respect of advice to an ExA on these matters, but firmly within its regulatory capacity. There was discussion regarding the enforceability of a noise envelope. The Inspectorate stated that in the absence of an application it would be unable to comment on the controls or sanctions placed on a noise envelope.

Future Engagement

It was agreed that the frequency of bilateral engagement between the Inspectorate would remain under review.