



Meeting note

File reference	Heathrow Expansion
Status	Final
Author	Richard Price
Date	26 June 2017
Meeting with	Heathrow Airport Ltd
Venue	Offices of the Planning Inspectorate, Bristol
Attendees	Heathrow Airport Ltd Ian Frost – Head of Planning Simon Earles – Consents Director (Expansion) Jonathan Deegan – Head of Acquisition and Compensation George Davies – Head of Expansion Sustainability and Environment Peter Leeming – Head of Airfield and Airspace Anita Kasseean – Head of Legal (Expansion) Fiona Ross – Solicitor (Expansion) The Planning Inspectorate Gareth Leigh - Infrastructure Planning Lead Richard Price - Case Manager, National Infrastructure David Price – EIA and Land Rights Manager Richard Hunt – Senior EIA and Land Rights Advisor Paul Hudson – Examining Inspector
Meeting	EIA parameters approach and project update
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate advised on its openness policy, explaining that any advice given would be recorded and placed on the Planning Inspectorate's website under section 51 of the Planning Act 2008 (as amended) (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Personnel

Gareth Leigh introduced himself as the Planning Inspectorate's new interim Infrastructure Planning Lead with sector responsibility for transport. Gareth explained that he was on loan to the Planning Inspectorate from the Department for Business, Energy and Industrial Strategy for a period of nine months.

Simon Earles explained that he would be leaving Heathrow Airport Ltd (HAL) in August 2017 and that HAL were in the process of recruiting for a replacement Consents

Director. Anita Kasseean had recently joined Heathrow as Head of Legal (Expansion Team).

Managing airspace change through the Development Consent Order process

HAL summarised its strategy for redesigning airspace in conjunction with the preparation and examination of its application for a Development Consent Order (DCO). There are various interactions between the Airspace Change Process (ACP) and the PA2008 process, as explained below.

HAL explained that the Civil Aviation Authority (CAA) was in the process of consulting on new guidance for the ACP (CAP1520). The new guidance was expected to replace the CAA's extant guidance (CAP725) in Q4 2017. HAL would therefore progress its airspace redesign programme adhering to the emerging guidance in the draft CAP1520.

The draft CAP1520 establishes a more transparent ACP where all application documentation is published, and which encourages applicants to seek iterative formal feedback from the CAA throughout the process. This is achieved through a gateway-type quality assurance model. Environmental Impact Assessment (EIA) in the ACP is embedded within and governed by the guidance. Appendix B to the draft CAP1520 codifies the technical environmental requirements of the ACP.

HAL's application through the ACP would follow a three-step consultation programme with decision gateways, dealing first with design principles and components in 2017. This consultation would take place in conjunction with HAL's non-statutory consultation on the DCO application. The second ACP consultation concerning airspace focussing on "route design envelopes" (together with indicative prototype routes) would take place in 2018. This consultation would take place in conjunction with HAL's statutory consultation in respect of the DCO application. A final ACP consultation dealing with specific flight path options would take place following the Secretary of State's decision about whether development consent should be granted.

HAL summarised the various complexities in respect of assessing noise impacts of the Proposed Development. The airspace "route design envelopes" developed for the second ACP consultation will define the area within which the final route would be positioned. Early indicative prototype routes will be drawn within each route design envelope and the combinations of selected prototype routes from each route design envelope will be used to inform noise modelling of the most likely worst case scenarios for the overall airspace design, as well as sensitivity testing.

These route design envelopes would be subject to refinement through the EIA and ACP before the final DCO application is submitted. HAL explained that the draft Airports National Policy Statement recognises that the precise detail in respect of specific routes will be determined via the ACP and likely to be after any DCO decision.

HAL briefly explained the process in respect of CAP1520, pointing out the gateway decision making approach. HAL confirmed that the EIA assessment will be based on the indicative prototype routes under CAP1520. HAL considers that this will satisfy the requirements of the examination of the application for development consent. The final airspace design would be subject to a rigorous iterative process of consultation and environmental assessment in line with the International Civil Aviation Organisation

(ICAO) balanced approach to noise management and the CAA's airspace change process.

HAL highlighted that in addition to the Heathrow Expansion ACP process, an overlapping higher level ACP process was also ongoing, covering London and south east England.

Land access update

HAL summarised its progress in respect of identifying land interests and securing entry to land for the purpose of environmental and intrusive surveying. Despite being refused access to some land by a limited number of interests, HAL was confident that it had been able to gather enough data to satisfy its environmental surveys for Spring 2017.

For future surveys HAL would require access to land to which it was currently being denied access. If attempts to negotiate access continued to be unproductive, HAL would seek to be granted authorisation to access land through the powers in section 53 (s53) of the PA2008. The Planning Inspectorate advised that s53 powers are intended as a last resort. HAL should take care to demonstrate in any application(s) that all reasonable steps had been taken to reach agreement through private treaty. Further advice in respect of preparing and submitting an application under s53 of the PA2008, including likely timescales, is available in the Planning Inspectorate's [Advice note five: Section 53 – Rights of entry](#).

Scoping category 3 interests

HAL summarised its methodology in seeking to identify persons who could be entitled to make a relevant claim for compensation. That methodology would underpin HAL's demonstration of diligent inquiry in compiling its list of statutory consultees under s42(1)(d) of the PA2008.

The Planning Inspectorate drew attention to the wording in s44(4) of the PA2008 which infers a judgement which must be made by Applicants. Persons not identified by an Applicant as a category 3 interest, and who have not made a Relevant Representation but think they would be entitled to make a relevant claim, may apply to an appointed Examining Authority to become an Interested Party under s102A of the PA2008.

Schedule update

HAL updated that as there will necessarily be some rearrangement of parliamentary timetables following the 2017 General Election, it expected that its non-statutory consultation exercise would likely move to Q4 2017.

Stakeholder engagement update

HAL confirmed that a memorandum of understanding (MoU) had been signed with the Heathrow Strategic Planning Group (HSPG), including local authorities; Local Enterprise Partnerships; and the Colne Valley Partnership (CVP)¹. The MoU is intended as an interim arrangement prior to the establishment of longer-term service level

¹ HAL had agreed to fund a Mitigation Officer for CVP, recruitment for which was underway

agreement (SLA). HAL had also carried out targeted consultation on its Masterplan Scheme Development Manual with the HSPG and other key stakeholders.

HAL also confirmed that SLAs were in place with CVP and with Natural England and that SLAs would also shortly be in place with the Environment Agency, Highways England and Historic England. HAL confirmed that technical work with each body was now underway. The Planning Inspectorate noted the pivotal role that statutory environmental bodies play in advising the Examining Authority and the SoS. The Planning Inspectorate advised HAL to work closely with statutory environmental bodies and to keep a detailed account of agreements made as this may support procedural matters later in the process eg EIA scoping stage or in preparing Statements of Common Ground.

AoB

The Planning Inspectorate advised that the publication of its advice note dealing with the Water Framework Directive was imminent [Advice note eighteen: The Water Framework Directive was published on 29 June 2017 and is available to view here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>]

HAL informed the Planning Inspectorate that it had appointed two expert-led review groups to consider appropriate methodologies in respect of the assessment of noise and air quality impacts. The findings of the group would inform future consultation with local authorities and other consultees. The Planning Inspectorate asked the Applicant to explain the role and function of these groups including how they would interact with local authority representatives. The Planning Inspectorate emphasised the need to ensure that due regard is given to consultation responses including those relevant to chosen methodologies. HAL stated that consultation would be used to inform the methodological approach including through the HSPG.

In respect of HAL's assessment of cumulative impacts, thoughts were still at an early stage. The Planning Inspectorate drew attention to its [Advice note seventeen: Cumulative effects assessment](#) which provides a framework for the assessment.

Specific decisions/ follow up required?

- The Planning Inspectorate and HAL to programme monthly meetings commencing from the end of July 2017