



## Meeting note

<b>Project name</b>	Expansion of Heathrow Airport (Third Runway)
<b>File reference</b>	TR020003
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	5 December 2017 (11.00 am)
<b>Meeting with</b>	Heathrow Airport Ltd (HAL) and the Civil Aviation Authority (CAA)
<b>Venue</b>	BLP, Adelaide House, London Bridge, London EC4R 9HA
<b>Attendees</b>	See annex
<b>Meeting objectives</b>	Tripartite meeting to establish role of the Civil Aviation Authority as a statutory consultee
<b>Circulation</b>	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.

### HAL's proposals

HAL confirmed its expectation that an application for development consent would be made in early 2020 leading to a decision hopefully in late 2021, which if positive would mean the third runway could be operational by the end of 2025.

HAL summarised its Pre-application consultation programme. Non-statutory consultation (Consultation 1) would be carried out in Q1 2018 and statutory consultation (Consultation 2) would take place in Q1/ Q2 of 2019.

HAL explained that Consultation 1 would constitute an options consultation dealing principally with strategic approaches to key issues (eg noise, air quality, surface access) and design options (eg airside infrastructure, the local road network, displaced uses). It would also include consultation on discretionary property compensation policies. If the Airports National Policy Statement (ANPS) was designated in mid-2018, and in broadly the same form as the revised draft consulted on between October and December 2017, Consultation 2 was envisaged to comprise HAL's preferred scheme, and would request feedback on its development following consideration of responses to Consultation 1.

Consultation 1 would take place concurrently with HAL's first consultation under the CAA's airspace change process (ACP) designed to meet the engagement requirements of Stage 1 of that process. HAL anticipated that the same approach



would apply to Consultation 2 with a second consultation on airspace design issues taking place in parallel.

HAL stated its intention to request an Environmental Impact Assessment (EIA) Scoping Opinion from the Inspectorate in spring/ summer 2018.

### **CAA policy and statutory functions**

The CAA explained its relevant roles including:

- Economic regulation (setting price controls to further the interests of passengers and cargo owners).
- Safety regulation.
- Airspace regulation (which includes deciding on changes to airspace design through the airspace change process).

The CAA summarised its current regulatory functions and airspace strategy against which all proposals to change airspace design are currently assessed. The CAA explained that its Airspace Strategy to modernise the UK's airspace would be updated, and that designation of the ANPS would fundamentally impact upon the next stages in developing and implementing that strategy.

The CAA clarified the role of its Environmental Research Consultancy Department (ERCD) which sits within CAA. ERCD makes noise calculations for government and for third parties at their request (for example ERCD carried out some work for the Airports Commission). Third parties (such as airports) can procure calculations produced by ERCD to inform their own assessments including for the purpose of proposing a change to airspace design to the CAA.

The CAA is also a statutory consultee in the PA2008 process. The CAA wished for it to be acknowledged that it was participating in this series of advice meetings whilst noting that the ANPS had not yet been designated. However, the CAA considered that new capacity is in the consumers' interests and would carry out its functions in that context. Equally notwithstanding the potential designation of the ANPS in a form similar to the current draft, the possibility of a third party bringing forward proposals for all/ part of the development was not excluded and if arrangements for that emerged, the CAA would also engage actively with them.

The CAA acknowledged HAL's work to date in keeping CAA informed on how HAL intended to run all the necessary processes towards delivering an operational third runway, including the early information on airspace design process work. HAL stated that it would be useful for the designated ANPS to provide clarification about how the CAA should engage with the PA2008 process in respect of all of the CAA's functions.

### **Environmental Impact Assessment**

HAL explained that its second Development Consent Order (DCO) consultation (Consultation 2) would reflect the development of route design envelopes and



prototype routes through the ACP process, by the provision of 'likely significant effects' for environmental assessment purposes. The CAA said that it would

welcome more information on the design envelopes concept in order to understand how that fitted alongside the requirements for design work under the ACP. The likely significant environmental effects (information required as part of the DCO process) would be identified for the purposes of Consultation 2 (particularly in the Preliminary Environmental Information Report) and then reflected in HAL's DCO application. Whilst further consideration was required in terms of how the DCO documents would deal with the DCO and ACP interrelationship, it was anticipated that Requirements included in the DCO would refer to HAL's developed Noise Envelope, with which the specific flight paths subsequently developed would have to be compatible. A final statutory 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 its intention to ensure that government noise policy was achieved by establishing obligatory performance, roles and responsibilities through a mitigation matrix secured in the DCO by Requirements. The Inspectorate advised HAL to consider carefully how interim airspace changes would inform an incremental change to its assessment baseline.

### **CAA and HAL engagement plan**

The CAA explained that it had considered the stages of engagement in the PA2008 process, from Pre-application to Examination, and beyond. In anticipation of the Examination the CAA had been considering the role and approach of other regulators such as the Environment Agency and Natural England and whether the CAA could follow a 'letter of no impediment' (LoNI) or similar process.

HAL clarified that whilst the concept of a 'LoNI' was associated with Natural England and the Habitats Regulations, HAL agreed with the principle of a LoNI equivalent. The Inspectorate confirmed that the Examination would be looking for a similar approach from the CAA in this application. The potential to capture resolved and unresolved issues in the form of a Statement of Common Ground and its assistance in providing information to the CAA to enable it to reach a position equivalent to a LoNI was also discussed.

The CAA and HAL agreed to develop an engagement plan via a series of bilateral meetings to facilitate the CAA's participation in the PA2008 process as a statutory consultee. This would include the process for the provision of information and likely DCO Requirements and would cover all three areas of the CAA's functions (as summarised above) and the interaction between HAL's proposals and those functions in working towards a 'LoNI'-equivalent position.

Further engagement was also required to explore the CAA's role as a consultee and/ or discharging authority in respect of any Requirements included in HAL's DCO.



## **AoB**

The Inspectorate and the CAA agreed to progress arrangements for a suite of workshops relating to the CAA's statutory functions and the PA2008 process, which would take place in January 2018. The CAA requested for the Inspectorate's contribution to include an exploration of how DCO Requirements are designed, examined and implemented and also to engage on the interactions between the planning process and the CAA's regulatory roles.

## **Specific decisions/ follow-up required?**

The following actions were agreed:

- HAL to establish an engagement plan with the CAA and to lead on scoping contents and timeline as a first step.
- The Inspectorate and the CAA to establish dates for workshops on relationships between the CAA's statutory functions and the PA2008 process.



**Meeting attendees**

<b>Organisation</b>	<b>Name</b>	<b>Role</b>
The Planning Inspectorate	Richard Price	Case Manager
	Susannah Guest	Infrastructure Planning Lead
	Richard Hunt	Senior EIA and Land Rights Advisor
	Paul Hudson	Examining Inspector
Civil Aviation Authority	Imogen Brooks	Legal
	Rory Ferguson	Legal
	Stu Lindsey	Airspace Policy
	Freya Whiteman	Economic Regulation
	Andrea Goldsmith	Airspace Policy
	Darren Rhodes	Environmental Research Consultancy Department
Heathrow Airport Ltd	Ian Frost	Head of Planning
	Daniel Freiman	Head of Legal, Expansion
	Robbie Owen	Partner, Pinsent Masons
	Guillermo Ardila	Regulatory Strategy Manager
	James Marshall	Partner, Berwin Leighton Paisner
	Richard Greer	Director, Arup
	Jane Dawes	Head of Airspace Strategy
	Peter Leeming	Head of Airfield and Airspace
	James Trow	Managing Director, Noise Consultants Limited