



Meeting note

Project name	Expansion of Heathrow Airport (Third Runway)
File reference	TR020003
Status	Final
Author	The Planning Inspectorate
Date	15 March 2019
Meeting with	Heathrow Airport Limited
Venue	Temple Quay House, Bristol
Meeting objectives	Project update 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 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Policy Update

The discussion noted the progress on the Civil Aviation Authority's (CAA) Economic Regulation at Heathrow consultation paper (CAP 1722 and 1769). The potential role of the CAA in any future development consent order examination was discussed in respect to the Applicant's current stakeholder engagement programme in the Pre-application stage.

The Applicant provided an update on the process currently running through the High Court in respect of the challenges against the Airports National Policy Statement. It was anticipated that the judgement might be made towards the end of May 2019. The Applicant confirmed that work towards statutory consultation in the summer would not be unduly delayed by waiting for the outcome of the challenge process.

The Applicant noted the current status of several policy documents including the evolving Aviation Policy Strategy, the hearings for the London Plan examination in public and the Hillingdon Local Plan.

The Inspectorate enquired about the progress of the Heathrow Strategic Planning Group on the Joint Evidence Base Infrastructure Study. The Applicant explained that the membership of HSPG were shortly looking to jointly commission an update of the Evidence Base so this can inform the preparation of a Joint Strategic Planning Framework, which it hoped could be in place before any application is submitted.

Statutory Consultation overview

The Applicant provided a brief verbal update from the non-statutory consultation held in January 2019 and closed on 4 March 2019. The Applicant explained that work will

continue to understand the responses received to that consultation in order to inform the statutory consultation scheduled for summer 2019.

The discussion noted the differences between the roles and content of a Development Consent Order (DCO) application and an Airspace Change Process application. The Applicant explained how that relationship would be articulated in the forthcoming statutory consultation for the DCO, noting that consultation for an Airspace Change Application would not be likely until after the DCO had been examined as the DCO would fix the relevant parameters to influence final airspace change designs. The discussion also included consideration of the implications of the current consultation regarding Independent Parallel Approaches.

The Applicant indicated that consideration was being given to how a DCO could respond to noise issues that had been raised as part of the non-statutory consultation. The Inspectorate queried how the noise objective related to the National Noise Policy Statement. The Applicant responded that they were seeking to translate the national policy to airport level and were wanting to reflect their own commitments to deliver respite for local communities.

The Inspectorate were interested to understand the make-up of the responses received. The Applicant provided an early indication of number of responses received via the online response form, email submissions and hard copy (paper) forms. The Applicant explained that up to 30 events had been held in total with nearly 8000 attendees.

PEIR Update

The Applicant confirmed that the statutory consultation planned for later in the calendar year would be based on an updated masterplan, noting that whilst the Red Line Boundary may have altered since the Scoping Report had been submitted, the extent of any changes were not considered of significance at this stage.

The Applicant stated that the PEIR would reflect the broad structure of the Environmental Statement to be submitted at application but that full conclusions might not be drawn at this stage.

The Applicant highlighted that a draft Code of Construction Practice was currently being shared with relevant parties.

The Applicant outlined their proposed approach to a framework for environmentally managed growth. The Applicant indicated that these proposals would form part of the statutory consultation and that consideration would be given to controlling the quantum of effects and maximum exposure levels through environmental limits, rather than a capacity cap on aircraft or passenger numbers. The Inspectorate noted that whilst the scale and context of the project were different, the Applicant should have regard to current discussions relating to controls of airport development emerging through the examination of Manston Airport. The Applicant drew the Inspectorate's attention to environmental control approaches to airport growth currently in use at other European airports such as Schiphol, Charles de Gaulle and Vienna.

The Applicant had submitted a paper in respect of the proposed approach to Cumulative Effects Assessment. The Inspectorate's advice was discussed and is included below:

Please find below our thoughts on the CEA document shared with us on 7 February 2019 with your request for s51.

On 7 February 2019, HAL (Applicant) provided the Planning Inspectorate (the Inspectorate) with a technical note titled 'Cumulative Effects Assessment: Update To Proposed Approach (January 2019)'. The note was accompanied by a request for advice regarding the making of their application and the proposed approach to cumulative effects assessment (CEA). The request follows a meeting held on 30 November 2018 at which an earlier iteration of the same technical note was discussed. The Inspectorate has had regard to the scale and nature of the Proposed Development, coupled with the complexity of the proposed assessment, and considers that it is appropriate in these discrete circumstances to provide advice on CEA.

In June 2018, the Inspectorate, on behalf of the Secretary of State issued a Scoping Opinion in respect of the Proposed Development. The Scoping Opinion is unaffected by this advice and remains the opinion of the Secretary of State as to the scope, and level of detail, of the information to be provided in the Applicant's Environmental Statement (ES). The Scoping Opinion is available at the link below.

<https://infrastructure.planninginspectorate.gov.uk/projects/london/expansion-of-heathrow-airport-third-runway/?ipcsection=docs>

The Inspectorate considers that this advice is s51 advice since it relates to the application for an order granting development consent. In having regard to this advice, the Applicant is also reminded of the advice contained in the Inspectorate's Advice Note 17: Cumulative Effects Assessment.

The Inspectorate notes that in some instances the Applicant's proposed methodological approach is not yet finalised (e.g. in relation to cumulative assessment of airspace change and refinement of exclusion criteria) but otherwise broadly addresses the matters raised in respect of cumulative effects assessment in the Scoping Opinion. Accordingly, the Inspectorate has not commented on an evolving approach and instead advises the Applicant to continue efforts to agree the approach with the relevant consultation bodies.

The Inspectorate notes that the Applicant's proposed approach relies on the application of professional judgement, particularly with regards to determining which other developments have the potential to result in likely significant cumulative effects. The Applicant is reminded that the Scoping Opinion requests that the use of professional judgement should be fully justified and evidenced in the ES.

Paragraph 1.3.3 of the document states that "The scale and complexity of the Project means that the programme has the potential to be consented via a range of mechanisms, likely to comprise a single development consent order (DCO) applied for by Heathrow, along with separate Town and Country Planning Act (TCPA) applications". The relationship between the Proposed Development included within the DCO and that which is to be delivered through other consent routes i.e. TCPA, is an important consideration to understand the impact of the project as a whole. The Applicant is advised to clearly explain these relationships and the timescales associated so that the interaction and delivery timescales are understood/assessed appropriately. The Inspectorate would welcome ongoing discussion on this matter.

The 'Heathrow response' in Table 2.1 box 218 uses the terminology 'PEIR submission' and 'ES submission'. The Inspectorate notes that the PEIR is published rather than made as a formal submission to the Inspectorate and that the ES submission forms part of the wider application for development consent. The document should adopt consistent terminology throughout.

Table 3.1 makes reference to ongoing negotiations with third parties (Network Rail) to agree necessary mitigation. The Applicant is aware that the application for a DCO should include suitable mitigation to address (as appropriate) the likely significant effects of the Proposed Development. If mitigation measures are relied upon for the purposes of the assessment they should be suitably secured e.g. by DCO Requirement, s106 agreement or another suitably robust mechanism.

Paragraph 4.3.5 states that cumulative effects will be considered for the relevant assessment years up to 2040. The Applicant's technical note does not explain the basis for applying an assessment cut-off date. The Inspectorate assumes this will be clearly explained and justified within the ES.

The Inspectorate notes that the Applicant's proposed methodological approach results in the production of a large volume of data. In the interests of proportionate assessment, it may be more appropriate for the ES baseline data accompanying the DCO application to focus on the likely significant effects of the development. For example, where it is clear that 'other developments' are located outside of the Proposed Development's zone of influence and would not contribute to a cumulative effect, the additional information within Table 4.3 may not be necessary.

Table 4.1 references permitted development. It is unclear whether this text is supposed to form part of the bullet pointed list of developments not considered to be material to the overall assessment.