



Meeting note

File reference	TR020003
Status	Final
Author	The Planning Inspectorate
Date	21 October 2019
Meeting with	Heathrow Airport Limited (HAL) and the Civil Aviation Authority (CAA)
Venue	London
Meeting objectives	Tripartite meeting to discuss and understand each participants role in relation to HAL's Development Consent Order (DCO) and Airspace Change Process applications
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.

Introductions and Overview

Each participant introduced itself, and its respective role. It was agreed that the key aims of the session were discussion and understanding of the various ways of working between CAA and HAL on the following topics: Airspace change; economic regulation, environmental impact assessment, security and aerodrome safety. CAA and HAL explained their shared workstreams and governance structures, noting that steering group meetings were on an approximately six-weekly cycle.

Airspace Change

HAL and CAA outlined significant engagement on this workstream. The Airspace Modernisation Strategy (AMS) was summarised and noted that in the south east it could affect up to 16 airports (FASI-South). The relationship between the AMS and individual airspace change applications was noted. The nature and detailed level of design needed for each of the respective processes and regimes was discussed to ensure a robust DCO examination which would secure a noise envelope that would inform the ACP. The Inspectorate reiterated that an Examining Authority (ExA), as part of the DCO process, would be looking to CAA input to confirm that to the extent it

identifies any impediments to an ACP being approved, these are capable of being properly managed.

CAA highlighted that both the assurance it provides and the DCO process itself must not unduly fetter ACP decisions as they are separate although running in parallel. A DCO could contain fixed parameters such as terminals and taxiways and could address respite regimes, night flights and movements. This would then feed into any ACP application as the options would fall within the noise envelopes / parameters assessed and secured through a DCO.

Environmental Impact Assessment

HAL noted that CAA had provided comments on the Scoping Report and provided more background into how the Airports National Policy Statement (ANPS) paragraph 5.68 relates to the noise envelope concept. HAL discussed the Noise Envelope Design Group and what could constitute the worst-case scenario for the noise assessment. HAL outlined its proposed approach of Environmentally Managed Growth particularly in respect of noise, surface access and carbon. The Inspectorate queried the approach to application of LOAEL and SOAEL, reminding the Applicant that the Scoping Opinion required consideration of the potential for exposure above LOAEL to result in likely significant effects between 4,000 and 7,000ft, where relevant.

Economic Regulation

The participants acknowledged the provisions in the ANPS but also noted the well-established engagement between HAL and CAA on economic regulation matters. CAA noted that its role in the planning process as a statutory consultee would be underpinned by the relevant text in the ANPS. CAA's primary role would be to provide its views on whether any economic regulation impediments that had been identified were capable of being managed through the regulatory regime. CAA outlined the economic regulatory regime. The distinction between CAA's economic regulatory role under the Civil Aviation Act 2012 (CAA12) and the planning requirements in the ANPS were noted. It was also noted that the ANPS explicitly differentiates between these two regimes.

In developing the economic regulatory framework for expansion at Heathrow Airport, CAA noted that it has a role in determining the extent to which HAL can pass the costs of surface access schemes on to airlines, and ultimately to passengers and cargo owners, through airport charges. CAA noted its current policy sets out the criteria for establishing the appropriate level of efficient surface access costs according to the benefits accruing to airport users. CAA noted that it did not have a role in opining on whether HAL had met relevant ANPS surface access related requirements.

The Inspectorate considered that an ExA in following the provisions of the ANPS may reasonably look to CAA to provide an opinion on whether the application is cost efficient. CAA noted there was an ongoing price control process that was operating in parallel to and extended beyond the planning process. CAA considers issues of cost efficiency, affordability and financeability through the lens of its statutory duties to consumers under CAA12. As a result, CAA's no impediments assessment would need to be appropriately caveated due to the relatively early stage of the price control process. The CAA explained that it could provide a snapshot view based on the latest available information at the time of submission which could then be updated as the price control process develops.

The role of the Funding Statement as an application document where Compulsory Acquisition was proposed under the PA2008 was outlined. The discussion also noted the various means by which CAA could usefully engage and submit information to any examination in line with the matters in the ANPS. The Inspectorate stressed that HAL should seek to agree matters with CAA in advance of submission; this would allow an ExA to understand those matters and frontload any subsequent examination.

Security

The discussion noted the provisions set out in paragraph 4.65 of the ANPS which suggests that security should be designed in from the outset and should consider future needs. CAA acknowledged the Department of Transport's (DfT) advice in Airport Security Planning Guidance and the business as usual approach and governance.

A multi-agency Security Steering Group has been set up to advise DfT (DfT could then advise the Secretary of State (SoS)). It was considered that an ExA would have a very limited interest in these areas on which the SoS would be advised directly by DfT. CAA and HAL explained that the needs of response agencies had been built into the design process and considerations such as length of time to respond to an incident had informed early design work.

Aerodrome safety

It was explained that the provisions of the European Union Aviation Safety Agency (EASA) and the International Civil Aviation Organisation (ICAO) in respect of guiding airfield design; CAP791 'Procedures for changes to aerodrome infrastructure process' are well-established. Design principles have been applied to the masterplanning process which has led to a fairly stable masterplan in respect of, for example, stand / apron area depth and width, types of aircraft taxiways can accommodate. The purpose of CAP791 is to provide a framework for the CAA to ensure what is built is safe to operate. CAA explained that it may be necessary to change or modify elements of the airfield design, perhaps to seek betterment, and these could be achieved through the permitted development rights available to an airport.