



Meeting note

Status	Final
Author	The Planning Inspectorate
Date	15 May 2020
Meeting with	No Third Runway Coalition
Venue	Teleconference
Meeting objectives	Update on expansion at Heathrow Airport
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.

Airports National Policy Statement

The No Third Runway Coalition (N3RC) noted (i) the High Court Judgement (HCJ) that had ruled parts of the Airports National Policy Statement (ANPS) unlawful and (ii) Heathrow Airport Limited's (HAL) recent announcement that it had been granted permission to appeal the decision.

N3RC queried whether HAL could submit an application for development consent without a lawful National Policy Statement (NPS) in effect. The Inspectorate advised that where a relevant NPS does not have effect, applicants whose schemes meet the tests to be considered Nationally Significant Infrastructure Projects can still apply for development consent under section 105 of the PA2008.

N3RC asked if there were any precedents for applicants submitting applications under s105 of the PA2008. The Inspectorate gave examples of other applications that had been submitted under s105, including Manston Airport. If an application is made in respect of which an NPS does not have effect, s105 of the PA2008 sets out what else the Secretary of State must have regard to in taking its decision.

Statutory Consultation

N3RC acknowledged that HAL was preparing to conduct an additional, targeted consultation exercise before the HCJ was issued and queried whether the additional consultation had been prompted by advice given by the Inspectorate. The

Inspectorate confirmed that it has no power to compel applicants to carry out additional consultation. Applicants often conduct more than one Statutory Consultation exercise and targeted/non-statutory consultations in the run up to submission are also common.

N3RC queried whether Statutory Consultation must be conducted within a certain timeframe prior to the submission of application, or whether HAL could rely its 2019 consultation if/when an application for development consent became imminent again. The Inspectorate explained that the tests at Acceptance are whether an applicant has met the various statutory duties required of it during pre-application and that those tests do not include a maximum time that may elapse between statutory consultation and submission.

N3RC enquired whether any amendments to make the ANPS lawful would be consulted on before adoption. The Inspectorate stated that it would be for DfT as the policy owner to determine the process.