

NATIONAL INFRASTRUCTURE PLANNING ASSOCIATION
AIRPORTS NATIONAL POLICY STATEMENT
NOTE OF ROUND TABLE EVENT, 5 APRIL 2017

1. This event was held to discuss the NIPA response to the Airports National Policy Statement. As well as an open invitation to NIPA members, three DfT officials and one DCLG official were in attendance.
2. Present: Angus Walker (BDB) in the chair, Stuart Andrews (Eversheds), Victoria Watson (Norton Rose), Christopher Stanwell (DAC Beachcroft), Rory Bennet (DAC Beachcroft), Ian Fletcher (Jacobs), Julian Boswall (Burgess Salmons), James Harris (RTPI), Peter McBeath (NLTTT), Vicki Redman (Bond Dickinson), Jan Bessell (Pinsent Masons), Bruce Fowler (Bruton Knowles), John Webster (Osborne Clarke), Tim Smith (BLP), Tim Norwood (Gatwick Airport), James Good (BLP), James Maurici QC (Landmark), Alex Booth QC (FTB), Sam Cranston (Copper), Shamal Ratnayaka (TfL), Vanessa Ralph (DLA), Howard Bassford (DLA), Tom Henderson (BDB).
3. Angus Walker introduced the event and clarified that NIPA would not be taking a position on the choice of new runway (i.e. the contents of Chapter 3 of the draft NPS) but would comment on the clarity and usefulness of the draft in assessing and deciding applications for airport NSIPs when made.
4. Following the round table, the working group that had been constituted would draft a NIPA response, which would be circulated to members for comment before submission.
5. As noted during the round table, a new air quality plan and new passenger demand forecasts were due to be published during the consultation period (see paragraph 1.2 of the [consultation document](#)) and these may need to be taken into account before finalising the submission.
6. DfT gave a brief introduction saying that they were in listening mode, although any formal consultation responses should be submitted via the www.gov.uk website. Local consultation events had taken place and regional events were in the course of taking place.
7. There then followed a discussion on the nine consultation questions.

Question 1 - need - and Question 2 - meeting the need

8. Attention was drawn to paragraph 1.36 of [the draft NPS](#) as it and 1.35 contained drafting about the applicability of the NPS to projects other than the preferred new runway at Heathrow. It was not entirely clear which parts of the NPS would be 'important and relevant' to other airport DCOs - this uncertainty could inadvertently complicate or frustrate applications for consent in relation to those airports, or leave decisions on applications more open to challenge.
9. The NPS should be clearer as to whether it applied to other projects, and if so, which parts applied. Alternatively it could state explicitly that it does not apply to any other projects.
10. The Waste Water NPS was cited as a better example of an NPS referring to particular projects while also applying to other projects in that category.
11. On need in particular, it was not clear whether Heathrow was considered to meet all the identified need for new infrastructure, or whether other airport expansion projects in the south east of England - and elsewhere - (whether consisting of

runways or not) would be welcomed. Also, although the document was, by its title, about airport capacity in the South East of England, different airports in the region had different markets (e.g. geographical, hub/point-to-point, cargo/passenger) and a new runway at Heathrow clearly was not intended to meet the need in all markets.

12. The applicability of the NPS was important in the context of decision-making, because section 104 of the Planning Act 2008 applies to projects covered by an NPS and section 105 applies to projects not covered by an NPS.
13. If the proposed Aviation Strategy suite of documents was to cover other airport infrastructure it would have been helpful for it to be published at the same time, and it also did not have the primary status that a National Policy Statement had when it came to decision-making.

Question 3 - assessment principles

14. The draft had a curious way of referring to itself, e.g. paragraph 4.2 - 'The Airports NPS covering the Heathrow Northwest Runway scheme establishes the needs case...'
15. The draft NPS would benefit from a review of consistency of language and should be made more precise so that it was as useful as possible when assessing and deciding applications, both in terms of clarity and that commitments are capable of achievement. It should also leave enough scope for genuine engagement at the statutory consultation stage on any DCO application that came forwards.
16. Having an illustrative masterplan (Appendix B) may become a hostage to fortune.
17. Although paragraph 4.11 attempted to deal with this issue, it was not clear how much of the NPS would apply to a Heathrow application that did not fall within the described parameters, e.g. having a capacity increase of 250,000 flights per year rather than at least 260,000.
18. There was a related discussion about associated development, and whether in general that can effectively be changed without amending a DCO but by securing a free-standing planning permission that authorises something different. Apparently PINS is sceptical of this approach.
19. The consultation on airspace policy may have an impact on the NPS that should be taken into account in the drafting. Furthermore, it was noted that the environmental assessment of certain impacts e.g. aircraft noise may become invalid if subsequent to granting the DCO an airspace change application resulted in different flight paths (either at Heathrow or other airports) from those previously assessed. It would be helpful if the NPS explained how the government sees DCO and airspace change applications dovetailing.
20. The requirement to minimise costs at paragraph 4.35 might cause argument as to whether it had been satisfied.
21. The mention of commencing environmental permitting discussions six months before making a DCO application at paragraph 4.53 seemed a little out of place, and also optimistic.

Question 5 - surface access - and Question 6 - environmental impacts

22. The document was inconsistent about the word 'requirements' - sometimes this referred to requirements under s120 of the Planning Act 2008 (e.g. paragraphs 4.9 and 4.18) and sometimes it was used in a more general sense (e.g. Chapter 5 heading and 5.1).

23. There was general inconsistency in the wording of what would be acceptable or refused in the 'applicant's assessment' and 'decision making' sections, e.g. paragraph 5.11 versus paragraph 5.21, and paragraph 5.31 versus paragraph 5.41. They should each be expressed as firmly as the other.
24. Commitments such as those on mode share at 5.16 might be seen to apply to other airport projects even when not appropriate or relevant; it should be made clear that commitments made by Heathrow in the run-up to the government decision on preferred choice of runway location are not expected at other airports. There needed to be an evidential basis for requiring commitments elsewhere.
25. If the runway becoming operational was dependent on surface access improvements outside the control of Heathrow Airport, it should be made clear what conditions/requirements needed to be imposed. Providing a lot of car parking at the airport would make surface access targets more difficult to achieve.
26. Paragraph 5.37 was noted in two respects: striving to meet a pledge was not a measurable target, and when was the 'today' referred to?
27. The qualifications added to the 6½ hour ban on night flights might mean that it was not possible to achieve.
28. There was a discussion about the reference to other policy documents in paragraph 6.66 and whether it would be better to quote the relevant parts in the NPS rather than requiring readers to go elsewhere. The consensus was that it should stay as it was as the other documents may be updated.
29. It was noted that paragraph 5.81 on carbon emissions would depend on how progress towards meeting carbon reduction targets was being achieved generally.
30. The community compensation package referred to at 5.229 should not ignore businesses that needed to relocate.
31. The set of impacts in the NPS did not include socio-economic impacts, electro-magnetic radiation or major security incidents, and perhaps these should be considered for inclusion, particularly the last.
32. Finally, the effect of Brexit may be to alter legal requirements in some environmental areas, making the mitigation demanded in the NPS more difficult to specify.

Questions 6-9 - requirements, appraisal of sustainability, other comments, equality duty

33. A final check should be made that the NPS is compatible with the provisions of the Planning Act 2008 (sections 5-10) and that the mitigation commitments were compatible with each other.
34. No further comments were made in relation to these questions, as issues had already been covered.