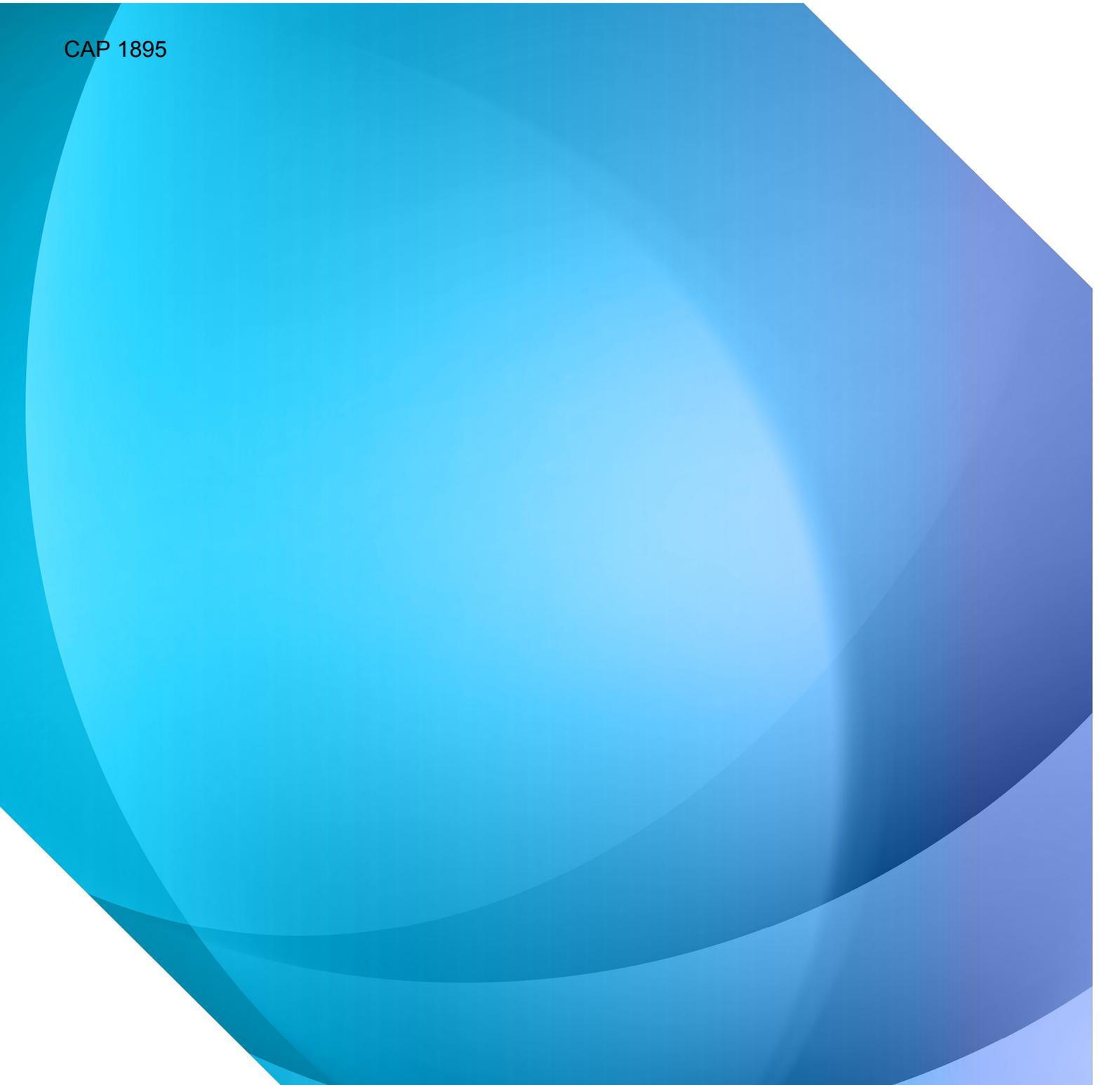


The Civil Aviation Authority's response to the Arora Group's "Heathrow West" public consultation on airport expansion

CAP 1895

A large, abstract graphic composed of overlapping, semi-transparent blue shapes in various shades, ranging from light cyan to deep navy blue. The shapes are curved and layered, creating a sense of depth and movement. The graphic occupies the lower two-thirds of the page.

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Civil Aviation Authority
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

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The CAA's response to Arora's public consultation on airport expansion

Introduction

1. The Civil Aviation Authority (CAA) welcomes the opportunity to respond to the Arora Group's (Arora) public consultation for Heathrow West, a proposal to construct a new terminal at Heathrow Airport.
2. The CAA has a number of statutory functions which impact on the success of any scheme proposed to meet or deliver the objective of the Airports NPS.
3. Arora's proposals for a new terminal will be subject to CAA regulatory processes and approval, where applicable. We have engaged, and will continue to engage, with Arora over the coming months to understand its proposals for a new terminal insofar as they relate to our relevant regulatory roles and statutory functions.

The CAA's regulatory roles and statutory functions

4. The CAA is the UK's specialist aviation regulator. We ensure that:
 - the aviation industry meets the highest safety standards. We regulate the safety of airport design against UK, European and international safety criteria;
 - consumers have choice, value for money, are protected and treated fairly when they fly;
 - airspace is well managed. We make decisions on proposals to change airspace design which we do against the background of Directions and environmental guidance from the Secretary of State; and
 - the aviation industry manages security risks effectively.

We also provide the government, and third parties on a commercial basis, with environmental advice as requested, including information about the noise effects of aviation operations.

5. The Annex to this response provides more detail on our regulatory roles and statutory functions which impact on the success of any scheme proposed to meet or deliver the objective of the Airports NPS. Arora should consider in which of these areas it needs to engage with the CAA regarding its DCO application and consider any regulatory approvals it may require in due course.

The CAA's role as a statutory consultee under planning law

6. The CAA is prescribed as a statutory consultee under planning law¹ and must be consulted on all proposed applications for Development Consent relating to an airport or which are likely to affect an airport or its current or future operation.
7. As a statutory consultee we will need to consider in due course whether we see any impediments to Arora's proposed development proceeding insofar as they relate to our regulatory roles and statutory functions. If we do identify any impediments we need to consider whether these can be appropriately managed and advise the Planning Inspectorate and Secretary of State accordingly. In order to provide a no impediments statement, we must be satisfied that there are no unacceptable safety, economic or airspace² consequences arising from Arora's planning proposals that will prevent us giving our relevant regulatory approvals later on.
8. This will require Arora to engage with us on its proposals with sufficiently detailed and mature information so that we can provide meaningful advice and commentary and ultimately be satisfied that the 'no impediments' threshold has been met insofar as they relate to our regulatory roles and statutory functions.
9. There is no conflict between our regulatory functions and statutory consultee roles. Both cover the same duties, roles and responsibilities. As a statutory consultee, we will be engaging with Arora on its planning proposals insofar as they relate to our relevant regulatory roles and responsibilities which will continue in parallel to the planning process.
10. At this stage, we do not have any further comments on Arora's proposals contained in the consultation, but we will continue to engage with Arora to develop our understanding of its proposals in the coming months.

¹ Infrastructure Planning (Applications: Prescribed Forms & Procedure) Regulations 2009

² We do not propose to deal with aviation security matters in any no impediments statement. Any considerations of aviation security will be dealt with separately. The applicant should consider the requirements of the ANPS in this regard.

APPENDIX A

The CAA's regulatory roles and statutory functions

1. This Annex sets out the CAA's regulatory roles and statutory functions with respect to the development of additional runway capacity in the south east of England.

Economic regulation

2. The CAA is the economic regulator of Heathrow Airport Limited (HAL), in accordance with its duties as set out in the Civil Aviation Act 2012 ("CAA12"). The CAA's primary duty is to carry out its functions "in a manner which it considers will further the interests of users of air transport services regarding the range, availability, continuity, cost and quality of airport operation services". The other matters to which we must have regard are set out in s.1(3) of the Act.
3. The CAA considers that capacity expansion is important to further the interests of air transport users. In line with the ANPS requirements, user's interests will be best served if expansion is cost-efficient, and sustainable, and seeks to minimise costs to users over its lifetime.
4. At present, neither Arora Group nor Heathrow West is an airport operator. As such, they are not regulated by the CAA under CAA12. If a DCO application to develop a new terminal were to be successful, and were it likely that the Arora Group or Heathrow West would become an airport operator, the CAA would need to undertake significant work to identify whether a regulatory regime would be required for the terminal and, if so, develop a regulatory regime accordingly. We have sought to provide initial information on the CAA's approach to dealing with some of the regulatory issues raised by potential alternative developers of new capacity at Heathrow Airport such as Heathrow West in a "Technical Information Note".³
5. It is, however, important to note that it is for the Planning Inspectorate and the Secretary of State, not the CAA, to consider the merits of alternative DCO applications, with regard to whether they should proceed or not.
6. In CAP1782 "Economic regulation of capacity expansion at Heathrow: policy update and consultation"⁴, we discussed our approach to alternative delivery

³ Available online:

https://www.caa.co.uk/uploadedFiles/CAA/Content/Accordion/Standard_Content/Commercial/Airports/Files/TechnicalInformationNote-HeathrowCapacityExpansion.pdf

⁴ Available online: <http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=9064>

arrangements for capacity expansion. We also published a report by Arcadis which assessed Arora's proposals for a new terminal at Heathrow airport⁵. Based on the evidence available, we concluded that Arora's proposals were currently at a comparatively early stage of development, and not sufficiently detailed for us to reasonably apply our initial tests to decide whether to progress work on developing the regulatory regime to accommodate these proposals.

7. We will continue to engage with Arora on its proposals as they develop. As per CAP1782, we remain open to further dialogue on our tests, how Arora might best provide the information necessary for us to gain a fuller understanding of its plan, as well as other relevant matters, and we will seek to develop the regulatory framework in a way consistent with furthering the interests of consumers.

Safety

The CAA has a number of safety oversight responsibilities in the UK. The CAA oversees the safety of aircraft and air navigation, the control of air traffic, air traffic services personnel, the licensing of aerodromes and air crew. In recent years, the European Commission, the European Aviation Safety Agency (EASA) and International Civil Aviation Organisation have played an increasingly significant role.

10. The CAA is the national supervisory authority for the certification of air navigation services (ANS) providers covering the requirements of Regulation (EU) No. 1035/2011. Those requirements include technical and operational competence and capability, specific requirements for the provision of air traffic services, meteorological services, aeronautical information services and communication, navigation or surveillance services.
11. The CAA is also the designated competent authority for the licencing of aerodromes under Regulation (EU) No. 139/2014. The licensing process ensures continuous oversight of safety standards at civil aerodromes. Since this regulation came into force in 2014, Heathrow Airport's aerodrome licence has been converted to an EASA compliant licence.
12. Safety assurance of proposed changes can only be provided if the proposer submits to the approving authority a fully detailed concept of operations for how it intends to achieve an acceptable level of safety.
13. It might not be possible to issue some approvals without trialling the operation first. In such circumstances, permission to operate a trial may sometimes be given so that the operator can demonstrate that the concept works as intended (potentially with further mitigating action required to ensure the concept meets all requirements)

⁵ Available online: <http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=9062>

Airspace

14. The CAA is responsible for making decisions on proposals to change airspace design. As part of that decision-making role, we take into account a range of factors including safety, efficiency and guidance on environmental objectives from the Secretary of State. The evidence we use to consider those factors, and how it should be prepared, is set out in our regulatory process 'Airspace Design: Guidance on the regulatory process for changing airspace design including community engagement requirements' (CAP1616).
15. As set out in the Government's final ANPS, we expect any airspace changes associated with the new runway proposals to follow the CAA's airspace change process as set out in our guidance in CAP1616. Our guidance specifies the evidence we need from the organisation sponsoring an airspace change, including the relevant environmental data and the methodologies for producing it.

Aviation Security

The CAA monitors and oversees Heathrow's compliance with International, European and domestic security legislation. The CAA's monitoring and oversight will continue throughout construction and at the expanded airport for any areas where aviation security requirements apply.