

[REDACTED]

6 February 2019
EIR Reference: E0004108

Dear [REDACTED]

Thank you for your request of 23 January 2019, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

Under the Environmental Information Regulations please can you provide notes and minutes held by the CAA relating to the Define Gateway Assessment Meeting held on 21st December 2018 concerning the Airspace Change "London Heathrow - Independent Parallel Approach Arrivals Procedure ID: ACP-2017-42" referred to on the CAA Airspace Portal webpage at <https://airspacechange.caa.co.uk/PublicProposalArea?pid=25>

Our response:

Having considered your request in line with the provisions of the Environmental Information Regulations 2004 (EIR), we are able to provide the information below.

Please find attached a copy of the 'Case Officer Recommendation and Sign Off' sheet for the 'Define' gateway assessment meeting for this airspace change proposal.

We have redacted personal information from the document where disclosure of such personal information would be unfair. The individuals concerned would not have had an expectation that their personal data would be disclosed, and the CAA can identify no legitimate interest that would be served by disclosing this personal information. Disclosure would therefore be a breach of one of the data protection principles contained in Article 5 of the General Data Protection Regulation, specifically Article 5(1)(a), which states that personal data shall be 'processed lawfully, fairly and in a transparent manner in relation to the data subject ...' Regulation 13(1) of the EIR provides an exception from the duty to disclose information that would contravene any of the data protection principles. A copy of Regulation 13 is provided below.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk
Head of External Information Services
Civil Aviation Authority
Aviation House
Gatwick Airport South
Gatwick
RH6 0YR

caroline.chalk@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with requests under the Environmental Information Regulations. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Stevens'.

Mark Stevens
External Response Manager

CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.

Environmental Information Regulations – Regulations 13

(1) To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data.

(2) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene—

(i) any of the data protection principles; or

(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress) and in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it; and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998(1) (which relate to manual data held by public authorities) were disregarded.

(3) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1) of that Act and, in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it.

(4) In determining whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(5) For the purposes of this regulation a public authority may respond to a request by neither confirming nor denying whether such information exists and is held by the public authority, whether or not it holds such information, to the extent that—

(a) the giving to a member of the public of the confirmation or denial would contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded; or

(b) by virtue of any provision of Part IV of the Data Protection Act 1998, the information is exempt from section 7(1)(a) of that Act.

CAP 1616

Airspace Change Process 'DEFINE' Gateway Case Officer Recommendation and Sign' Off

Title:	Independent Parallel Approaches
Change Sponsor:	Heathrow Airport
ACP Project Ref Number:	2017-42
Case Officer:	[REDACTED]

Attendees: AR Principal and Case Officer.

Case Officer Submission Pack (this document and attachments) to be saved as a single document on Sharepoint

Case Officer advice and recommendation to DEFINE GATEWAY decision maker

STEP 1A		
Question	Response (Yes or No unless further details are requested)	Any other information of relevance including comments from DEFINE gateway decision maker
1. Has the change sponsor produced a Statement of Need which meets the requirements of CAP 1616 Annex A?	Yes	v3
2. Has the Statement of Need been published on the CAA portal?	Yes (Published on the stand-alone portal)	https://airspacechange.caa.co.uk/PublicProposalArea?PID=25
3. Does the proposal concerned fall within the scope of the airspace change process?	Yes	
4. Has the CAA published on the CAA website its determination on whether the proposal is in scope of the airspace change process? What date was this published?	Yes	
5. Was an Assessment Meeting agenda published before the Assessment Meeting and on what date was the Assessment Meeting held?	Yes – 11 Sep 2018 Yes – 14 Sep 2018	
6. On what date were the minutes published on the CAA website?	28 Sep 2018	
7. What provisional level of airspace change has the CAA applied to this proposal?	Level 1	

	1/2/0 – Please confirm that this has been stated in the Assessment Meeting minutes together with the rationale. If not has this been confirmed on the CAA website?	Yes – confirmed in the minutes	
8.	If proposal has been given a provisional Level 1 status, has a geographic area been uploaded to the airspace change portal?	Yes	
9.	Has the change sponsor demonstrated an understanding of the requirements of the Airspace Change Process to the Case Officers satisfaction?	Yes	
10.	Has an agreement been reached with the Change Sponsor on provisional timescales and are these contained in the meeting minutes or published on the CAA website?	Define Gateway – Dec 2018 Develop and Assess – Sep 2019 Consult – Apr 2020 Update and Submit – Jul 2021 AIRAC 13/2021	A provisional process timeline was presented as a part of the Assessment Meeting presentation. This presentation was published on the CAA website and transferred over to the portal on launch.

STEP 1B

Question		Response (Yes or No unless further details are requested)	Any other information of relevance including comments from DEFINE gateway decision maker
11.	Confirm that DEFINE GATEWAY submission including design principles and supporting material have been published on the CAA portal by CAA as soon as received. Please confirm the date that this was uploaded.	Yes Uploaded by the sponsor on 7 Dec 2018	
12.	Are the design principles clear about the technical considerations that will need to inform the design [D4]?	Yes	

13.	<p>Explain how the Change Sponsor has ensured that the Design Principles were influenced through Stakeholder Engagement</p>	<p>Heathrow invited over 200 stakeholders to participate in their engagement on the development of their Design Principles for IPA – a full list of these stakeholders can be found in Appendix 1 of the Define submission. These included Local Authorities, Community groups, Heathrow Community Engagement Board (superseded the HACC), NATMAC, London Airlines Consultative Committee (LACC) and FASIIG.</p> <p>A set of proposed design principles were put forward to stakeholders for discussion around prioritisation, any general feedback was sought, along with any missing DPs to be put forward for consideration. This was done through a variety of channels, including direct email, focus groups and face to face briefings.</p> <p>They received over 20 written responses from stakeholders, mainly representative groups such as:</p> <ul style="list-style-type: none"> ▪ Heathrow Community Noise Forum (HCNF) ▪ Aircraft Noise 3 Village campaign (Lightwater, Windlesham, Bagshot Surrey) – who are also members of the HCNF ▪ Ealing Aircraft Noise Action Group ▪ HACAN ▪ Heathrow Community Engagement Board – HCEB (which has superseded their ACC (HACC)) ▪ Local Authorities Aircraft Noise Council (LAANC) ▪ London Airline Consultative Committee (LACC) – which represents 86 airlines ▪ Richmond Heathrow Campaign (also member of HCNF) <p>The proposed introduction of IPA would mean a number of flights flying over areas that do not currently see aircraft arriving from 6am onwards (newly overflown). As part of their engagement approach, HAL tried to capture representatives from this stakeholder group by holding four focus groups which were run by an independent market</p>	<p>Heathrow’s Define submission documentation can be found on their Define portal page here.</p> <p>High-level summary of stakeholder concerns (from reading the feedback in Appendix 3)</p> <p>The main concerns from community stakeholders around IPA (including focus group representatives) were around the additional capacity of 25,000 ATM a year, noise and air pollution, and the concentration effects of PBN. There were concerns about the number of aircraft landing on the departures runway between 6am-7am. Community and local authority representatives also referenced the World Health Organisation (WHO) guidelines which were published on 10 October 2018.</p> <p>The community are also requesting detail around noise analysis, more specific information around impacts, and requesting wider stakeholder consultation – all of which are requirements that develop later in the process. This shows a lack of understanding from the community around the intention of DPs, they still believe there should be more information available at this early stage in the process (which CAP1616 doesn’t require). From assessing the briefing materials Heathrow has used to engage with stakeholders (Appendix 4), they are clear about the purpose of DPs (using wording directly from CAP1616). In general Design Principles are a hard concept for members of the public to understand and they often want to jump ahead to engagement activity that is required in Stages 2 and 3 of the process. We have now seen this with multiple Level 1 ACPs coming forward to the Define Gateway and this could be something we touch on in future Assessment meetings with Sponsors around pitching/setting expectations of Stage 1 engagement/purpose of DPs with community/non-aviation representatives.</p> <p>DP 6 ‘Should limit and, where possible reduce, local noise effects from flights’ was given the highest priority by community members, with the subprinciples causing discussions. Those who are currently overflown are in favour of sharing noise, those who aren’t currently overflown understand that sharing noise is fairer overall but would rather stay not being impacted than take on a portion of shared noise. Therefore, predictable respite was favoured as a reasonable approach. (see Note 1)</p> <p>Airlines were mainly supportive of an IPA implementation ahead of expansion, particularly around enhancing resilience</p>
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research company called Stonehaven and were moderated by a qualified 'Association of Qualitative Research' moderator. A full report of the engagement approach and findings can be found in Annex 1 of the submission, this report was put together by Stonehaven (who is regarded as independent and impartial).

Focus groups were held on 9 and 15 October 2018 in Slough and Ealing. Participants were recruited by independent qualitative fieldwork agency Leftfield International and had up to 8 attendees each.

A Local Authority (LA) specific briefing day was held on 4 October whereby representatives from boroughs potentially impacted by IPA were asked to attend. LA reps from Hammersmith and Fulham, Hounslow, and those LAs represented by other forums such as the HCNF and HCEB went on to provide feedback on DPs.

Table 5 from Heathrow's main IPA submission document outlines their engagement approach with each stakeholder group, along with the dates the activity was carried out. **All engagement has been evidenced in the submission.**

Table 5: Summary of key engagement with stakeholders on IPA design principles

Date	Stakeholders engaged	Method of engagement
19 September 2018	HCNF	High Level briefing session, including IPA
2 October 2018	HCEB	HCEB working group with an invite to comment
4 October 2018	LA	Dedicated LA session on IPA with an invite to comment
5 October 2018	NATMAC FASIG	Initial design principles emailed to industry groups with an invite to comment
9 October 2018	HCNF	Dedicated workshop on IPA and discussion on proposed design principles
9 October 2018 & 15 October 2018	Members of the public	Public focus groups
9 November 2018	All	Deadline for comments
21 November 2018	HCNF	Update to HCNF on engagement
27 November 2018	HCEB	Briefing to HCEB on proposed principles
7 December 2018	NATMAC and FASIG	Proposed design principles emailed to industry groups
13 December 2018	HCNF	Presentation on proposed design principles

and reducing delays - but wanted more detail around the trade-offs between performance/resilience and capacity and how these will be balanced. There were also comments made about fleet equipage investment and needing to know the operational requirements to effectively plan for potential IPA implementation (RNP-AR PBN navigation standard). (see Note 2)

Note 1: *There was a comment from BA on whether WebTAG workbooks were fit for purpose, regarding assessing noise and particularly respite. (Appendix 3, p7) (SZ)*

Note 2: *Going forward, ensure that the appropriate appraisal period is chosen and clearly set out, given that IPA in its current form would only be in place until a broader ACP for Heathrow/R3 is introduced. (SZ)*

		<p>Stakeholders contacted by direct email for feedback were given four weeks to respond. A full log of engagement activities listed in chronological order can be found in Appendix 2. All activities have been evidenced (including raw response data such as emails and letters, minutes from community forums and meetings (Appendix 4), as well as independent reports from focus groups (Annex 1).</p>	
14.	<p>Was the process and approach used by the Change Sponsor acceptable in developing the Design Principles?</p>	<p>Heathrow used a mix of communications methods/channels to engage with stakeholders including:</p> <ul style="list-style-type: none"> ▪ Face to face engagement through attendance at community forums ▪ Direct and follow up emails seeking feedback ▪ Focus groups (Ealing and Slough) ▪ Targeted stakeholder briefing days (Local Authority event) ▪ All engagement materials used in the process were published on the Heathrow website <p>All engagement has been evidenced in the submission. This includes raw response data (emails and letters) and minutes from community forums and meetings (in Appendix 4), as well as an independent report from focus groups (Annex 1). Heathrow received push back from communities around IPA in general, specifically around the</p>	<p>The approach used is in line with process requirements with initial 'proposed' DPs socialised to kick off the engagement/discussion. The sponsor was upfront about creating their DPs against a backdrop of constraints (which Heathrow has positioned as their 'MUST BE' DPs) Heathrow has run engagement activity in line with process requirements and have developed a set of DPs that have had input and involvement from stakeholders. These stakeholders are in line with those recommended in CAP 1616 in which to engage with early in the ACP process (e.g. Local Authorities, ACC - (Heathrow Community Engagement Board) representative groups and industry groups)).</p>

		<p>additional 25,000 in ATMs per year ahead of a third runway – therefore community involvement in development of DPs is challenging.</p> <p>Heathrow has evidenced how it has taken on stakeholder feedback shown in Appendix 5 (Evolution of their DPs) and outlined the feedback that was considered but not taken forward (in Appendix 6).</p> <p>Appendix 5 shows how the proposed set of DPs have evolved through stakeholder feedback – and how they have been reworded and new DPs that have been added. All feedback is clearly attributed to stakeholders in a table, and the prioritisation of DPs is also aligned to feedback from stakeholders.</p> <p>Appendix 6 shows the feedback that hasn't been taken forward, along with the rationale. This includes an explanation around the WHO guidelines which communities were asking for evidence of more consideration of the contents. Heathrow has outlined that the effects of aircraft noise on health and quality of life will be assessed and monetised as part of the DCO and airspace change processes rather than surfaced in DPs.</p> <p>Heathrow's approach and process are acceptable and in line with process requirements.</p>	
15.	Confirm the content of materials used throughout the engagement are appropriate	<p>The materials and content used throughout engagement were appropriate for the intended audience.</p> <p>All the materials used for design principle engagement activity for IPA are included in the submission in Appendix 4.</p> <p>Materials were tailored dependant on the level of understanding by stakeholders. For example, focus group material was pitched at a non - technical level whereas industry groups had more detail around the technical aspects of IPA.</p> <p>The focus group participants were provided with an explanation of IPA, PBN and examples of the print out that was given to participants is on pages 17-18 of the report (these included diagrams and non-technical language).</p>	<p>Heathrow were clear about the constraints on their DPs with stakeholders through their 'Must' design principles.</p> <p>All materials used in the engagement process was published on the Heathrow website.</p>

		All materials explained Heathrow's current operation, description of IPA and PBN, CAP 1616 process and the purpose of DPs. All materials were clear around constraints ('MUST be' design principles e.g. Must be safe)	
16.	Confirm that the Design Principles selected by the Change Sponsor are attached to this Case officer recommendation.	Yes	Design Principles - IPA
17.	Do the Design Principles represent a well-founded shortlist of principles to inform the development of airspace design options?	Yes	
18.	Have the design principles been agreed by all stakeholders who participated in the engagement?	No. The airline industry is largely supportive of IPA (particularly around improvements to resilience and delays) and the community has given their preference around prioritisation of noise principles specifically. It is acknowledged that trying to achieve participation in effective engagement around development of DPs for IPA from forums/representatives that are against additional ATMs is a challenging task.	The community have concerns around IPA in general - specifically around the additional capacity of 25,000 ATM a year, noise and air pollution, and the concentration effects of PBN. There were also concerns about how many aircraft would be landing on the departures runway between 6am-7am. Heathrow has shown how feedback has been taken forward to shape their final set of DPs submitted for IPA - and has provided the rationale for not taking forward other suggestions (Appendix 5 and 6). In both cases feedback, whether taken forward or not, has been clearly attributed to stakeholders.
19.	Has the CAA accepted the design principles?	Yes	
20.	Taking all of the above considerations into account, does the case officer recommend that this airspace change proposal is approved to proceed to the next stage of the Airspace Change Process?	Yes.	Development of the DPs did not start with a blank sheet of paper. The sponsor initially presented some core 'proposed' DPs which are aligned with the sponsor's Must Haves. Documents submitted by HAL illustrate that they have conducted extensive engagement with a wide range of stakeholders, many of whom are long-standing stakeholders. Heathrow has run engagement activity in line with process requirements and a set of DPs has been developed that reflect the input and involvement from stakeholders. Feedback has been clearly attributed to stakeholders in a table, and the prioritisation of DPs reflects stakeholder feedback. Further development of the DPs through dialogue could have taken place if some stakeholders had a better awareness of Stage 1 processes; some stakeholders sought more information on potential design options which actually come out at Stage 2. Heathrow were clear about the purpose of engagement at the Design Principle stage and the approach and process are acceptable and in line with process requirements.

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Signed:	[REDACTED]
Case Officer:	[REDACTED]
Date:	21 Dec 2018

Decision of the Gateway Decision Maker

Does the Gateway Decision Maker accept the recommendation of the Case Officer?	Please provide any comments If 'NO' please provide clarification as to why it does not meet the Gateway criteria
Taking the Case Officer's recommendations into account, is the Gateway Assessment Panel satisfied that the relevant process requirements and guidance have been followed up to this point?	If yes, state that the CAA approves the Change Sponsor to pass through the Define Gateway and move to the next stage in the process.

GATEWAY DECISION MAKER	
Signed:	[REDACTED]
Name:	[REDACTED]
Date:	21 Dec 2018

Gateway Assessment Meetings provide the opportunity for the CAA to review the work undertaken by the Change Sponsor up to that point to determine whether or not the relevant process requirements and guidance has been followed. **Approval at a Gateway Assessment Meeting does not predetermine the CAA's final decision on the formal airspace change proposal.**

This document signed by gateway decision maker to be saved but not published. Statement that the proposal has passed the first gateway to be uploaded by the Case Officer onto the CAA website