

Interim Report of the Independent Consultation Adviser to the Secretary of State for Transport

Consultation on the draft Airports
National Policy Statement

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Foreword

The Secretary of State's telephone call last autumn asking me if I would be interested in providing independent oversight of the Government's consultation on the draft Airports National Policy Statement came as something of a surprise.

Although I specialised in planning and administrative law for many years, I had never heard of such a role. As far as I was aware, no-one had previously been asked to provide independent oversight of a Government consultation.

It seemed to me that, at least in principle, this innovation could well be worthwhile. On the one hand it should give consultees greater confidence in the fairness of the process, and thus encourage public participation in the consultation. On the other hand an independent voice might help the Department to avoid the pitfalls of a "group think" mentality.

Before I agreed to take on the role, I wanted to clarify the scope of the consultation: would it be an open-ended consultation, or a consultation in which certain options would be foreclosed? Having been assured by the Department that the consultation would be open-ended, and that its aim was to conduct a consultation that was as fair and thorough as possible, I agreed to take on the role.

At that stage, the Government had not reached a decision on its preferred scheme. My concern was simply to ensure that, whichever scheme was preferred, the consultation on the draft National Policy Statement should be both full and fair.

This is my interim report on the consultation process. The consultation period which ended on 25 May was a very substantial administrative undertaking. I have provided an outline of the process so that my views can be better understood.

I would like to thank my Secretariat at the Department for all of the help and support that they have provided to me since last October. Anyone who provides independent oversight of a Government consultation is necessarily an outsider. Without the administrative support of an insider with knowledge of which levers to pull within the relevant Department, an outsider would struggle to have any meaningful impact upon a large-scale consultation.

Effective support from within the Department is critical to the success of any independent oversight.

**Sir Jeremy Sullivan,
1st June 2017**

Chapter 1

Background

1. The sixteen week consultation that began on 2nd February 2017 should not be considered in isolation. Whether Heathrow should be expanded has been a bone of contention for very many years. The publication of the **Draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England** (the draft NPS) is a significant, but by no means the final step in a lengthy saga.
2. After earlier consultations and many years of debate had failed to resolve this contentious issue, the Coalition Government established the independent Airports Commission, chaired by Sir Howard Davies, in September 2012. The Commission concluded in its Interim Report in December 2013 that there was a need for one additional runway in the south east of England by 2030. It invited proposals and having consulted on its appraisal framework for sifting the proposed schemes, it shortlisted three options (from a total of over 50 received): a second runway at Gatwick, an extended Northern runway at Heathrow, and an additional runway to the Northwest of the existing runways at Heathrow. The Commission also considered, and rejected, a proposal for a new airport in the Thames Estuary.
3. Between November 2014 and February 2015 the Commission undertook a twelve week consultation on the three shortlisted options. The Commission also carried out a further 3 week consultation in May 2015 on its analysis of air quality impacts of the three shortlisted schemes. In its Final Report in July 2015 the Commission concluded that the proposed Northwest Runway at Heathrow, combined with a package of supporting measures to mitigate its environmental and community impacts, presented the strongest case for expansion.
4. In December 2015 the Government announced that it accepted both the Commission's conclusion that one new runway was needed in the south east by 2030, and its three shortlisted options for meeting that need. The Government said that it would undertake further work before deciding upon its preferred scheme, which would then be taken forward through a National Policy Statement (NPS) under the Planning Act 2008.
5. On 25th October 2016 the Government announced that its preferred scheme was the proposed Northwest Runway at Heathrow. This would be included in a draft Airports NPS, which would be subject to consultation in accordance with the procedures laid down in the 2008 Act.
6. As part of this announcement the Secretary of State confirmed that he had appointed me as an independent consultation adviser to oversee the consultation process. The Terms of Reference for my role can be found at **Annex A**. Although there is an overlap between good practice in conducting a consultation so that it is fair, thorough and accessible, and ensuring that a consultation is lawful, I was not asked to provide the Department with any legal advice, and I have not seen any legal advice which has been given to the Department in relation to the consultation.

7. As a first step, I naturally looked at the 2008 Planning Act to see if it set out any requirements as to what should be done by way of consultation. While the Act requires compliance with the consultation and publicity requirements that are set out in Section 7, it is fair to say that these requirements are not unduly prescriptive: “*The Secretary of State must carry out such consultation, and arrange for such publicity as [he] thinks appropriate in relation to the proposal.*” Where, as in the present case, the proposed policy in a draft NPS is location specific, the Secretary of State must, after consulting the relevant local authorities, ensure that “*appropriate steps are taken to publicise the proposal.*” No further guidance is given in the Act as to what arrangements for consultation/publicity might be “appropriate”. What is “appropriate” will therefore depend upon the particular facts of each consultation. In his announcement on 25 October 2016 the Secretary of State said that he wanted a full and fair consultation, and that he wanted me to ensure that best practice was upheld. In the following Chapters I explain how I have done my best to assess the Department’s arrangements for the consultation and ensure compliance with the Secretary of State’s objectives.

Chapter 2

Pre-consultation period

8. When I was appointed on 25 October 2016 I was told that the Department aimed to publish the draft NPS and start a 16 week consultation process by late January; this was subsequently put back to 2 February 2017. Although the timetable between the end of October and the end of January/beginning of February was tight, I endorsed the Department's wish to proceed as expeditiously as possible once the Government had announced its preferred scheme. After many years of uncertainty it was clearly in the public interest that the formal NPS process should be commenced without any further delay. If it is designated the NPS will provide a degree of certainty. The Department explained to me how it had considered the consultation periods for other NPS' and major project consultations. Given the past history and the forewarning provided by the announcement on 25 October 2016, I was confident that a 16 week consultation period would be more than sufficient for this NPS.

Draft NPS and Consultation Document

9. Following the Government's announcement in December 2015, work had commenced on the parts of a draft Airports NPS which were not location specific; and those parts of the draft NPS were fairly well advanced. Both the draft NPS and the separate **Consultation on Draft Airports NPS: new runway capacity and infrastructure at airports in the South East of England** (the 'Consultation Document') went through a number of iterations. Although the timetable was tight, I was satisfied that I had a sufficient opportunity, in a number of discussions with officials, to influence the content of the Consultation Document.
10. My role in respect of the NPS was limited. While I was not concerned with the merits of the Government's policies set out in the draft NPS, I was concerned to ensure that the draft NPS clearly explained both the policies and the reasons for those policies – for example, why the Government had concluded that there was a need for new airport capacity in the South East, why it had preferred the Heathrow Northwest Runway scheme – so that consultees would be in a position to give an informed response to the consultation.
11. To help me understand the background to the Government's thinking, so that I could be satisfied that the draft NPS did sufficiently explain the reasons for the Government's policies, I asked for, and was given a number of teach-ins by Departmental officials on the following policy areas: Compensation, Surface Access, Air Quality and Carbon Emissions, Noise, Domestic Connectivity, and Economic Benefits. These were in addition to the regular meetings I had with officials preparing the NPS consultation. In the Economic Benefits teach-in I was told that the Government was updating its passenger demand forecasts. Life does not stand still during a lengthy decision-making process. The ordinary business of Government forecasting must continue and this sometimes creates a tension between the need for Government to reach a decision based upon the most up-to-date information, and the need to conduct a consultation fairly in such a way as to enable consultees to give an informed response. I said that the intention to publish

updated forecasts should be flagged up in the Consultation Document and that every effort should be made to publish the new forecasts before the end of the consultation period. It would then be necessary to ensure, by appropriate publicity and, if necessary, by extending the consultation period, that consultees had sufficient time to consider the implications of the new forecasts and to respond to the consultation (see paragraph 1.2 of the Consultation Document).

12. I was more involved with the evolution of the Consultation Document. I raised a number of issues, all of which were satisfactorily addressed by the Department. By way of example, I was concerned that consultees might be reluctant to engage with this consultation on the draft NPS because of “consultation fatigue” following the extensive consultations which had previously been carried out by, among others, the Airports Commission. This concern was addressed in paragraph 2.19 of the Consultation Document. I wanted my role as the independent consultation adviser to be explained in some detail because it was an innovation, and it was important that those consultees who were dissatisfied with the consultation process should know how to contact me. This was done: see paragraphs 2.12-2.16 of the Consultation Document.
13. I was concerned to dispel any suspicion (however unjustified) among consultees that there would be no point in responding to the consultation because they feared that their responses would simply be “binned” by the Department. I therefore asked that the Consultation Document should provide greater clarity as to how consultees’ responses would feed into the decision making process. Paragraph 2.9 and Chapter 11 “What happens next?” explain that the Government will consider all of the responses, and will publish the results of the consultation and its formal response to the consultation, both of which will be available, together with the Government’s response to the report of the House of Commons Select Committee which is appointed to provide scrutiny of the draft NPS, before Parliament debates, and votes upon, the final NPS.
14. I was also concerned that consultees might not bother to respond to the consultation because they would feel that it was pointless to do so because of their perception that “the Government has already made up its mind” about expansion at Heathrow Airport. While the Government has a preferred policy, and the draft NPS must set out that policy and the reasons for it, it was important that consultees were told that the consultation was being conducted by the Government with an open mind, and that all views on its preferred policy were welcome (see paragraph 4.12 of the Consultation Document). For the same reason, it was important to explain (in Chapter 11) the role of Parliament in the decision making process. Following consultation, the Government will have the last word, but it will first have to persuade Parliament of the merits of its decision.
15. Initially, I was concerned that consultees might be put off by the length of the draft NPS, and that there was a risk that they might “lose the wood for the trees” because really important issues, such as Surface Access, Air Quality, Noise and Carbon Emissions might be “hidden” amidst a mass of policies relating to very many other relevant, but perhaps less significant, planning issues.

16. On reflection, I concluded that the draft NPS is necessarily a lengthy document because there is a large number of potentially relevant planning policies, and it would be wrong to assume at this stage of the process that any particular issue will not prove to be significant. While it would have been possible to reduce the length of the draft NPS if it had simply cross-referred to policies in other documents, for example the National Planning Policy Framework (NPPF), I felt that, on balance, consultees would find it easier if all relevant policies, such as those contained in the NPPF, were summarised in a (lengthier) draft NPS.
17. The Consultation Document does provide a summary (albeit not a very brief one) of the draft NPS, and it does highlight among the various impacts mentioned in Chapter 6 the particular issues of Surface Access, Air Quality, Noise and Carbon Emissions (see paragraphs 6.7-6.39). I raised other, relatively minor drafting issues, all of which were dealt with in the final version of the Consultation Document.

Consultation Questions

18. The Consultation Document provides the context for the consultation questions. I was given the opportunity to review and comment upon the drafting of the consultation questions as they were being developed by the Department. My main concern was that the questions should be open ended, so that consultees would not feel constrained to respond in any particular manner. I believe that the nine questions in the Consultation Document fully meet this objective.
19. I endorsed the Department's view that the number of consultation questions should be limited. Some might argue that even nine questions is one or two questions too many, but I felt that it was essential to disaggregate, for example the question of whether there was a need for additional airport capacity from the question of how best to address that need; and to deal separately with surface access, and with air quality, noise, carbon emissions and compensation before dealing with the other planning requirements. It was also important to include a "catch all" question (question 8).
20. While I fully supported the Government's 'Digital by Default' approach to the consultation – I am sure that today most consultees would prefer to respond by email or via an online response form – I was anxious to ensure that those (like me) who do not use a computer or who do not have access to IT facilities would still be able to respond to the consultation. Chapter 2 of the Consultation Document explains how hard copies of the draft NPS, the Consultation Document and the response form can be obtained, and provides a FREEPOST address for those wishing to respond to the consultation by post.

Publicity

21. It was obvious that there would have to be an extensive programme of publicity for the consultation on the draft NPS. Unlike some NPS' which set out policies which are of national application but which do not contain any site-specific proposal, this draft NPS identifies a preferred location for a particular kind of development: a Northwest runway

having a runway length of at least 3500m and enabling at least 260,000 additional air transport movements per annum at Heathrow Airport. The publicity, therefore, had to be addressed to two target audiences: a national audience, and a local audience comprising the large number of people who live and work around Heathrow. The Department talked me through the objectives behind the publicity approach which were to raise awareness of the consultation, to ensure people knew how to get more information, and to ensure people could provide formal responses to the consultation through a number of communication channels.

Local and Regional Events

22. Departmental officials explained their proposed publicity campaign to me before the consultation commenced. There would be both local and regional events. The local events would be held in every local authority and Parliamentary constituency (where there might be differences) which either bordered Heathrow Airport, or which might fall either partially or wholly within the predicted 54dB noise contour, if a third runway is built. That resulted in no less than 20 local events, significantly more than the 11 events held during the most recent Government consultation on a new runway at Heathrow in 2009. The venues within each local authority area would be chosen on the basis of a number of criteria, such as size and facilities, availability within the consultation timetable (it was envisaged that based on a 2 February consultation launch 20 local events would be held between mid-February and mid-March; they started on 13 February and ended on 15 March), accessibility, use of local community buildings and cost. I requested that the relevant local authorities should be contacted to obtain their views on appropriate local venues and how these could be publicised in line with requirements in the 2008 Planning Act. I was told that starting in early November, the Department had attempted to engage all relevant local authorities in the consultation planning. The Department wrote to all authorities and attended meetings in each of their areas with council officials. In a couple of cases, local authorities chose not to engage on this matter. I advised that a further attempt should be made to persuade them to engage with the plans for the consultation and that they should in any event be kept informed of the Department's proposals.
23. I was told by Departmental officials that the events would take place for one day at each of the 20 locations and would run from 11am-8pm on weekdays and 10am-5pm on Saturdays. The events would be open to all who wished to attend. There would be a number of display panels containing extracts from the draft NPS. The events would be staffed by officials from the Department who would receive training, and who would be on hand to answer questions from members of the public. It was hoped that an interactive map table would be available to enable visitors to locate their area in relation to indicative noise contours and the proposed expanded airport boundary. Visitors would also be able to search for more detailed references in the draft NPS, Consultation Document and Appraisal of Sustainability on a number of computer terminals, and would be able, if they wished, to respond to the consultation either on line or on paper before they left the event. Hard copies of the draft NPS, the Consultation Document and the response form would also be available if visitors wished to take them away and respond later. I attended a mock version of a typical consultation event layout before the

consultation was launched. This enabled me to see how the event information would be laid out, the language used on the event display panels and how the Department intended to make effective use of digital media to provide access to information at the events.

24. I was also informed by the Department that it proposed to make arrangements for the delivery of a leaflet to every household in each local authority area in which a local event was to be held, advertising both the consultation and the events. For the 2009 Heathrow consultation, letters had been distributed within the 57dB noise contour area, covering around 250,000 properties. The Department decided to adopt a similar approach to the 2017 consultation, but decided to send a leaflet to residents within the 54dB noise contour in order to provide the most accessible consultation possible. Following discussion with local authorities the Department extended the scope of the leaflet drop further to include all households within each local authority even if they were not within the noise contour. Following engagement with local authorities (as mentioned in paragraph 22, above), Elmbridge Borough Council which is outside this extended area, expressed a strong desire to have its own consultation event. Its boundary was not within the criteria used for the local events. However, reflecting its close proximity to four of the proposed events the Department extended the distribution of leaflets to Elmbridge, taking the total number of leaflets which were distributed to around 1.5 million. In addition, advertisements notifying the public about the consultation, the local events and encouraging them to respond were to be placed in local newspapers, online and broadcast on local and national radio stations. I suggested that local authorities should be approached for help and advice as to the best methods of reaching local groups who were “hard to reach” because of cultural or language barriers, and was told that the Department had hired a specialist organisation in this field and that contact was being made with the local authorities, almost all of whom were willing to help in this respect.
25. In order to address the national (as opposed to the local) element of the consultation I was told that 12 one day regional stakeholder events were proposed to be held in city centre locations across the UK. It was intended that attendance at these events would be by prior invitation only and attendees would need to register online to attend a specific event. There would be a presentation provided at these followed by opportunities for discussion. I was concerned that there should be no suspicion (however unjustified) that the Department’s list of invitees would be confined to “the usual suspects” who were in favour of expansion at Heathrow. I was reassured that the Local Government Association had been consulted about which stakeholders should be invited.
26. I was concerned that the initial list of regional events did not include an event in the south east, outside London, which would enable those who were in favour of/opposed to the shortlisted Gatwick option to put forward their views. On my suggestion, the Department agreed to hold an additional event in Brighton, bringing the total number of proposed regional events to 13. It was proposed that the regional events would follow very quickly after the local events, between late March and late April (they began on 20th March in

Manchester and ended in London on 20th April). The intention was to complete the last regional event no later than one month before the close of the consultation to enable interested parties (and especially local authorities) to then finalise their consultation responses.

27. I was impressed by the amount of careful thought and preparation that had gone into these proposals for raising awareness of the consultation, both locally and nationally. I endorsed the proposed criteria (discussed in paragraph 22, above) for identifying those local authorities within which a local event would be held. In my view the scale of the proposed leaflet distribution and the numbers of both the local and the regional events were not merely a proportionate approach to publicising the consultation, they could fairly be said to go beyond the call of duty. I was told that the Department would be conducting research to ascertain whether their proposed methods of communication were hitting the right targets.
28. I did object to the wording that was initially proposed for the press advertisements, and the wording was altered to my satisfaction. Unfortunately, I did not have the same opportunity to influence the wording of the leaflet: **Heathrow Expansion – Have Your Say**. The changing consultation launch date, some late difficulties trying to secure appropriate event venues and the tight timescale for printing and distributing 1.5 million copies prior to the start of the local events on 13 February meant that I did not see the final version of the leaflet until the day before it was due to be printed. While I did not raise any objection to the leaflet, it is fair to say that any objection at that stage would have jeopardised the start of the programme for the local events.

Publicising my role as the independent adviser

29. I thought that I should attend some, but not necessarily all, of the local and regional events to see for myself how they were working and, if possible, to obtain informal feedback from visitors as to their views about the events and the consultation process generally. I was persuaded to record a short video address to be played at all of the local events so that even if I was not able to be present in person at any particular event, my message, introducing myself and my role as the independent consultation adviser, and encouraging people to respond to the consultation, would still be delivered to those attending that event.
30. To promote awareness of the novel role of the independent adviser I met representatives of a number of local community groups to explain my role at a meeting kindly organised and facilitated by HACAN (the Heathrow Association for the Control of Aircraft Noise). I also met separately representatives of the three short-listed options for expansion before the start of the consultation. I was not asked to deal with the Department's consultations with the local authorities referred to in Section 8 of the 2008 Act. I was however, told that these consultations were taking place. The Minister for Aviation, Lord Ahmad told me that he had held a "roundtable" meeting with Local Authority leaders and Chief Executives to keep them apprised of the Department's plans for the consultation, and to obtain their views. I agreed to attend the second of these roundtable events in

January 2017 where I was able to explain my role. I was also able to answer questions from local authorities about the consultation in a closed session without the Department present.

31. A web page was also developed to introduce me to a wider public, and to explain my role. The web page, which went live on 2nd February 2017, also provided a link to a dedicated email account, via which I could be contacted by those who had concerns about the consultation process.

Liaison with the Department

32. In addition to the discussions with officials and the teach-ins referred to above, I also met the Secretary of State, Chris Grayling, the Minister for Aviation, Lord Ahmad and the previous Department for Transport Permanent Secretary, Philip Rutnam before the start of the consultation. All three said that if I had any problems with the Department's response to any of my concerns, I should contact them and they would ensure that the problem would be dealt with. I did not need to take any of them up on this offer. I had regular meetings during the preparation and delivery of the consultation with Caroline Low, Director of Aviation Capacity at the Department, and was invited to attend meetings of the Department's Senior Consultation Steering Group of which she was the chair. The Steering Group was set up to monitor the preparations for, and progress of, the consultation process. I was pleased to note that the Steering Group's key propriety principles were "no pre-determination", "fairness", "consistency" and "propriety".
33. In summary, I felt that I had sufficient opportunity to make my views known to the Department during the pre-consultation period, and all of my concerns were satisfactorily addressed.

Chapter 3

Consultation Period

Local Events

34. Between 13th February and 15th March 2017, 20 local events were held at the addresses listed in **Annex B**. **Annex B** also shows the number of people who attended each event according to the Department's records. **Annex C** is a map showing the locations of the local events in relation to Heathrow airport. The events were publicised in accordance with the arrangements described in paragraph 24 above. In addition on 15th February 2017 Lord Ahmad gave a number of short interviews with the following radio and television stations serving BAME audiences to publicise the draft NPS and the local events, and to encourage community participation in the consultation process;
- Lyca Radio (South Asian community channel)
 - ABN Radio (African Caribbean channel)
 - Hayes FM, Radio Jackie (West London channel)
 - Colourful Radio (African Caribbean channel)
 - Channel S (Bangladeshi channel)
35. I attended the first four events at Southall, Uxbridge, Kingston and Bracknell, and the events at Stanwell Moor, Kensington and Richmond. I will deal with the main criticisms of the events made to me either in correspondence or in person by attendees at the events below (see paragraphs 36 to 47, below), but my overall impression was that the rooms containing the events were well laid out, the information on the display panels was clear, and a sufficient number of Departmental officials were in attendance to give information to attendees. The interactive map table was popular, but there were complaints that it showed only indicative noise contours and not detailed flight paths (see below, paragraphs 45-47).

Criticisms of the Local Events

Location

36. It is convenient to group the criticisms of the local events under two headings: Location and Content. In response to a number of correspondents who criticised or queried the venues, I had to explain that I was not responsible for the choice of venues; the consultation was being run by the Department, it was not "my" consultation; so any query as to why a particular venue had, or had not, been chosen should be made in the first instance to the Department; and if the Department's response was not satisfactory, then complaint could be made to me as the independent consultation adviser. I received complaints about a lack of signage for certain local events. Without the benefit of local knowledge I was not able to assess the force of these complaints. This is an issue which should be addressed (in co-operation with the relevant local authorities) in future consultations.

37. There were forceful representations from residents in the “Heathrow Villages” (Harlington, Sipson, Longford and Harmondsworth) that a local event should be held within their area, particularly within Harmondsworth village. It was said that they were in a unique position: up to 783 homes and some community facilities would have to be demolished in these areas in order to construct the new Northwest runway, in effect destroying the “Heathrow Villages” as a community. While I had great sympathy with this complaint, I was told by the Department that its priority was to find an appropriate venue in all local areas likely to be affected by the proposals. After extensive searches they were unable to find a suitable venue within the villages that met the Department’s criteria of size, accessibility and availability. Unfortunately, Hillingdon Borough Council would not engage with the Department to help find suitable venues within its boundary (see paragraph 22, above).
38. I had no reason to disbelieve this assurance; and noted that although the point that there should be an event in the Heathrow Villages had been made in general terms, no specific venue had been suggested. However, I did feel that the Heathrow Villages were a special case. I discussed the matter with the Department, and agreed with its suggestion that arrangements should be made for the provision of a free bus service from Harlington, Sipson, Longford and Harmondsworth within the villages, to the West Drayton Local Event on 4th March. The free bus service was publicised by the Department online via the Government’s website and via flyers and was used by 47 people. Residents in the Heathrow Villages were, of course, free to attend other local events, and I met some of them at the events in Southall and Uxbridge.
39. The Department also arranged free bus services from Iver to Gerrard’s Cross on 11th March and from Colnbrook to Slough on 13th March after consultation with relevant local authorities on the routes and pick up points. It had consulted Buckinghamshire County Council and South Bucks District Council but struggled, despite thorough research, to find a suitable venue for the event in South Bucks, which would be close to the areas potentially most affected in the south of the council’s area – for instance Richings Park. The Department received representations from local councillors that for these areas the chosen venue in Gerrard’s Cross would be quite a distance away and difficult to reach by public transport. In light of this, the Department decided to provide a shuttle bus service for these areas to and from Gerrard’s Cross (this service was used by 13 people). The Department also consulted Slough Council at the outset of its consultation planning and the council had a clear preference to use a venue in the centre of Slough for the consultation event which would serve the whole of its planning area. However, the Department noted the potential impacts on the Heathrow village of Colnbrook and the issue of access from there to the centre of Slough. In light of this, the Department provided a shuttle bus service from Colnbrook to the venue in Slough (this service was used by 18 people).
40. A number of local residents, supported by Surrey County Council complained that local events had not been arranged within Surrey Heath and Elmbridge Borough Councils. It was said by the County Council that as events had been arranged in Spelthorne and Runnymede (these had met the Department’s criteria for events) it was unreasonable in

their view, not to arrange events in the other two areas since they were no less affected by aircraft noise. I did not agree with this complaint. It seemed to me that some geographical limit had to be set for the local events; that the criteria adopted by the Department (see paragraph 22, above) were reasonable and, if anything, erred on the generous side; and that the number of events, twenty, was more than sufficient. I appreciate that local authorities are bound to attach importance to County, District or Borough boundaries, but their inhabitants are not so constrained and are able to travel to a “one-off” event in an adjoining District or Borough. With 20 local events spread over a month, consideration of the map at **Annex C** suggests to me that any resident in Surrey Heath or Elmbridge who really wished to attend one of the local events in a neighbouring area would not have found it unduly difficult to do so.

Content

41. I received a number of complaints that the consultation was unfair because the information provided at the events was unbalanced and misleading: it was “one-sided” “propaganda for Heathrow”, emphasising the benefits of a new runway without setting out the disadvantages, and did not present the case for Gatwick as an alternative. While these criticisms of the local events were understandable from the perspective of those who were opposed to the expansion of Heathrow, I did not accept them because I felt that they did not take proper account of (a) the statutory framework within which this consultation is being carried out, and (b) the background to the consultation, and in particular, the work of the Airports Commission (see paragraphs 1-5, above).
42. Under the 2008 Act the Secretary of State publishes (and lays before Parliament) the Government’s proposed National Policy Statement. The statement must give reasons for the policy set out in the statement. Consultees are then asked for their views on that proposed policy. In response to a planning issue of national importance, the 2008 Act does not envisage that the Government will simply say: “what do you think our policy should be?” It makes provision for a procedure under which the Government, having formulated its policy response to a planning issue of national importance, says to consultees (and Parliament): “Here is our proposed national planning policy, what do you think of it?” The earlier question “what do you think our policy should be?” was asked of the Airports Commission. After carrying out further studies the Government accepted the Commission’s main recommendation on new runway capacity and formulated its proposed policy (see paragraphs 1-5, above).
43. The purpose of the local events was, therefore, to explain the Government’s proposed policy and the reasons for it. The display panels showed extracts from the text of the draft NPS. Those extracts were necessarily limited, so visitors were able to search for more detailed references on computer terminals and/or ask Departmental officials for further information. It is understandable that, to those visitors who vigorously disagreed with the Government’s policy and reasoning, in particular with the Government’s view that the local environmental impacts of a new runway at Heathrow could be satisfactorily mitigated, the information displayed at the local events would have appeared “one sided”. For opponents of expansion at Heathrow the local events were bound to be seen

as “pro Heathrow” because they were explaining a proposed Government policy that is “pro Heathrow”. Those who disagreed with the Government’s “pro Heathrow” reasoning were able to express their disagreement in response to the consultation.

44. After the conclusion of the local events I received a complaint from the Chief Executive Officer of Gatwick Airport Ltd that the information displayed at the local events was one-sided in that it “strongly promoted the perceived advantages of the chosen option whilst giving next to no information about alternatives”. In my reply I said that since the local events were arranged in those communities which would (on the basis of the criteria referred to in paragraph 24, above) be most affected by the expansion of Heathrow, it was understandable that this element of the consultation process should have concentrated on the implications from the Government’s point of view of expanding Heathrow. The display panels did refer to the alternatives for expansion which had been considered by the Government, including Gatwick. Although the display panels did not deal with these alternatives in any detail, I felt that the references to Gatwick were sufficient to alert any visitor (who was not already aware of the Gatwick alternative) to the possibility of Gatwick as an alternative to Heathrow. While the local events were an important part of the consultation, they were only one part, and consultees who read the draft NPS or the Consultation Document either at or after visiting a local event would have seen the alternatives considered by the Government and its reasons for preferring the Northwest Runway at Heathrow.
45. For similar reasons, I felt that a number of criticisms of the officials at the local events – that they would not engage in debate and were unable to answer certain questions about objections to the expansion of Heathrow – were misplaced. The officials were in attendance at the events to explain Government policy, or to explain where more details of Government policy could be obtained, for example in the draft NPS or the **Appraisal of Sustainability (AoS)**. Departmental officials could not be expected to debate the merits of Government policy, or to argue about alternatives although they were able to explain how other alternatives were considered. With 20 local events they could not be expected to be familiar with local conditions at each of the venues. One of the purposes of a national consultation such as this one is to enable consultees with local knowledge to bring their concerns to the attention of the decision taker. I am sure that there were some instances where officials were not able to answer detailed questions, for example details of noise impacts, but I was left with the distinct impression that some of those who complained on this score were rather more concerned to demonstrate their own detailed knowledge, by comparison with the officials’ ignorance, than to elicit further information. Interestingly 72% of the over 2,000 responses to the Department’s feedback questionnaire which was given out at the local events (see paragraph 55, below) suggested that they considered that the staff present at these had been helpful and satisfactorily responded to their questions.
46. As mentioned in paragraph 35 (above), the interactive map table at the local events showed a range of indicative noise contours under different operations, and these were based upon the Airports Commission’s analysis of flight paths. The lack of detailed information on future flight paths was the subject of a number of complaints. It was

contended that the consultation could not be fairly undertaken if consultees did not know what the detailed flight paths would be with a new runway at Heathrow: as many people who might be adversely affected by aircraft noise would be unaware of the potential impact of a new runway.

47. Paragraph 5.49 of the draft NPS explains that: *“The Airports Commission’s assessment was based on ‘indicative’ flight path designs, which the Government considers to be a reasonable approach at this stage in the process. Precise flight path designs can only be defined at a later stage after detailed airspace design work has taken place. This work will need to consider the various options available to ensure a safe and efficient airspace which also mitigates the level of noise disturbance. Once the design work has been completed, the airspace proposal will be subject to extensive consultation as part of the separate airspace decision making process established by the Civil Aviation Authority”.*
48. Even if it was part of my role to question the merits of Government policy (which it was not), I would have described the new runway/detailed flight paths issue as a “chicken and egg” question. In order to determine detailed flight paths the Civil Aviation Authority will need to know (a) whether there is to be new airport capacity in the south east, if so (b) whether that new capacity is to be provided at Heathrow or Gatwick, and (c) if at Heathrow, whether by way of a new or an extended runway. Once the planning position is clarified (on the basis of indicative flight paths) then detailed flight paths can be determined in accordance with whatever procedures emerge as a result of the Department’s parallel consultation on **UK Airspace Policy: A framework for balanced decisions on the design and use of Airspace**. Provided it is made clear (as it was in both the local events and the draft NPS) that the future noise contours with a new runway at Heathrow are indicative, I consider that it is possible to hold a fair consultation on the draft NPS. It is open to consultees to respond, if it is their view, that the lack of detailed flight paths undermines the cogency of the Government’s approach to the issue of noise impacts.

The Leaflet

49. There were numerous criticisms of the leaflet referred to in paragraphs 24 and 28 (above). It was said that the leaflet was (a) mere “propaganda” on behalf of Heathrow – “the Heathrow flyer”; and (b) uninformative in that it gave the general locations, but not the addresses, of the 20 events, and did not include the times of opening. I have no doubt that the leaflet fell short of “best practice” in these two respects. It would have been much better if the leaflet had included the addresses of the 20 events, as was done in Annex D of the Consultation Document which did not give the full address, but did identify the building, for example Ealing Town Hall, in which the local event was to take place, and if it had also included the opening times. Correspondents rightly pointed out that there would have been sufficient space for this information if what they described as the pro-Heathrow “propaganda” had been omitted.

50. With the benefit of hindsight, I consider that the preparation of the leaflet was the one instance where the tight timetable between the end of October 2016 and the beginning of February 2017 (see paragraph 8 above) did have unfortunate consequences. In part, the Department was the victim of its own ambition: to print and distribute 1.5 million leaflets for a consultation commencing on 2nd February 2017, with the first of twenty local events taking place on 13th February 2017. I was told by the Department that the explanation for criticism (b) in paragraph 48 (above) was that the addresses of all the venues were not known by the date when the printing of the leaflets had to begin in order to ensure that a sufficient quantity of leaflets was available to be delivered well in advance of the first week's local events. That excuse is not adequate because the Department should have anticipated (and no doubt will in future consultations) that difficulty when deciding upon the start date for the consultation. While the failure to include the addresses of the local events did fall short of best practice, it is only fair to add that the recipients of the leaflet who wished to know the address of their local event could find it online or by telephoning the Department (details of the Department's consultation website and telephone enquiry number were set out in the leaflet). I have already mentioned that Annex D to the Consultation Document listed the buildings in which the Local Events were to be held at the 20 locations.
51. Turning to criticism (a) in paragraph 48, it is true that the "headline points" in favour of Heathrow in the leaflet are prefaced by the words "Why the Government prefers a new Northwest runway at Heathrow". In that respect it could be said that, as with the display panels at the local events, the leaflet is merely expressing the Government's preferred policy. I was told by the Department that the points made in headline form in the leaflet were not new, they were extracted from a document published by the Department after the Secretary of State's statement on 25th October 2016: **Airports: The Government's View**. The Department's intention was to design the leaflet to communicate the Government's position in the October 25th statement on its preference for new airport capacity and to provide detail on how to take part in the consultation and get further information. However, in my view the headline points, as presented in the leaflet, did give the impression of a "hard sell" for Heathrow. It would have been much better if a more neutral leaflet had been distributed giving more information about the addresses of the local events.
52. I should have picked this up. I had objected to the wording initially proposed for the press advertisements because I felt that it would be seen as too "pro Heathrow" (see paragraph 28, above). However, I do not believe that the "hard sell" impression given by the leaflet could have had any real impact on the effectiveness of the consultation. Given the lengthy history of the proposal for a Northwest Runway at Heathrow (see paragraphs 1-5, above) it would be difficult for any local resident with the slightest interest in the subject to be unaware of the fact that the Government's claims in the leaflet are hotly contested by those local authorities and residents' groups who are opposed to Heathrow. The expansion of Heathrow has been such a contentious issue, for so long, that it is difficult to believe that any consultee would have been lulled into a false sense of security on reading the leaflet. Certainly, those who complained to me about the content of the "Heathrow flyer" were well aware of the counter-arguments.

53. One unfortunate effect of the tight timetable for distributing the leaflets for the first week's local events was that some residents received very short notice of those events. This was not intentional on the part of the Department, who experienced some difficulties with a supplier (which were rectified later for the leaflets advertising buses for local events) which delayed the delivery of some leaflets. However, this was most regrettable (another lesson to be learnt by the Department), but given the number of venues, and the fact that the events were spread over a month, I felt that, perhaps at the risk of some inconvenience, it would be possible for those who had received the leaflet at short notice to find another event to attend that was not too far away. There was also some anecdotal evidence from attendees of the local events that some leaflets had not been delivered to areas which should have been included in the distribution of these. The Department asked the supplier to investigate this matter. I understand that the Department held discussions with the supplier to learn lessons to avoid a repeat of these problems on future consultations. The Department reviewed its relationship with the supplier and used a different supplier for later deliveries which it undertook as part of this consultation.
54. I have dealt with the leaflet at some length because it is an aspect of the consultation where the Department fell short of its objective of "best practice". Although the leaflet and its distribution were less than ideal, it must be remembered that it was not the only document produced by the Department as part of the consultation. It was simply the start of the process. Recipients of the leaflet were encouraged to attend one of the local events and to respond to the consultation either by post or via the website, where more information, including the draft NPS and the Consultation Document, was available. It should also be remembered that the leaflet was only one, albeit an important, means of publicising the consultation. The start of the consultation and the local events were also advertised both nationally and locally in newspapers, on radio, and online. The answers to the feedback questionnaire (see paragraph 55 below) indicated that 62% of those who responded had found out about the events through the leaflets. There was one complaint about an advertisement in one of the local papers – that the print was too small and the advertisement was insufficiently conspicuous – but having looked at the advertisement I did not think that this complaint was justified.
55. Some 4,340 people in total attended the 20 local events. At the events the Department provided a feedback questionnaire to obtain attendees views about the utility of the events. Over 2,000 feedback forms were completed, which responded to some or all of the questions. 76% thought that the information provided at the events was clear and easy to navigate and 71% of respondents felt that they had had enough notice of their local event. Notwithstanding the criticisms of the leaflet (see paragraphs 48-53 above) 62% of respondents to the feedback form had found out about the event via the leaflet and 63% thought that they had had enough information (address, time etc.) about their local event.

Other issues

56. Prior to the start of the local events, I had asked the Department, and it had agreed, to leave open the possibility of holding an additional “sweep up” local event at some central London location if there were any unforeseen problems that prevented a significant number of consultees from attending one of the programmed local events. I kept this possibility under review in the light of the various complaints that I received, as did the Department. Towards the end of the programme of local events I discussed this issue with Caroline Low, and agreed with her conclusion that an additional “sweep up” local event was not necessary. Apart from the very real difficulty of advertising such an event in a way which would reach all of those who might have somehow missed the local events, I felt that the number of events and the range of measures to publicise them was such that any consultee who had really wished to attend an event would have found an opportunity to do so.
57. During the course of the local events I received very few complaints about the intelligibility of the draft NPS. There were a few consultees who complained that the documents, including the **Appraisal of Sustainability (AoS)** were far too lengthy, but they were outnumbered by those who complained that the documents did not contain sufficient information, for example about flight paths (see paragraphs 45-47, above), or a quantified statement about carbon emissions, or a full cost benefit analysis in which the environmental disbenefits of expansion at Heathrow were monetised. I felt that these were points which could be made in a response to the consultation. One of the purposes of any consultation is to enable consultees to identify matters which they contend should/should not have been taken into account by the decision taker. An obligation to consult is imposed because it is recognised that a decision takers’ understanding of an issue may well be imperfect. If the decision taker was omniscient there would be no need for a consultation.
58. Three consultees criticised the consultation questions. I did not agree with these complaints (see paragraph 18 above). A number of consultees found it difficult to respond to the consultation online. For example, some users attempting to access the online form via a particular web browser had reported difficulties in doing this. Initially a warning notice was added to the online form and displayed to users likely to be affected by this issue, whilst the matter was investigated further. The Department became aware of this issue in early February and an initial fix was provided by 21st February. This had affected 344 users by this time. A further error was identified subsequently but again fixed by early March which enabled those who had already registered to complete the form. It seemed to me that the Department was acting promptly to fix any technical issues which were experienced by consultees who attempted to respond to the consultation online. In the last two weeks of the consultation, the Department emailed all online users who had registered but not completed an online form to remind them that they still had time to respond to the consultation online if they wished to do so.
59. I do not use a computer, so I asked for a demonstration of the website. I can only say that it seemed to me that it would be straightforward for anyone who does use a

computer to respond to the consultation online. At the time of writing I understand that there have been in excess of 70,000 responses to the consultation, with around 4,000 of these being submitted online (detailed analysis of the responses is still being undertaken by the Department).

60. Various other points were made to me by email. I responded by email (via my Secretariat) to every person who made a representation to me (around 350 responses in total). Some of the representations were not concerned with the consultation process and were, either in form or in substance, criticisms of the policies contained in the draft NPS. In response to those representations I explained that I had been appointed to oversee the consultation process, to ensure that it was fair and accessible, and that I was not concerned with the merits of the policies in the draft NPS or the Government's preference for a new runway at Heathrow airport. These correspondents were told that if they wished their message to be considered as a response to the consultation, I would forward it to the Department, if they gave their consent for me to do this within 14 days. I explained that without their authorisation I would not re-direct their message and that it would not be recorded as a response to the consultation.
61. I received two complaints that journalists from the BBC had been prevented from accessing the local events (in particular the event at Windsor), and that this amounted to some form of Government censorship. The Department told me that while the journalists, like any other citizen, were free to attend the events and view the exhibit boards, they were not allowed to film inside the events while they were in progress in order to protect the privacy of members of the public attending the events and staff working at them. I understand that a journalist from the BBC was later (at the Richmond event) allowed to film inside the venue before the event started, to show the consultation boards and other information. I felt that this approach struck a reasonable balance between the need to protect the privacy of attendees and staff and the freedom of the press, and that it could not sensibly be described as censorship.

Regional Events

62. As mentioned in paragraphs 25 and 26 (above), between 20th March and 20th April the Department held 12 regional events across the UK. **Annex D** provides a list of the events and the number of people who attended each of these. The event which was initially scheduled to take place in Newquay was cancelled due to the extremely low number of people who had registered to attend at this location. For the very few people who had registered for the Newquay event, the Department offered to pay transport costs for them to attend the next nearest event in Cardiff.
63. Late in the planning stage for the regional events, the Department consulted me over concerns that attendance at some of the events was likely to be low. They informed me that renewed efforts were being made to engage with stakeholders in the regions and to increase the number of confirmed registrations for each of the events, but that consideration was being given to cancelling or merging some of the events. My view was that it would be difficult to do this and in particular to publicise that the arrangements for

an event had been changed. Interest in the events subsequently increased because of the additional efforts which were undertaken by the Department and all of the events except one (as mentioned in paragraph 62, above) went ahead as planned.

64. I attended the events which were held in Birmingham, Reading and Brighton. The format of the events was that they commenced with a short presentation by the Department to the audience to provide information about both the draft NPS and the Airspace consultations. This was followed by an exhibition comprised of many of the boards which had been used at the local events and where there was an opportunity for attendees to ask questions of Departmental officials on a one to one basis. The regional events were understandably lower key than the local events had been and each ran for half a day. The exceptions to this were the events in Reading and London which were run as two half day sessions in the morning and afternoon, due to the higher number of registered attendees for those events.
65. I was favourably impressed by the regional events. My impression was that they were well organised and informative. They provided stakeholders from across the many regions of the country with an opportunity to hear directly from the Department about the two consultations. At the events which I attended it was clear that attendees were eager to have the opportunity to put their questions directly to Departmental staff and that they found this useful. Much of the questioning at the events was focussed on the airspace consultation, which was to be expected. However attendees were also keen to find out more about how airport expansion may benefit or have an impact on their region, for example from the potential for improved regional connectivity to the south east. I received only two complaints about the regional events: that there was no “iterative dialogue” at the events and officials simply explained the Department’s position; and that attendees were exposed only to the Government’s proposed scheme, and not the alternatives at Gatwick or elsewhere. I did not accept these criticisms, essentially for the same reasons as those set out in paragraphs 41-44, above in respect of the local events. It would be unrealistic to suppose that any of those who were invited to attend the regional events would have been unaware of the other two short-listed proposals.

Parliamentary Event

66. The Department had initially arranged for a Parliamentary event to take place on 3rd May in the House of Commons, which would have been open to all MPs, Peers and their support staff. This event was cancelled following the Prime Minister’s announcement on 18th April that she proposed to call a General Election on 8th June. Parliament was dissolved on 3rd May.

Other Events

67. I was told by the Department that in response to representations from Members of Parliament for three Surrey constituencies (Surrey Heath, Esher, and Walton and Woking) and for Chelsea and Fulham, it had agreed to provide support for events in Chelsea and Fulham and Surrey Heath/Woking and Esher & Walton. If the MPs found suitable venues,

then the Department would make available PDF versions of the display board content, copies of the response forms and the consultation documentation, and would ensure that officials would be present to answer questions. The event in Chelsea and Fulham took place on 19th April. The remaining two events were due to take place after the conclusion of the regional events on 20th April, but were cancelled following the Prime Minister's announcement on 18th April.

Updated Passenger Demand Forecasts

68. Paragraph 1.2 of the Consultation Document told consultees that *“The Government is currently updating its passenger demand forecasts and will publish a document setting out the impacts of the new forecast on the case for expansion at Heathrow Airport as soon as possible during the consultation period”*. It was recognised that final forecasts would not be available before 25th May, but I endorsed the Department's view that it would be desirable to produce interim forecasts before the end of the consultation. Consideration could then be given as to whether the consultation period should be extended, and if so for how long, to ensure that consultees had a fair opportunity to consider, and respond to the updated forecasts.
69. In November 2016 the High Court ordered the Government to produce a modified Air Quality plan that delivered compliance with the Air Quality Directive in the shortest possible time. The Government said that a final modified Air Quality plan would be published and notified to the European Commission by 31st July 2017 (see paragraph 5.25 of the draft NPS). A consultation draft of the modified Air Quality plan was to have been published by 21st April. I discussed the implications of this with Caroline Low. Since both the updated interim passenger demand forecasts and the consultation draft of the modified Air Quality plan would be relevant considerations for the purposes of the draft NPS consultation she thought, and I agreed, that it would be more helpful for consultees if arrangements could be made to publish the two new pieces of information at the same time. I said that, subject to the timing of publication and the content/complexity of the new information, my provisional view was that it would then be necessary to extend the consultation period beyond 25th May to give consultees a fair opportunity to consider and respond to the new information.
70. Following the Prime Minister's announcement on 18th April the Government applied to the High Court for a six week extension to produce the consultation draft of the modified Air Quality plan until after the General Election. The application was rejected, but time was extended to 9th May, after the local elections on 4th May. The consultation draft of the modified Air Quality plan was published on 5th May and on 8th May the following announcement was made on the Government's website;

“In the consultation document on the draft Airports National Policy Statement, the government explained it was undertaking further work to update its passenger demand forecasts, and that it would publish this information as soon as possible during the consultation.

We are currently unable to publish this information due to restrictions in place during the pre-election period. The aviation model continues to be developed to allow the final forecasts to be produced, and as we now expect there to be less time between these interim forecasts and the final forecasts being available, it is likely that publication will happen when all work in this area has been finished.

The consultation will close as planned on 25 May 2017. We want to hear everyone's views and we encourage people to respond before this date. It will be for a future government to consider all the responses and next steps following the election".

71. Following the announcement that there would be a General Election on 8th June I received a number of representations to the effect that the consultation should be terminated or suspended until after the election with the "loss of time" being made up after the election. In my replies I said that the implications of the announcement were for the Department to consider, but my own view was that it would be sensible to allow the 16 week period for the consultation to continue until it expired on 25th May. After 8th June there would be a new Parliament and a new Government, and the new Government would be able to decide whether it wished to proceed with the designation of the draft NPS, and if so what further procedural steps would be necessary. If the new Government did decide to proceed with the draft NPS, then the new Parliament would, presumably appoint a new Select Committee to consider the draft NPS and the new Government would be able to consider whether the consultation should be re-opened e.g. to enable consultees to consider the new information referred to in paragraphs 68-70 (above), or to make up for any "loss of time" during the Purdah period, or for any other reason.
72. In an ideal world there would have been no announcement during the 16 week consultation period of an impending General Election, but "best practice" must mean best practice in the real world, where such things do happen. Since all options will be open after 8th June there will be ample opportunity to remedy any potential unfairness as a result of the General Election announcement, including "loss of time" (if any) as the result of Purdah, and the delay in producing the new information referred to above. In these circumstances, I felt that it was better to end this part of the consultation process as planned on 25th May, rather than introducing uncertainty by prematurely terminating the consultation or suspending it until after the General Election.

Governance of Consultation Responses

73. My Terms of Reference (See **Annex A**) did not require me to consider the responses to the consultation, or how they would be dealt with by the Department. In discussions with some consultees they were concerned that, whilst I might be able to ensure that the consultation up to the 25th May was fair, thereafter the Department would be free to act unfairly in the way in which it dealt with their representations. I mentioned these concerns to officials, and it was agreed that I would be asked to consider the governance structure that the Department proposed to put in place to ensure that all of the consultation responses would be appropriately considered so that they informed any final NPS.

The proposed governance structure was explained to me by officials at a meeting on 11th April. I endorsed the proposed governance arrangements, and I am confident that they will enable consultees' representations to be properly and fairly considered after the consultation has closed.

Chapter 4

Conclusions

74. Lawyers tend to see only the end-result of consultations. This is the first occasion on which I have been able to observe the preparation and progress of a consultation from inside the administration. I had not realised just how much work is involved in the planning and execution of a major consultation.
75. It will nearly always be possible, particularly with the benefit of hindsight, to identify some defects in any large scale administrative undertaking, but my overall conclusion is that the consultation on the draft NPS was well planned and, with one exception (see paragraphs 49-54, above) well executed.
76. I realise that these conclusions will be dismissed as unduly panglossian by many of the consultees who are opposed to the Government's policies in the draft NPS. As a step in the process under the 2008 Planning Act for the authorisation of a new runway at Heathrow, the consultation was bound to be criticised by those who are opposed to that proposal. In support of my overall conclusions I would make the following points:
- (1) There was no criticism of the basic structure of the consultation – advertisements in local newspapers, online and on local and national radio stations, the distribution of a leaflet to 1.5 million households, followed by a series of local and regional events. There was no suggestion that the Department should have adopted a different approach to the consultation in principle.
 - (2) There was no significant criticism of the advertising campaign in newspapers, online and on radio.
 - (3) While the numerous criticisms of the content of the leaflet (paragraphs 49-54, above) were justified, the principle of distributing a (more neutral) leaflet was not in issue, and no reasoned justification for increasing the scale of the distribution beyond 1.5 million households was put forward.
 - (4) Initial problems with the distribution of the leaflet (paragraph 53, above) were relatively minor in the context of such a large scale distribution, and were soon rectified.
 - (5) A number of consultees contended that local events should have been arranged in their areas (paragraphs 36-40, above), but there was no reasoned argument that the number of events (20) was insufficient, or that it was unduly difficult for any consultee who wished to attend one of the events to do so.
 - (6) The only reasoned criticism of the Department's criteria for determining those areas where local events would be held (paragraph 22, above) was that the 54dB noise contour was based on indicative flight paths. I did not accept that criticism for the reasons set out in paragraphs 47 and 48 (above).

- (7) There were only two criticisms (which I did not accept, see paragraph 65, above) of the regional events. In particular there was no suggestion that they were too few in number or held in the wrong places or (with the two exceptions mentioned above) that they were uninformative.
 - (8) The content of the local events was criticised for being “pro Heathrow” (paragraphs 41-44, above), but I felt that those consultees who made this criticism had misunderstood the purpose of the local events: they were not an opportunity to debate what the Government’s policy should be, but an attempt to explain the Government’s preferred policy as set out in the draft NPS. That policy is “pro Heathrow”, and the draft NPS and the local and regional events would have been very seriously defective if they had not made it clear that the Heathrow Northwest Runway scheme is the Government’s preferred scheme. The Consultation Document makes it clear that, in accordance with the 2008 Planning Act, this preference is subject to the outcome of the public consultation, and the views of Parliament. In future consultations consideration should be given to ways of clarifying the scope of local events, e.g. in the advertising campaign, so that false expectations are not raised.
 - (9) There were no significant criticisms of the Consultation Document, and only three (in my view unjustified; see paragraph 58, above) criticisms of the consultation questions.
 - (10) It was said by a number of consultees that the consultation was “flawed” and/or “unfair” because the draft NPS failed to deal, either in sufficient detail or at all, with certain issues, e.g. safety, which were, in the consultees’ opinion, relevant. I felt that these were all points which could be made in a response to the consultation. One of the purposes of any consultation is to enable consultees to identify points which they say should/should not have been considered, or should have been given more/less weight by the decision taker (see paragraph 57, above).
 - (11) There was no suggestion that the 16 week consultation period was inadequate. I have explained in paragraphs 71 and 72 (above) why I did not agree with the suggestion made by some consultees following the announcement on 18th April that there would be a General Election on 8th June that the consultation should be either terminated or suspended until after the election.
77. Nevertheless, the fact that an impending General Election was announced just over 5 weeks before the end of the consultation on 25th May, and the announcement was followed by the pre-election “Purdah” period means that there is unfinished business (see paragraphs 66-69, above) which will have to be dealt with by the new Government if it wishes to proceed with the designation of the draft NPS. In this sense, the consultation has not been completed, and this report sets out the “story so far”.

78. While it will be for the new Government to decide how to proceed, I should make it clear that if best practice is to be adhered to, it will be necessary to re-open the consultation in order to deal fairly with the unfinished business; and it will be necessary to re-open the consultation for a period which is sufficiently long both to make up for some loss of time (particularly for local authorities) during the “Purdah” period, and to enable consultees to have a fair opportunity to consider the implications of the final modified Air Quality plan and the final passenger demand forecasts. My provisional view is that this period would need to be not less than 8 weeks, excluding main school holiday periods.

Annex A

Airports NPS Consultation – Independent Consultation Adviser

Terms of Reference

1.0 Overall objective

- 1.1 Following the Government's decision on a preferred location for airport expansion in the South East of England, it will undertake a full public consultation on a draft Airports National Policy Statement (NPS).
- 1.2 The purpose of the consultation is to seek views on the Government's policies set out in the draft Airports NPS, including on a proposed package of supporting measures for those communities who are likely to be impacted by expansion.
- 1.3 The Consultation Adviser will help to ensure the public can successfully and fairly access the consultation. In undertaking this role the Adviser will provide challenge to Ministers and Officials to ensure that a high standard consultation and engagement process is delivered.

2.0 The Consultation Adviser will have the following responsibilities:

- 2.1 Responsibilities will be split across three distinct phases of work:

During preparation for the consultation;

- Consider the Government's plans for raising awareness of the promotion of the consultation and for stakeholder and public engagement during the consultation period. The Adviser will need to highlight the key risks of undertaking a consultation on a large and challenging nationally significant infrastructure project which is likely to be seen by some as controversial.
- The Adviser will need to challenge the Department in meeting the desired objectives and by proposing mitigations to the Secretary of State.

During the consultation phase;

- With a focus on engagement, monitor the delivery of the consultation and make recommendations for improvements to the Secretary of State;
 - Where appropriate attend consultation events to observe their effectiveness;
 - Meet stakeholder groups where appropriate to get feedback on the effectiveness of the Department's approach.

After the consultation has ended;

- Produce a report to the Secretary of State on the Government's approach to and delivery of the consultation.
- 2.2 The Consultation Adviser is not required to consider consultation questions (once these have been agreed), Government policy formation or the evaluation of responses once the consultation closes. They will also not be required to do anything specifically relating to the proposed National Airspace and Noise consultation.

3.0 Outputs of the Consultation Adviser

- 3.1 Following the close of the consultation the Consultation Adviser will provide the Secretary of State with a report on how effective the Government's consultation was in meeting its objectives and aligning with best practice.
- 3.2 This report should be submitted to the Secretary of State.

4.0 Timing

- 4.1 Following a Ministerial appointment the Consultation Adviser will begin work in this role on 25 October 2016.
- 4.2 The role will conclude at the end of the consultation period and on the presentation of the Adviser's report to the Secretary of State.

5.0 Reporting

- 5.1 The Consultation Adviser will provide updates to the Secretary of State and Caroline Low, Director for Airport Capacity.

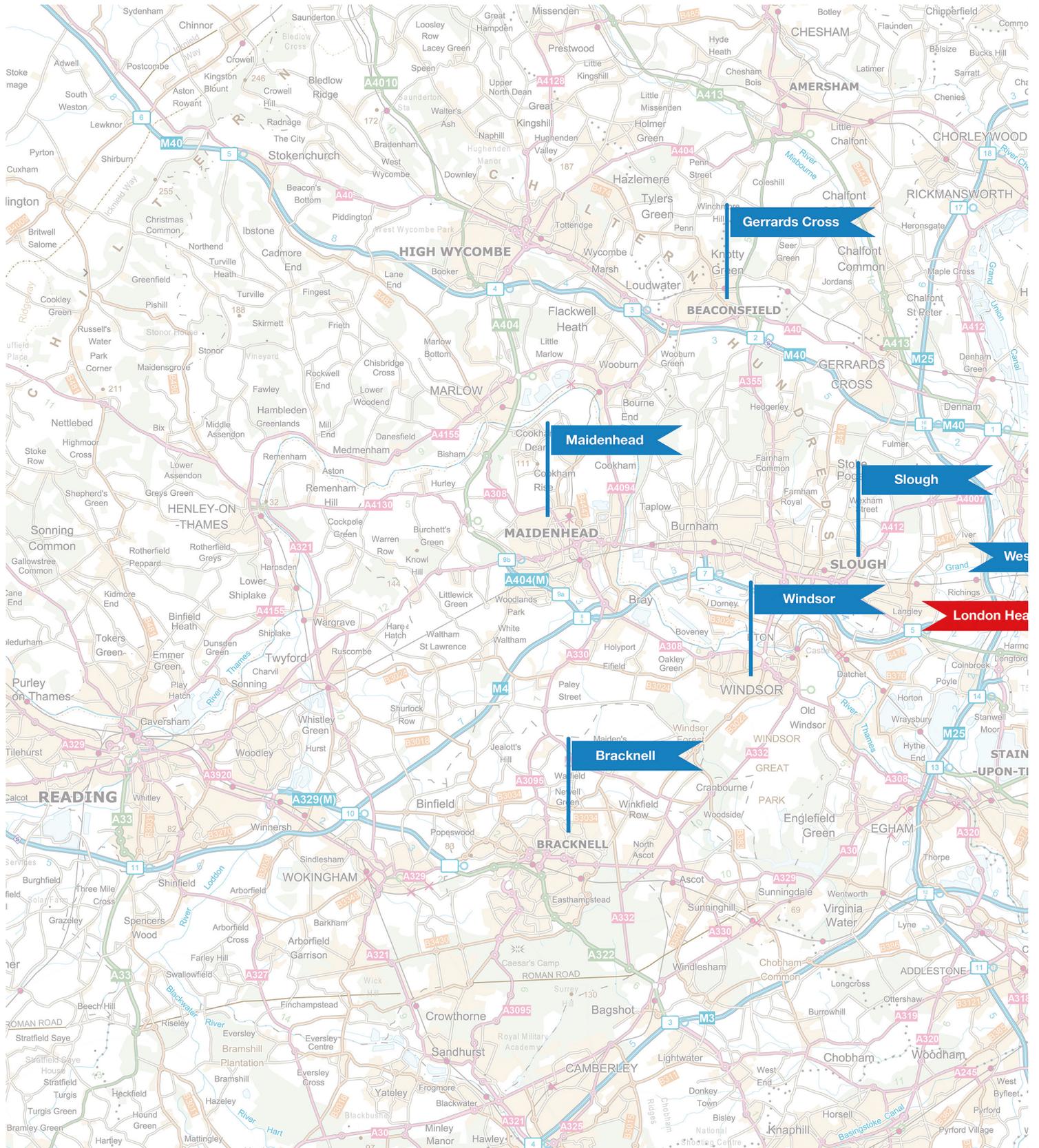
Annex B

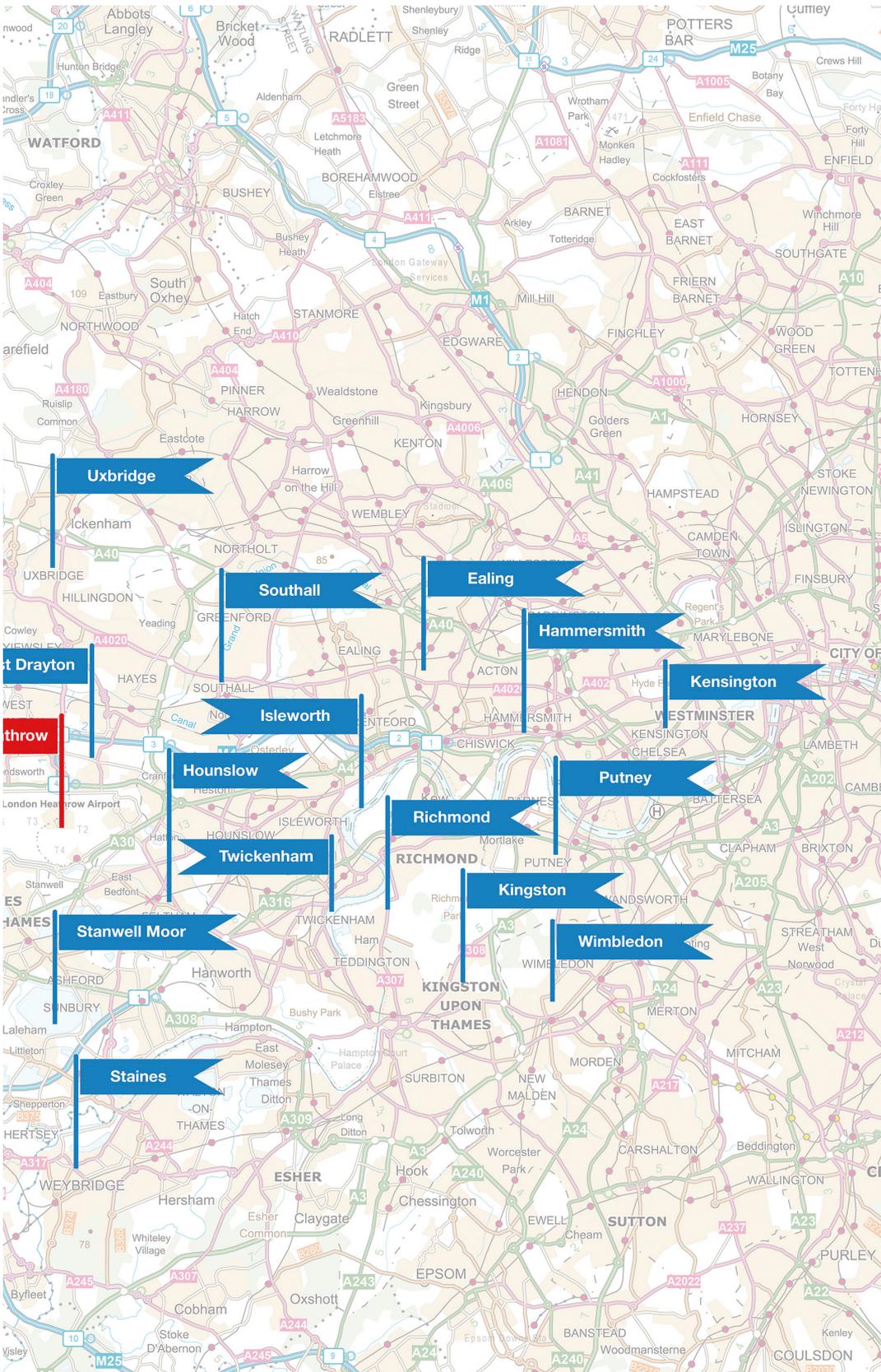
List of Local Consultation events, locations and number of attendees

Date	Location/Venue	Number of Attendees
13 th February	Southall, St George's Community Centre	76
14 th February	Uxbridge, Community Centre	137
15 th February	Kingston, Kingston University	206
16 th February	Bracknell, Carnation Hall	223
17 th February	Wimbledon, Everyday Church	176
18 th February	Ealing, Town Hall	224
20 th February	Staines upon Thames, the Hythe Centre	297
23 rd February	Twickenham, York House	354
24 th February	Putney, Leisure Centre	257
27 th February	Hounslow, Civic Centre	198
28 th February	Stanwell Moor, Village Hall	123
1 st March	Kensington, Town Hall	131
3 rd March	Windsor, Youth and Community Centre	167
4 th March	West Drayton, Yiewsley and West Drayton Community Centre	281
6 th March	Hammersmith, Assembly Hall	303
7 th March	Maidenhead, Sportsable	206
10 th March	Richmond, RACC	429
11 th March	Gerrards Cross, Colston Hall	156
13 th March	Slough, The Curve	167
15 th March	Isleworth, Public Hall	229

Annex C

Map of locations of Local Events in relation to Heathrow airport





Local Events Venue Location & Event Date

Southall
St George's Community Centre 13th February 2017
Uxbridge
Uxbridge Community Centre 14th February 2017
Kingston
Kingston University 15th February 2017
Bracknell
Carnation Hall 16th February 2017
Wimbledon
Everyday Church 17th February 2017
Ealing
Ealing Town Hall 18th February 2017
Staines
The Hythe Centre 20th February 2017
Twickenham
York House 23rd February 2017
Putney
Putney Leisure Centre 24th February 2017
Hounslow
Hounslow Civic Centre 27th February 2017
Stanwell Moor
Stanwell Moor Village Hall 28th February 2017
Kensington
Kensington Town Hall 1st March 2017
Windsor
Windsor Youth & Community Centre 3rd March 2017
West Drayton
Yiewsley & West Drayton Community Centre 4th March 2017
Hammersmith
Assembly Hall 6th March 2017
Maidenhead
Sportsable 7th March 2017
Gerrards Cross
Colston Hall 9th March 2017
Richmond
RACC Queen Charlotte Hall 10th March 2017
Slough
The Curve 13th March 2017
Isleworth
Isleworth Public Hall 15th March 2017

Annex D

List of Regional Consultation events, locations and number of attendees

Date	Location/Venue	Number of Attendees
20 th March	Manchester, Hilton	17
22 nd March	Birmingham, Council House	28
24 th March	Leeds, The Queens Hotel	10
27 th March	Newcastle, Civic Centre	10
29 th March	Edinburgh, EICC	9
31 st March	Glasgow, Crowne Plaza	12
3 rd April	Belfast, Waterfront Hall	11
5 th April	Liverpool, The Marriott	10
7 th April	Cardiff, Radisson Blu	13
10 th April	Newquay, Victoria Hotel (cancelled)	N/A
12 th April	Reading, Town Hall	49
18 th April	Brighton, Holiday Inn	22
20 th April	London, ExCeL	90

