

Closing Submissions on behalf of Heathrow Airport Limited

Land at Manor Farm and land north of Wraysbury Reservoir, Slough

Appeal reference: APP/J0350/W/25/3366043

- 1 These are the closing submissions on behalf of Heathrow Airport Limited ("HAL").
- 2 HAL objects to the appeal proposals. By her letter dated 15th July 2025¹, Emily Fitzpatrick of HAL provided a written objection to the appeal. That letter set out three grounds of objection, which are maintained.
- 3 HAL participated in the inquiry and called evidence from Mr Jolyon Brewis of Grimshaws. As Mr Brewis made clear², his evidence deals with only the first of the three HAL grounds of objection, namely:
- "The siting of proposals at Manor Farm which conflicts with plans for a third runway at Heathrow Airport to accommodate re-provision of displaced uses"*
- 4 HAL maintains its other two grounds of objection but is content that these may be dealt with as written representations³.
- 5 The appeal site has long been identified by HAL as a requirement associated with its expansion project. Expansion involves more than just the development of the airside infrastructure such as a new third runway and terminal infrastructure. It also entails the need for associated development such as (in this case) freight forwarding to serve the airport's important cargo function. The need arises both from enhanced requirements which derive from expansion, and also the need to re-locate existing uses displaced by the physical requirements of expansion.

¹ CD8.05

² JB witness statement ("w/s") para 3

³ JB w/s para 3

- 6 The importance of these complementary land uses is recognised in the Airports National Policy Statement ("ANPS")⁴ - see in particular #2.7 and #3.23-3.24.
- 7 Against this background it is unsurprising that, in its masterplanning work for expansion, HAL has long planned for the provision of sites to meet the need for freight forwarding.
- 8 The appellant introduced into evidence an extract from HAL's Scheme Development Report ("SDR")⁵. This document was produced in June 2019 and was part of a large suite of documents used by HAL to conduct the statutory consultation on its expansion proposals. As Mr Brewis explained⁶, the content of this 2019 consultation was informed by work which began around the time of his appointment in early 2017 and included an earlier (non-statutory) consultation exercise undertaken by HAL in 2018 which garnered views from a variety of consultees including local authorities neighbouring the site of expansion.
- 9 Mr Brewis considered and summarised the key aspects of the SDR in his witness evidence⁷. That summary is not repeated in these submissions but the summary is commended to the Inspector as he reflects upon the significance of the document for the purposes of his report to the Secretary of State. The key points to draw out are as follows:
- (a) The list of "distribution principles" for each type of airport-related development is set out on table 7.9 of CD14.8. "Cargo & Freight Forwarding" has its own set of principles;

⁴ CD5.08

⁵ CD14.8

⁶ JB in chief

⁷ JB w/s para 6

- (b) The appeal site – shown as G5 on the masterplan – was part of a long list of sites which were short-listed following an application of the assessment principles; and
- (c) Site G5 was shown by purple edging on Figure 7.29 of Appendix C to CD14.8 as one of only three selected locations for new and displaced freight forwarding facilities

10 The theme of the propositions which emerged from Mr Brewis’s cross-examination by Mr Warren KC for the appellant were as follows:

- (a) That the masterplan proposals shown in the 2019 SDR may be subject to further refinement, and that there is as yet no draft development consent order (“DCO”) for expansion capable of being examined;
- (b) That any refinement would need to take account of consultation feedback, including not only the feedback from the 2019 consultation exercise itself but also subsequent consultation in advance of examination hearings and questions asked during the examination itself; and
- (c) The 2019 consultation material did not attempt to rank the freight forwarding sites in order of importance

11 But all of the above points are answered by the following:

- (a) It is fair to say that the 2019 SDR reflected HAL’s proposed masterplan at the time. Indeed Mr Murphy’s frequent place of refuge from cross-examination was to stress that the 2019 document represented the thinking “at the time”⁸. Mr Brewis also accepted as much in cross-examination⁹.

⁸ PM cross-examination (“xx”) by RGKC

⁹ JB xx by RWKC

However, what both statements conceal is the fact that subsequent events have repeated and reinforced the approach taken in the 2019 document;

- (b) Statutory consultation is a formal requirement for all nationally significant infrastructure projects promoted under the Planning Act 2008. The consultation, application and examination process under the 2008 Act is intended to allow for iteration up to a point. It would therefore be inappropriate for a document produced for statutory consultation to double down on the identification of any site as being "critical" or "essential", because that would be to prejudge the output of consultation. The fact that the 2019 SDR did not do so, therefore, is neither unusual nor surprising;
- (c) By contrast, all the evidence gathered since June 2019 confirms that the appeal site is very important to the expansion masterplan and is likely to remain so. In particular:
 - (i) The September 2019 draft Summary of Land Use Strategy Principles¹⁰, drafted after the close of the June 2019 consultation, repeated and reinforced the need for the identified sites - see, for example, "**Principle 4: Providing only what is essential to support the operation of the airport**":

*"The masterplan only includes replacement and additional Airport Supporting Development (ASD) that is essential for the successful operation of the airport ..."*¹¹

And in the section "**Freight Forwarding**"¹²:

"The Preferred Masterplan document (figure 7.6.1) shows freight forwarding concentrated in two principal locations outside of the Airport:

¹⁰ CD8.20

¹¹ CD8.20 page 2

¹² CD8.20 page 7

1. *To the south of the expanded airport on 4 sites (c. 65,000 sq m) situated in the Green Belt in Zone H*
2. *To the west of industrial areas in Poyle in Zone L (c. 59,000 sq m) again in Green Belt*

...

Heathrow displaces a substantial amount of Freight Forwarding floorspace, a large proportion of which has a strong association with supporting on-Airport cargo activity. It is therefore important that Airport expansion plan to re-provide this space to avoid a detrimental impact on cargo operations today"

- (ii) Even by April 2020, just before work on expansion was suspended by reason of the Covid-19 pandemic, the then Project Development (Masterplan) Report¹³ notes that even with a "*minor overall decrease in Freight Forwarding quantum*"¹⁴ the appeal site still features on the M5 masterplan¹⁵ as being required for cargo driven uses. Indeed the view expressed by local authorities to the June 2019 consultation was that they wanted more freight forwarding sites identified in the DCO, not less¹⁶;
- (iii) Mr Brewis's evidence¹⁷ was that even with his many years of experience in this masterplanning exercise he has never come across a site that is a better potential site for freight forwarding than this one; and
- (iv) Mr Murphy accepted¹⁸ that, even with all of his own experience of the masterplanning exercise for expansion, his evidence does not

¹³ CD8.19

¹⁴ CD8.19 para 12.5.1

¹⁵ CD8.19 Figure 12-3

¹⁶ JB w/s para 14(B)

¹⁷ JB re-examination by TS

¹⁸ PM xx by RGKC

positively assert that the site is not required for expansion nor that there are better sites available for freight forwarding than this one

12 As a post-script, Mr Murphy referred in his evidence to the meeting that took place with HAL's planning manager in November 2024¹⁹ at which he was told that HAL maintained "no objection in principle" to the appeal proposals, and to the formal consultation response by HAL on the planning application on 21st January 2025²⁰ which raised only a series of operational concerns with the appeal proposals which (it was accepted) were capable of being overcome by the imposition of appropriate planning conditions.

13 HAL's more benign responses to the appeal proposals on those two occasions is explained entirely by the timing of events. Both events predated the critical Chancellor's Announcement and the Written Ministerial Statement ("WMS") of 29th January 2025²¹, which resulted in HAL reviving its expansion proposals. As Ms Fitzpatrick explains in HAL's written objection to the appeal²²:

"At the time we submitted our representation, on 21st January 2025, proposals for Expansion at Heathrow were on hold following a pause during the period of the Covid-19 pandemic. In view of the uncertainties, at the time the pause was for an indefinite period ...

...

It is recognised that during consultation on the planning application, HAL did not raise the matter of the [appeal proposal's] conflict with the proposals for a third runway. However, this reflects the timing of events that immediately followed HAL's submission, the focus HAL has necessarily placed on developing its proposals for a third runway to meet the Government's timetable for a summer submission, and the fact that we expected further engagement between Slough Borough Council and the Appellant on the determination of this application"

¹⁹ PM w/s para 13.2

²⁰ Letter appended to CD8.05

²¹ CD5.09

²² CD8.05 pages 2 and 3

14 As Mr Murphy fairly conceded, given the timing of the Chancellor's announcement and the WMS, HAL's response at the meeting with the appellant and its subsequent consultation response were "not at all surprising"²³.

15 In conclusion the case for HAL is that:

- (a) This site has long been identified as being required for freight forwarding to support expansion;
- (b) The site is a high priority having regard to its credentials;
- (c) The selection and testing of the site has been rigorous and extensive;
- (d) HAL has not identified a better site for freight forwarding since and nor has anyone else; and
- (e) It would be harmful to HAL's expansion plans if this site were taken for an alternative use

16 For all of these reasons, and the additional two reasons set out in its written representations, HAL respectfully submits that the appeal should be dismissed.

Tim Smith

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22nd October 2025

²³ PM xx by TS