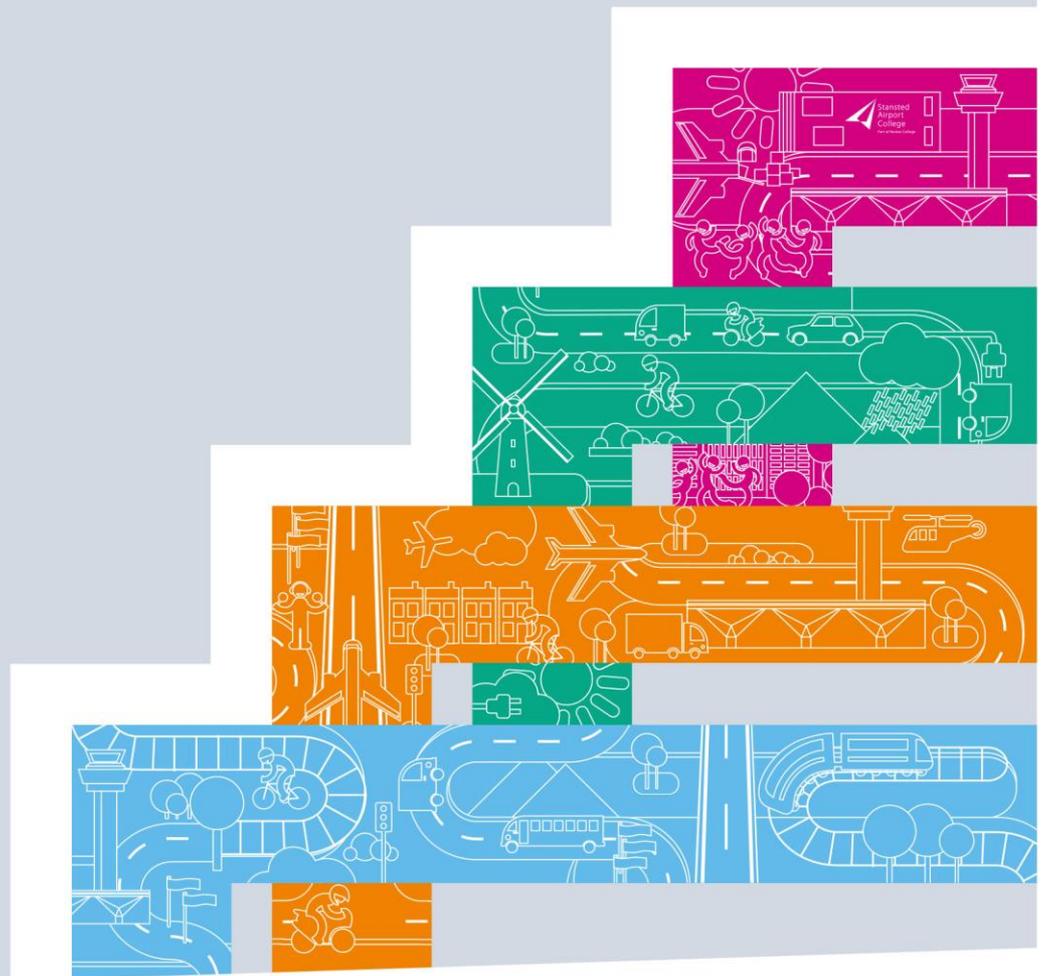


TRANSFORMING LONDON STANSTED AIRPORT

▶ 35+ PLANNING APPEAL

Statement of Case

July 2020



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1 Introduction

- 1.1 This is the Statement of Case ('SoC') on behalf of Stansted Airport Limited ('STAL' or 'the Appellant') that accompanies its appeal against the refusal by Uttlesford District Council ('UDC') of planning application UTT/18/0460/FUL.
- 1.2 The application was for:

"Airfield works comprising two new taxiway links to the existing runway (a Rapid Access Taxiway and a Rapid Exit Taxiway), six additional remote aircraft stands (adjacent Yankee taxiway); and three additional aircraft stands (extension of the Echo Apron) to enable combined airfield operations of 274,000 aircraft movements (of which not more than 16,000 movements would be Cargo Air Transport Movements (CATM)) and a throughput of 43 million terminal passengers, in a 12-month calendar period at Stansted Airport"
- 1.3 The proposal now the subject of this appeal (the 'appeal proposal' or the 'development') would enable London Stansted Airport ('Stansted') to make best use of its existing runway, in line with the Government's aviation policy. Growth to 43 million passengers per annum ('mppa') is also consistent with the 2015 Stansted Airport Sustainable Development Plan ('SDP').
- 1.4 STAL's case is that the development is acceptable in planning terms, brings significant social and economic benefits and that any adverse environmental effects can be adequately mitigated and managed. By enabling best use to be made of Stansted's existing capacity, the development supports the delivery of national aviation policy. The development also complies with the Development Plan for Uttlesford and the National Planning Policy Framework ('NPPF').
- 1.5 Stansted's growth prospects over the next decade are strong and there is a compelling case to enable the airport to make best use of existing capacity. Making best use of Stansted's capacity will help support the UK's future economic growth, create employment opportunities and can be achieved while fully protecting the interests of communities around the airport. The airport's positive impact on economic growth and job creation is even more important given the extraordinary short-term impacts of COVID-19.
- 1.6 This SoC summarises the background to the appeal and outlines the case which will be made in response to each reason for refusal identified by UDC.

Background: Summary Timeline

- 1.7 The appeal proposal has been the subject of a local authority decision-making process for over two years:

Table 1: Summary timeline of events

| Date | Action |
|-------------------------|--|
| 22 February 2018 | STAL submitted its application following extensive pre-application consultation, starting with the development of the SDP in 2015. The application included a full suite of supporting documents including an Environmental Statement ('ES'). |
| 14 November 2018 | Planning Committee resolved to grant permission, subject to a Section 106 Agreement in accordance with the agreed Heads of Terms and consistent with measures proposed in the ES. |
| 20 March 2019 | Secretary of State rejected a 'call in' request by objectors on the grounds that the application did 'not involve issues of more than local importance' ¹ . |
| 12 April 2019 | The STAL signed Section 106 Agreement is sealed by Essex County Council ('ECC') and sent to UDC for signature. |
| 25 April & 28 June 2019 | Two Extraordinary Council Meetings ('ECM') were held. UDC sought two independent legal opinions, both of which concluded that the draft Section 106 Agreement did 'faithfully reflect' the November 2018 resolution, subject to one (resolved) point and that there would be 'no impediment to issue' the permission ² . |
| 28 June 2019 | <p>The second Council ECM resolved not to issue the planning permission until the UDC Planning Committee had considered:</p> <ul style="list-style-type: none"> (i) the adequacy of the proposed Section 106 Agreement between UDC and Stansted Airport Ltd, having regard to the Heads of Terms contained in the resolution approved by the Council's Planning Committee on 14th November 2018; and (ii) any new material considerations and/or changes in circumstances since 14 November 2018 to which weight may now be given in striking the planning balance or which would reasonably justify attaching a different weight to relevant factors previously considered. |

| | |
|----------------------------------|---|
| <p>July 2019 to January 2020</p> | <p>UDC sought third independent legal opinion on the points above, to inform Planning Committee ‘workshops’ and the negotiations between STAL and UDC to review the Section 106 Agreement.</p> |
| <p>17 & 24 January 2020</p> | <p>Application returned to Planning Committee with a clear recommendation from Officers for approval. The recommendation was supported by legal advice from Leading Counsel that confirmed that the Section 106 Agreement was appropriate and that there had been no material change in circumstances affecting the planning balance.</p> <p>Despite the consistent and unequivocal advice from the full range of legal and planning professional sources consulted, the Planning Committee refused permission on four grounds [copy of decision notice at Appendix 1].</p> <ol style="list-style-type: none"> 1. <i>The applicant has failed to demonstrate that the additional flights would not result in an increased detrimental effect from aircraft noise, contrary to Uttlesford Local Plan Policy ENV11 and the NPPF.</i> 2. <i>The application has failed to demonstrate that the additional flights would not result in a detrimental effect on air quality, specifically but not exclusively PM2.5 and ultrafine particulates contrary to Uttlesford Local Plan Policy ENV13 and paragraph 181 of the NPPF.</i> 3. <i>The additional emissions from increased international flights are incompatible with the Committee on Climate Change’s recommendation that emissions from all UK departing flights should be at or below 2005 levels in 2050. This is against the backdrop of the amendment to the Climate Change Act 2008 (2050 Target Amendment) to reduce the net UK carbon account for the year 2050 to net zero from the 1990 baseline. This is therefore contrary to the general accepted perceptions and understandings of the importance of climate change and the time within which it must be addressed. Therefore, it would be inappropriate to approve the application at a time whereby the Government has been unable to resolve its policy on international aviation climate emissions.</i> 4. <i>The application fails to provide the necessary infrastructure to support the application, or the necessary mitigation to address the detrimental impact of the proposal contrary to Uttlesford Local Plan Policies GEN6, GEN1, GEN7, ENV7, ENV11 and ENV13.</i> |

2 Context

The Appeal Site

- 2.1 Stansted is in Essex, some 56km north-east of London and 50km south-east of Cambridge. The airport occupies a 957ha site³ in a predominantly rural setting, with defined and mature landscaped boundaries. The site is bounded to the west by the M11 and to the south by the A120.
- 2.2 Stansted is the UK's fourth largest airport in terms of the number of passengers handled. The airport has a full range of modern facilities and infrastructure to accommodate short-haul and long-haul services. The airport's single runway can handle all types and sizes of aircraft, and its modern airfield is set out to provide an efficient operating environment.
- 2.3 In 2019, Stansted served 22 passenger airlines who between them carried 28.3 million passengers to destinations spread across Europe, Middle East, Central and North America. Ryanair is the largest airline operating at London Stansted, handling 74% of total passengers in 2019.
- 2.4 The airport is a catalyst for economic growth in the East of England. As a major gateway to the UK the airport supports the regional and national tourism industry. Stansted is also a major source of local employment and has strategies in place to maximise benefits for local communities, including job creation and training schemes, and the on-site Stansted Airport College. Stansted stimulates inward investment and productivity by providing international and domestic connectivity for businesses in its catchment, and it supports local businesses by awarding contracts to them wherever possible.
- 2.5 The airport is well connected by rail and road, benefiting from frequent train services to London, Cambridge and Birmingham, high-frequency coach services to a range of destinations, and purpose-built road connections to the M11 and A120.

Planning History

- 2.6 Since its major redevelopment in the early 1990s, Stansted's growth has been managed in a series of planned and distinct phases, as summarised below. The full planning history is set out in the Planning Statement accompanying the application.

Table 2- Planning History

| Permission / Controlling Act | Date | Description |
|---|--|--|
| Outline Permission to 15mppa | 1985 Phase 1 Reserved Matters - 1986 & 1987 | Major development as London's 3 rd airport. Permission conceived in two phases: 8mppa and 15mppa. |
| Parliamentary Limit on aircraft movements | 1987 – 2004 | Limit on aircraft movements introduced following 1985 Airports Policy White Paper. Revoked further to '15+' 2003 Permission (see below). |
| Reserved Matters (8-15mppa) | 1999 | Details for Phase 2 of the original permission. |
| 15+ (Growth to 25mppa) | May 2003 | Terminal, airfield & infrastructure expansion. Growth permitted to 25mppa and up to 241,000 air transport movements (ATMs). |
| 25+ (Growth to 35mppa) | October 2008 | 2003 permission varied to permit 35mppa, 264,000 ATMs and 10,000 'other' movements, including GA (on appeal). |

2.7 STAL's current masterplan for the future growth of the airport was set out in the SDP, which was published in 2015 following extensive public consultation. The SDP provides the overarching framework to guide sustainable development and growth of the airport to make best use of its existing single runway. The SDP made clear that the timing of an application for growth beyond 35mppa would be influenced by the rate of growth at the airport and wider policy considerations⁴.

The Development Plan

The Development Plan - Uttlesford Local Plan 2005

2.8 UDC has twice sought to update its Local Plan over the last eight years. On 30 April 2020 it withdrew the last draft plan following issue of the Joint Inspectors' Report.

2.9 Accordingly, the 2005 Uttlesford Local Plan ('ULP') remains the adopted Development Plan for this appeal. Although some 15 years old, most environmental policies that have been saved by direction (e.g. those concerning noise, air quality etc) are not inconsistent with current national policy. The relevant policies are listed in Appendix 2. The ULP's airport-specific policies only refer to the airport's physical boundary and development zones and there is no strategic policy that directs growth; instead the benefits of the airport are referenced in district-wide vision statements.

National Policy

Aviation Policy Framework ('APF') 2013

2.10 The Government is clear about the benefits of UK aviation to the whole economy. The APF contains a policy objective of making the UK one of the best-connected countries in the world, and for the aviation sector to make a significant contribution to economic growth of the UK. To achieve this aim, the APF commits to a 'short to medium' term priority to make better use of existing runway capacity at all UK airports⁵. National policy support for the sustainable growth of the UK's aviation industry recognises the significant economic and social benefits this brings, whilst also ensuring that environmental issues are fully addressed. This strong, in principle support for realising the economic and social benefits of aviation was recently re-stated by the Secretary of State for Transport⁶ and evidenced by the recent Manston Airport decision⁷.

Beyond the horizon, the future of UK aviation: Making best use of existing runways ('MBU') 2018

- 2.11 Following many years' work by the Airports Commission, in June 2018 the Government issued a policy statement to support UK airports (beyond Heathrow) making best use of their existing runways, subject to local economic and environmental considerations.
- 2.12 This policy document updated the 2013 Aviation Policy Framework on the issue of making best use of existing capacity and accompanied the Government's Airports National Policy Statement ('ANPS') supporting the construction of a new runway at Heathrow. The MBU policy was explicitly brought forward by Government in recognition of the value of providing early clarity on this important aspect of aviation policy⁸.
- 2.13 The 2018 MBU policy clearly states the respective roles for local planning authorities and for government in considering proposals for airport expansion. The policy makes clear that Government expects local impacts, such as noise and air quality, to be taken into account

as part of the local planning application process because these impacts will be felt by local communities.⁹

2.14 However, the MBU policy is unequivocal that aviation's carbon emissions are an important matter that should be considered at the national level, rather than as part of the local decision-making process¹⁰. The core MBU policy is at paragraph 1.29:

"Therefore, the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits."

2.15 This remains the Government's current position on UK airports policy¹¹.

National Planning Policy Framework ('NPPF') 2019 (updated)

2.16 The current iteration of the NPPF is dated February 2019. Airport policies are limited. In respect of plan making, NPPF states that planning policies should "provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy"¹².

2.17 NPPF has several policies relevant to the appeal which are detailed in Appendix 2.

Noise Policy Statement for England ('NPSE') 2010

2.18 The NPSE, published in 2010, does not set out specific noise level guidelines for noise sensitive development; these are covered in other documentation (CAA's SoNA 2014¹³ and relevant appeal decisions¹⁴). The overall vision of the NPSE is to:

"Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development".

2.19 The NPSE vision and aims should be interpreted in line with a set of shared UK principles that underpin the Government's sustainable development strategy¹⁵. The principles are:

- Ensuring a Strong Healthy and Just Society
- Using Sound Science Responsibly
- Living Within Environmental Limits
- Achieving a Sustainable Economy

- Promoting Good Governance

2.20 The NPSE defines “significant adverse” and “adverse” impact in line with the World Health Organisation’s definitions: NOEL – No Observed Effect Level; LOAEL – Lowest Observed Adverse Effect Level and SOAEL – Significant Observed Adverse Effect Level.

2.21 A full list of other relevant policy documents that will be referred to in the appellant’s case is contained within Appendix 4.

3 The Appeal Proposal

Development Description

- 3.1 The full development description is at paragraph 1.2 above. In summary, the proposal is for airfield infrastructure comprising:
- a) Two new taxiway links to the runway (Rapid Access Taxiway (RAT) and Rapid Exit Taxiway (RET));
 - b) Six additional remote aircraft stands (adjacent Yankee taxiway); and
 - c) Three additional remote aircraft stands (forming an extension of the Echo Apron).
- 3.2 The proposed airfield infrastructure will facilitate making best use of the existing runway. It will enable Stansted to handle the forecast passenger aircraft movements through accommodating peak air traffic demands, especially for overnight aircraft parking, and to provide operational resilience and flexibility. The existing overall cap on annual aircraft movements of 274,000 is retained, but the annual cargo air transport movements are limited to 16,000. The proposed airfield infrastructure provides the ability to handle 43mppa, within the movement limits, which is an increase from the current limit of 35mppa. A tighter day-time noise contour is also proposed.
- 3.3 The change to the operating limits at the airport (the 'planning controls') are proposed as the current condition limiting passengers to 35mppa would not enable London Stansted to make best use of its existing runway. Government policy supports UK airports (beyond Heathrow) in making best use of their existing capacity, subject to local economic and environmental considerations.
- 3.4 The current planning controls on movements contain defined limits for certain categories of aircraft: passenger and cargo air transport movements ('PATM' and 'CATM') and 'other' aircraft¹⁶ effectively resulting in a cumulative limit of 274,000 aircraft movements per year ('AM')¹⁷. It is proposed to retain the overall 274,000 AM limit as a combined total cap, simplifying the current controls, reducing the limit on cargo flights and providing flexibility which will allow more PATMs, thus enabling the airport to handle additional passengers.

Application Documents and ES Structure and Conclusions

- 3.5 The application comprised a full suite of documents that included a Planning Statement, Design and Access Statement ('DAS') and Statement of Community Involvement ('SCI'). The Planning Statement (Chapter 8) set out the benefits of the development, summarised as:

- delivering national aviation policy through making best use of existing airport capacity;
- improved regional competitiveness through better connectivity for the East of England & London;
- economic benefits across the region, employment and improving skills and education;
- greater choice and consumer benefits including reduced need to travel to Heathrow or Gatwick;
- compatibility with the long-term masterplan and well-established planning framework;
- no significant adverse environmental impacts and the addition of new mitigation measures; and
- securing long term certainty for all airport stakeholders on the impacts and planning conditions associated with the airport making best use of existing capacity.

3.6 The application was also subject to a formal Environmental Impact Assessment ('EIA'). The technical, geographic and temporal scope of the EIA was determined in consultation with UDC, statutory bodies and other stakeholders and, ultimately, through the issue of a formal Scoping Opinion by UDC on 22nd December 2017.

3.7 The following key topic areas were 'scoped in' to the ES:

- Surface Access and Transport (and included a full Transport Assessment ('TA'));
- Noise;
- Air Quality;
- Socio-Economic Impacts;
- Carbon Emissions;
- Climate Change;
- Public Health and Wellbeing (incorporating a Health Impact Assessment);
- Water Resources and Flood Risk; and
- Cumulative Effects.

3.8 Temporary construction effects were addressed in a dedicated chapter and also within each topic chapter.

3.9 The overarching conclusion of the ES is that the appeal proposal would result in **negligible to minor adverse** (at worst) effects on the environment. These effects are deemed not to be significant in EIA terms. The Socio-Economic impacts would be beneficial.

Table 1: Summary of the ES Conclusion

| Topic | Phase | Residual Effect (with mitigation) |
|--|--------------|-----------------------------------|
| Surface Access & Transport | Construction | Negligible |
| | Operation | Negligible / Minor Adverse |
| Air Noise | Construction | N/A |
| | Operation | Negligible |
| Ground Noise | Construction | Negligible |
| | Operation | Negligible |
| Surface Access Noise | Construction | Negligible |
| | Operation | Negligible |
| Air Quality | Construction | Negligible |
| | Operation | Negligible |
| Socio-Economic Impacts | Construction | Negligible |
| | Operation | Minor to Major Beneficial |
| Carbon Emissions | Construction | Negligible |
| | Operation | Negligible |
| Climate Change | Construction | N/A |
| | Operation | Negligible |
| Public Health and Wellbeing | Construction | Negligible |
| | Operation | Negligible |
| Water Resources and Flood Risk | Construction | Negligible |
| | Operation | Negligible |
| Non-Significant topics (inc. Ecology, Land and Soil, Archaeology & Built Heritage, Landscape and Visual, Waste & Major Accidents and/or Disasters) | Construction | No effects / Negligible |
| | Operation | No effects / Negligible |

3.10 The ES was peer reviewed by UDC and its specialist consultants, both of whom supported the ES conclusions on the assessed effects of the development. Further, the preparation of the 2018 Committee Report was overseen by UDC's appointed Legal Counsel, and the report carefully and extensively describes the detail of the assessments and the basis for the conclusions. The topic conclusions were carefully reviewed and endorsed by the Council's technical advisers, as was the overall conclusion that, following mitigation, there were no significant adverse environmental effects.

Preparation of an ES Addendum

3.11 Much has of course occurred globally that impacts macro-economic factors since the preparation of the 2018 ES, principally the effects of the worldwide COVID-19 pandemic. Given the passage of time, and the likely date for any public inquiry, it is the Appellant's intention to produce an ES Addendum which will serve to 'refresh' relevant aspects of the original ES. It is intended that the timing and scope of this work will be discussed with the Planning Inspectorate ('PINS') in due course (see Section 5 below).

3.12 COVID-19 has had a devastating impact on the global aviation industry, with passenger numbers substantially reduced over the period since March 2020 because of stringent travel restrictions imposed by most governments to control the spread of the virus. In common with all UK airports, Stansted has been severely impacted by the reduction in air travel during this period.

3.13 There are clear signs that the aviation market is beginning to recover as many governments lift travel restrictions and airlines begin to restore services. However, there are a range of key uncertainties that are likely to determine the rate at which aviation demand recovers to previous levels, such as future trends in infection rates, changes in consumer behaviour and short-term economic factors.

3.14 Traffic levels at Stansted in the short-term will be heavily influenced by these specific factors, and it is likely that passenger volumes will remain below 2019 levels over the next few years. As countries recover, however, aviation demand will increasingly be determined by reference to key drivers such as economic growth, disposable incomes and trade.

3.15 For this reason, the Appellant is confident about Stansted's growth prospects over the next decade and believes there remains a compelling case to enable the airport to make best use of existing capacity despite the extraordinary short-term impact of COVID-19. This is because making best use of Stansted's capacity will help support the UK's future economic growth, create employment opportunities and can be achieved while fully protecting the interests of communities around the airport.

4 Ground of Appeal

- 4.1 It is the Appellant's view that the appeal proposal:
- a) is for a form of sustainable development in the terms set out in NPPF; and
 - b) is in overall compliance with the Development Plan.
- 4.2 The appeal proposed delivers national and regional policy objectives and will deliver substantial social and economic benefits. The ES confirms that there will be no significant adverse environmental effects when account is taken of the existing permissions and the comprehensive package of mitigation measures proposed.
- 4.3 On this basis, there was no reasonable or sound basis for UDC to reverse its original resolution to grant planning permission and ultimately, after a lapse of 14 months, to refuse permission. These actions, and its formulation of unclear, imprecise reasons for refusal¹⁸ have led to an avoidable appeal, creating delay and uncertainty, and wasted expenditure for the Appellant.
- 4.4 This section addresses the four reasons for refusal in turn. However, at the outset, it is evident that there is a common element to UDC's reasons for refusal of planning permission; it is appropriate to address this matter first.

Creation of "Additional Flights"

- 4.5 Refusal reasons 1-3 each reference "*the additional flights*" as a consequence of the development. This is at odds with the fact that the appeal proposal does not seek permission for more flights beyond the 274,000 rolling 12-month movement limit already permitted under the 2008 planning permission. The impact of this number of flights was previously assessed in great detail and found acceptable by two Inspectors¹⁹ and the Secretaries of State acting jointly. STAL does not consider that UDC can properly argue that the Secretaries of State's decision as to the acceptability of 274,000 AMs at Stansted, should now be set aside or ignored as a key benchmark for assessing the appeal proposal. This AM figure has already been consented and has been in the contemplation of the Council and local communities for over a decade.
- 4.6 An ES was required to support the original application. The standard approach to ES assessment is to assess two development cases to enable environmental impacts to be compared – 'With' and 'Without Development' (labelled "Do Minimum" in the ES). The 'Do Minimum' case was 249,000 AMs and the 'With Development case' was 274,000 AMs. Both were considered at 2028 – being the year when 43mppa was predicted to be

reached and the year of greatest difference (and therefore of worst-case environmental impacts) between the two cases. This approach has not changed: it was agreed by UDC in its scoping opinion²⁰ and set out in both the 2018 and 2020 Committee Reports²¹. The worst-case impacts were all judged to be acceptable.

- 4.7 However, the use of this conventional ES methodology (in order to predict ‘worst case’ effects) in no way precludes the airport from operating to the maximum possible extent under the existing planning caps (i.e. 35mppa and 274,000 movements). Indeed, in the absence of the altered passenger cap sought by the appeal proposal, it would make commercial sense for STAL to seek to maximise the benefits of its existing permission and utilise to the greatest extent possible its consented movement limits in each sector (passenger, cargo and other), rather than simply cease all growth in AMs after 2028 in the “without development” case.
- 4.8 UDC’s Planning Committee allowed itself to become distracted by public objectors from the fact that permission already exists for the number of AMs assumed in the ES. It appears to be attempting to deny STAL permission for an increased number of passengers passing through the airport (utilising but not exceeding a previously approved number of AMs) on the specious basis that UDC knows better than the Secretaries of State as to the acceptability of the impacts of consented movements.
- 4.9 This is all notwithstanding that: the impacts set out in the ES have been judged by UDC and its own consultants to be acceptable and that STAL would inevitably have sought to exploit its existing permission post 2028 in any event to utilise the commercial potential of its permitted AMs, if it was obliged to “fall back” on the 2008 consent without a varied passenger limit.
- 4.10 The “additional flights” concept which runs through the Council’s first three reasons for refusal is thus a flawed and misleading construct which:
- avoids the fact of the existing number of flights already permitted at Stansted by the Secretaries of State;
 - ignores the acknowledged acceptability of the impacts assessed in the ES; and
 - overlooks the fact that STAL would, in any event, have found other ways to utilise the commercial potential of the permitted AMs if so obliged.

UDC Reason for Refusal 1: Noise

The applicant has failed to demonstrate that the additional flights would not result in an increased detrimental effect from aircraft noise, contrary to Uttlesford Local Plan Policy ENV11 and the NPPF.

4.11 The ES follows long established practice and well recognised methodologies. Contrary to UDC's assertion, the evidence set out in the ES demonstrates clearly that changes in noise levels are expected to be less than 1dB across the full study area for both the daytime and night-time periods. This constitutes a 'negligible' ES impact in terms of applied significance criteria.

4.12 The refusal reason is contrary to the ES conclusions and is not based on any alternative technical evidence or any clear justification. In reaching its decision, UDC's Planning Committee debated two issues:

- **WHO 2018 Environmental Noise Guidelines**

Published before the November 2018 Planning Committee, these global guidelines make recommendations for aircraft noise exposure that are significantly lower than current UK policy. However, while agreeing with the ambition to reduce noise and to minimise adverse health effects, the UK Government explicitly prefers to use the UK specific research and evidence that the WHO report did not assess. Thus, WHO guidance can only carry very limited weight in the planning assessment. Even if the lower WHO exposure thresholds were to be applied, the ES would still only assess the change in noise impacts to be negligible.

- **Grounding of Boeing 737-MAX8 Aircraft**

The Committee speculated (without seeking expert advice) on the impact that the temporary grounding of Boeing 737MAX8 aircraft would have on future noise levels around Stansted. However, the Committee failed to recognise that the temporary grounding of a single aircraft type will not have a material impact on the overall rate of fleet modernisation at Stansted over the next decade.

The fleet mix used to assess noise impacts in the ES included a growing proportion of newer aircraft over time and these assessments showed a future year 57dB LAeq,16h daytime noise contour smaller than the currently permitted 33.9km² contour. This reflects the fact that short-haul aircraft typically have a relatively short service life and the aircraft manufacturing industry has strong record for delivering continuous improvements in noise performance.

Aviation authorities grounded all 737-MAX8 aircraft in March 2019 due to safety concerns with the new aircraft and its re-introduction has been delayed, pending re-certification. The temporary grounding of this aircraft type is not likely to affect delivery and operation of 'next generation' aircraft more generally at Stansted in the longer term, either because the aircraft will re-enter service or because airlines will switch to other new aircraft types.

Thus, the ES assumptions regarding aircraft numbers and 'next-generation' fleet mix in the assessment year remain sound. The Council has not set out any assessment of the impact that it considers that the grounding of B737-MAX8 will have on future noise levels around Stansted, and it incorrectly gave undue weight to short-term events in reaching its decision.

- 4.13 In any event, irrespective of predicted changes in fleet mix, STAL is willing to be bound by planning condition to a tighter noise contour limit than that currently permitted. This commitment provides clear assurance to decision makers and local communities that Stansted's future operations will be contained within these noise limits and will ensure compliance with the Government's objective of 'sharing the benefits' of noise reduction²².
- 4.14 The appeal proposal seeks no increase to the 274,000 movements already permitted. Together with the continuing reductions in aircraft noise levels, the appeal proposal is fully compatible with the development plan, NPPF, NPSE and the Government's objective that the aviation industry should use technological developments to reduce noise in affected communities.
- 4.15 The ES demonstrates that the development would have negligible noise impacts and is accompanied by a binding commitment from the airport to operate within a tighter noise contour in the future. In light of this evidence, it was unreasonable for UDC to conclude that STAL had failed to demonstrate that the development would not lead to increased noise impacts.

UDC Reason for Refusal 2: Air Quality

The application has failed to demonstrate that the additional flights would not result in a detrimental effect on air quality, specifically but not exclusively PM2.5 and ultrafine particulates contrary to Uttlesford Local Plan Policy ENV13 and paragraph 181 of the NPPF.

- 4.16 A full air quality assessment is part of the ES, the scope of which was agreed with UDC. The ES uses well established methodologies and criteria, consistent with every other recent

UK airport air quality assessment. It includes changes in concentrations of nitrogen dioxide ('NO₂'), nitrogen oxides ('NO_x'), and particulate matter ('PM10' and 'PM2.5') and changes in nitrogen deposition at sensitive ecological sites.

- 4.17 The ES shows that the changes in both NO₂ and PM10/PM2.5 concentrations would be negligible. Due to general improvements in vehicle emissions and reductions in background pollutant concentrations, NO₂ levels would be lower in the future with the appeal proposal, compared with today.
- 4.18 No new exceedances of air quality standards were predicted and by 2028 all receptors show pollutant concentrations below the relevant UK standards. There is consequently no exposure to poor air quality over the long-term. The assessment showed negligible impacts on air quality within the two Air Quality Management Areas ('AQMA') in the vicinity. The appeal proposal therefore does not conflict with the Development Plan or the NPPF.
- 4.19 Ultrafine particulates were not included within the agreed scope of study and UDC did not request their inclusion during the scoping process or at any time thereafter. As noted by the Air Quality Expert Group ('AQEG'), models for ultrafine particulates have not been used routinely in the UK for future projections. However, the assessment of PM10 and PM2.5 concentrations provides a good representation of the scale of change in particulates. Since only negligible impacts were predicted for both PM10 and PM2.5 concentrations, it is reasonable to conclude that there would also be negligible impacts from ultrafine particles.
- 4.20 The ES demonstrates that there are no adverse health impacts resulting from the development, as the changes in PM10 and PM2.5 concentrations were both shown to be negligible. In considering the application, UDC did not identify any technical or scientific evidence to support its assertion that the assessment and conclusions set out in the ES are flawed. Instead, UDC's refusal on air quality grounds was based on the Committee's misplaced perception of adverse health impacts. In STAL's view, this does not represent an acceptable approach to decision making in this context.

UDC Reason for Refusal 3: Carbon Emissions

The additional emissions from increased international flights are incompatible with the Committee on Climate Change's recommendation that emissions from all UK departing flights should be at or below 2005 levels in 2050. This is against the backdrop of the amendment to the Climate Change Act 2008 (2050 Target Amendment) to reduce the net UK carbon account for the year 2050 to net zero from the 1990 baseline. This is therefore contrary to the general accepted perceptions and understandings of the importance of climate change and the time within which it must be addressed. Therefore, it would be inappropriate to approve the application at a time whereby the Government has been unable to resolve its policy on international aviation climate emissions.

- 4.21 The scope of the carbon assessment in the ES was agreed by UDC at the scoping phase. The assessment adopted widely accepted standards and carbon factors, including a “life cycle” approach. The ES concluded that the development *“is unlikely to materially impact the UK’s ability to meet its 2050 aviation target of 37.5MtCO₂”*.
- 4.22 UDC did not dispute the ES methodology, metrics or technical assessment of carbon emissions arising from the development. The Planning Committee identified no objective, technical or scientific reason for challenging the conclusions in the ES. Instead, the Committee determined that it could not approve the application because, in its view, the Government had been unable to resolve its policy on international climate emissions. In reaching this view, the Committee failed to take into account the clear legal and policy framework that exists in relation to these issues.
- 4.23 Section 30 (1) of the Climate Change Act 2008 provides as follows:
“Emissions of greenhouse gases from international aviation or international shipping do not count as emissions from sources in the United Kingdom for the purposes of this Part, except as provided by regulations made by the Secretary of State.”
- 4.24 Such regulations have not been made. The Government’s approach to aviation carbon emissions is set out in the APF and MBU policy, with an update having been given in the Department for Transport’s Decarbonising Transport – Setting the Challenge (March 2020), in terms of the Government’s current aims and targets, policies to meet those targets and its planned future work²³.
- 4.25 MBU makes clear policy statements: First, aviation carbon emissions should continue to be addressed through international co-operation²⁴ and are the preserve of national (and international) policy²⁵. Second, local planning authorities should instead focus on local

environmental impacts (e.g. noise and air quality) when considering planning applications for 'making best use' of existing runway capacity. Finally, MBU confirms Government's support for airports making best use of existing runways²⁶ and considers that any resultant change in emissions is consistent with national commitments to reduce emissions²⁷.

- 4.26 Specifically, MBU considered the aviation carbon emissions arising from all airports, including those in the South East, making best use of their existing runways. It concluded that this was likely to be consistent with the 'headroom' of 37.5MtCO₂ for the aviation sector, assumed when the UK carbon budget was first set. This was based on an estimate of emissions associated with forecast demand and the state of knowledge at the time regarding the likely impact of mitigation measures to be adopted by the industry.
- 4.27 Since then, the potential for mitigating aviation emissions has improved and includes an internationally agreed scheme to address CO₂ emissions²⁸. Furthermore, based on substantial research and technical evidence, Sustainable Aviation²⁹ 2020 Decarbonisation Roadmap³⁰ concludes that an increase of approximately 150 million passengers per annum above 2018 levels would be compatible with the net zero commitment.
- 4.28 Informed by advice from the Committee on Climate Change (CCC), the Government recently adopted a target of net zero emissions by 2050 for the whole of the UK and amended the Climate Change Act³¹, but did not amend Section 30 (1), as referenced above. The CCC had previously advised Government that for aviation, growth of 60% above 2009 traffic levels was consistent with a commitment to reduce emissions by 80% by 2050. The CCC's more recent advice³² is consistent with the industry's view that the potential for mitigating emissions from aviation has improved. The CCC advise that growth of 60% above 2009 traffic levels continues to be compatible with the revised national target, which is now net zero emissions at 2050.
- 4.29 The Government intends to consult on the CCC's advice and update its assessment of the evidence that underpins its MBU policy. The advice from the CCC has been consistent and compatible with the Government maintaining current policy that supports growth in air traffic associated with airports making best use of existing runways and makes clear that aviation emissions will continue to be the preserve of national policy'.
- 4.30 MBU remains in force, with airports supported in making best use of existing runways. Therefore, the ES conclusion that the appeal proposal is unlikely to materially impact the UK's ability to meet its 2050 aviation target remains sound and UDC's reason for refusal is contrary to government policy.
- 4.31 UDC was also wrong to conclude that government policy is 'unresolved' with respect to aviation emissions and it failed to address the clear government policy on how aviation

carbon emissions should be considered in local planning decisions. The reason for refusal cites, without substantiation as to the relevance to the development, 'general [sic] accepted perceptions and understandings' about the importance of climate change and wider concerns about carbon emissions. Accordingly, the reason for refusal is neither clear nor precise, and does not specify a policy on which the Council's decision is based.

UDC Reason for Refusal 4: Section 106: Mitigation and Insufficient Infrastructure

The application fails to provide the necessary infrastructure to support the application, or the necessary mitigation to address the detrimental impact of the proposal contrary to Uttlesford Local Plan Policies GEN6, GEN1, GEN7, ENV7, ENV11 and ENV13.

- 4.32 The November 2018 resolution to approve the application included draft planning conditions and Section 106 Heads of Terms. In the period up to the January 2020 decision, the Committee spent considerable time undertaking a 'line by line' review of the full Section 106 Agreement text. In good faith, STAL participated in extensive negotiations on the detail of the obligations.
- 4.33 Following these negotiations, an amended draft Section 106 Agreement was presented to the Planning Committee in January 2020 to incorporate a number of minor revisions. The amended agreement was recommended by Officers and endorsed by UDC's own further independent legal opinion as being in full compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 4.34 In the Planning Committee's debate in January 2020, a motion to refuse the application was passed without any substantive debate in respect of the amended Section 106 Agreement (the debate focussed the potential for new material considerations only (Item 2 of the June 2019 Council resolution)). Despite this, the fourth reason for refusal (set out above) was hastily added and there is no record of any specific concerns or debate about these issues from the Committee.
- 4.35 As a consequence, it is not clear what UDC's position is on the amended Section 106 Agreement. In particular, it not clear whether UDC now considers the amended agreement to be unacceptable and, if so, the reasons for this change in position. This lack of clarity is compounded by the fact that ECC has already signed the Section 106 Agreement in support of the surface access mitigation measures that it contains.
- 4.36 The January 2020 draft Section 106 Agreement meets the tests set in both NPPF and Regulation 122 of The Community Infrastructure Levy Regulations 2010. A copy of this revised Section 106 Agreement is included at Appendix 3.

Other Matters

- 4.37 The Council has not set out any other reason why permission should be refused. Its Decision Notice is required to be complete and precise. On this basis, STAL assumes that UDC accepts the ES and its conclusions in respect of the following topics:
- Surface Access and Transport;
 - Ground Noise;
 - Surface Access Noise;
 - Socio-Economic Impacts;
 - Water Resources and Flood Risk; and
 - The ES 'non-significant' topics – Biodiversity, Land & Soil, Cultural Heritage, Landscape, Waste and Major Accidents and/or Disasters.

Issues Raised by Third Party Objectors

- 4.38 The extensive public consultation by STAL and by UDC is fully set out in the SCI and the Committee Report respectively. There were a large number of objections from local residents and by Parish and Town Councils. There was also equally significant support from local residents and regional and local organisations. At the time of the application's presentation to UDC's Planning Committee in November 2018, there were no objections from statutory consultees (including for example Highways England, Network Rail or, Natural England). This has remained the case.
- 4.39 The contents of the objections submitted generally overlap with the Council's reasons for refusal, however other issues were raised and are summarised below.
- 4.40 Those in support of (or neutral as to) the development, generally refer to the economic, employment and social benefits of further growth at Stansted. The importance of Stansted to the local and regional economy features heavily, along with the significance of Stansted as one of the largest employment sites in the East of England.

Impacts on Health

- 4.41 Reasons for refusal 1 and 2 refer to the health effects of noise and air quality. The broader topic of 'Public Health' is not a reason for refusal, and UDC do not contest the findings of the Health and Wellbeing chapter of the ES nor the Health Impact Assessment (HIA) that demonstrated no material risk to public health. No health objection was made by any statutory consultee or health stakeholder,
- 4.42 The Appellant's case is that the development is acceptable in respect of impacts on health.

Prematurity and 'Need'

- 4.43 The Government's MBU Policy is clear in its support in principle for the appeal proposal, subject to local environmental issues being addressed. In order to retain a competitive UK airport industry, the Government's policy is to allow airport operators to bring forward applications as they see fit.
- 4.44 Airports are long term infrastructure businesses that need to plan and invest for the future. This, in turn, requires clarity and confidence in the long-term prospects of airports and the regions that they serve.
- 4.45 There is no national or Development Plan policy requirement for a 'need' case to be proven to a local planning authority. The well-established approach in paragraph 11 of NPPF should apply.
- 4.46 Stansted's growth has been accommodated through a long-term masterplan, within a clearly defined site and with a comprehensive package of mitigation measures and controls. Growth has taken place without breaching environmental limits, and the appeal proposal follows this same approach. There is a compelling strategic case for raising the passenger cap and contributing to the ambitions of regional and sub-regional growth strategies of which the airport forms a key part³³.

Economic Impacts

- 4.47 The NPPF and national aviation policy promote the need to build a strong, competitive economy and achieve sustainable economic growth. The airport will be a key economic driver as the UK recovers from the impacts of COVID-19 and also builds an economic future following Brexit.
- 4.48 Air travel provides the ability easily to access international and domestic destinations. Stansted's extensive route network across Europe, and with an increasing number of long-haul destinations, leads directly to improved connectivity, easing the movement of people and goods, and attracting inward investment and visitors. The airport and its supply chain are already major local employers and help raise educational standards and skills; the appeal proposal will increase this substantially in the future and will deliver on the economic policies and aims of our stakeholders, including LSCC, LEPs and the district and county councils. There is clear support for the development from a range of local industry, economic and trade organisations as well as local authorities.

Airspace Change

- 4.49 There is a nationwide programme led by the CAA³⁴ to modernise the UK's airspace, improve its efficiency and bring environmental benefits.
- 4.50 The airspace around Stansted is already capable of handling the permitted 274,000 AMs. This development does not therefore require or rely on any future airspace change, and airspace is beyond the remit of local planning authorities.

5 Evidence and Witnesses for the Appellant

5.1 The appeal case will rely on the original application documents and all supplementary information supplied to UDC. These, and a schedule of other documents relevant to the appellant's case, are set out in Appendix 4.

Proposed ES Addendum

5.2 The ES was prepared in February 2018, although the application was not refused until January 2020. It is proposed to submit an ES Addendum, so that the Inspector and all parties to the Appeal have the benefit of an up to date assessment of the likely significant environmental effects of the appeal proposal.

5.3 A Scoping Opinion will be sought from PINS, but is likely to cover updates to:

- Key baseline data (including air quality, road traffic, forecasts and employment)
- Assessment years
- Surface Access modelling
- Air noise contours
- Air quality
- Carbon
- Sensitivity tests for specific topics
- Minor updates to the public health and wellbeing / HIA; socio-economic assessment (including latest employment data) and ecology assessment (TBC)

Witnesses

5.4 As presently advised, the Appellant intends to call witnesses to address:

- The strategic case for growth;
- Aviation Forecasts
- Planning;
- Macro-economic & Socio-economic case;
- Air Noise;
- Air Quality;
- Carbon;
- Surface Access;
- Health; and
- EIA process and conclusions.

6 Conclusion

- 6.1 The determination of this appeal must be made in accordance with the Development Plan unless material considerations indicate otherwise (Section 70 (2) of the Town and Country Planning Act and Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- 6.2 It is the Appellant's case that the appeal proposal is in accordance with the Development Plan, and there are no material considerations (including the NPPF) that would indicate otherwise. The application should not have been refused and it was unreasonable for UDC to have reached the conclusions that it did.
- 6.3 The Appellant will make the case that the appeal proposal is a sustainable form of development and will not result in:
- a detrimental effect from aircraft noise;
 - a detrimental effect on local air quality;
 - incompatible increases in carbon emissions; or
 - a lack of necessary infrastructure to support the development.
- 6.4 Moreover, when weighed with the significant social and economic benefits that the development will bring, the appellant will contend that there is a compelling case for the appeal to be allowed.
- 6.5 A draft statement of common ground is proposed alongside this SoC, which contains a draft list of Core Documents and a list of acronyms. The Appellant will seek to agree matters with UDC in the required timescales.

References

- ¹ Letter to UDC from MHCLG, 20 March 2019
- ² UDC Officer report to Full Council, page 3, 28 June 2019
- ³ This is the whole airport site and the entire Operational Area
- ⁴ Stansted Sustainable Development Plan 2015: Land Use, page 30
- ⁵ Aviation Policy Framework, 2013, paragraph 9 & 10
- ⁶ DfT & Rt Hon Grant Shapps MP, Written statement to Parliament: Aviation update: 27 February 2020
- ⁷ DfT, Manston Airport Development Consent Order, 09 July 2020
- ⁸ HM Government, Beyond the horizon: The future of UK aviation. A call for evidence on a new strategy, 2017, paragraph 7.21; and Rt Hon Chris Grayling MP, Statement to House of Commons, 5 June 2018
- ⁹ HM Government, Beyond the horizon: The future of UK aviation. Making best use of existing runways, 2018, paragraphs 1.9
- ¹⁰ HM Government, Beyond the horizon: The future of UK aviation. Making best use of existing runways, 2018, paragraphs 1.11. & 1.12
- ¹¹ This remains the case as the Court of Appeal judgement [2020] EWCA Civ 214, 27 February 2020, has been granted leave to appeal (07 May 2020) to the Supreme Court and a hearing is scheduled for October 2020.
- ¹² NPPF, Paragraph 104(e)
- ¹³ CAP 1506: Survey of Noise Attitudes 2014: Aircraft, CAA (2017)
- ¹⁴ Appeal reference APP/R5510/A/14/2225774: DGLG and DfT Decision, 02 February 2017 and Inspector's report, 09 November 2015
- ¹⁵ Noise Policy Statement for England (NPSE), 2010, paragraph 1.8
- ¹⁶ PATMs and CATMs are landings or take offs of aircraft engaged in the transport of passenger or freight or mail on commercial terms. All scheduled movements, including those operated empty, loaded charter and air taxi movements are included. As defined by CAA in its airports data collection process. 'Other movements' are all other aircraft movements that are not PATMs or CATMs.
- ¹⁷ 2008 Planning Permission Ref: UTT/0717/06/FUL, Condition ATM2
- ¹⁸ Regulation 35 (1)(b) The Town and Country Planning (Development Management Procedure) (England) Order 2015
- ¹⁹ Boyland assisted by Phillimore. Appeal reference APP/C1570/A/06/2032278: Inspector's report 14 January 2008, paragraph 1.7 *"I have been very ably assisted by fellow Inspector Mr Terry Phillimore MA MCD MRTPI. I fully agree with those parts of the conclusions he has drafted and adopt them as my own. The recommendation is entirely my own."*

- ²⁰ UDC, Scoping Opinion, Reference UTT/17/1640/SO, 21 December 2017
- ²¹ UDC, Committee Reports for the application Reference UTT-18-0460-FUL, November 2018 and January 2020
- ²² Aviation Policy Framework, 2013, paragraph 3.12
- ²³ Paragraphs 2.45 to 2.58
- ²⁴ Paragraph 2.5 of APF 2013
- ²⁵ Paragraph 1.11 MBU
- ²⁶ Paragraph 1.29 MBU
- ²⁷ Paragraphs 1.11 and 1.25 MBU
- ²⁸ Decarbonising Transport: Setting the Challenge, (2020), DfT, paragraph 2.52
- ²⁹ Sustainable Aviation is an industry coalition bringing together major UK airlines, airports, manufacturers, air navigation service providers and key business partners. See <https://www.sustainableaviation.co.uk/>
- ³⁰ Decarbonisation Road-Map: A Path to Net Zero, (2020), Sustainable Aviation
- ³¹ Statutory Instrument 2019 No. 1056: The Climate Change Act 2008 (2050 Target Amendment) Order 2019
- ³² CCC, Meeting the UK aviation target – options for reducing emissions to 2050 (2009), page 145; and CCC, Net Zero – Technical Report (2019), pages 173-174
- ³³ Plans include the London Plan, Growth Strategies for South East LEP & Greater Cambridge & Greater Peterborough LEP, The London Stansted Cambridge Corridor, A120 Corridor/Haven Gateway and the Economic Plan for Essex. All documents referred to in Appendix 4
- ³⁴ CAP1616: Airspace Design'. Stansted, at the time of writing, is at Stage 1B: Design Principles

Appendix 1

Decision Notice January 2020



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510, Fax (01799) 510550
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Mr A Andrew
Stansted Airport Limited (STAL)
Enterprise House
Bassingbourn Road
Stansted Airport
CM24 1QW

Dated: 29 January 2020

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/18/0460/FUL
Applicant: Stansted Airport Limited (STAL)

Uttlesford District Council **Refuses Permission** for:

Airfield works comprising two new taxiway links to the existing runway (a Rapid Access Taxiway and a Rapid Exit Taxiway), six additional remote aircraft stands (adjacent Yankee taxiway); and three additional aircraft stands (extension of the Echo Apron) to enable combined airfield operations of 274,000 aircraft movements (of which not more than 16,000 movements would be Cargo Air Transport Movements (CATM)) and a throughput of 43 million terminal passengers, in a 12-month calendar period at Stansted Airport

The refused plans/documents are listed below:

| Plan Reference/Version | Plan Type/Notes | Received |
|------------------------|-----------------|------------|
| 001-002 RE 01 | Other | 22/02/2018 |
| 001-003 RE 01 | Other | 22/02/2018 |
| 001-004 RE 01 | Other | 22/02/2018 |
| 001-005 RE 01 | Other | 22/02/2018 |
| NK017817 - SK309 | Location Plan | 22/02/2018 |

Permission is refused for the following reasons:

- 1 The applicant has failed to demonstrate that the additional flights would not result in an increased detrimental effect from aircraft noise, contrary to Uttlesford Local Plan Policy ENV11 and the NPPF.
- 2 The application has failed to demonstrate that the additional flights would not result in a detrimental effect on air quality, specifically but not exclusively PM2.5 and ultrafine particulates contrary to Uttlesford Local Plan Policy ENV13 and paragraph 181 of the NPPF.
- 3 The additional emissions from increased international flights are incompatible with the Committee on Climate Change's recommendation that emissions from all UK departing

flights should be at or below 2005 levels in 2050. This is against the backdrop of the amendment to the Climate Change Act 2008 (2050 Target Amendment) to reduce the net UK carbon account for the year 2050 to net zero from the 1990 baseline. This is therefore contrary to the general accepted perceptions and understandings of the importance of climate change and the time within which it must be addressed. Therefore, it would be inappropriate to approve the application at a time whereby the Government has been unable to resolve its policy on international aviation climate emissions.

- 4 The application fails to provide the necessary infrastructure to support the application, or the necessary mitigation to address the detrimental impact of the proposal contrary to Uttlesford Local Plan Policies GEN6, GEN1, GEN7, ENV7, ENV11 and ENV13.

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

| Policy | Local Plan | Local Plan Phase |
|--|----------------------------|------------------------------------|
| NPPF3 - National Planning Policy Framework 3 | | |
| S4 - Stansted Airport Boundary | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| AIR1 - Development In The Terminal Support Area | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| AIR2 - Cargo Handling/Aircraft Maintenance Area | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| AIR3 - Development In The Southern Ancillary Area | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| AIR4 - Development In The Northern Ancillary Area | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| AIR5 - The Long Term Car Park | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| AIR6 - Strategic Landscape Areas | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| AIR7 - Public safety Zones | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| GEN1 - Access | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| GEN3 - Flood Protection | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| GEN4 - Good Neighbours | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| GEN5 - Light Pollution | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| GEN6 - Infrastructure Provision to Support Development | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| GEN7 - Nature Conservation | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| ENV2 - Development affecting Listed Buildings | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |

| | | |
|---|----------------------------|------------------------------------|
| ENV7 - The protection of the natural environment designated sites | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| ENV9 - Historic Landscape | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| ENV11 - Noise generators | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| ENV12 - Groundwater protection | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| ENV13 - Exposure to poor air quality | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |



Gordon Glenday
Assistant Director Planning

Notes:

1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

As this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

As this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

As this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>