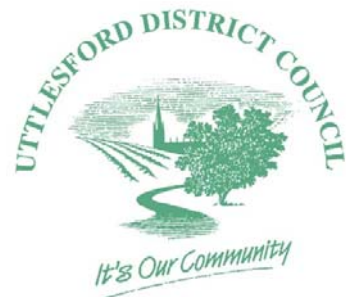


**Stansted Airport 35+ Planning  
Appeal**

**PINS Appeal ref  
APP/C1570/W/20/3256619  
Planning Application ref  
UTT/18/0460/FUL**

**Statement of Case on behalf of  
Uttlesford District Council**

Wednesday, September 16, 2020



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## Schedule of abbreviations

AQMA	Air Quality Management Area
AM	Aircraft Movements (comprising PATM, CATM and all other aircraft movements)
APIS	Air Pollution Information System
ATM	Air Transport Movements (comprising PATM and CATM)
CAA	UK Civil Aviation Authority
CATM	Cargo Air Transport Movements
CCC	Committee on Climate Change
ES	Environmental Statement
EU	European Union
FAA	US Federal Aviation Administration
GDP	Gross Domestic Product
HIA	Health Impact Assessment
LOAEL	Lowest Observed Adverse Effect Level
MAG	Manchester Airports Group
mppa	Million terminal passengers per annum
MtCO2	Metric tons of carbon dioxide equivalent
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPSE	Noise Policy Statement for England
PATM	Passenger Air Transport Movements
PINS	The Planning Inspectorate
PM2.5	Particulate Matter (fine particles)
RfR	Reason for Refusal
S106	Section 106 Agreement
SoC	Statement of Case
SSSI	Site of Special Scientific Interest
STAL	Stansted Airport Limited (the company)
UDC	Uttlesford District Council
UK	United Kingdom
WHO	World Health Organisation

## 1.0 Introduction

1.1 This is the Statement of Case ('SoC') on behalf of Uttlesford District Council ('UDC') in relation to Stansted Airport Ltd's appeal against the refusal by UDC of planning application UTT/18/0460/FUL ('the Application'). UDC is the local planning authority for an area which includes Stansted Airport.

1.2 The PINS Appeal reference number is APP/C1570/W/20/3256619.

1.3 At the point of determination by UDC, 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”.*

### The Appeal Site

1.4 The Airport is an extensive 950-hectare facility next to the intersection of two strategic highway routes, the M11 which connects to the M25 and A14, and the A120 which connects eastwards to the Haven Ports. It is served by a branch from the West Anglia Main Line with rail services to London Liverpool Street and Cambridge and other regional destinations. It lies in a rural area of market towns and attractive villages richly endowed with heritage assets. Uttlesford, East Hertfordshire and Harlow are subject to growth pressures for new homes in particular which pose difficult challenges in terms of creating sustainable developments that protect the character of the area and address the need for affordable housing, and minimise exposure to flight paths of aircraft landing and taking off from Stansted.

1.5 Whilst there has been an airport at Stansted since WWII, its current genesis lies in the report of Sir Graham Eyre QC on the Airports Inquiry 1981 – 1983. This paved the way for the development of a major passenger airport at Stansted. But Sir Graham Eyre was clear as he could be that this had to be subject to limits (2008 Appeal, IR, 14.13):

*'Without a shadow of a doubt a judgment can now be made as to the environmental consequences of the construction and operation of a second runway at Stansted. Notwithstanding the long timescale involved, a judgment can be made on the quality of the landscape. The precise details of the landscape may change as they have in the past but the overall nature, character, quality and topography are sufficiently immutable characteristics for an opinion to be expressed here and now on the environmental implications of airport construction on the scale contemplated by development in the safeguarded area in the same way as the Inspector expressed his view in relation to a second runway at Gatwick. The expression "environmental disaster" was coined by Professor Sir Colin Buchanan in relation to a four-runway airport at Cublinton with a capacity of some 100 mppa. I would not be debasing the currency if I express my judgment that the development of an airport at Stansted, with a capacity in excess of 25 mppa and requiring the construction and operation of a second runway and all the structural and operational paraphernalia of a modern international airport as we know the animal in 1984, would constitute nothing less than a catastrophe in environmental terms. I accept that today the other factors in the equation which might result in a requirement for such an airport in the next century cannot be definitively identified but I can conceive of no circumstances in which the development of such an airport at Stansted could be justified.*

*I would also acknowledge the attraction of the selection of a location now which has a potential capability of solving the problems of airport capacity in the long-term future whatever need or demand arises. However, I strongly doubt if there is one location in the UK whether inland, coastal or estuarial or whether greenfield site or not which would meet so outrageous and unreasonable a criterion. I take so strong a view on this aspect that if I believed, as so many do, that a grant of planning permission for an expansion at Stansted to a capacity of 15 mppa would inexorably lead to unlimited and unidentifiable airport development in the future to an unknown capacity, I would, without hesitation, unequivocally recommend the rejection of BAA's current application in relation to the main site.'*

## **Relevant background and the 2008 Appeal**

- 1.6 Civil aviation flights have operated from Stansted Airport since 1946, but until the opening of the current passenger terminal in 1991 passenger numbers were generally less than 1 mppa. The following are the principal decisions relating to the Airport's growth.
- 1.7 On 5 June 1985 the Secretaries of State for Environment and for Transport granted outline planning permission, subject to conditions, for:
- The expansion of Stansted Airport by the provision of a new passenger terminal complex with a capacity of about 15mppa east of the existing runway, cargo handling and general aviation facilities, hotel accommodation, taxiways (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities (including infrastructure for aircraft maintenance and other tenants' developments) and related road access (UTT/1150/80/SA).*
- 1.8 The Airports White Paper 1985 issued at the same time as the planning permission introduced a statutory limit of 8 mppa. Its subsequent lifting required Parliamentary approval.
- 1.9 On 16 May 2003 Uttlesford District Council granted planning permission, subject to conditions, for:

*Extension to the passenger terminal; provision of additional aircraft stands and taxiways, aircraft maintenance facilities, offices, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation; alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure (UTT/1000/01/OP). (‘The 2003 Planning Permission’)*

1.10 It is important to note that the 15+ application was submitted in August 2001 and the process of its careful consideration and determination by UDC took nearly 2 years. The planning permission was subject to 169 conditions and obligations and it provided a detailed framework for the regulation and development of the Airport.

1.11 Conditions MPPA1 and ATM1 provided as follows:-

*‘The passenger throughput at Stansted Airport shall not exceed 25 million passengers in any 12-calendar month period’ (condition MPPA 1)*

*‘...there shall be at Stansted Airport a limit on the number of occasions on which aircraft may take – off or land at Stansted Airport of 241,000 ATMs during any period of 1 year of which no more than 22,500 shall be CATMs.’ (condition ATM1).*

1.12 In 2006, the then owners of the Airport (BAA plc and Stansted Airport Ltd.) sought planning permission for the development of the Airport without complying with conditions MPPA1 or ATM1. Specifically, the then developers sought removal of conditions MPPA1 (setting a 25 mppa cap) and a variation of condition ATM1 so that 241 000 ATMs (of which up to 22 500 could be CATMs) was raised to 264 000 ATMs (of which up to 20 500 could be CATMs and up to 243 500 could be PATMs).

1.13 The application was accompanied by a suite of documents including an Environmental Statement. The Non-technical Summary of the ES, after describing the proposed development, put as its main plank of support that the development would secure the government’s policy as set out in the Air Transport White Paper (para. 2.1.2):

*‘The White Paper identifies the role of Stansted Airport in contributing to meeting the growth in demand, and among its priorities identified the importance of making full use of the capacity of Stansted’s existing runway to assist in meeting this demand.’ (emphasis added)*

1.14 By Decision Notice dated 30 November 2006 the application was refused. The developers appealed and an inquiry opened on 30 May 2007.

1.15 On 14 January 2008, the Inspector published a 642-page report recommending that the appeal be allowed subject to certain conditions. Of the ten main issues identified by the Inspector (IR, 14.43), the third, fourth, sixth, and eighth were:

*3) The effects of the proposals on the living conditions and health of residents in the area, particularly in terms of aircraft noise and air pollution;*

*4) The effects of aircraft noise on the quality of life of the area in terms of the educational, cultural and leisure activities of communities;*

*6) The effects of increased air pollution from aircraft and surface traffic on Hatfield Forest and nearby woodlands;*

*8) The adequacy of the road network to accommodate increased road and traffic arising from expansion of the airport without detriment to its safe and efficient operation.*

1.16 In relation to noise and “air pollution” and how this was to be assessed, the Inspector noted (IR, 14.98):

*‘... The more pertinent ‘primary assessment case’ is the comparison between the 202,000 ATMs forecast for the ‘25 mppa at 2014/15’ case (which broadly represents the predicted situation if the appeal were dismissed) and the 263,200 ATMs forecast for the ‘35 mppa at 2014/15’ case that would broadly be expected to arise in the event of the appeal being allowed with a 35 mppa limit or no direct restriction on passenger throughput.’*

1.17 The Inspector noted with regret the failure of the parties to agree on the perceptibility of the resultant increase in noise, before commenting (IR, 14.106):

*‘... I share the view of UDC that it is straining credibility to suggest that noise from an additional 170 ATMs per day (on average, in summer) would not be perceptible even though the Leq would increase by less than 1.5dBA.’*

1.18 In respect of the health effects, he commented (IR, 14.114):

*‘It is undisputed that, subject to the reservations discussed above, the area of the 57 dBA Leq daytime contour in the 35 mppa case would be larger than in the 25 mppa case at 2014/15, with the ES putting the increase at 6.4 km<sup>2</sup> and including an additional population of 1250...’*

1.19 And later (IR, 14.116):

*‘... It is widely predicted that increased aircraft movements would exacerbate all these effects and diminish the number and lengths of the periods of respite between noise events, and I have seen or heard nothing to lead me to doubt this.’*

1.20 He concluded (IR, 14.147):

*‘For the above reasons I consider that for those within the contours, and to a reducing extent some way beyond, noise from the increased ATMs arising from the G1 development would be harmful to the living conditions and health of residents and to the quality of life in the area including cultural and leisure activities ...’*

1.21 In relation to access to Stansted Airport, the Inspector opened with (IR, 14.200):

*‘The M11 motorway and A120 which meet near the Airport, provide the main road access to it, though of course many other roads are also used ...’*

1.22 And in relation to rail links he observed (IR, 14.212):

*‘It is undisputed that there are problems of peak-hour capacity on STEX, particularly as it now also serves commuters from the stops en route (having previously been largely a dedicated airport service). There is also a widely-held view that due to limited track capacity and the priority afforded to STEX trains there is also a knock-on adverse effect on other services on the line.’*

1.23 The Inspector’s reservation about the impact of the development was an important qualification to his conclusion (see IR, 14.224).

1.24 The Inspector recorded his overall conclusions at IR, 14.331-14.345, including:

(1) *‘To sum up, I have concluded that the principle of making full or best use of the existing runway at Stansted Airport is in accordance with Government aviation policy in the Future of Air Transport White Paper (ATWP)...’ (IR, 14.331, emphasis added)*

- (2) *'I have concluded that additional air noise, and to a lesser extent, ground noise would be harmful to the living conditions and health of residents and to the quality of life in the area. Some, but not all, of this harm could be mitigated. The proposed development would thus conflict with criteria in Structure Plan and Local Plan policies, but the policies require this to be weighed against the need for the development, which in this case is established by the ATWP. I note also that the number of people affected is relatively small in relation to numbers around many other airports.'* (IR, 14.334)
- (3) *'The area around the Airport is mainly attractive countryside offering a high quality of life for residents, who have a strong sense of community...'* (IR, 14.336)
- (4) *'Subject to junction improvements which could be secured through planning conditions the traffic arising from the proposed G1 development could satisfactorily be accommodated on the road network in accordance with the relevant Local Plan policy. On the basis that additional capacity is provided as planned on the rail network serving the Airport, the already high public transport modal share for travel to and from the Airport could be maintained and even increased slightly in accordance with national policy that encourages the use of more sustainable modes.'* (IR, 14.339)

1.25 The Inspector concluded that the appeal should be allowed with a large number of conditions including:

#### **Air Transport Movements**

**ATM1:** Subject to ATM2 below, from the date that the terminal extension hereby permitted within Site "A" opens for public use, there shall be at Stansted Airport a limit on the number of occasions on which aircraft may take-off or land at Stansted Airport of 264,000 ATMs (Air Transport Movements) during any 12 calendar month period, of which no more than 243,500 shall be PATMs (Passenger Air Transport Movements) and no more than 20,500 shall be CATMs (Cargo Air Transport Movements).

**ATM2:** The limit in condition ATM1 shall not apply to aircraft taking-off or landing at Stansted Airport in any of the following circumstances of cases, namely:

- (a) the aircraft is not carrying, for hire or reward, any passengers or cargo;
- (b) the aircraft is engaged on non-scheduled air transport services where the passenger seating capacity of the aircraft does not exceed ten;
- (c) the aircraft is required to land at the airport because of an emergency or any other circumstance beyond control of the operator and commander of the aircraft; and
- (d) the aircraft is engaged on the Queen's Flight, or on a flight operated primarily for the purposes of the transport of government Ministers or visiting Heads of State or dignitaries from abroad.

The total number of take-offs and landings by aircraft in categories (a) and (b) above combined shall not exceed 10,000 in any 12 calendar month period.

**ATM5:** From the date of the granting of planning permission the developer shall report the monthly and moving annual total numbers of ATMs (Air Transport Movements), PATMs (Passenger Air Transport Movements) and CATMs (Cargo Air Transport Movements) in writing to the local planning authority no later than 28 days after the end of the calendar month to which the data relate.



## Passenger throughput

**MPPA1:** The passenger throughput at Stansted Airport shall not exceed 35 million passengers in any twelve-calendar month period.

**MPPA2:** From the date of the granting of planning permission the developer shall report the monthly and moving annual total numbers of passengers in writing to the local planning authority no later than 28 days after the end of the calendar month to which the data relate

1.26 On 8 October 2008 the Secretaries of State, informed by the Inspector's Report, gave their decision. They recorded that they agreed with the Inspector's reasoning and conclusions (see especially IR, para. 26.32, 42-46). Specifically, the Secretaries of State recorded (SoS, para. 31):

*'... They further agree with the Inspector's conclusion that, for those within the contours and to a reducing extent some way beyond, noise from the increased ATMs arising from the G1 development would be harmful to the living conditions and health of residents and to the quality of life in the area including cultural and leisure activities...'*

1.27 And under the rubric 'Overall Conclusion' (SoS, para. 52):

*'Factors weighing against the proposal are: that additional noise would be harmful to the living conditions and health of residents and to the quality of life in the area; that there would be some negative health effects due to changes in levels of air pollution, though these would be small and not a significant conflict with the development plan; that there could be further erosion of traditional social linkages in smaller settlements and increased unauthorised activity and some adverse effects with regard to impact on residential areas; and, that NOx levels are a cause for concern in terms of their impact on Hatfield Forest and nearby protected woodland.'*

1.28 Like the Inspector, the Secretaries of State were (SoS, para. 53):

*'... satisfied that the factors which weigh[ed] in favour of the proposal, notably compliance with the ATWP' (Air Transport White Paper) - which they had earlier identified as 'making full use of the existing runway at Stansted' (SoS, para. 28, emphasis added) - 'and the development plan, outweigh the harm identified...'* (para. 53).

1.29 Thus, as at 8 October 2008, the Secretaries of States' considered conclusion was that a 35 million annual passenger throughput at Stansted represented 'full use of the existing runway at Stansted' within the meaning of the ATWP (emphasis added).

## The Application

1.30 On 22 February 2018, STAL submitted an application for the development that is the subject of this appeal. Although the 2006 application had represented that 'full use of the capacity of Stansted's existing runway' amounted to about 35mppa and 264 000 ATM, the new application contended that that "full" use now meant 43mppa. The 2018 application, like its predecessor, was accompanied by a suite of documents including an Environmental Statement ('the ES'). The Non-Technical Summary of the ES, after describing the proposed development, provides that the development is in line with the Government's suggested policy of encouraging airports to maximise the use of existing capacity, especially runway capacity, as the best way of meeting demand over the next ten years (NTS, p.2). The Introduction to the ES provides that (para. 1.1):

*'This new infrastructure will enable Stansted Airport ('the airport') to make better use and more efficient use of its existing single runway, which will in turn enable it to increase its passenger throughput to 43 million in accordance with the aspirations set out in the 2015 Stansted Airport Sustainable Development Plan (SDP).'*

1.31 No other policy statement is identified in the opening part of the ES.

1.32 At the heart of STAL's application is the conception that "full use" of Stansted's single runway does not have a fixed meaning in terms of flights or passengers. It would appear to grow so as to coincide with the business interests of the airport operator. Thus, while "full use" was repeatedly used in the 2008 inquiry to mean 35 million passengers per year, STAL's suite of documents now includes a "Land Use Sustainable Development Plan 2015" that says (p.28):

*'Beyond 35mppa, the airport could continue to grow, subject to the raising of the planning cap. We believe there is a strong case to make the most efficient and full use of the current single runway and we will ask that the Airports Commission recommends this in its final report. Growth in passenger numbers is expected to continue to rise through to the late 2020s, reaching the full capacity of the single runway in the early 2030s.'*

*The ultimate capacity of the airport's single runway is likely to be between 40-45 million passengers a year. The exact capacity will be a product of our route network, aircraft size, the spread of traffic through the day and year and the capacity drivers described earlier. However, for the assessment of certain environmental and surface access effects we have used a figure of 43mppa as the maximum throughput the airport could achieve with a single runway; owing to capability limits of the runway and the associated infrastructure.'*

1.33 This sits uncomfortably with STAL's "Statement of Community Involvement" (Feb 2008), where it was reported (p.11):

*'Feedback from the engagement programme and consultation showed support in principle of, and an understanding of the case for, making efficient and full use of Stansted's single runway. Understandably, consultation responses referred to detailed points relating to the likely impacts and how these could be mitigated and minimised, which were considered in finalising the SDP.'*

## **The Consideration of the Application**

1.34 The main practical consequence of implementation of the Application will be a significantly greater number of PATMs than is currently practicable. It will unpick the protection afforded by the dual-cap restriction that was imposed by the Secretaries of State in 2008. While one can legitimately conjecture differently as to what exactly the numbers of additional PATMs will be in any given year, what is not reasonably capable of dispute is that averaged over a year it will permit not less than 100 extra flights per day. And the number may be considerably greater than 100. Given this implication, the application was rightly subject to detailed evaluation by the Council following extensive and full engagement with local communities, businesses including those based on the Airport and people who work at the Airport and relevant interested parties. The application proposals were recognised to be a very important development for UDC, that proposed a future development strategy for Stansted, but also one that raised clear and detailed concerns amongst residents about the potential for acute and enduring effects that would be in place for decades to come, should it be approved.

1.35 How the Application was considered by the Council:

- **14 November 2018 Planning Committee** – resolved to grant approval for the Application, subject to conditions and subject to the completion of an agreement imposing legally binding planning obligations (“S106 Agreement”). The precise form that the S106 Agreement should take, in accordance with the amended recommendation, was resolved to be delegated to officers. The planning application was assessed against the backdrop of the STAL ES 2018.
- **25 April 2019 Extraordinary Council Meeting (Full Council)** – to consider the motion:  
*‘To instruct the Chief Executive and fellow officers not to issue a Planning Decision Notice for planning application UTT/18/0460/FUL until the related Section 106 Legal Agreement between UDC and Stansted Airport Limited and the Planning Conditions have been scrutinised, reviewed and approved by the Council’s Planning Committee after the local elections’.*  
This motion was defeated.
- **28 June 2019 Extraordinary Council Meeting (Full Council)** – to consider the motion:  
*‘To instruct the Chief Executive and fellow officers not to issue the Planning Decision Notice for planning application UTT/18/0460/FUL until members have had an opportunity to review and obtain independent legal corroboration that the legal advice provided to officers, including the QC opinion referred to by the Leader of the Council on 9th April 2019, confirms that the proposed Section 106 Agreement with Stansted Airport Limited fully complies with the Resolution approved by the Planning Committee on 14 November 2018 such that officers are lawfully empowered to conclude and seal the Agreement without further reference to the Planning Committee’.*  
The meeting was originally scheduled for 3 June but was deferred until 28 June to allow further time for consideration of legal advice. Between 25 April and 28 June, informal meetings and briefing meetings were held with Members and legal advice was sought.  
At the Extraordinary Meeting of Full Council on 28 June officers were instructed not to issue a Planning Decision Notice for planning application UTT/18/0460/FUL until the Planning Committee had considered:  
*(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 14<sup>th</sup> November 2018;*  
*(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.*
- **Further briefing sessions were held with Members.** These sessions enabled the Officers to fully brief on the content of the draft obligations as well as to explain material changes in circumstances that had occurred since the original 14 November Planning Committee
- **17 and 24 January 2020 Planning Committee** – resolved to refuse permission, having regard to a) noise from the development as fully implemented; b) air quality, specifically PM 2.5 and ultrafine particles, resulting from the development as fully implemented; and c) generally accepted perceptions and understandings of climate change.

1.36

The Planning Committee (with input from Full Council), in its consideration of the planning application, demonstrably showed through the sequence of meetings from November 2018

through to January 2020 that it needed to be convinced about the nature and scale of effects that would result from the implementation of the planning permission, and importantly, that it would be possible to adequately mitigate those effects. The Planning Committee identified gaps in the various assessments set out in the submitted ES dated February 2018, as well as raised concerns regarding the nature of the data relied upon within this assessment. It concluded that the information provided as at January 2020 fell short of that required to properly assess the environmental impacts associated with the application. Without this information, it was not possible to conclude on the nature of impacts arising, and as a consequence, the adequacy of the proposed mitigation, leading to refusal of the application.

1.37 The Planning Committee refused the application, on 29 January 2020, with four stated reasons for refusal:

- 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.

## 2.0 Uttlesford District Council's concerns

2.1 UDC identified 3 fundamental issues with the appeal planning application and the information submitted in support of it, which underpin the RfRs and remain valid today:

- 1 A clear implication arising from STAL's proposals is that they will give rise to a change in air traffic activity at the airport, from that considered and approved in the 2008 appeal, and the environmental impacts arising from this change have not been adequately assessed;
- 2 There has been a change in circumstances since the ES was published in February 2018, which gives rise to concerns around the robustness of the demand forecast exercise undertaken in support of the application, and whether the forecast can be relied upon for the assessment of environmental impacts; and
- 3 There has been a change of policy position since the application was submitted in 2018, that was not considered within the application submission, adding to the shortcomings in assessment work.

### Change in traffic activity

2.2 The airport currently has a dual-capped restriction on traffic activity: Aircraft Movements (AM) per annum and annual terminal passengers (mppa).

2.3 It is proposed to retain a dual capped restriction, but with changes to the composition of the annual cap on AM and lifting the annual terminal passenger cap from 35mppa to 43mppa.

2.4 Both changes have the potential to give rise to an increase in environmental impact.

2.5 Table 2.1 Review of traffic activity and caps provides a summary of the categories of movements which make up the existing and proposed cap, as well as the categories of movements which formed part of the STAL ES 2018.

Table 2.1 Review of traffic activity and caps

Scenario	Total passengers ('000)	PATM ('000)	CATM ('000)	Other ('000)	Total AM ('000)
<b>MOVEMENT CAP</b>					
2008 existing cap (by Appeal)	35,000	243.5	20.5	10	247
2018 proposed cap*	43,000	undefined	16	undefined	247
<b>ES BASELINE</b>					
2016 (Existing Baseline)*	24,300	152	12	16	181
2021 (Construction Baseline)*	32,600	199	13	19	231
2023 (Do Minimum Baseline)*	35,000	213	14	19	247
<b>ES TRANSITIONAL YEAR (2023)</b>					
2023 Transition Year (Do Minimum Scenario)*	35,000	213	14	19	247
2023 Transition Year (Development Case)*	36,400	219	14	20	253
<b>ES PRINCIPAL ASSESSMENT YEAR (2028)</b>					
2028 Principal Assessment Year	35,000	212	17	20	249

Scenario	Total passengers ('000)	PATM ('000)	CATM ('000)	Other ('000)	Total AM ('000)
(Do Minimum Scenario)*					
2028 Principal Assessment Year (Development Case)*	43,000	253	16	5	274

Source: STAL ES 2018\*, Appeal APP/C1570/A/06/2032278

- 2.6 It is acknowledged that the number of AM would not exceed the total number of AM permitted under conditions attached by the Secretaries of State for Communities and Local Government and Transport when granting planning permission for the G1 25 mppa plus proposals in 2008.
- 2.7 However, STAL's suggestion in its SoC (para. 4.5) that, as no change to the annual cap on AM is requested, there could be no additional flights that have not already been approved, is misleading. It masks the increase, in practice, of PATM – and an increase which is actually acknowledged and assessed within the STAL ES 2018.
- 2.8 The increase would result in a change to the composition of the approved annual cap on AM and a significant increase in approved PATMs, which together will give rise to environmental effects – none of which can be said to have been “approved” in 2008. This is in addition to the proposed increase in the terminal passenger throughput, from 35 mppa to 43 mppa, which represents a 23% increase in passenger numbers from that previously approved. The increase in terminal passenger throughput would be reliant on the absorption of permitted AM by PATM. To expand on this:
- The planning application seeks permission to vary the previous conditions, which limit the number of annual AM at the airport, by: removing the limit on PATM, removing the Other limit, and lowering the CATM limit - while retaining the overall limit for total AM.
  - This change in the composition of the annual cap on AM would allow for the number of PATM to increase with the take-up of converting the ‘Other’ sub-category into PATM and the reduction of CATMs into PATM.
  - To achieve an uplift in passenger throughput, from 35 mppa to 43 mppa, whilst not increasing the total number of AM, STAL would be reliant on increasing its PATM.
  - The proposed cap does not specify a maximum PATM limit. Potentially it could absorb all Other AM and the reduction of CATM.
- 2.9 This has the following consequences:
- Lifting the terminal passenger throughput cap and a change to the composition of the annual cap of AM would in practice result in more of the available AM cap (within the 2008 limits) being utilised for PATM, risking additional adverse environmental effects compared to a no development scenario (termed the Do Minimum case in the submitted ES), which need to be properly evaluated.
  - A change to the composition of the annual AM cap would see an increase in PATM and a reduction of Other AM. Some Other AM have a lower environmental impact than PATM, meaning such a change risks additional adverse environmental effects, which need to be properly evaluated.
  - The air traffic forecasts presented in the original ES take advantage of the requested changes in the passenger and aircraft movement caps to increase throughput at the Airport to 43 mppa in 2028. This is achieved in part by an assumption of more flights during the course of the day in shoulder periods and other periods which in 2019 were less busy, but also an

increase in average passenger loads. This risks adverse environmental effects throughout the day and during periods of the day when historically there has been some respite from AM, as well as a step-up in pressures placed on supporting infrastructure with the increase in passenger throughput. These effects need to be properly evaluated.

- 2.10 STAL has confirmed that an increase in PATM is required within its own traffic forecasts supporting its planning application. STAL clearly show that increasing the terminal passenger cap from 35 mppa to 43 mppa (as applied for) would result in an additional 40,500 Passenger ATMs per annum<sup>1</sup> as well as a change to the composition of the AM cap (an increase in PATM, a decrease in CATM and a decrease in Other AM). The Development Case (2028 Principal Assessment Year), assessed within the ES, comprised 253,000 PATM, 16,000 CATM and 5,000 Other AM. This is summarised in Table 2.1 Review of traffic activity and caps of this Statement of Case.
- 2.11 Importantly, what has not been made clear in the ES, and STAL has failed to demonstrate, is how STAL has arrived at this AM composition, and whether it is the ‘worst-case’ scenario – both from an operational and environmental perspective. This needs to be properly evaluated. Instead it focuses on a ‘+ / - 10%’ aircraft mix sensitivity test, which focused on replacement rate of Next Generation aircraft within the PATM category, and not the fundamental point of split between the different categories of AM (PATM, CATM, Other AM).
- 2.12 Importantly, UDC is of the view that, a proposal to change the composition of the AM cap to enable the increase PATMs, and how this is implemented in practice (worst-case scenario), should be subject to a similar degree of justification by the Appellant and a similar degree of scrutiny by the Inspector as was applied during the original determination of the caps by the Secretaries of State in 2008 following a Planning Inquiry.
- 2.13 As such, STAL has failed to demonstrate that the additional PATM would not produce an increased detrimental effect from aircraft noise or such an effect on air quality. It was imperative, and it remains imperative, for STAL to grapple with this change and to demonstrate that that additional noise and that detrimental effect on air quality is within acceptable limits or can be effectively mitigated.
- 2.14 The Appellant relies upon the 2008 decision, and in particular the cap of 274,000 AM, for establishing an acceptable capacity for the airport. The above account demonstrates that the changes being sought to the composition of the approved cap will change the nature of the activities at the airport. It is also the case that in reality, the local residents of UDC will experience an increase in the number of flights from the airport as a result of this appeal application.

## **Robustness of the demand forecast**

- 2.15 The demand forecast underpins the nature of the development/operational scenario assessed, and as such, the assessment of impacts arising from the proposals.
- 2.16 The demand forecast should be based on realistic forecasts of demand and consider a ‘worst-case’ scenario when assessing the potential for environmental impact.
- 2.17 Since 2018, there has been a change in circumstances which creates uncertainty around whether the demand forecast can be relied upon for the assessment of environmental impact.

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<sup>1</sup> STAL ES Vol 1, Para. 4.56

## **Aircraft fleet**

- 2.18 The future of the B737MAX is an important consideration for UDC, given that the Airport's most important airline, Ryanair, is a major customer for this aircraft. In March 2019 the B737MAX was grounded worldwide. Since the Council's decision in January 2020, the type remains grounded and has suffered further cancellations of firm orders and options. However, some test flights have been made to modified aircraft, but the type has yet to receive certification from the US Federal Aviation Administration (FAA), which would normally be quickly followed by certification by other airworthiness authorities around the world. However, such is the concern about how the B737MAX originally received certification, its re-certification by these other authorities may take longer than normal. Airline customer confidence reflecting passengers' concerns is a further issue.
- 2.19 The B737MAX is not the only new aircraft type that might operate from the Airport, should it not be re-certified. However, re-fleeting by Ryanair to the primary alternative, the Airbus A321neo, would be likely to be a major and lengthy undertaking.
- 2.20 Replacement of existing aircraft with newer, more environmentally-friendly aircraft may be more challenging for Ryanair and other airlines in view of the severe financial impact on the aviation industry during 2020 as a result of the Covid-19 Pandemic. Although reduced demand and operation are likely to be short/medium term factors, the financial impact on the aviation industry is likely to be a longer-term consideration.

## **Impact of Covid-19 Pandemic**

- 2.21 The Covid-19 Pandemic has had a dramatic impact on air traffic levels, and UDC anticipates that STAL's ES Addendum will contain revised traffic forecasts. There is much speculation, but many observers anticipate that it will be 2024 or later before demand again reaches 2019 levels: growth from there will be delayed for several years. Overall demand will be influenced by changes in GDP, and disposable incomes in an economy over the next few years experiencing high levels of unemployment. Air fares and taxes may be higher than might have been anticipated, and if so this would further slow recovery. Additionally, some potential passengers may be deterred from flying by fear of infection, and this may be particularly true of the older, 'grey' market which in recent years has been a significant component of demand, with about one passenger in six being 60 years or older.
- 2.22 All airports are different with different airline partners, route structures and passenger demographics, so that there will be different rates of recovery across UK airports. The Airport will need to compete for its traffic with other airports. The dynamics of the London Airport system are important to the rate of recovery, and this effect will be stronger in the future than in the past as each London airport now has different private sector owners so enhanced competition for traffic may be anticipated. The Airport will also have to cope with the closure of easyJet's base at the Airport.
- 2.23 In addition to the drastic impact on traffic volumes, the Pandemic has also severely damaged airline finances in many countries including the UK, with cash reserves depleted, capitalisation levels lowered, and debt levels raised. Airline finances in general are rarely robust at the best of times, so that in the aftermath of the Pandemic the ability of the industry to secure financing for new aircraft may well be much reduced. As noted above, this may well increase the life of existing fleets and delay the introduction of more environmentally-friendly aircraft.
- 2.24 These changes in circumstance give rise to concerns around whether the demand forecast can be relied upon for the assessment of environmental impact. STAL has failed to demonstrate that these changes would not produce an increased detrimental effect from aircraft noise or such an



effect on air quality. With regard to aircraft fleet issues, UDC sought this justification and an understanding of impact but insufficient information was provided by STAL. This has informed the Reasons for Refusal.

## Policy /guidance/ legislative changes published after February 2018

2.25 The following is a summary of changes of policy/ guidance documents/ legislative changes, since February 2018 when the application was submitted, which have informed the RfR.

- Noise
- Air Quality
- Climate change

Table 2.2 Policy /guidance/legislative changes published after February 2018

Policy/ guidance document / legislative changes	Date
<b>Noise</b>	
World Health Organisation Environmental Noise Guidelines for the European Region	10 October 2018
Commission Directive (EU) 2020/367	4 March 2020
The Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018	2018
ICCAN Review of the Survey of Noise Attitudes 2014, December 2019	December 2019
European Environment Agency, Environmental noise in Europe — 2020, March 2020	March 2020
Heathrow Expansion Project, Preliminary Environmental Information Report, June 2018	June 2018
Planning Practice Guidance – Noise, Ministry of Housing, Communities and Local Government, July 2019	July 2019
<b>Air Quality</b>	
Clean Air Strategy 2019	January 2019
Local Authority Air Quality Management Technical Guidance (09)	February 2009
<b>Climate change</b>	
DfT Beyond the horizon, the future of UK aviation: Making best use of existing runways ('MBU')	June 2018
DfT Airports National Policy Statement: new runway capacity and infrastructure at airports in the south east of England"	June 2018
DfT Aviation 2050 — the future of UK aviation: Consultation and supporting documents	Dec 2018
CCC advice on aviation (warning that stronger action may be needed beyond constraining aviation emissions to 2005 levels)	Feb 2019
The Climate Change Act 2008 (2050 Target Amendment) Order 26 June 2019	June 2019
CCC letter: Net-zero and the approach to international aviation	Sept 2019
ACI Commit To 'Net Zero' by 2050	Oct 2019
Sustainable Aviation Zero Carbon Roadmap	Feb 2020
ANPS declared illegal in R (Friends Of The Earth) V Secretary Of State For Transport And Others	Feb 2020

Policy/ guidance document / legislative changes	Date
DfT Decarbonising Transport: Setting the Challenge A consultation paper	March 2020
CCC Reducing UK emissions: 2020 Progress Report to Parliament	June 2020

2.26

STAL has failed to demonstrate how it has addressed the above policy/ guidance documents. UDC raised concerns about the extent and sufficiency of the Environmental Information from its first consideration of the application in November 2018. This has informed the Reasons for Refusal. Each policy change is further explained within Section 4 Reasons for Refusal.

### 3.0 **Approach to Environmental Statement Addendum**

3.1 The preparation of an Addendum is essential given the passage of time since the ES (submitted with the Planning Application on 22 February 2018) was prepared.

3.2 The Appellant's Statement of Case says (para. 3.11):

“... 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.”

3.3 This is further outlined in Section 5 of the Appellant's SoC in paragraphs 5.2 and 5.3;

“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)”

3.4 UDC is not aware of any guidance offered by PINS on the scoping of the ES Addendum. In early September 2020, UDC requested the Appellant to provide further information about the potential extent of the updates. Receipt of this is awaited, but UDC understands that this will not include assessments to address all of the matters raised in this SoC above, in circumstances where the gaps in assessments and the information provided fell short, in the judgement of the Planning Committee in its debate on 24 January 2020, when determining the application. The phrase “Minor updates to the public health and wellbeing / HIA” does not convey confidence that the 'refresh' will conclusively address the proper concerns on which UDC's decision on the Application is founded.

## 4.0 **Reasons for Refusal**

### **R1 Air Noise**

4.1 UDC's concern as to the impacts of aircraft noise arising from the development on the local environment was rooted in local and national policy:

- (1) Policy ENV11 of UDC's adopted Local Plan provides that noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.
- (2) Planning decisions should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life (para. 180(a) of the NPPF, referencing the NPSE).
- (3) Preventing new development from contributing to unacceptable levels of noise pollution is a key component of the national policy objective of enhancing the natural and local environment (para. 170(e) of the NPPF).

4.2 The focus of UDC's concern is on air noise rather than ground noise or surface access noise. In a number of key respects, the noise assessment contained in the ES was deficient by not demonstrating the full effects from aircraft noise on the local environment. As a result, there was a failure to demonstrate that the development would not result in an increased detrimental effect from aircraft noise.

### **Failure to consider and apply the WHO Environmental Noise Guidelines 2018 (ENG18)**

4.3 The need for the environmental information supporting the application to reflect WHO's forthcoming guidelines on the impacts of aviation noise, whether within the ES or in a supplement, was a specific request raised in UDC's Scoping Opinion of 21 December 2017:

*"In the event that the World Health Organisation ("WHO") new evidence on the impacts of aviation noise is published before a determination to grant planning permission, the ES assessment must incorporate this evidence (for example, by way of supplementary assessment)."*

4.4 The ES was received by UDC on 22 February 2018. Whilst the WHO Environmental Noise Guidelines 2018 were published after that on 10 October 2018, that was about 1 month before the application was first considered on 14 November 2018 and over 1 year before the Decision Notice issued on 29 January 2020. WHO ENG 18 were discussed at the November 2018 Planning Committee and further considered by the Planning Committee in meetings from April 2019 onwards.

4.5 The Applicant therefore had ample opportunity to provide updated information for the Planning Committee accounting for WHO ENG18 prior to the determination of the application, as requested by UDC in the Scoping Opinion. Rather than provide that information to assist in presenting a full picture of the noise impacts, STAL's position appears to have been that the WHO ENG18 were not material to the assessment of the application, which appears to be maintained in STAL's SoC (para. 4.12).

4.6 Whilst it is accepted that existing UK Aviation Noise Policy is not based on WHO ENG18, concerns have been raised about Survey of Noise Attitudes 2014: Aircraft (SONA14), the UK

evidence base currently underpinning policy<sup>2</sup>. In that context, WHO ENG18 represents a relatively recent material consideration which should be considered in aviation noise assessments.

- 4.7 The WHO Environmental Noise Guidelines for the European Region provide guidance on protecting human health from the harmful effects of exposure to environmental noise. The aim of the ENG18 is to support legislation and policy-making process on local, regional and national level. The guidelines provide “strong recommendations” and as such the WHO state that they should “serve as the basis of policy-making processes”.
- 4.8 In the light of concerns raised as to the evidence base behind UK Aviation Noise Policy, it is becoming common practice for noise assessments supporting airport noise developments to consider WHO ENG18 as a supplementary assessment<sup>3</sup> so as to:
- provide an additional understanding of the effects of the development should alternative dose-response relationships be applied; and
  - to consider potential effects which may occur below the UK policy Lowest Observed Adverse Effect Level (LOAEL)<sup>4</sup>.
- 4.9 Such an assessment was not carried out at the date of refusal of the application. It remains to be seen whether it will be included in the ES Addendum.
- 4.10 Since the Decision Notice, the adoption of WHO ENG18 into relevant European legislation, provides a regulatory basis for its consideration, such that it should no longer be ignored in decision making. Annex III of Directive 2002/49/EC concerns the establishment of assessment methods for the harmful effects of environmental noise. On 4 March 2020, Directive 2020/367/EC replaced Annex III of Directive 2002/49/EC so as to formally adopt the WHO ENG18 dose-response relationships for harmful effects induced by the exposure to environmental noise as the means of assessing noise and health. Directive 2002/49/EC is transposed into domestic law through the Environmental Noise (England) Regulations 2006 requiring designated major airports including Stansted to produce strategic noise maps and action plans.
- 4.11 Further, EU Regulation 598/2014, on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports, is transposed into domestic law through the Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018. The 2018 Regulations apply to Stansted airport and make the local planning authority the competent authority in relation to the imposition, modification, or discharge of a noise-related operating restriction.
- 4.12 The application proposes modifications within the terms of the 2018 Regulations through the revision of a noise contour restriction, and the modification of the passenger cap. As a result, the setting of such restrictions was a matter for UDC under the provisions of the 2018 Regulations. In those circumstances, it was reasonable that further assessment work taking into account the provisions of the wider regulatory framework was made available to UDC.

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<sup>2</sup> [https://iccan.gov.uk/wp-content/uploads/2019\\_12\\_18\\_ICCAN\\_Review\\_of\\_Survey\\_of\\_Noise\\_Attitudes.pdf](https://iccan.gov.uk/wp-content/uploads/2019_12_18_ICCAN_Review_of_Survey_of_Noise_Attitudes.pdf)

<sup>3</sup> For example: Heathrow Expansion Project, Preliminary Information Report (PEIR) Appendix 17.1

<sup>4</sup> Noting that LOAEL is the point at which policy determines ‘adverse’ effects to commence, this is not to say the effects do not occur below to the LOAEL. We note that T17 of ES defines the ‘No Observed Effect Level’ as being less than or equal to the LOAEL (51 dB LAeq, 16h and 45 dB LAeq,8hr). This is incompatible with the NPSE.

## **Failure fully to assess the impacts of noise on health, and significance**

- 4.13 Both Government aviation noise policy<sup>5</sup> and the overarching noise policy<sup>6</sup> require the consideration of noise impacts on health and quality of life.
- 4.14 Whilst the Appellant's SoC<sup>7</sup> contends that UDC do not contest the findings of the Health Impact Assessment or the Health and Wellbeing Chapter of the ES (Chapter 14), the Appellant rightly recognises that the health effects of noise underpin RfR1 (as with air quality and related health effects under RfR2). There are a number of points to be made.
- 4.15 First, Chapter 14 of the ES applies various dose response relationships to determine potential health outcomes arising from aircraft noise. The methodology adopted is to align changes in health endpoints by calculating effects from noise exposure data which is summarised in 3 dB and 5 dB bands depending upon the selected metric<sup>8</sup>. With reference to the information presented in Chapter 7 of the ES, this presents data to show that the changes in noise exposure is generally below 1 dB (para. 14.62). As such, the selection of such large bands for calculating effects such as annoyance and sleep disturbance potentially masks the effects of small changes in noise exposure over a population. In such cases, the more appropriate approach is to determine the noise exposure at the population reference point and calculate the corresponding effect. This approach is advocated in Directive 2020/367.
- 4.16 Further or alternatively, smaller banding should be used when calculating the effects. Precedent for such an approach is set in the Government 'WebTAG' aviation noise workbook, which is used when making noise-related decisions for airspace change applications. This utilises 1 dB bands when calculating and monetising the effects of day and night-time noise exposure. Associated Government guidance<sup>9</sup> states "*Our preference is for the 1dB option to be used wherever possible in the context of assessing the impacts of airspace changes as it produces a more accurate calculation of the monetised value of the impact.*"
- 4.17 The approach adopted for noise related health effects therefore has the potential to understate the health effects.
- 4.18 Secondly, whilst Chapter 14 of the ES presents health endpoints, the ES could have gone further in presenting a full picture of the effects of the development by including an assessment of:
- a) Aircraft Noise Awakenings; and
  - b) Valuation of noise effects using Defra guidance '*Environmental noise: valuing impacts on sleep disturbance, annoyance, hypertension, productivity and quiet*' entailing the calculation of Disability Adjusted Life Years (DALYs).
- 4.19 Thirdly, Chapter 14 of the ES applies significance criteria which are principally set based on 'perception' (Table 14.2). This concept relies on the ability for a person to detect whether there has been a change in the sound environment. However, such approaches usually apply to steady state sounds, rather than intermittent sounds such as aircraft events, especially when this approach is applied to long-term average noise exposure.
- 4.20 Recent aircraft noise assessment approaches have identified that such effects could be significant, taking into account Government noise policy, noise level change and magnitude at individual receptors, and the overall effects change in health outcomes when that change is

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<sup>5</sup> Air Navigation Guidance 2017

<sup>6</sup> Noise Policy Statement for England 2010

<sup>7</sup> Paragraph 4.41

<sup>8</sup> Environmental Statement, Tables 14.1.4 and 14.1.5

<sup>9</sup> Paragraph 1.14 Guide to WebTAG Noise Appraisal for non-experts

considered over a population<sup>10</sup>. That is, a small change over a large population may be more significant in health terms than a large change over a small population. Critically these approaches rely on understanding the effect of a change in aircraft noise exposure and the nature of the associated events making up that exposure, rather than whether a change in the exposure is perceptible. Perception is not a matter which is considered by the dose-response relationships underpinning policy and guidance. There is no better example of this than sleep disturbance i.e. the individual is not normally awoken to gauge 'perception' and indeed perception plays no part in the changes in sleep states associated with aircraft noise events, which occur when the receptor is essentially unconscious.

4.21 For the above reasons, the noise related health effects of the development may not have been fully reported in a manner reflecting Government policy, guidance and the wider evidence base.

### **Potential understatement of effects on Schools**

4.22 The ES considers effects on educational receptors<sup>11</sup>. However, the approach taken is to assess the effect by adopting an averaged 16-hour (0700-2300) assessment metric. By adopting that metric, the effect on educational receptors is potentially understated.

4.23 The diurnal pattern of movements for the busy summer day forecasts are presented in F12 of Appendix 7.3 of the ES and show that increases in aircraft movements will occur during the school hours i.e. 0900-1600hrs. However, there is less of an increase outside of these hours during the day.

4.24 Consideration of noise impacts over relatively short time periods (e.g. 1-hour and 30 minutes) is a key consideration as part of the acoustic design performance standards for schools, as advocated by BB93<sup>12</sup>. Appendix 7.2 and 7.3 of the ES do not make direct reference to these standards or elaborate on the findings of the RANCH project in determining the potential effects of the development.

4.25 It is therefore considered that the potential effects of the Development on schools may not be sufficiently demonstrated and could have been potentially understated.

### **Assumed Aircraft Noise Performance**

4.26 The forecasts for both the do-minimum and development scenarios in the 2018 ES make assumptions as to the fleet mix and, importantly, the number of latest generation aircraft types flying from the airport in each year. General concerns as to the robustness of the demand forecast are considered above.

4.27 In the context of aircraft noise, both the B737max and A320neo types are important to reducing the impact of Stansted's forecast growth to the current ATM limit.

4.28 At the time the ES was published, the 737max and A320neo types had only recently entered service. By 2019, the CAA reports<sup>13</sup> that on average over 4 arrivals and departures of the A320neo were occurring each day at Stansted, however no 737max types were operating at Stansted.

4.29 The noise modelling underpinning the Chapter 7 of the ES for these aircraft types is based on forecast aircraft noise performance, accounting for the noise certification data available for

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<sup>10</sup> Leeds Bradford Airport Project Sky, Environmental Statement 2020

<sup>11</sup> Environmental Statement, Chapter 10

<sup>12</sup> BB93: acoustic design of schools - performance standards

<sup>13</sup> ERCD Report 1903

these types<sup>14</sup>. This is calculated by altering the aircraft noise characteristics for the known, previous generation of these types and adjusting these to reflect the improvements in noise output indicated by certification data. However, the modelling used for Stansted (CAA ANCON) is based on a validation of flight performance and noise using the Airport’s radar and noise monitoring systems<sup>15</sup>. It therefore follows that the noise performance of these aircraft may not be as assumed. Whilst the ES presents sensitivity tests considering different fleet mixes, it stops short of considering a scenario where the noise performance of these types was not as indicated by the certification.

4.30 Given B737max types are not in service, and that the A320neo types will have been in operation at other noise designated airports, it is important that sensitivity tests on these aircraft’s noise performance is carried out using measured data to support the findings of the ES.

### **Relevance of the Revised 57 dB Contour Restriction and Potential Influence of Covid-19**

4.31 The Appellant makes the point that, in any event, regardless of predicted changes in fleet mix, improved noise performance can be secured through the tightening of its 57 dB contour restriction so that the current restriction, 33.9km<sup>2</sup> reduces to 28.7km<sup>2</sup> from 2028. This commitment would be legally binding through a planning condition (SoC, para. 4.13).

4.32 However, the Government’s current policy moves away from the measure of 57 dB LAeq,16hr to seek better alignment with overarching noise policy (NPSE) through the setting of aviation LOAELs. This has resulted in the setting of a Lowest Observed Adverse Effect Level (LOAEL) for aviation noise at 51 dB LAeq,16hr and 45 dB LAeq,8hr for day and night respectively.

4.33 When these metrics are reviewed, it is apparent that the area and number of people affected by aircraft noise above the LOAEL will increase above the limits conditioned by the 25+ Permission by 2023, before beginning to fall. As such the development would contribute towards an increase in the areas within which Government policy would indicate adverse effects occur.

Table 4.1 Comparison of Areas, Households and Populations Above Government Policy Daytime LOAELs

Scenario	LAeq,16h (dB)	Area (km2)	Households	Population
25+	>51	99.1	6,150 (+19)	15,350 (+46)
2016 Baseline	>51	82.9	4,950	12,600
2023 Do Minimum	>51	101.7	6,650 (+4)	16,850 (+10)
2023 Development Case	>51	104.4	6,950 (+4)	17,550 (+10)
2028 Do Minimum	>51	87.4	4,700	11,800
2028 Development Case	>51	97	6,000 (+1)	15,250 (+2)

4.34 The Appellant’s SoC points to continued reductions in aircraft noise levels. Whilst this would bring the impacts into line with the 57 dB LAeq, 16hr metric, as demonstrated above, it is not necessarily the case for a metric which policy aligns to the onset of adverse effects.

4.35 For night-time noise, the information presented in the ES also points to an increase in night-time noise compared to a scenario where the development did not occur.

4.36 It is recognised that any proposal for a noise contour restriction of any form needs to align with forecasts. However, given the uncertainties associated with the recovery of operations at Stansted Airport due to the Covid-19 pandemic, there is a risk that the setting of a contour restriction based on the current ES forecasts may allow for a different type of impact beyond what is consented. For example, if the noise contour is set too wide, this potentially allows the

<sup>14</sup> Environmental Statement, Chapter 10 Table 7.6

<sup>15</sup> <https://www.caa.co.uk/Consumers/Environment/Noise/Features-of-the-ANCON-noise-modelling-process/>



airport to operate with larger aircraft than previously assumed at the time of consent, which may result in a different set of impacts and effects according to other metrics (e.g. N65/N60) than understood at the time of the consent.

### **Night-time Noise Effects and Insulation Scheme**

- 4.37 The ES sets Significance Observed Adverse Effect Levels (SOAEL) for day and night-time periods. These are set at 63 dB LAeq,16hr and 54 dB LAeq,8hr respectively (Table 7.3).
- 4.38 The Airport has an insulation policy which currently provides 50% of the total cost of acoustic insulation for residences exposed to noise levels in excess of 63 dB LAeq,16hr and 57 dB LAeq,8hr for day and night respectively, with provision made for aircraft noise events exceeding 90 dB SEL.
- 4.39 The Appellant proposes to implement an ‘Enhanced Sound Insulation Grant Scheme’ if permission is granted (paras. 7.301-304). This scheme allows for insulation works to be provided directly by STAL as well as updating the daytime elements of the existing scheme.
- 4.40 When the noise contours for 2028 are reviewed, the 57 dB LAeq,16hr contour has roughly the same extent as the 54 dB LAeq,16hr contour<sup>16</sup>. On this basis, properties experiencing noise effects above the selected daytime SOAEL (significant in policy terms) would receive at least £8,000 per index property under the Enhanced scheme, whereas those exposed to the night-time SOAEL (also significant in policy terms) would receive £5,000 per index property. Given that sleep disturbance is widely considered to be more harmful than annoyance, and that Government policy is clear that night noise is *‘regarded as the least acceptable aspect of aircraft operations’*<sup>17</sup>, there appears to be an inconsistency between the scheme proposals and the resultant contribution towards the mitigation of the effects in that:
- Major infrastructure projects, including airport development projects, have set noise insulation policies which specifically align insulation eligibility with noise exposure above SOAEL as this is recognised as a means to *“avoid significant adverse effects on health and quality of life”*<sup>18</sup>.
  - The area and numbers of households exposed to selected SOAEL increases over time with the Development (500 households in 2016, to around 1,100 in 2023 with the Development, an increase of 200 households compared to the do-minimum)<sup>19</sup>.
  - The development would result in the new introduction of dwellings and populations to noise exposure which the Appellant acknowledges is ‘significant’ in the context of Government noise policy.
- 4.41 It is noted that with respect to night noise, no apparent calculations of Sleep Disturbance are provided in Chapter 7, and as outlined in para. 4.19 above, further information relating to the effects could have been provided.
- 4.42 It is recognised that night noise at the Airport is regulated by the Government given Stansted’s status as a ‘noise designated’ airport. However, these restrictions apply to the noise quota period i.e. 2330-0600 and not to the shoulder periods. As such, there remain periods of the night where Stansted does not have a defined movement or noise quota limit i.e. 2300-2330 and 0600-0700. As such, there are no movement restrictions during these times and no other noise-related restrictions which affect aircraft movements during these times. In that context, it is not clear from the ES whether aircraft activity during these times is representative of a worst case or whether further growth in movements and or noise during these hours is possible.

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<sup>16</sup> Figure 2028DC/LAeq/Day compared to Figure 2028DC/LAeq/Night

<sup>17</sup> Aviation Policy Framework, Para 3.34

<sup>18</sup> See Heathrow Cranford Agreement decision where PINS recommended insulation be provided at SOAEL upwards

<sup>19</sup> Environmental Statement Appendix 7.3 Table T31, compared to Tables T43 and T37

- 4.43 It can be noted that UDC raised the importance of night noise and that it should be fully explored as part of the Scoping Opinion (*Night noise must also be addressed robustly and comprehensively ... Night time noise assessment is important ... Night noise restrictions must be reviewed and their impact on aircraft movements assessed and explained.*”).

## **R2 Air Quality**

- 4.44 Pursuant to Policy ENV13 of UDC’s adopted Local Plan, development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. Planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (para. 181 of the NPPF). Wherever possible, development should help to improve local environmental conditions such as air quality, taking into account relevant information such as management plans (para. 170(e) of the NPPF).
- 4.45 Against that policy background, UDC is rightly concerned that its residents should benefit from the highest level of protection against air pollutants. It is all the more important that the air quality impacts are properly assessed, understood, and adequately mitigated where the environmental effects of the development will be felt for generations. Particularly with regard to PM2.5 and ultrafine particles, where national policy is evolving, it is reasonable to expect that the proposed development will be adequately future proofed in relation to national commitments.
- 4.46 In a number of respects, the ES supporting the application is either unclear, does not provide sufficient information, or has the effect of understating the air quality impacts, with the result that there has been a failure to demonstrate that there will not be a detrimental effect on air quality for local residents. The issues set out below relate to sections of Chapter 10 (Air Quality) of the ES.

### **Failure properly to address Policy ENV13 in the identification of sensitive receptors**

- 4.47 Policy ENV13 of the Local Plan provides that a zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the A120 require particular focus with regard to extended long term exposure to poor air quality. While the assessment appears to include some receptors in this zone, no evaluation of impacts in these zones was carried out or reported in the ES. As a result, the impacts in these areas have not been properly assessed in accordance with the policy.

### **Failure to apply EHDC’s Air Quality Planning Guidance**

- 4.48 East Hertfordshire District Council has published supplementary guidance for air quality assessment for projects which could affect Air Quality Management Areas (AQMAs) in its District. Whilst this is referred to in Chapter 10 of the ES<sup>20</sup>, its guidance is not applied. The Guidance requires classification of proposals and provision of appropriate mitigation. There is no reference to the classification of the proposed development in the ES. Whilst mitigation of impacts in the Bishop’s Stortford AQMA was the subject of discussion between EHDC, UDC and the Appellant, in the event no undertaking to provide mitigation was agreed between the parties.

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<sup>20</sup> Environmental Statement paragraph 10.23

### **Approximation, simplification, and understatement of forecast emissions within the Emissions Inventory Compilation Methodology**

4.49 Whilst it is accepted that the emissions inventory has in some respects been compiled in accordance with good practice, there are a number of information shortfalls that are consistent with a potential understatement of the forecast emissions and that cannot be left unanswered in an important application such as this:

- 1 There is an over reliance on generic aircraft activity data, much of which are taken from non-UK sources, to forecast emissions. For example, US sources have been used for approach and initial-climb/climb-out times, rather than acquiring local data from the airport's radar systems.
- 2 The methodology makes a number of assumptions that are not backed up by supporting data. For example, it is assumed that all departures utilise reduced thrust at 85% power rating. There is no guarantee that this is conservative as it is not backed up by supporting evidence.
- 3 For the future assessment years, the NOx Emission factors for CFM International's LEAP aircraft engines appear to be too low, when comparing the 2016 LEAP 1-A data used to the most recent emissions data for these aircraft engine emissions. Specifically, STAL has not identified which variant of the LEAP 1-A and 1-B engines it relies on for its NOx emissions factors.
- 4 The assumed speeds of airport road vehicles appear to be too high as it is likely there will be a significant amount of idling. Furthermore, no account has been taken of real world emission factors: diesel vehicles in particular do not perform to the same standards in the real world as they do under test conditions.

4.50 These issues could result in an increase in estimated emissions from the airport.

### **Failure adequately to assess air quality impacts on Bishop's Stortford Air Quality Management Area**

4.51 Chapter 10 of the ES includes consideration of potential impacts at locations within the nearby Bishop's Stortford AQMA<sup>21</sup>. However, the information provided does not support the conclusion that there would be no significant impacts in this AQMA.

4.52 Firstly, the calculated baseline concentration of nitrogen dioxide in the AQMA of 57 µg/m<sup>3</sup> is substantially below the levels of up to 76 µg/m<sup>3</sup> recently measured<sup>22</sup>. This will tend to result in an under-estimate of impacts when projecting forward for future years.

4.53 Secondly, the assessment is based on the modelled results at a small number of identified locations<sup>23</sup>, and fails to reflect the fact that similar impacts can be expected to arise at a large number of sensitive locations in the centre of Bishop's Stortford.

4.54 Thirdly, the assessment assumes that expected improvements in air quality will take place as forecast. It is good practice to sensitivity test the study findings to support this assumption<sup>24</sup>. In view of the high measured levels of air pollution in Bishop's Stortford, it is likely that this approach will identify a significant risk of higher impacts than those set out in the ES.

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<sup>21</sup> Environmental Statement paragraph 10.95ff.

<sup>22</sup> Environmental Statement Table 10.7 and paragraph 10.121

<sup>23</sup> Environment Statement paragraphs 10.121 to 10.125

<sup>24</sup> Moorcroft and Barrowcliffe et al. (2017) "Land-use Planning & Development Control: Planning for Air Quality. London: Institute of Air Quality Management," Version 1.2 Section 6.22i

### **Failure adequately to assess airborne particulate matter**

4.55 The ES indicates that levels of fine particulate matter (referred to as PM<sub>2.5</sub>) in the vicinity of the proposed development are forecast to comply with the current air quality standard for PM<sub>2.5</sub><sup>25</sup>. However, there is a commitment in the Clean Air Strategy 2019 to review this air quality standard, to bring it into line with current scientific understanding of the environmental and health effects of PM<sub>2.5</sub><sup>26</sup>:

*“We will progressively cut public exposure to particulate matter pollution as suggested by the World Health Organization. We will set a new, ambitious, long-term target to reduce people’s exposure to PM<sub>2.5</sub> and will publish evidence early in 2019 to examine what action would be needed to meet the WHO annual mean guideline limit of 10 µg/m<sup>3</sup>”*

4.56 Adopting a more precautionary guideline, such as the World Health Organisation guideline for PM<sub>2.5</sub> referred to in the Clean Air Strategy, would be likely to result in a risk of significant impacts arising from the proposed development being identified. The Clean Air Strategy 2019 was published in January 2019, after the ES was published, but before UDC’s refusal in January 2020. It is a material consideration carrying considerable weight as to the direction of travel on policy protection against air pollutants such as PM<sub>2.5</sub>.

4.57 UDC is rightly concerned that its residents should benefit from the highest level of protection against such pollutants. STAL failed to demonstrate that the proposed development would not result in a detrimental effect on PM<sub>2.5</sub> levels in the local area.

4.58 Particles with a diameter of less than 0.1 microns (PM<sub>0.1</sub>) are often referred to as “ultrafine particles”. These particles can have specific health effects, and a recent report by Defra’s Air Quality Expert Group<sup>27</sup> included specific consideration of the effects of aviation on levels of ultrafine particles, finding significant increases in the vicinity of airports and a growing contribution into the future. UDC is concerned that no information on ultrafine particulates was provided in the ES to enable consideration of the risks posed by ultrafine particles, and identification of any suitable measures that may be required to ensure that local residents are not exposed to unacceptable risks.

### **Failure adequately to assess air quality impacts on ecological receptors, namely habitat sites**

4.59 The assessment of impacts on nearby designated habitat sites due to airborne exposure pathways within the ES<sup>28</sup> is incomplete. Specifically:

- 1 The ES does not consider the potential impacts on designated habitat sites due to acid deposition, and does not include an assessment against the air quality guideline for 24 hour mean concentrations of oxides of nitrogen, despite both issues being clearly referenced for the relevant Sites of Special Scientific Interest on the Nature Conservation Agencies’ Air Pollution Information System (APIS) website<sup>29</sup>.
- 2 The study does not consider the potential impact of ammonia emissions from road traffic or aircraft on designated nature conservation sites.

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<sup>25</sup> Environmental Statement paragraph 10.125

<sup>26</sup> Clean Air Strategy 2019 page 7

<sup>27</sup> Air Quality Expert Group “Ultrafine particles (UFP) in the UK”, July 2018 [https://uk-air.defra.gov.uk/library/reports.php?report\\_id=968](https://uk-air.defra.gov.uk/library/reports.php?report_id=968)

<sup>28</sup> Environmental Statement para. 10.127ff.

<sup>29</sup> <http://www.apis.ac.uk/> accessed 7 September 2020

- 3 The study indicates that concentrations of oxides of nitrogen are close to the annual mean air quality guideline at Elsenham Woods SSSI<sup>30</sup>. As noted above, it is good practice to sensitivity test the study findings to support the assumption that background levels will decline in future. In view of the high levels of air pollution at this site, it is likely that this approach will identify a significant risk of higher impacts than those set out in the ES.
- 4 The study states that site-specific advice on sensitivity to nitrogen deposition should be sought in relation to Thorley Flood Plain and Little Hallingbury Marsh SSSIs<sup>31</sup>. However, there is no indication that such advice was sought, and as a result no impacts are reported at these sites.

### **Failure properly to assess cumulative and combined effects**

- 4.60 The ES indicates that cumulative effects have been assessed by incorporating the effects of committed future development into the traffic forecasts<sup>32</sup>. However, this would only provide an assessment of cumulative effects if these committed development traffic flows are incorporated into the proposed development scenario traffic forecasts, but not incorporated into the “do minimum” scenario traffic forecasts. As this does not appear to have been done, the assessment does not adequately consider cumulative effects with other committed developments.
- 4.61 The ES should also consider combined effects of the development – for example, whether the combined impacts of noise and air pollution associated with the proposed development could result in an impact which is greater than that identified when considering these issues separately. This does not appear to have been carried out.

### **Inconsistency with Stansted Airport’s own Sustainable Development Plan**

- 4.62 STAL published a Sustainable Development Plan in 2015 which is referred to in the Incorporated Mitigation section of the ES<sup>33</sup>. This plan commits Stansted Airport Ltd to aims which include the following:
- Reduce air pollution;
  - Reduce emissions generated by ground vehicles and aircraft;
- 4.63 Far from contributing to achieving these objectives, the information set out in the ES demonstrates that the proposed development would result in an increase in air pollution<sup>34</sup> and would increase emissions from ground vehicles and aircraft<sup>35</sup>.
- 4.64 This proposed development is therefore not only incompatible with relevant local (ENV13) and national policy (para. 181, NPPF), it also works against STAL’s own stated objectives.

### **R3 Carbon Emissions**

- 4.65 At the heart of this Reason for Refusal, UDC was not satisfied that the Application was consistent with the Government’s Paris Agreement obligations and Net Zero target, namely its duty to reduce greenhouse gas emissions to at least 100% lower than the 1990 baseline, when taking into account advice on growth and emissions issued by the Committee for Climate Change, and the direction of travel of policy in this area.

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<sup>30</sup> Environmental Statement para. 10.130

<sup>31</sup> Environmental Statement para. 10.132

<sup>32</sup> Environmental Statement paragraph 10.136

<sup>33</sup> Environmental Statement para. 10.112

<sup>34</sup> Environmental Statement paragraphs 10.122 to 10.125

<sup>35</sup> Environmental Statement Tables 10.9 and 10.10

4.66 Policy on climate change and carbon emissions from aviation has changed significantly since the ES was published in February 2018. Appendix 6 ‘Climate change: relevant legislative, guidance, and policy changes since the Climate Change Act 2008 was enacted’ attached to this SoC includes relevant legislative, guidance, and policy changes since the Climate Change Act 2008 was enacted, alongside the timeline of the Application, demonstrating the rapidly changing climate policy background against which it was considered. Appropriate reference will be made in UDC’s evidence to this background and the increasingly restrictive direction of travel it reveals, but the following specific points can be noted.

4.67 First, as regards the ES, Chapter 12 on Carbon Emissions:

- 1 Did not refer to the Paris Agreement<sup>36</sup>, concluded in December 2015 as an agreement within the UN Framework Convention on Climate Change, which was ratified by the UK in November 2016.
- 2 Did not acknowledge that the UK Aviation Forecasts 2017 (published by the DfT) referred to in para. 12.17, included passenger forecasts for Stansted which showed Stansted remaining at 35 mppa until 2050. These forecasts are used as the basis for policy including the Airports National Policy Statement and the Aviation 2050 consultation. Whilst UK wide demand is recorded as growing from 267 mppa in 2016 to 395-437 mppa under the low and high scenarios in 2050, no justification was provided in the ES as to why Stansted’s intended growth should be in preference to other UK airports.

4.68 Secondly, during the period of consideration of the Application:

- 1 In February 2019, the Committee for Climate Change, in responding to Aviation 2050, warned the Government, by reference to the Paris Agreement, that stronger action may be needed to constrain aviation emissions to 2005 levels (37.5 MtCO<sub>2e</sub>). The letter noted that achieving aviation emissions at or below 2005 levels in 2050 will require contributions from all parts of the aviation sector, including steps to limit growth in demand, and actual reductions in emissions rather than reliance on offsets. This was taken forward to the CCC’s Net Zero Report (May 2019), in which it was recommended that the UK should legislate as soon as possible to reach net zero greenhouse gas emissions by 2050 covering all sections of the economy, including international aviation, as an appropriate contribution to the Paris Agreement, and achieve that through a number of steps, including more limited aviation demand growth.
- 2 In June 2019, the target figure in s.1 of the Climate Change Act 2008 was amended from at least 80% to at least 100% reduction of greenhouse gases below 1990 levels.
- 3 Whilst s.30(1) of the Climate Change Act, which excludes greenhouse gas emissions from international aviation from the target, has not yet been amended, CCC’s letter of September 2019 on net-zero and the approach to international aviation confirmed that:
  - the Government clarified to Parliament that the target must cover the whole economy including international aviation.
  - Its advice that 2050 was an appropriate date for net-zero to be achieved was based on formal inclusion of international aviation emissions within the target.

The letter of September 2019 also advised that:

- the Government should assess its airport capacity strategy in the context that zero carbon aviation is highly unlikely to be feasible by 2050.

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<sup>36</sup> Chapter 13 of the ES (Climate Change) did refer to the Paris Agreement (para. 13.15), but it has not been taken into account in assessing Carbon Emissions.

- CCC's scenarios for its net-zero advice suggest aviation emissions could be reduced from 36.5 MtCO<sub>2</sub> in 2017 to around 30 MtCO<sub>2</sub> in 2050 through a combination of steps, including by managing demand growth.
- Growth should be limited to no more than 25% above current levels by 2050, and further demand reduction is possible beyond that.

4.69 Thirdly, since UDC's refusal of permission in January 2020:

- 1 In February 2020 the Court of Appeal declared the designation of the ANPS to be unlawful and prevented it from having any legal effect unless and until the SoS had undertaken a review of it in accordance with the relevant provisions of the Planning Act 2008. In so doing, the Court held that the statutory regime for the formulation of government policy in a national policy statement under the Planning Act 2008 was not fully complied with, in that the Paris Agreement ought to have been taken into account by the SoS, but was not. What that meant, in effect, is that the Government had not taken into account its own firm policy commitments on climate change under the Paris Agreement (*R (Plan B Earth) v SOST, Heathrow Airport Ltd. Arora Holdings Ltd. et al.* [EWCA] Civ 214 at paras. 280 and 283 per Lindblom LJ). This brings into sharp focus the need for considerations arising from the Paris Agreement to be addressed as part of this application, as a material consideration.
- 2 Consistent with its September 2019 letter, CCC's 2020 Progress Report to Parliament (June 2020) recommended the formal inclusion of international aviation within UK climate targets when setting the Sixth Carbon Budget, and that the UK's airport capacity strategy is reviewed by 2021 in light of COVID-19 and Net Zero.

4.70 Against the above background, UDC contend that the ES supporting the Application did not present a clear picture on carbon emissions assessed against the full policy background on climate change, and STAL failed to update that picture to address reasonable concerns raised during consideration of the application as to the direction of travel of climate change policy.

4.71 Importantly, STAL's continued reliance upon the non-amendment to s.30(1) of the Climate Change Act 2008, the Aviation Policy Framework 2013, and Beyond the horizon, the future of UK aviation: Making best use of existing runways 2018, fails to provide any assurance to UDC that the direction of travel of national policy on climate change has been properly acknowledged and assessed, and suffers from the same flaw as the ANPS in not taking account of the Paris Agreement and the commitment to net-zero. There are a series of material considerations set out above which must be taken into account and properly assessed.

4.72 Moreover, UDC will contend that airport expansion plans across the UK, of which this is one example, should be considered against CCC's recommendations that demand growth should be limited to at most 25% above current levels, that there is potential to reduce emissions further through constraints on demand, and that the Government's airport capacity strategy should be re-assessed in the light of aviation playing its part in a Net Zero strategy.

4.73 UDC will contend that the conclusions of the Sustainable Aviation 2020 Decarbonisation Roadmap carry very little weight given the uncertainties around the economic and technical measures it relies upon, and the extent to which it relies on carbon offsetting. In particular, the Roadmap does not account for Radiative Forcing Effect (the effects which fuel combustion in the upper atmosphere is known to cause, which is significantly larger than equivalent combustion on the ground). Whilst its effects are uncertain, they are not yet accounted for in carbon budgeting, which is a consideration which undermines the extent to which weight can be placed on the Roadmap.

4.74 It is acknowledged that STAL's proposals could be supported by a clear decarbonisation plan so as to meet the above policy objectives, but this has not been demonstrated. Whilst UDC is

unconvinced by the material currently put forward, it is acknowledged that progress is being made by the aviation industry on, for example, emissions from new generation engines. That brings into question the extent to which new generation engines will be forthcoming, in what form, and at what time, which are matters referred to in the above sections of this SoC and not repeated here.

4.75 Finally, without prejudice to UDC's case on emissions, the extent to which the increases in annual passenger capacity could be linked to the delivery of carbon emission targets in stages will be explored.

## **R4 Necessary Infrastructure and Mitigation**

4.76 UDC accepts that RFR4 could be overcome by a planning obligation / unilateral undertaking and planning conditions that provide the necessary infrastructure to support the appeal proposal, and the necessary mitigation to address its impacts. It will show how the planning obligation and planning conditions recommended to the Planning Committee in January 2020 were deficient in certain respects, in the light of changes in applicable policy and guidance since the application was submitted. The concerns raised by the Planning Committee were reflected in correspondence received from STAL prior to the refusal of the Application in January 2020 (letter from MAG dated 8 January 2020 and accompanying Table).

4.77 There were two objectives to the package of measures that were proposed by the applicant. The first was to ensure that provision was made to ensure that the highway network had adequate capacity to accommodate the road traffic generated by the development. This was underpinned by the proposed S106 Agreement and S278 Agreement. However, the majority of the obligations related to second objective of mitigating the environmental impacts of the proposals. UDC's case will show how the environmental assessment was deficient as policy and guidance has moved on, and therefore, the package as at January 2020 would not have adequately mitigated the impacts of the development such that harm may have resulted.

4.78 With regard to the capacity of the highway network, since the Planning Committee considered the S106 Agreement containing STAL's obligations to address the effects of its proposals in January 2020, there has been a material change in circumstances. The interim capacity improvement project for M11 J8 has been put on hold following a significant shortfall in funds to provide for its delivery. It was to have been funded on a multi-agency basis, with contributions from Essex County Council, Highways England, Cambridgeshire and Peterborough LEP, and STAL. Although there is a detailed scheme that is ready for implementation, it cannot proceed until future opportunities arise to bid for its funding.

4.79 STAL's proposed interim plus scheme to address the surface access impacts of its proposals is predicated on the successful implementation of the interim scheme that is now on hold for an indefinite period.

4.80 STAL will therefore need to bring forward new proposals to ensure that the impacts of surface access trips generated by its development proposals can be accommodated on the road network at this strategic junction.

4.81 Furthermore, COVID-19 has impacted on surface access trips to and from the airport, for air passengers and workers, and those using the airport to access coach and rail services. While the number of such trips has been depressed, there has been a shift away from public transport. At present there is significant uncertainty as to whether the modal split will return to the 2019 position as traffic recovers over time, or whether consumer preferences will have shifted significantly, with a greater proportion of trips by car including kiss and fly.



- 4.82 To the extent that the concerns raised in relation to aircraft noise, air quality, and carbon emissions are not explained or met by mitigation through the S106 Agreement and planning conditions, the proposals may give rise to harm.

## 5.0 Conclusion

- 5.1 This is an application that will bring about a significant change in air traffic movements at Stansted Airport. The practical reality is that the implementation of this application will yield a significantly greater number of PATMs than is currently possible. The protection afforded by the dual-cap restriction that was imposed by the Secretaries of State in 2008 will fall away. This is but the latest increase in residents' memory that has seen the transformation of what was a barely used airport in the 1980s into one of the busiest in the country. The limits of the ability of the site and its surroundings to accommodate these changes is evident from previous expansion proposals at Stansted. This is not an instance of a development where the vast majority of residents have bought into an area knowing that it was in the vicinity of one of the country's busiest airports. This is an instance in which most have had to put up with it becoming just that.
- 5.2 Given both the nature of the change proposed, and the sensitivity of the site, the Application was rightly subject to detailed evaluation by the Council. The Application proposals were recognised to be a very important development for UDC, reflecting amongst other considerations, the economic importance of the Airport to the District, but also one that raised clear and detailed concerns amongst residents about the potential for real and substantive environmental effects, should it be approved. UDC had a heavy and enduring responsibility to its constituents. That responsibility could only be properly discharged by anxious scrutiny of the proposal and the evidence put forward to support it.
- 5.3 The Planning Committee, in its consideration of the Application, demonstrably showed through the sequence of meetings from November 2018 through to January 2020 that it needed to be convinced about the nature and scale of effects that would result from the implementation of the planning permission, and importantly, the ability for those effects to be adequately mitigated. As an outcome of this process, it concluded that the information provided as at January 2020 fell short of that required to properly assess the environmental impacts associated with the Application. Without this information, it was not possible to conclude on the nature of impacts arising, and as a consequence, the adequacy of the proposed mitigation, leading to refusal of the application.
- 5.4 UDC will call expert witnesses to demonstrate that there are assessments that should be undertaken in relation to air noise, air quality and carbon emissions and the associated consequences for health and wellbeing of local communities. These may require additional mitigation and alternative controls. If necessary measures are not feasible or enforceable, the appeal should be dismissed.
- 5.5 The current position is that UDC proposes to call expert witnesses to advise the Inquiry on the following matters:
- Aviation Forecasts and the implications for air transport and other aircraft movements at Stansted;
  - Air Noise (and related health effects);
  - Air Quality (and related health effects);
  - Carbon Emissions; and
  - Planning.

# Stansted Airport 35+ Planning Appeal

## PINS Appeal ref APP/C1570/W/20/3256619

### Planning Application ref UTT/18/0460/FUL

: Appendix 1 Statement of Case references

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## Appendix 1 Statement of Case references

- 1 STAL ES Vol 1, Para. 4.56
  - 2 [https://iccan.gov.uk/wp-content/uploads/2019\\_12\\_18\\_ICCAN\\_Review\\_of\\_Survey\\_of\\_Noise\\_Attitudes.pdf](https://iccan.gov.uk/wp-content/uploads/2019_12_18_ICCAN_Review_of_Survey_of_Noise_Attitudes.pdf)
  - 3 For example: Heathrow Expansion Project, Preliminary Information Report (PEIR) Appendix 17.1
  - 4 Noting that LOAEL is the point at which policy determines ‘adverse’ effects to commence, this is not to say the effects do not occur below to the LOAEL. We note that T17 of ES defines the ‘No Observed Effect Level’ as being less than or equal to the LOAEL (51 dB LAeq, 16h and 45 dB LAeq,8hr). This is incompatible with the NPSE.
  - 5 Air Navigation Guidance 2017
  - 6 Noise Policy Statement for England 2010
  - 7 Paragraph 4.41
  - 8 Environmental Statement, Tables 14.1.4 and 14.1.5
  - 9 Paragraph 1.14 Guide to WebTAG Noise Appraisal for non-experts
  - 10 Leeds Bradford Airport Project Sky, Environmental Statement 2020
  - 11 Environmental Statement, Chapter 10
  - 12 BB93: acoustic design of schools - performance standards
  - 13 ERCD Report 1903
  - 14 Environmental Statement, Chapter 10 Table 7.6
  - 15 <https://www.caa.co.uk/Consumers/Environment/Noise/Features-of-the-ANCON-noise-modelling-process/>
  - 16 Figure 2028DC/LAeq/Day compared to Figure 2028DC/LAeq/Night
  - 17 Aviation Policy Framework, Para 3.34
  - 18 See Heathrow Cranford Agreement decision where PINS recommended insulation be provided at SOAEL upwards
  - 19 Environmental Statement Appendix 7.3 Table T31, compared to Tables T43 and T37
  - 20 Environmental Statement paragraph 10.23
  - 21 Environmental Statement paragraph 10.95ff.
  - 22 Environmental Statement Table 10.7 and paragraph 10.121
  - 23 Environment Statement paragraphs 10.121 to 10.125
  - 24 Moorcroft and Barrowcliffe et al. (2017) “Land-use Planning & Development Control: Planning for Air Quality. London: Institute of Air Quality Management,” Version 1.2 Section 6.22i
  - 25 Environmental Statement paragraph 10.125
  - 26 Clean Air Strategy 2019 page 7
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# **Stansted Airport 35+ Planning Appeal**

## **PINS Appeal ref APP/C1570/W/20/3256619**

### **Planning Application ref UTT/18/0460/FUL**

: Appendix 1 Statement of Case references

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- 27 Air Quality Expert Group “Ultrafine particles (UFP) in the UK”, July 2018 [https://uk-air.defra.gov.uk/library/reports.php?report\\_id=968](https://uk-air.defra.gov.uk/library/reports.php?report_id=968)
- 28 Environmental Statement para. 10.127ff.
- 29 <http://www.apis.ac.uk/> accessed 7 September 2020
- 30 Environmental Statement para. 10.130
- 31 Environmental Statement para. 10.132
- 32 Environmental Statement paragraph 10.136
- 33 Environmental Statement para. 10.112
- 34 Environmental Statement paragraphs 10.122 to 10.125
- 35 Environmental Statement Tables 10.9 and 10.10
- 36 Chapter 13 of the ES (Climate Change) did refer to the Paris Agreement (para. 13.15), but it has not been taken into account in assessing Carbon Emissions.

**Stansted Airport 35+ Planning Appeal**  
**PINS Appeal ref APP/C1570/W/20/3256619**  
**Planning Application ref UTT/18/0460/FUL**

: Appendix 2 Decision Notice January 2020

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**Appendix 2 Decision Notice January 2020**

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## UTTLESFORD DISTRICT COUNCIL

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Mr A Andrew  
Stansted Airport Limited (STAL)  
Enterprise House  
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Stansted Airport  
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**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

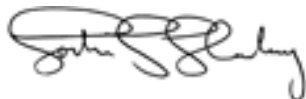
flights should be at or below 2005 levels in 2050. This is against the backdrop of the amendment to the Climate Change Act 2008 (2050 Target Amendment) to reduce the net UK carbon account for the year 2050 to net zero from the 1990 baseline. This is therefore contrary to the general accepted perceptions 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:

<b>Policy</b>	<b>Local Plan</b>	<b>Local Plan Phase</b>
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](mailto: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>

**Stansted Airport 35+ Planning Appeal**  
**PINS Appeal ref APP/C1570/W/20/3256619**  
**Planning Application ref UTT/18/0460/FUL**

: Appendix 3 Draft Section 106 Agreement January 2020

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**Appendix 3 Draft Section 106 Agreement**  
**January 2020**

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Dated

2020

**(1) UTTLESFORD DISTRICT COUNCIL**

and

**(2) ESSEX COUNTY COUNCIL**

and

**(3) STANSTED AIRPORT LIMITED**

and

**(4) CITICORP TRUSTEE COMPANY LIMITED**

---

**DEED OF PLANNING OBLIGATIONS**

relating to Land at Stansted Airport, Essex pursuant to  
section 106 of the Town and Country Planning Act 1990

Planning Permission Ref No: **UTT/18/0460/FUL**

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**Town Legal LLP**  
**10 Throgmorton Avenue**  
**London EC2N 2DL**

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- 1. Plan 1 (Airport Property)**
- 2. Airfield Infrastructure Works Plan**
- 3. Revised SIGS Contour Plan**
- 4. Junction 8 (M11) Scheme Drawing**
- 5. Priory Wood Roundabout Drawing**
- 6. Local Road Monitoring Scheme (Schedule 3 Part 2)**
- 7. Rail-Users Discount Scheme (Schedule 3 Part 2)**
- 8. Transport Forum Revised Terms of Reference (Schedule 3 Part 2)**

- 9. Area of Benefit Plan (Schedule 3 Part 4)
- 10. Community Benefit Terms of Reference (Schedule 3 Part 4)
- 11. Woodland Plan (Schedule 3 Part 5)

**AN AGREEMENT** made the

day of 12th March 2020

**BETWEEN**

- (1) **UTTLESFORD DISTRICT COUNCIL** of Council Offices London Road Saffron Walden Essex CB11 4ER ("**UDC**") of the first part;
- (2) **ESSEX COUNTY COUNCIL** of County Hall, Market Road, Chelmsford CM1 1QH (the "**County Council**") of the second part;
- (3) **STANSTED AIRPORT LIMITED** (Co Reg No: 01990920) whose registered office is at Enterprise House, Bassingbourn Road, Stansted Airport, Essex CM24 1QW ("**STAL**") of the third part; and
- (4) **CITICORP TRUSTEE COMPANY LIMITED** (Co Reg No: 0235914) whose registered office is at Citigroup Centre, Canada Square, Canary Wharf, London E14 5LB (the "**Chargee**") of the fourth part.

**1. DEFINITIONS**

- 1.1. "**39 mppa Date**" means the end of the first month following the point at which the annual passenger throughput at Stansted Airport exceeds 39 mppa over a period of twelve calendar months for the first time;
- 1.2. "**43 mppa Date**" means end of the first month following the point at which the annual passenger throughput at Stansted Airport reaches 43 mppa over a period of twelve calendar month for the first time;
- 1.3. "**1972 Act**" means the Local Government Act 1972;
- 1.4. "**1980 Act**" means the Highways Act 1980;
- 1.5. "**1990 Act**" means the Town and Country Planning Act 1990;
- 1.6. "**1999 Act**" means the Contracts (Rights of Third Parties) Act 1999;
- 1.7. "**2000 Act**" means the Local Government Act 2000;
- 1.8. "**2003 Agreement**" means the Deed of Planning Obligations dated **14 May 2003** relating to Stansted Airport and made between (1) UDC, (2) Essex County Council and (3) STAL;
- 1.9. "**2008 Undertaking**" means the Deed of Unilateral Undertaking relating to Stansted Airport dated **26 September 2008** entered into by (1) STAL in favour of (2) UDC and (3) Essex County Council;
- 1.10. "**2011 Act**" means the Localism Act 2011;
- 1.11. "**Airfield Infrastructure Works**" means the following works at Stansted Airport:
  - (a) the formation of two new taxiway links to the runway (Rapid Access Taxiway 22/04 and Rapid Exit Taxiway Mike Romeo (MR));
  - (b) six additional remote aircraft stands adjacent to Yankee Taxiway; and
  - (c) three additional remote aircraft stands (forming an extension of the Echo Apron),

as shown on the Airfield Infrastructure Works Plan;

- 1.12. "Airfield Infrastructure Works Plan" means drawing no STAL-STAL-001-PLA-001-001 comprising Annexure 2 to this Deed;
- 1.13. "Airport Property" means the land shown for the purpose of identification only edged in blue excluding the land edged in green on Plan 1;
- 1.14. "Authorities" means UDC and Essex County Council;
- 1.15. "CIL Regulations" means the Community Infrastructure Levy Regulations 2010 as amended or replaced from time to time;
- 1.16. "Date of Grant" means the date the Permission is issued by UDC;
- 1.17. "Development" means the development authorised by the Permission;
- 1.18. "Essex County Council" means Essex County Council of County Hall, Market Road, Chelmsford CM1 1QH acting as the local highway authority for Essex;
- 1.19. "Existing Planning Agreements" means all of the following deeds and documents:
- (a) the 2003 Agreement;
  - (b) the 2008 Undertaking; and
  - (c) a second Unilateral Undertaking given by a Deed dated 26 September 2008 made by (1) STAL in favour of (2) UDC and (3) Hertfordshire County Council;
- 1.20. "Existing Planning Consents" means the following two planning permissions:
- (a) planning permission Ref No UTT/1000/01/OP dated 16 May 2003; and
  - (b) planning permission Ref No UTT/0717/06/FUL granted on appeal by the Secretaries of State, dated 8 October 2008;
- 1.21. "Implementation" means the implementation of the Permission by the carrying out of any material operation (as defined by section 56 of the 1990 Act) pursuant to the Permission PROVIDED ALWAYS for the purposes of this Agreement Implementation shall exclude:
- (a) all works associated with the operation of Stansted Airport other than works required for the Airfield Infrastructure Works;
  - (b) any works carried out pursuant to permitted development rights;
  - (c) site survey and site preparation in advance of and preparatory to commencement of the Airfield Infrastructure Works;
  - (d) ecological and archaeological survey work;
  - (e) any other surveys required by the Permission prior to the commencement of the Development;
  - (f) remediation; and
  - (g) the taking of preparatory measures in advance of the carrying out of the Airfield Infrastructure Works;
- and "Implement" and "Implemented" shall mutatis mutandis be construed accordingly;
- 1.22. "Implementation Date" means the date of actual Implementation;

- 1.23. **"Indexed"** means adjusted by reference to the relevant index pursuant to the provisions of clause 7;
- 1.24. **"Legal Challenge"** means any challenge to the validity or lawfulness of the Planning Application or to the Permission in the courts brought by means of proceedings for judicial review, declaratory proceedings or otherwise calling into question the validity of the Permission; and includes any proceedings by way of appeal to the Court of Appeal, the Supreme Court or to any other appellate body;
- 1.25. **"Legal Charge"** means a legal charge dated **14 February 2014** (Charge Ref: CH373359) in favour of the Chargee referred to in the Charges Registers of relevant titles to the Airport Property;
- 1.26. **"mppa"** means million passengers per annum whose journey by air involves either taking off from or landing at Stansted Airport, calculated by reference to the Civil Aviation Authority definitions where:
- (a) a **terminal passenger** is a passenger joining or leaving an aircraft at the reporting airport. A passenger travelling between two reporting airports is counted twice, once at each airport. A passenger who changes from one aircraft to another, whether carrying the same flight number (change of gauge) or not is treated as a terminal passenger, (known as an **"interlining passenger"** or **"transfer passenger"**) and is therefore counted twice at the airport where they change from one aircraft to another; and
  - (b) a **transit passenger** is a passenger who arrives at and departs from a reporting airport on the same aircraft which is transiting. Each transit passenger is counted once only and not both on arrival and on departure.
- 1.27. **"Passenger Level Trigger Date"** means the end of the first month following the point at which the annual passenger throughput at Stansted Airport exceeds 35 mppa over a period of twelve calendar months for the first time;
- 1.28. **"Permission"** means the planning permission (a draft of which is annexed at **Schedule 1**) granted or to be granted by UDC in respect of the Planning Application;
- 1.29. **"Plan 1"** means plan reference no SK394 comprising **Annexure 1** to this Deed;
- 1.30. **"Planning Application"** means the application dated **February 2018** made by STAL under reference number **UTT/18/0460/FUL**;
- 1.31. **"Qualifying Purposes"** means purposes that fulfil the following three tests, namely that expenditure is:
- (a) necessary to make the Development, works or expenditure acceptable in planning terms; and
  - (b) directly related to the Development; and
  - (c) fairly and reasonably related in scale and kind to the Development,
- in each case as approved by the Permission.
- 1.32. **"Reasonable Endeavours"** means it is agreed between STAL and the relevant one of the Authorities that the party under such an obligation shall not thereby be required to take proceedings (including any appeal) in any court, public inquiry or other hearing (unless expressly specified to the contrary) but **SUBJECT THERETO** such party shall be bound to make all reasonable attempts to fulfil the relevant obligation by



the expenditure of such effort and / or sums of money and the engagement of such professional or other advisers as in all the circumstances may be reasonable; and

- 1.33. "Unchallenged Permission Date" means the date when all steps by way of Legal Challenge have been exhausted.

## **2. RECITALS**

- 2.1. UDC is the planning authority within the meaning of the 1990 Act for the area in which the Airport Property is situated.
- 2.2. The County Council is the local highway authority and the local authority for statutory education and childcare for the area within which the Airport Property is situated.
- 2.3. STAL is registered at the Land Registry as proprietor of the Airport Property with freehold title under the title numbers set out in Schedule 2 subject to the Legal Charge.
- 2.4. The Chargee has the benefit of the Legal Charge.
- 2.5. STAL submitted the Planning Application to UDC; and at the meeting of its Planning Committee held on 14 November 2018 UDC resolved to grant the Permission subject to STAL entering into a binding obligation under section 106 of the 1990 Act making provision for the matters set forth in this Agreement.
- 2.6. UDC considers it expedient in the interests of proper planning of its area and having regard to the policies of the Development Plan, regulation 122 of the CIL Regulations and all other material considerations that provision should be made for regulating or facilitating the Development in the manner herein.
- 2.7. UDC and STAL and the County Council have agreed to enter into this Agreement pursuant to the operative powers described in clause 3 for the purpose of regulating the Development and use of the Airport Property in the terms and upon the details specified in this Agreement.
- 2.8. It is the intention of the parties that this Agreement shall remain in full force and effect until such time as it is replaced by a further agreement pursuant to section 106 and section 106A of the 1990 Act.

## **3. ENABLING POWERS AND OBLIGATIONS**

- 3.1. This Agreement is entered into pursuant to section 106 of the 1990 Act, section 111 of the 1972 Act, section 278 of the 1990 Act, section 2 of the 2000 Act and section 1 of the 2011 Act.
- 3.2. Such of the covenants contained herein as are capable of being planning obligations within the meaning of section 106 of the 1990 Act are declared to be planning obligations and as such are enforceable by UDC and except for the obligation at paragraph 3 of Schedule 3 in relation to the Local Road Monitoring Scheme which may be enforced by the County Council.

**4. OBLIGATIONS UNDERTAKEN BY STAL AND THE CHARGE**

- 4.1. With the intent that subject as provided in this Agreement the Airport Property shall be subject to the obligations and restrictions contained in this Agreement for the purpose of restricting or regulating the Development and use of the Airport Property so that the provisions of this Agreement shall be enforceable against STAL and (but only for so long as the Chargee is in possession of the Airport Property) the Chargee and their respective successors in title, STAL and the Chargee hereby jointly and severally covenant with UDC to observe and comply with the obligations contained in Schedule 3.
- 4.2. The liability of any person under this Agreement shall cease once it has parted with its interest in the Airport Property or any relevant part thereof (in which event the obligations of any person under this Agreement shall cease only in relation to that part or those parts of the Airport Property which is or are transferred by that person) but not so as to amount to a release from liability for any antecedent breaches of this Agreement arising prior to the transfer.
- 4.3. Tenants of any part of the Airport Property with the benefit of leases for their own occupation or for the occupation of sub-tenants (or any person or mortgagee claiming through or under such person, and any derivative interests), licensees, concessionaires and other permitted occupiers holding subordinate or temporary interests, and statutory undertakers, power and utilities suppliers, owners or providers of services to Stansted Airport having occupational estates, easements, rights or other interests shall not be bound by any part of this Agreement.

**5. AGREEMENTS AND DECLARATIONS**

- 5.1. The obligations contained in Schedule 3 shall take effect only upon the Implementation Date (save where expressly stated to the contrary in Schedule 3) and in the event that the Planning Application is refused or the Permission is quashed or is for any other reason not implemented and expires the obligations contained in Schedule 3 shall absolutely cease and determine without further obligation upon STAL or the Chargee or their successors in title.
- 5.2. The obligations contained in Schedule 3 shall absolutely cease and determine without further obligation upon STAL or its successors in title if the Permission is revoked or modified (in either case without the consent of STAL) or expires without being implemented.
- 5.3. Save as specifically provided in Schedule 3 nothing in this Agreement shall prohibit or limit the right to develop any part of the Airport Property in accordance with any planning permission (other than one relating to the Development).

**6. ADVANCE NOTICE OF IMPLEMENTATION AND OF THE PASSENGER LEVEL TRIGGER DATE**

- 6.1. STAL will give UDC and the County Council not less than 28 days prior notice in writing of its intention to implement specifying the intended Implementation Date.
- 6.2. Forthwith upon implementation STAL will give UDC and the County Council notice in writing of implementation.

- 6.3. STAL will give UDC not less than 28 days prior notice in writing of the anticipated occurrence of the Passenger Level Trigger Date
- 6.4. Forthwith upon the Passenger Level Trigger Date STAL will give UDC notice in writing of such occurrence.

**7. PROVISION FOR INDEXATION**

- 7.1. References in this Agreement to sums of money shall be deemed to mean that sum plus a percentage thereof calculated in March in each year (hereinafter called the "Review Date") equivalent to the percentage increase in the Consumer Price Index from the date of this Agreement to each Review Date until the Developer shall have paid the full and final amount of such sums to the organisation entitled to receive the same under the terms of this Agreement to be calculated pro rata in the case of any balance of such sums remaining unpaid at each Review Date.

**8. VAT**

STAL shall not be obliged to make any contribution towards the VAT payable by the Authorities in respect of any works to be undertaken by the Authorities insofar as and to the extent that the amount of such VAT is (by way of set-off or otherwise) recoverable by or reimbursable to the relevant Authority.

**9. PROVISOS AND INTERPRETATION**

- 9.1. Save and except to the extent that they are amended or varied by the terms of this Agreement, the Existing Planning Agreements continue in full force and effect.
- 9.2. Terms and provisions defined in the Existing Planning Agreements and used in this Agreement shall except where the context otherwise requires have the same meanings as are set forth in the relevant Existing Planning Agreements.
- 9.3. No provision of this Agreement shall be interpreted so as to affect contrary to law the rights powers duties and obligations of UDC in the exercise of any of its statutory functions or otherwise; and if in any case any provision of this Agreement shall be in conflict with or cause STAL or its successors to breach its of their statutory functions and/or obligations as Airport Operator (as defined in section 82 of the Airport Act 1986) of Stansted Airport, the Parties shall use their Reasonable Endeavours in good faith to seek to agree any necessary modifications to the terms of this Agreement.
- 9.4. If any provision of this Agreement shall be held to be unlawful or unenforceable in whole or in part under any enactment or rule of law such provision shall to that extent be deemed not to form part of this Agreement and the enforceability of the remainder of this Agreement shall not be affected, except where the Permission is quashed or otherwise held to be void and of no further or continuing effect.
- 9.5. No waiver (whether express or implied) by UDC of any breach or default in performing or observing any of the obligations, covenants or terms and conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent UDC from enforcing any of the said obligations, covenants or terms and conditions or from acting upon any subsequent breach or default.

- 9.6. Insofar as any parts of this Agreement may be subject to the rule against perpetuities those parts shall remain in force for as long as any of the provisions hereof remain to be performed or observed or 125 years whichever shall be the shorter.
- 9.7. Any provision contained in this Agreement requiring the consent or approval of any party hereto shall be deemed to incorporate a proviso that such consent or approval shall not be unreasonably withheld or delayed.
- 9.8. Words denoting an obligation on a party to do any act, matter or thing include an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause permit or suffer any infringement of the restriction.
- 9.9. References in this Agreement to statutes, bye-laws, regulations, orders and delegated legislation shall include any statute, bye-law, regulation, order, delegated legislation, plans, regulations, permissions and directions, amending, re-enacting or made pursuant to the same as current and in force from time to time.
- 9.10. The headings in this Agreement do not affect its interpretation.
- 9.11. Unless the context otherwise requires references to sub-clauses, clauses and schedules are to sub-clause clauses and schedules of this Agreement.
- 9.12. Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 9.13. Unless the context otherwise so requires:
- (a) references to UDC, Essex County Council, STAL and the Chargee include their respective permitted successors and assigns;
  - (b) references to statutory provisions include those statutory provisions as amended or re-enacted; and
  - (c) references to any gender include both genders.
- 9.14. The Interpretation Act 1978 shall apply to this Agreement.
- 9.15. In the event of any conflict between the terms, conditions and provisions of this Agreement and any document attached hereto or referred to herein the terms, conditions and provisions of this Agreement shall prevail.

## **10. ENFORCEABILITY AGAINST CHARGEES**

- 10.1. This Agreement has been entered into by STAL and the Chargee and their respective interests in the Airport Property shall be bound by the obligations contained in this Agreement **PROVIDED THAT** no obligations in this Agreement shall be binding on or enforceable against the Chargee or any other chargee or mortgagee from time to time who shall have the benefit of a charge or mortgage of or on any part or parts of the Airport Property or any receiver appointed by such chargee or mortgagee or any person deriving title through such chargee, mortgagee or receiver unless and until such chargee, mortgagee, receiver or person has entered into possession of the Airport Property or part thereof to which such obligation relates.

**11. DISPUTE RESOLUTION**

- 11.1. Subject to Clause 11.7, if any dispute arises relating to or arising out of the terms of this Agreement persists beyond ten (10) Working Days, either STAL or UDC (or if the dispute is in respect of the obligation at paragraph 3 of Schedule 3 in relation to the Local Road Monitoring Scheme, either STAL or the County Council) may give to the other written notice requiring the dispute to be determined under this Clause 11. The notice is to propose an appropriate Specialist and specify the nature and substance of the dispute and the relief sought in relation to the dispute.
- 11.2. For the purposes of this Clause 11 a "Specialist" is a person qualified to act as an expert in relation to the dispute having not less than ten (10) years' professional experience in relation to developments in the nature of the Development and property in the same locality as the Site.
- 11.3. Any dispute over the type of Specialist appropriate to resolve the dispute may be referred at the request of any party to the dispute to the President for the time being of the Chartered Institute of Arbitrators (or other appropriate President of a professional institute with expertise in the relevant discipline as agreed between the parties in dispute) who will have the power, with the right to take such further advice as he may require, to determine the appropriate type of Specialist and to arrange his nomination under Clause 11.4.
- 11.4. Any dispute over the identity of the Specialist is to be referred at the request of any party to the dispute to the President or other most senior available officer of the organisation generally recognised as being responsible for the relevant type of Specialist who will have the power, with the right to take such further advice as he may require, to determine and nominate the appropriate Specialist or to arrange his nomination. If no such organisation exists, or the parties cannot agree the identity of the organisation, then the Specialist is to be nominated by the President for the time being of the Chartered Institute of Arbitrators (or other appropriate President of a professional institute with expertise in the relevant discipline as agreed between the parties in dispute).
- 11.5. The Specialist is to act as an independent expert and:
- (a) each party to the dispute may make written representations within ten (10) Working Days of his appointment and will copy the written representations to the other party;
  - (b) each party to the dispute is to have a further ten (10) Working Days to make written comments on the other's representations and will copy the written comments to the other party;
  - (c) the Specialist is to be at liberty to call for such written evidence from the parties to the dispute and to seek such legal or other expert assistance as he or she may reasonably require;
  - (d) the Specialist is not to take oral representations from the parties to the dispute without giving those parties the opportunity to be present and to give evidence and to cross-examine each other;
  - (e) the Specialist is to have regard to all representations and evidence before him when making his decision, which is to be in writing, and is to give reasons for his decision;

- (f) the Specialist is to use all reasonable endeavours to publish his decision within thirty (30) Working Days of his appointment; and
- (g) the decision of the Specialist shall be final and binding on the parties save in the case of manifest error.

11.6. Responsibility for the costs of referring a dispute to a Specialist under this Clause 11 including costs connected with the appointment of the Specialist and the Specialist's own costs, but not the legal and other professional costs of any party in relation to a dispute, will be decided by the Specialist or failing such decision each party will bear its own costs

11.7. This Clause 11 does not apply to disputes in relation to matters of law or the construction or interpretation of this Agreement which will be subject to the jurisdiction of the courts of England.

## 12. MISCELLANEOUS PROVISIONS

### Registration and cancellation

12.1. This Agreement constitutes a local land charge and shall be registered as such provided that UDC will upon the happening of any of the eventualities referred to in clauses 5.1. and 5.2. above or upon the determination of this Agreement howsoever determined procure the removal of any entry made on the local land charges register in respect of or related to this Agreement.

### Satisfaction of any of the provisions of this Agreement

12.2. Where in the opinion of STAL any of the provisions of this Agreement have been satisfied, STAL shall be entitled to apply to UDC for a certificate to that effect and upon the relevant planning officer being satisfied that the relevant agreement, obligation or covenant as the case may be has been satisfied, the relevant officer shall as soon as is reasonably practicable issue a certificate to such effect subject to its reasonable costs and charges in connection with the preparation of the same being discharged by STAL.

### Exclusion of the 1999 Act

12.3. For the purposes of the 1999 Act it is agreed that nothing in this Agreement shall confer on any third party any right to enforce or any benefit of any term of this Agreement.

### Notices

12.4. Any notices required to be served on or any document to be supplied or submitted to any of the parties hereto shall be sent or delivered to the address stated in this Agreement as the address for the receiving party or such other address as shall from time to time be notified by a party to this Agreement as an address at which service of notices shall be accepted or (in the case of a limited company) at its registered office.

12.5. Any notices to be served or documents to be supplied or submitted or applications for approval under the terms of this Agreement to be made which are addressed to UDC shall be addressed to the Assistant Director of Planning of that Council.

**Entire Agreement**

- 12.6. This Agreement, the schedules and the documents annexed hereto or otherwise referred to herein contain the whole agreement between the parties relating to the subject matter hereof and supersede all prior agreements arrangements and understandings between the parties relating to that subject matter but **SUBJECT ALWAYS** to the provisions of clause 9.1 of this Agreement.

**Costs**

- 12.7. Upon the execution of this Agreement STAL will pay the reasonable legal costs of UDC up to a maximum of five thousand pounds (£5,000) and of the County Council up to a maximum of three thousand pounds (£3,000) in connection with the negotiation and preparation and completion thereof.

**Monitoring**

- 12.8. Within 30 days after the Unchallenged Permission Date STAL will pay twenty five thousand pounds (£25,000) to UDC towards UDC's monitoring costs in relation to the obligations contained in this Agreement.
- 12.9. Within 30 days of each anniversary of Unchallenged Permission Date for a period of ten years, STAL will pay five thousand (£5,000) to UDC towards UDC's ongoing monitoring costs in relation to the obligations contained in this Agreement up to a total of fifty thousand pounds (£50,000).

**Jurisdiction**

- 12.10. This Agreement is governed by and interpreted in accordance with the laws of England.
- 12.11. It is hereby agreed that the parties irrevocably submit to the exclusive jurisdiction of the courts of England.

**13. DELIVERY**

- 13.1. This Agreement is delivered on the date written at the start and the provisions of this Agreement (other than this clause which shall be of immediate effect) shall be of no effect until this Agreement has been dated.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as a deed the day and year first before written

**SCHEDULE 1**  
**(The Permission)**





## 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](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

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Stansted Airport  
CM24 1QW

### 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 **Grants 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**  
**Stansted Airport**

**The approved 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 granted with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**REASON:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to reaching 35mppa and following consultation with the Environment Agency a scheme for the provision and implementation of water resource efficiency measures, during the operational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the operation of the development. The scheme shall be implemented and the measures provided and made available for use in accordance with such timetables as may be agreed..

The scheme shall include the identification of locations for sufficient additional water meters to inform and identify specific measures in the strategy. The locations shall reflect the passenger, commercial and operational patterns of water use across the airport:

REASON: In order to secure a sustainable form of development, as set out in paragraph 150 of the National Planning Policy Framework and Policy GEN2(e) of the Uttlesford Local Plan (adopted 2005).

- 3 Prior to the commencement of construction works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority. The construction works shall subsequently be carried out strictly in accordance with the approved CEMP, unless otherwise agreed in writing.

The CEMP must incorporate the findings and recommendations of the Environmental Statement and must incorporate the following plans and programmes:

- (a) External Communications Plan
  - (i) External communications programme
  - (ii) External complaints procedure
- (b) Pollution Incident Prevention and Control Plan
  - (i) Identification of potential pollution source, pathway and receptors
  - (ii) Control measures to prevent pollution release to water, ground and air (including details of the surface/ground water management plan)
    - (iii) Control measures for encountering contaminated land
    - (iv) Monitoring regime
    - (v) Emergency environmental incident response plan
    - (vi) Incident investigation and reporting
    - (vii) Review/change management and stakeholder consultation
- (c) Site Waste Management Plan
  - (i) Management of excavated materials and other waste arising
  - (ii) Waste minimisation
  - (iii) Material re-use
- (d) Nuisance Management Plan (Noise, Dust, Air Pollution, Lighting)
  - (i) Roles and responsibilities
  - (ii) Specific risk assessment - identification of sensitive receptors and predicted impacts
    - (iii) Standards and codes of practice
    - (iv) Specific control and mitigation measures
    - (v) Monitoring regime for noise
- (e) Management of Construction Vehicles
  - (i) parking of vehicles of site operatives
  - (ii) routes for construction traffic

REASON: To protect amenity of neighbouring properties and in the interests of highway safety, in accordance with Uttlesford Local Plan Policies GEN1, GEN2, GEN4, ENV11 (adopted 2005). This condition must be pre-commencement to ensure appropriate

mitigation measures are in place prior to the commencement of works, as set out in the Environmental Statement.

- 4 Prior to commencement of the development, a detailed surface water drainage scheme for the airfield works hereby approved based on the calculated required attenuation volume of 256m<sup>3</sup>, must be submitted to and approved in writing by the local planning authority. The scheme must be implemented in accordance with the approved details as part of the development, and should include but not be limited to:

- o Detailed engineering drawings of the new or altered components of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, and location and sizing of any drainage features.
- o A written report summarising the scheme as built and highlighting any minor changes to the approved strategy.

REASON: To prevent surface water flooding both on- and off-site, in accordance with the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

- 5 A Biodiversity Management Strategy (BMS) in respect of the translocation site at Monks Farm shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of construction works.

The content of the BMS shall include the following:

- o Description and evaluation of features to be managed
- o Ecological trends and constraints on site that might influence management
- o Aims and objectives of management
- o Appropriate management options for achieving aims and objectives
- o Prescriptions for management actions
- o Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
- o Details of the body or organisation responsible for implementation of the Strategy
- o Ongoing monitoring and remedial measures

The Strategy shall also set out (where the results from monitoring show that conservation aims and objectives of the BMS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved Strategy will be implemented by the developer in accordance with the approved details.

REASON: To conserve protected and priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife and Countryside Act 1981 as amended, and Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 6 All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Stansted - Ecology Mitigation Strategy (RPS, February 2018) forming part of the ES Appendix 16.2 to the satisfaction of the local planning authority.

REASON: To conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats

and species) and s17 Crime and Disorder Act 1998, and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 7 The area enclosed by the 57dB(a) Leq, 16h (0700-2300) contour shall not exceed 33.9 sq km for daytime noise.

By the end of the first calendar year that annual passenger throughput exceeds 35million, or by 31 December 2024, whichever is the sooner, a strategy shall be submitted to, and agreed with, the local planning authority, which defines the measures to be taken by STAL or any successor or airport operator to reduce the area of the noise contour by the end of 2028 for daytime noise to 28.7sq km for the area exposed to 57dB(A) Leq 16h (0700-2300). Thereafter, from 2029, the area enclosed by the 57dB(A) Leq 16hr (0700-2300) contour shall not exceed 28.7sqkm for daytime noise.

REASON: In the interests of protecting the amenity of local residents, in accordance with Uttlesford Local Plan Policy ENV11, and in accordance with the principle of the aviation industry sharing the benefits of improvements to technology with local communities, as set out in the Aviation Policy Framework.

For the purposes of condition 7, the noise contour shall be calculated by the CAA's Environmental Research and Consultancy Department (ERCD) Aircraft Noise Contour (ANCON) model (current version 2.3). (or as may be updated or amended) and using the standardised average mode.

- 8 The passenger throughput at Stansted Airport shall not exceed 43 million passengers in any 12 calendar month period. From the date of this permission, the airport operator shall report the monthly and moving annual total numbers of passengers in writing to the local planning authority no later than 28 days after the end of the calendar month to which the data relate.

REASON: To ensure the predicted effects of the development are not exceeded, in accordance with policies in the Uttlesford Local Plan and the NPPF.

- 9 There shall be at Stansted Airport a limit on the number of occasions on which aircraft may take-off or land at Stansted Airport of 274,000 Air Transport Movements during any 12 calendar month period, of which no more than 16,000 shall be CATMs (Cargo Air Transport Movements). From the date of the granting of planning permission, the developer shall report the monthly and moving annual total numbers of Aircraft Movements, PATMs (Passenger Air Transport Movements) and CATMs in writing to the local planning authority no later than 28 days after the end of the calendar month to which the data relate.

REASON: To protect the amenity of residents who live near the airport and who are affected by, or may be affected by aircraft noise, in accordance with Uttlesford Local Plan Policy ENV11 (adopted 2005) and to ensure the predicted effects of the development are not exceeded.

For the purposes of condition 9, the limit shall not apply to aircraft taking off or landing in any of the following circumstances:

- a) the aircraft is required to land at the airport because of an emergency, a divert or any other circumstance beyond control of the operator and commander of the aircraft; and
- b) the aircraft is engaged on the Head of State's flight, or on a flight operated primarily for the purposes of the transport of government Ministers or visiting Heads of State or dignitaries from abroad.

- 10 Within 6 months from the date of this permission a scheme for the installation of rapid electric vehicle charging points at the airport shall be submitted to and approved in writing by the local planning authority. The scheme shall indicate the numbers, locations and programme for installation. Subsequently, the charging points shall be installed in accordance with the approved details and retained thereafter.

REASON: To ensure adequate mitigation measures are in place to address the predicted increase in air pollution as a result of the development, in accordance with paragraph 181 of the NPPF.

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

National Planning Policy Framework 2

S4 - Stansted Airport Boundary

AIR1 - Development In The Terminal Support Area

AIR2 - Cargo Handling/Aircraft Maintenance Area

AIR3 - Development In The Southern Ancillary Area

AIR4 - Development In The Northern Ancillary Area

AIR5 - The Long Term Car Park

AIR6 - Strategic Landscape Areas

AIR7 - Public safety Zones

GEN1 - Access

GEN3 - Flood Protection

GEN4 - Good Neighbours

GEN5 - Light Pollution

GEN6 - Infrastructure Provision to Support Development

GEN7 - Nature Conservation

ENV2 - Development affecting Listed Buildings

ENV7 - The protection of the natural environment designated sites

ENV9 - Historic Landscape

ENV11 - Noise generators

ENV12 - Groundwater protection

ENV13 - Exposure to poor air quality

**Gordon Glenday**  
**Assistant Director Planning**

**Notes:**

- 1 \* This permission does not incorporate Listed Building Consent unless specifically stated.  
\* The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.  
\* The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.

- \* The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).
- \* It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk) and accompanied by the correct fee.
- \* Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.
- \* Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people.
- \* If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority.
- \* Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river.
- \* If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- \* Working in close proximity to live overhead lines:  
The law requires that work may be carried out in close proximity to electricity overhead lines (usually recognised by a yellow and black "Danger of Death" label on the pole or pylon although this may be missing or have been vandalised) only when there is no alternative and only when the risks are acceptable and can be properly controlled. Further information can be viewed at <http://www.ukpowernetworks.co.uk/internet/en/help-and-advice/help-sheets/> then click on "Keeping Safe" then "Working safely near power lines" UK Power Networks will also visit sites and provide safety advice with regard to work near electricity overhead lines and a statement of clearances to the overhead lines. A call to UK Power Networks general enquiries line on 0845 601 4516 will be required to request a visit. Lines open Monday to Friday 9.00am to 5.00pm.
- Appeals to the Secretary of State
  - o 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.  
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.
  - o 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.
  - o 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.

- 2 The local planning authority has worked with the applicant in a positive and proactive manner by \*\*\*\*
- 3 SUDS Informatives:
  - ECC has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SUDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk
  - Any drainage features proposed for adoption by ECC should be consulted on with the relevant Highways Development Management Office
  - Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
  - It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 4 Ecology Informatives:
  1. Nesting Birds

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 5 The applicant's attention is drawn to the requirement of Policy SP11 in the Regulation 19 Uttlesford Local Plan, and in particular to the need to safeguard land to allow access to the terminal for a rapid transit system that will connect the airport to existing settlements and the proposed Garden Communities at Easton Park and West of Braintree (Policies SP6 and SP8 in the Regulation Local Plan). This provision will be the subject of further discussions between the applicant and the Local Planning Authority.
- 6 This Decision Notice must be read in conjunction with an Obligation made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.

**SCHEDULE 2**

**(Airport Property: Relevant Land Registry Title Numbers [clause 2.3])**

	<b>Title No.</b>	<b>Address / Description of Land</b>	<b>Commentary</b>
1.	<b>EX438482</b>	Stansted Airport (main title – runways and aprons)	
2.	<b>EX574504</b>	Car and coach parks and land at Mole Hill Green, Stansted Airport: land south of the Passenger Terminal including Terminal Road North and Terminal Road South, and land at the eastern end of the airport west of Haul Road	
3.	<b>EX574498</b> (part of title only)	Land adjoining the World Cargo Centre, Pincey Road and land and buildings on the north side of Bassingbourn Road	The World Cargo Centre and adjacent premises are not subject to the provisions of this Deed
4.	<b>EX574507</b>	Coopers End – land between Bassingbourn Roundabout and Coopers End Roundabout, south of the existing airport runway	
5.	<b>EX574488</b>	Little Bury Lodge Farm, Bury Lodge Lane and land, buildings and car parks on the west side of Round Coppice Road, Stansted Airport	
6.	<b>EX438485</b> (part of title only)	Land on the west side of Bury Lodge Lane, north of the land incorporated in Title No EX574488 (listed at 5 above)	The title includes land covered by the TMAG Lease, which is not subject to the provisions of this Deed
7.	<b>EX574491</b> (part of title only)	Approach roads and Priory Wood Roundabout, east of the M11,	The title includes land covered by the TMAG Lease and land leased to Harlow College, which is not subject to the provisions of this Deed
8.	<b>EX438483</b>	Parcel of land north of the A120 Thremhall Avenue, adjacent to the land in Title No EX574491 (listed at 7 above)	
9.	<b>EX574508</b>	Land at Stansted Airport near Thremhall Avenue, on the north side of the A120 road, Takeley, and north of the B1256 Takeley Street	
10.	<b>EX640482</b>	Site 1B, south-east of Thremhall Avenue,	



		Stansted Airport (Mid-stay car park, south-west of Pincey Brook)	
11.	<b>EX574500</b>	Land forming part of Stansted Airport south of Coopers End Roundabout, including parts of Pincey Brook waterway	
12.	<b>EX574502 (part of title only)</b>	The Passenger Terminal, Enterprise House and adjoining land and buildings at Bassingbourn Road, Stansted Airport	Enterprise House, the adjacent Hotel and the Control Tower are not subject to the provisions of this Deed. Only the freehold of the Passenger Terminal is bound.
13.	<b>EX574523 (part of title only)</b>	The Fuel Farm located to the east of Bury Lodge Lane, not demised under the TMAG Lease	The remainder of the land registered under this Title is covered by the TMAG Lease and not subject to the provisions of this Deed
14.	<b>EX574482 (part of title only)</b>	Land parcel on the north side of the airfield at Stansted Airport	The title includes land covered by the TMAG Lease, which is not subject to the provisions of this Deed
15.	<b>EX574485 (part of title only)</b>	Land between Bury Lodge Lane and Sixth Avenue, Stansted Airport (eastern parcels only)	The title includes land covered by the TMAG Lease, which is not subject to the provisions of this Deed
16.	<b>EX744455</b>	Land adjoining Long Border Road, Stansted Airport	
17.	<b>EX574495 (part of title only)</b>	Land on the north-west side of Long Border Road – part only	The title includes land subject to long leaseholds (the Diamond Hangar and Ryanair site) which is not subject to the provisions of this Deed
18.	<b>EX948708</b>	Land south of Long Border Road, but excluding Taylors End Road	
19.	<b>EX574604</b>	Small land parcel adjacent to the M11 (east side) adjoining the land registered under Title No EX574491 (listed at 7 above)	

### SCHEDULE 3

#### (Obligations entered into by STAL with UDC)

##### Part 1: Noise Mitigation

###### Definitions

- “**Enhanced Sound Insulation Grant Scheme**” means a detailed scheme designed to provide for noise insulation to Residential Properties (and specifically identified educational and ecclesiastical buildings, healthcare and community facilities referred to in para 2.2(c) below) proximate to Stansted Airport which will apply to an extended geographic area to the Existing Noise Mitigation Regime, offering higher levels of grant on a tiered basis and at a higher rate than at present, as further detailed in this Part 1;
- “**Enhanced SIGS Commencement Date**” means the 1 November following the Unchallenged Permission Date or such other date (earlier or later) as shall be agreed between UDC and STAL;
- “**Existing Noise Mitigation Regime**” means the noise insulation grant schemes set up and operated in accordance with the relevant provisions of the Existing Planning Agreements that relate to the mitigation of the impacts of air noise and ground noise caused by Stansted Airport operations;
- “**Residential Property**” means an individual dwelling registered for Council Tax;
- “**Revised SIGS Contour Plan**” means the plan so-described comprising Annexure 3 to this Agreement, which shall be incorporated in and form part of the Enhanced Sound Insulation Grant Scheme.

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###### **1. Discontinuance of the Existing Noise Mitigation Regime**

With effect from the Enhanced SIGS Commencement Date, and the coming into operation of the Enhanced Sound Insulation Grant Scheme, the Existing Noise Mitigation Regime shall cease to apply to operations at Stansted Airport and to the basis for grants being eligible for claim by affected properties in the vicinity of Stansted Airport.

###### **2. Enhanced Sound Insulation Grant Scheme**

###### **2.1 General Statement**

By way of replacement for the Existing Noise Mitigation Regime applicable to Stansted Airport, STAL will with effect from the Enhanced SIGS Commencement Date be required to comply with the provisions of this paragraph 2 of this Part 1, to the intent that STAL will be subject to the obligation (at STAL’s discretion) to make payments of or to be liable for reimbursement of the costs incurred in providing sound insulation grant for an extended geographic area (increasing the number of eligible properties) to affected eligible properties; enhanced eligibility involving increased levels of rate of financial contribution by STAL to affected properties; and an area of eligibility based on additional noise metrics all as detailed in this paragraph 2.

**2.2 Detailed contents of the enhanced scheme**

The following elements shall be included in the Enhanced Sound Insulation Grant Scheme with effect from the Enhanced SIGS Commencement Date:

**(a) Revised geographic area covered**

- (i) Eligible claimants entitled to make an application under the Enhanced Sound Insulation Grant Scheme will be freehold, and where applicable leasehold, owners of properties lying within the Revised SIGS Contour Plan (or any replacement Revised SIGS Contour Plan approved by UDC), that is to say the area comprising the three areas respectively tinted red, tinted yellow and tinted green within the noise contours.
- (ii) In the event of an airspace change for Stansted Airport having been formally approved by the appropriate regulatory body, STAL shall review the Revised SIGS Contour Plan and within six months of the date on which the approval of the airspace change is free from legal challenge (any challenge to the validity or lawfulness of the approval of the airspace change in the courts brought by means of proceedings for judicial review, declaratory proceedings or otherwise calling into question the validity of the approval of the airspace change; and includes any proceedings by way of appeal to the Court of Appeal, the Supreme Court or to any other appellate body) shall submit to UDC either a replacement Revised SIGS Contour Plan or a report explaining why the Revised SIGS Contour Plan does not need to be replaced for UDC's approval (in consultation with the Environmental Health Officer of East Hertfordshire District Council).
- (iii) In the event that UDC has not approved either a replacement Revised SIGS Contour Plan or a report submitted pursuant to paragraph (a)(ii) above within six months of receipt the matter shall be referred to a Specialist pursuant to clause 11 of this Agreement (unless otherwise agreed by the parties).

**(b) Eligibility (noise impact, noise contour and grant – maximum amount)**

This is as set out in Table 1 below, and applies to all Residential Properties lying within any of the three areas referred to in paragraph (a) above falling within the defined noise contours shown on the Revised SIGS Contour Plan.

**Table 1**

Noise Impact	Noise Contour*	Grant Maximum
Upper (tinted in red)	69 and 66dB L <sub>Aeq,16h</sub>	£10,000 Indexed per property
Middle (tinted in yellow)	63 and 60 dB L <sub>Aeq,16h</sub>	£8,000 Indexed per property

<p><b>Lower (tinted in green)</b></p>	<p><b>57 dB<sub>Aeq,16h</sub>/N65 200 / 90 dBA SEL</b></p> <p><b>600m distance/55 dB L<sub>Aeq,16h</sub> ground noise</b></p>	<p><b>£5,000 Indexed per property</b></p>
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*\*The reference year for the contours set out on the Revised SIGS Contour Plan is 2023.*

**(c) Non-residential properties affected**

In addition to the residential properties falling within the areas designated by the Revised SIGS Contour Plan, the following non-residential properties shall be eligible for a bespoke mitigation package of works or other measures, including any newly available technology, as may reasonably be agreed by STAL following discussion with individual building owners and occupiers under the Enhanced Sound Insulation Grant Scheme so long as the properties remain in education, healthcare, worship or community use (as applicable):

**Schools**

Howe Green School  
 Spellbrook Primary School  
 Little Hallingbury C of E Primary School  
 The Leventhorpe School  
 Mandeville Primary School

**Healthcare**

Falcon House, Little Hallingbury  
 Humpfrey Lodge, Thaxted

**Worship**

St Giles Church Great Hallingbury  
 St Mary the Virgin Church Broxsted  
 Ebenezer Chapel Molehill Green  
 St Mary the Virgin Church Chickney  
 Thaxted Baptist Church  
 St Mary the Virgin Church Little Hallingbury  
 Thaxted Church (St. John the Baptist) Thaxted  
 Thaxted URC Church

**Community**

Thaxted Anglican Church Hall  
 Little Hallingbury Village Hall  
 Thaxted Baptist Church Hall

The respective levels of claim of the owners of each of these properties shall be a sum as may reasonably be agreed between the property owner and STAL having regard to the specific condition and characteristics of the individual property, the practicality of carrying out noise insulation works to

the property and the change in noise impact resulting from the Development.

In the event that agreement is not reached between the property owner and STAL as to the sum to be paid in respect of the cost of the noise mitigation works to a non-residential property, either the property owner or STAL may refer the matter to UDC who shall appoint an expert ("the Expert") with relevant qualifications to determine the matter. The Expert shall act as an expert and save in case of manifest error the Expert's decision shall be final and binding on the property owner and STAL. UDC's and the Expert's costs shall be payable by the property owner and STAL in such proportion as the Expert shall determine and failing such determination shall be borne by the property owner and STAL in equal shares.

**3. General Statement with respect to the operation of the Enhanced Sound Insulation Grant Scheme**

3.1 Having regard to the planning purpose that the noise mitigation regime for Stansted Airport for those eligible to apply under the terms of the Enhanced Sound Insulation Grant Scheme shall be made available for claimants to secure measures to reduce the impact of aviation-related noise being in place early, the trigger for commencement of the Enhanced Sound Insulation Grant Scheme will occur at a point prior to the Passenger Level Trigger Date (35 mppa being exceeded). STAL operates, and will until agreed otherwise with UDC continue to operate, an annual applications-based grant scheme with a cut-off date of 31 October in each calendar year.

3.2 The coming into operation of the Enhanced Sound Insulation Grant Scheme shall take effect from the Enhanced SIGS Commencement Date.

3.3 Each Residential Property and non-residential property is entitled to make no more than one claim under the Enhanced Sound Insulation Grant Scheme unless otherwise agreed by STAL.

3.4 STAL shall promote the Enhanced Sound Insulation Grant Scheme in accordance with a scheme approved by UDC.

**4. Lower noise penalty limits**

STAL shall use its Reasonable Endeavours to seek to secure the agreement of the Department for Transport of increased limits in noise penalties payable for breach of noise thresholds and off-track flying at Stansted Airport.

**5. Noise penalty payments**

STAL shall pay to the Community Trust Fund the amount of any penalties received by STAL for breach of noise thresholds and off-track flying at Stansted Airport, such payments to be made annually prior to 31 May each year accompanied by a statement setting out details of all penalties received during the preceding 12 months.



## Part 2: Transport

### Definitions

- **“Airport Bus and Coach Station Upgrade”** means a scheme of works to enhance capacity and improve existing bus and coach facilities for passengers arriving at and departing from Stansted Airport, such scheme to give consideration to increased passenger circulation and waiting areas, bus waiting area(s), DDA compliant infrastructure, covered waiting areas, electronic signing and to be prepared by STAL and approved by UDC in consultation with the County Council in accordance with the provisions of this Part 2;
- **“Commutated Payment”** means the sum payable under paragraph 1.3 of this Part 2 in the event that it is determined that STAL will make a financial contribution in lieu of carrying out or paying for the Highway Mitigation Scheme, such sum to be ONE MILLION, ONE HUNDRED AND SIXTY THOUSAND POUNDS (£1,160,000) Indexed;
- **“Fly Parking”** means the persistent parking on local public highways by air passengers, airport staff, private hire operators or private parking companies of vehicles that are being used for access to the airport which results in either a risk to highway safety or causes detriment to the character or amenity of the area;
- **“Highway Mitigation Scheme”** means a detailed mitigation scheme as shown in principle in the Junction 8 (M11) Scheme Drawing and the Priory Wood Roundabout Drawing (or subsequent versions approved in writing by UDC in consultation with Highways England and the County Council) to adapt the Motorway Junction and Priory Wood Roundabout and associated areas of existing adopted public highway and/or land under the control of STAL agreed between Highways England and STAL in consultation with the County Council being a series of alterations and improvements to such infrastructure arising from increased traffic and forecast traffic at the Motorway Junction and using Priory Wood Roundabout associated with growth in passenger numbers at Stansted Airport between 35 and 43 mppa;
- **“Highway Mitigation Works”** means the works within the existing adopted public highway required to implement the Highway Mitigation Scheme in accordance with the requirements of Highways England;
- **“Junction 8 (M11) Scheme Drawing”** means Drawing No Steer Drawing 23003401-SDG-HGN-100-DR-D-00104 Rev P1 comprising Annexure 4 to this Agreement;
- **“Local Bus Network Development Fund”** means a sum of ONE MILLION POUNDS (£1,000,000) Indexed to be made available and operated by SATF in accordance with the provisions of paragraph 4 of this Part 2;
- **“Local Road Monitoring Scheme”** means a scheme of traffic and Fly Parking monitoring on the local road and STAL network to be agreed with STAL and the County Council (where monitoring is not otherwise being carried out) which shall include the matters set out in Annexure 6 for the purpose of providing information to the SATF to inform its decisions on the administration of the Local Roads Network Fund and Sustainable Transport Levy and inform decisions made by the relevant highway authority on works that are required to their respective road networks to mitigate impacts on the public highway;
- **“Local Roads Network Fund”** means a sum of up to ONE MILLION POUNDS (£1,000,000) Indexed, of which: EIGHT HUNDRED THOUSAND POUNDS (£800,000) Indexed to be made available to and operated by SATF (a) to cover the reasonable

costs incurred for the feasibility and design and implementation of infrastructure improvements for local bus services used by passengers and employees at Stansted Airport in accordance with the provisions of paragraph 2 of this Part 2; and (b) and to cover the reasonable costs incurred for the feasibility and design and implementation of highway improvements within a five mile radius of the boundary of Stansted Airport, which include (but are not limited to) safety improvements, management/mitigation of combined impacts of future traffic and measures to improve accessibility; and TWO HUNDRED THOUSAND POUNDS (£200,000) Indexed to be made available and operated by SATF to cover the reasonable costs incurred for the feasibility and design and implementation of measures to assist in the enforcement of local parking controls and restrictions in order to control unauthorised Fly Parking associated with the operation of Stansted Airport; and for the avoidance of doubt the Local Roads Network Fund shall be expended within Essex only;

- **"Kiss and Fly"** means the picking up and/or dropping off on the forecourt areas or any other area designated for set-down within the airport of passengers, by private car or taxi, for the purposes of air travel;
- **"Motorway Junction"** means the highway infrastructure within the boundaries of the existing adopted public highway at and in the immediate vicinity of Junction 8 of the M11 motorway;
- **"Priory Wood Roundabout Drawing"** means Drawing No Steer Drawing 2300340-SDG-HGN-100-DR-D-00101 Rev P1 comprising Annexure 5 to this Agreement showing a signalisation scheme for the roundabout;
- **"Road Investment Strategy"** means the Road Investment Strategy (RIS1) published by the Department for Transport, Highways England and (as highways monitor) the Office of Rail and Road (ORR) identifying the programme covering the period 2015 – 2020 and includes the successor project RIS2 covering the period following 2020 and any other equivalent projects designed to deliver long-term improvements in the operation of and investment in the Strategic Road Network;
- **"Strategic Highways Review"** means a review to be carried out jointly between STAL and Highways England (in consultation with the County Council) upon reaching the Passenger Level Trigger Date (35 mppa), or earlier if they jointly agree, to examine the most appropriate mitigation works for the Motorway Junction and for the Priory Wood Roundabout. Such Strategic Highways Review shall consider inter alia (a) outturn traffic conditions current at the review, (b) any other relevant traffic changes forecast; and (c) the then-current Roads Investment Strategy Programme for the wider strategic road network for the county of Essex and for Trunk Roads in the vicinity as then relates to the Motorway Junction;
- **"Surface Access Strategy"** means the strategy (referred in the 2003 Agreement as SASAS), including subordinate modal strategies, prepared by and at the cost of STAL and overseen by SATF to increase the use of public transport by air passengers and staff at Stansted Airport as amended from time to time.;
- **"Sustainable Transport Levy"** means a levy operated in accordance with the existing Public Transport Levy operated pursuant to Part 4 of the Fourth Schedule to the 2003 Agreement (to be a minimum of £0.25 pence per transaction from passenger parking and staff charging at the minimum rate of £10 per annual parking permit) increased by the addition of a minimum of £0.10 pence contribution derived from

every transaction resulting from visitor use of the Express Set-Down forecourt area on the south side of the Terminal Building (all amounts to be Indexed), subject to review in accordance with the provisions of paragraph 5 of this Part 2;

- **"SATF"** means the existing Stansted Area Transport Forum, the terms of reference for which are set out in Annexure 8;
- **"Transport Forum Revised Terms of Reference"** means the document so-entitled comprising Annexure 8 to this Agreement;
- **"Travel Plan"** means the Travel Plan adopted by STAL with respect to travel to and from Stansted Airport by staff of STAL and persons employed at Stansted Airport.

\*\*\*\*\*

## **1. Strategic Highways Review**

- 1.1 Commencing within 14 days following the Passenger Level Trigger Date (35 mppa), or on such other date agreed with Highways England, STAL shall in consultation with Highways England undertake the Strategic Highways Review in order to consider outturn traffic conditions and predicted future traffic conditions, taking account of the Road Investment Strategy programme for the Strategic Road Network in respect of the Motorway Junction.
- 1.2 Following completion of the Strategic Highways Review the Highway Mitigation Scheme shall be carried out and completed at the cost of STAL (such works to be undertaken by Highways England or their agent as then agreed with STAL) so that the Highway Mitigation Works are completed and open to traffic no later than the end of the first calendar month at the point when passenger numbers at Stansted Airport are forecast to reach 39 mppa in any twelve month period.
- 1.3 If following completion of the Strategic Highways Review Highways England agrees, based on Highways England's objective of providing an alternative major highways scheme for the Motorway Junction in a future Roads Investment Strategy scheme, STAL shall instead of funding the Highway Mitigation Works pay the Commuted Payment to Highways England or named nominee. The Commuted Payment will be due and payable at the end of the first calendar month at the point when passenger numbers at Stansted Airport have reached a level of 39 mppa in any twelve month period, unless Highways England and STAL agree otherwise in writing.

## **2. Local Roads Network Fund**

- 2.1 Following the Implementation Date STAL hereby agrees to ring-fence and make available the amount of the Local Roads Network Fund, such fund to be administered by SATF constituted under the 2003 Agreement and the 2008 Undertaking (subject to the modified terms of its operation as provided in the Transport Forum Revised Terms of Reference referred to in paragraph 8 of this Part 2). It shall be a condition precedent to the payment by STAL to the County Council of any sums requested by the SATF that the works and / or payment, as the case may be, are for Qualifying Purposes.
  - 2.1.1 Following the approval and inclusion of a scheme by the SATF in the relevant work programme, funding shall be made available to the County Council in three stages (feasibility, detailed design and implementation (as follows):
    - (a) Before beginning any stage of a scheme, the County Council shall submit an estimate of costs and a timetable relating to that stage, to the SATF;



- (b) If the SATF is content that the submitted costs and timetable are reasonable, STAL shall make the funds available to the County Council in advance of the funds being required (either in one payment or in staged payments, to correspond with the terms for payment with the contractors) for that stage of the scheme; and
- (c) Where the County Council has not spent (and/or not incurred a liability to pay or reimburse) any funds received on the earliest of the following events (unless otherwise agreed by the SATF):
  - (i) within six months following the date that the stage was completed under the timetable provided by the SATF (or any agreed amendments to that timetable) pursuant to paragraph (b) above;
  - (ii) within six months following the date that the stage was suspended (so long as it has not resumed); or
  - (iii) within three months following the date that the stage was aborted,

the County shall return the funds received by it to STAL to the Local Road Network Fund (unless otherwise agreed by STAL).

- 2.2 The obligation to fund payments for infrastructure improvements for local bus services and for highway improvements under the Local Roads Network Fund shall cease from the fifth anniversary of the **43 mppa Date**. STAL shall have no further liability on and following that date with respect to payments for infrastructure improvements for local bus services and for highway improvements under the Local Roads Network Fund but shall continue to fund payments for measures to assist in the enforcement of local parking controls and restrictions up to a maximum total sum of TWO HUNDRED THOUSAND POUNDS £200,000 Indexed.

### **3. Local Road Monitoring**

- 3.1.1 Within two (2) months of the Implementation Date, STAL shall have agreed an implementation plan for the Local Road Monitoring Scheme on roads within Stansted Airport and, subject to the agreement of the County Council, on local roads controlled by the County Council as highway authority.

- 3.1.2 The Local Road Monitoring Scheme shall be implemented in accordance with the implementation plan for the Local Road Monitoring Scheme and such scheme shall cease in respect of monitoring of traffic from the fifth anniversary of the 43 mppa Date but shall continue in respect of monitoring of air passenger Fly Parking until the total sum available under the Local Road Network Fund for measures to improve accessibility and to assist in the enforcement of local parking controls has been expended.

### **4. Local Bus Network Development Fund**

- 4.1 Following the Passenger Level Trigger Date, STAL hereby agrees to ring-fence the Local Bus Network Development Fund such fund to be administered by the SATF constituted under the 2003 Agreement and the 2008 Undertaking subject to the modified terms of its operation. Grants to fund ultra-low emissions vehicles (ULEV) or electric vehicles will be prioritised where justified by a business case and it shall be a condition precedent to the payment by STAL of any sums requested by the SATF that the works and / or payment as the case may be are for Qualifying Purposes.

- 4.2 The obligation to fund payments for the Local Bus Network Development Fund shall cease from the fifth anniversary of the 43 mppa Date. STAL shall have no further liability on and following that date with respect to the Local Bus Network Development Fund.

**5. Sustainable Transport Levy**

Commencing no later than the 1<sup>st</sup> April following the Unchallenged Permission Date, the Sustainable Transport Levy will be collected by STAL and the funds made available to the SATF to finance initiatives in accordance with the Surface Access Strategy to promote the use by passengers and staff of STAL and others employed at Stansted Airport of:

- (a) modes of transport to and from Stansted Airport other than private motor vehicles, taxis and private hire vehicles, and to encourage and promote car-sharing by STAL staff and others employed at Stansted Airport in order to improve the modal split in operation and to limit the impact of traffic on the surrounding highway network; and
- (b) in addition to the purposes set out in paragraph 5 of Part 4 of Fourth Schedule to the 2003 Agreement, sustainable modes of transport, including but not limited to the introduction of new technologies for all vehicles and walking and cycling schemes (including off-site provisions),

**SUBJECT ALWAYS** to the requirement that the Sustainable Transport Levy is applied solely to initiatives for Qualifying Purposes.

**6. Rail-Users: discount scheme**

Within 30 days after the Unchallenged Permission Date STAL shall operate a parking discount scheme for season ticket holding rail users to and from Stansted Airport Station in general accordance with the Rail-Users discount scheme at Annexure 7 to this Agreement as may be amended from time to time by agreement between STAL and UDC.

**7. Transport Targets**

STAL shall use Reasonable Endeavours to:

- (a) maintain a 50% public transport mode-share for non-transfer air passengers;
- (b) reach and thereafter maintain single occupancy private car use by Stansted Airport staff at 55% by the 39 mppa Date; and
- (c) to reach a passenger mode share by Kiss and Fly of:
  - (i) 20% by the 39 mppa Date; and
  - (ii) 12% by the 43 mppa Date.

and in the event that any of the targets in this paragraph 7 are not met, an interim review of the Surface Access Strategy measures (in addition to the provisions of paragraph 9 below) will be triggered.

**8. Transport Forum Revised Terms of Reference: revised working arrangements**

Subject to the like agreement of the Authorities, STAL agrees to participate in the SATF following the Unchallenged Permission Date in accordance with the Transport Forum Revised Terms of Reference comprising **Annexure 8** to this Agreement.

**9. Surface Access Strategy and Travel Plan – timetable revisions**

- 9.1 Following the Unchallenged Permission Date and prior to 31 December 2020, STAL shall provide updated drafts of the Airport Surface Access Strategy and the Travel Plan to UDC and the County Council; and STAL shall be under an obligation to undertake the review and updating of each of the Airport Surface Access Strategy and the Travel Plan at five yearly intervals in the cycle 2020 / 2025 / 2030 and thereafter (unless otherwise agreed between STAL and UDC); and to provide interim updates at the mid-point within each five yearly time-period.

**10. Airport Bus and Coach Station Improvements**

- 10.1 Following the Implementation Date and prior to the Passenger Level Trigger Date STAL shall commission a technical study of enhancement to capacity and passenger facility improvements for the forecast Stansted Airport passenger and employee travel growth using the bus and coach station at Stansted Airport, in order to define the Airport Bus and Coach Station Upgrade.
- 10.2 Following prior consultation with SATF concerning the Airport Bus and Coach Station Upgrade, STAL shall carry out and bring into operation the works required in order to comply with such scheme before passenger numbers reach 36 mppa.

**Part 3: Skills, Education and Employment**

**Definitions**

- **“Combined Local Benefits”** means each of the following four elements, namely:
  - (a) the Education Centre;
  - (b) the Employment Academy;
  - (c) the Further Education College; and
  - (d) Local Supply Chain Support,except where UDC and STAL agree to make variations.
- **“Education Centre”** means the on-site education centre at Stansted Airport (currently known as “Aerozone”) available as an education facility for local children aimed at raising standards and attainment, by offering facilities for visiting local children through co-ordination with schools local to Stansted Airport;
- **“Employment Academy”** means the on-site skills and employment centre based at Stansted Airport whose aim is to enable more job seekers to strive to apply for and obtain employment at Stansted Airport;
- **“Further Education College”** means the on-site FE college currently run by Harlow College (whose aim is to provide development of skills to ensure a supply of locally-based suitably skilled labour for college-leavers seeking employment after further education in the locality of Stansted Airport); and

- **“Local Supply Chain Support”** means initiatives to bring local businesses into contact with the owners and operators of and businesses housed within Stansted Airport, aimed at increasing the level of business and contracts awarded to SMEs and other local businesses proximate to Stansted Airport.

\*\*\*\*\*

**1. Generally**

**Stansted Airport Employment Forum (SAEF)**

- 1.1 STAL agrees to continue to maintain, support and participate in the SAEF as provided in Part 6 of Schedule 2 to the 2008 Undertaking.
- 1.2 To review the Stansted Training Employment Strategy no later than 31st December 2020 and every four years thereafter and annually to present a report on progress to the SAEF for ratification.
- 1.3 Not less than once in every five years from the date of this Agreement to undertake an employment survey of on-airport employment and to present the results of such employment survey to UDC, SAEF and SBF.

**2. STAL’s obligations with respect to maintaining Combined Local Benefits**

STAL will (subject to all requisite support from counterparties) continue to maintain support, promote and provide the Combined Local Benefits (until agreed otherwise with UDC), as follows:

**(a) Education Centre**

To continue to provide the Education Centre and to consult with and have regard to views expressed by local schools as the facilities provided for the benefit of local children.

**(b) Employment Academy**

To continue to make available the Employment Academy, and to make available STAL staff to meet with job-seekers endeavouring to find employment at Stansted Airport; to facilitate meetings between on-site employers and job-seekers; and to arrange at least two job fairs each calendar year, at least one of which to be held within the District of Uttlesford.

**(c) Further Education College**

To co-operate with Harlow College to enable the Further Education College to continue on-site, to deliver up to Level 2 STEM subjects targeted for employment geared to the aviation sector in accordance with the terms of any occupational lease from time to time granted by STAL to Harlow College.

**(d) Local Supply Chain Support**

STAL will continue to offer Local Supply Chain Support including the annual Meet the Buyers event for local businesses, to facilitate opportunities for contact and negotiation between local businesses and operators within Stansted Airport including STAL, the costs of which will be borne by STAL.

## Part 4: Community Trust Fund

### Definitions

- "Area of Benefit" means the geographic area generally within a ten mile radius of the Stansted Airport runway shown tinted in blue on the Area of Benefit Plan;
- "Area of Benefit Plan" means the plan so-entitled comprising Annexure 9 to this Agreement, which identifies the boundaries of the Parish Councils within the Districts of Uttlesford, East Hertfordshire, Harlow, Epping Forest, Chelmsford and Braintree that will be eligible to apply for financial contributions from the Community Trust Fund as provided for in this Part 4;
- "Beneficial Purposes" means projects demonstrating to the satisfaction of the Trustees that they will help to mitigate adverse health and/ or quality of life impacts arising from the Development as a result of increased noise levels and a reduction in the amenity of local green spaces;
- "Community Trust Fund" means a new fund established by way of replacement of the Community Fund (as defined in and provided for in Part 8 of Schedule 2 to the 2008 Undertaking) to be established in order to support projects that satisfy the Beneficial Purposes of the Fund within the Area of Benefit;
- "Community Trust Terms of Reference" means the proposed terms of reference with respect to the establishment of a board of Trustees, governance, funding, eligibility, trust objectives, arrangements for application for funding, meetings, and reporting and monitoring set out in the document entitled "Community Benefit Terms of Reference" comprising Annexure 10 to this Agreement;
- "Trustees" means the Trustees serving from time to time as appointed trustees of the Community Trust Fund (being a body of nine persons as set out in the Community Trust Terms of Reference).

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#### **1. Establishing a Community Trust Fund**

As soon as is reasonably practicable following the Implementation Date, STAL will establish the Community Trust Fund having the objects and upon the terms substantially as set out in the Community Trust Terms of Reference. STAL agrees with the co-operation of all other participating Trustees to use Reasonable Endeavours to procure the registration of the Trust with the Charity Commissioners as a registered charity.

#### **2. STAL's contribution**

STAL agrees to pay to the Trust by way of covenant from taxed earnings the sum of £150,000 Indexed annually in each Financial Year commencing in the Financial Year following the Unchallenged Permission Date for ten years (to a total sum of £1,500,000 plus the Indexation applied to the annual payments plus any payments due under paragraph 5 of Part 1 of this Schedule 3). If the 43 mppa Date has not been reached by the date of the tenth annual payment, the level of further funding necessary to mitigate the impact of the operation of Stansted Airport on the Area of Benefit (if any) up to the 43 mppa Date will be reviewed by agreement between STAL and UDC in consultation with the Trustees but in any event STAL shall not be required to contribute more than £150,000 Indexed in any Financial Year.

**3. Operation of the Community Trust Fund**

The Community Trust Fund shall be operated in or substantially in accordance with the Community Trust Terms of Reference as modified from time to time by the Trustees in consultation with STAL and UDC **SUBJECT ALWAYS** to the requirement that it be operated solely for Beneficial Purposes and for the Area of Benefit only.

**4. Closure of the Community Fund (2008 Undertaking)**

Except to the extent that the Community Fund has been exhausted prior to the Implementation Date, STAL shall use Reasonable Endeavours to secure (by operation of the *Cy-Près* doctrine) agreement for the transfer into the Community Trust Fund of any unexpended amounts previously paid into the Community Trust Fund established under the terms of the 2008 Undertaking and not dispersed for the purposes envisaged by that fund.

**5. Miscellaneous provisions**

Subject to the foregoing provisions of this Part 4, the provisions of Part 13 of Schedule 2 of the Fourth Schedule to the 2003 Agreement and of Part 8 of Schedule 2 to the 2008 Undertaking shall with effect from the establishment of the Community Trust Fund be of no further or continuing effect.

**Part 5: Ecology provisions**

**Definitions**

- **"Eastend Wood"** means the area of woodland designated as a Site of Special Scientific Interest lying to the north of Stansted Airport to the north of Molehill Green identified on the Woodland Plan;
- **"Hatfield Forest"** means the 400 approx hectare site designated as a Site of Special Scientific Interest and a National Nature Reserve at Takeley, Bishops Stortford identified on the Woodland Plan; and
- **"Woodland Plan"** means the plans comprising **Annexure 11** to this Agreement.

\*\*\*\*\*

**1. Obligations relating to Air Quality**

1.1 Commencing on the Implementation Date, STAL shall monitor air quality at Hatfield Forest and Eastend Wood in accordance with the following provisions:

- (a) continuous monitoring of oxides of nitrogen and fine particulate matter (PM10) at three fixed sites (including subject to the agreement of The National Trust a site in Hatfield Forest) at locations first agreed with UDC;
- (b) diffusion tube monitoring of nitrogen dioxide levels as follows:
  - I. At sites in Hatfield Forest agreed with the National Trust and Natural England (subject to the requisite agreement of relevant landowners); and
  - II. At a site or sites in Eastend Wood agreed following detailed on-site assessment with Natural England and other relevant consultees.

- (c) provide to UDC annually a written summary of the results of the monitoring described in paragraphs 1.1(a) and 1.1(b) of this Part 5;
  - (d) to consult with UDC with respect to appropriate measures to compensate for any material adverse effects on vegetation within Hatfield Forest and/or Eastend Wood that are identified as arising from levels of oxides of nitrogen exceeding 30 microgrammes per cubic metre annual mean within Hatfield Forest or Eastend Wood, as applicable, and such compensation shall be proportionate to the extent that the Development contributes to the measured levels; and
  - (e) following agreement with UDC with respect to such measures to use Reasonable Endeavours to undertake any such measures identified as a result of the consultation referred to in paragraph 1.1(d) of this Part 5.
- 1.2 STAL shall make the results of its obligations contained in paragraphs 1.1.(a) - 1.1(c) of this Part 5 available to UDC within 28 days of the final results becoming available to STAL.
- 1.3 The existing obligations with respect to the monitoring of air quality at Hatfield Forest contained in the 2008 Undertaking shall cease on the Implementation Date.

### **Part 6: Surface Water Discharge Quality Monitoring**

#### **Definitions**

- **“Previous Monitoring Condition”** means condition **WAT2** on the Planning Permission dated **8 October 2008** relating to Stansted Airport in the following terms:
  - WAT2** The water quality monitoring of the biological interests of local brooks approved by the local planning authority pursuant to condition **WAT3** of planning permission ref **UTT/1000/01/OP** shall be continued; and
- **“Watercourse Monitoring Scheme”** means a detailed scheme prepared by STAL on the advice of its ecological consultants by way of replacement for the Previous Monitoring Condition, so as to ensure continued surface water discharge quality monitoring for local watercourses proximate to Stansted Airport into Great Hallingbury Brook and Pincey Brook from discharge points at Stansted Airport.

\*\*\*\*\*

- 1. Compliance with the Watercourse Monitoring Scheme**
- 2.1 STAL shall implement the Watercourse Monitoring Scheme, and shall make the results of its monitoring available to UDC within 28 days of the final results becoming available to STAL.

Executed as a Deed by affixing )  
the common seal of )  
**UTTLESFORD DISTRICT COUNCIL** )  
in the presence of: )

Authorised Signatory

Authorised Signatory

Executed as a Deed by affixing )  
the common seal of )  
**ESSEX COUNTY COUNCIL** )  
in the presence of: )

Attesting Officer



Executed as a Deed by )  
**STANSTED AIRPORT LIMITED** )  
acting by a director )



Director

In the presence of:

*ALISTAIR ANDREWS*

Witness signature



Name of witness (BLOCK CAPITALS):

*ALISTAIR ANDREWS*

Address: *ENTERPRISE HOUSE*  
*BASSINGBOURN ROAD, STANSTED AIRPORT*  
*CM24 1QW*

Occupation:

*TOWN PLANNER*

40610





Executed as a Deed by  
**CITICORP TRUSTEE COMPANY**  
**LIMITED** acting by a director-  
*ATTORNEY*

  
David Mares  
Attorney

Director

In the presence of:

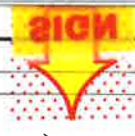
Witness signature 

Name of witness (BLOCK CAPITALS): *VANEJA EVANS*

Address: Citi  
Citigroup Centre  
25 Canada Square  
Canary Wharf  
London E14 5LB

Occupation: *SOLICITOR*

**Annexure 1: Plan 1 (Airport Property)**



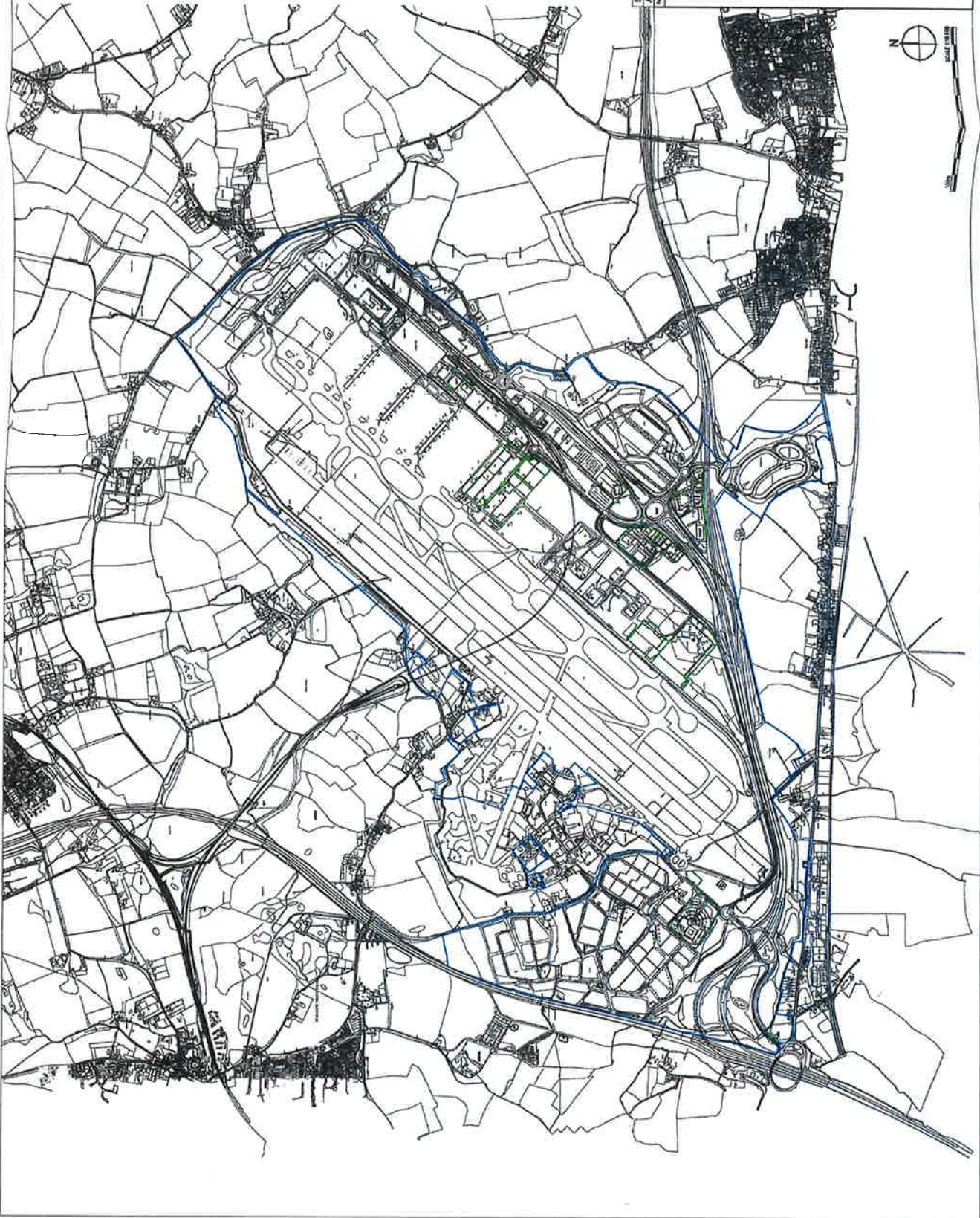
10/21

**Notes**

1. This map is a plan view of the site and does not show any underground services.
2. The map is based on the latest available aerial photography and is not a survey.
3. The map is not intended to be used as a legal document.
4. The map is not intended to be used as a basis for any legal proceedings.
5. The map is not intended to be used as a basis for any planning application.

**Key:**

- Alpnet Property
- Excluded Property



Project	Stratford Airport Masterplanning
Client	MAGPROPERTY
Scale	1:10000 @ A1
Date	2003/19
Author	LL
Checker	LL
Designer	LL
Drawn	LL
Printed	LL
Project No.	100
Revision	0

**RPS**  
LANDSCAPE ARCHITECTS  
118-120 Tottenham Court Road, London W1P 0LP  
Tel: 020 7623 3300 Fax: 020 7623 3301  
www.rps.co.uk

**MAGPROPERTY**  
100 Boundary Area Plan



**Annexure 2: Airfield Infrastructure Works Plan**



# 35+ PLANNING APPLICATION PROPOSED SOUND INSULATION GRANT SCHEME

## RESPONSIBLE AND SUSTAINABLE GROWTH

We are committed to growing the airport sustainably, delivering the full economic and social benefits of a globally-connected airport while minimising our impact on local communities and the environment. We have made a commitment to continue to operate within the noise and aircraft movement limits agreed in 2008. We have also offered a new package of measures including a generous new Sound Insulation Grant Scheme for local communities.

## NEW SCHEME

We recognise that aircraft noise is a key issue for local communities, particularly for those residents living closest to the Airport.

We have undertaken a review of our current scheme and also those offered by other UK and international airports.

Our proposed new scheme would:

- cover a larger geographic area, meaning more households will be eligible;
- take account of additional noise metrics;
- remove the need for the household to contribute; we would pay up to 100% of the cost; and
- be based on a tiered system to provide the highest funding for the noisiest areas to support those who are most impacted.

The grant would pay for noise insulation measures such as double glazing, mechanical ventilation and loft insulation.

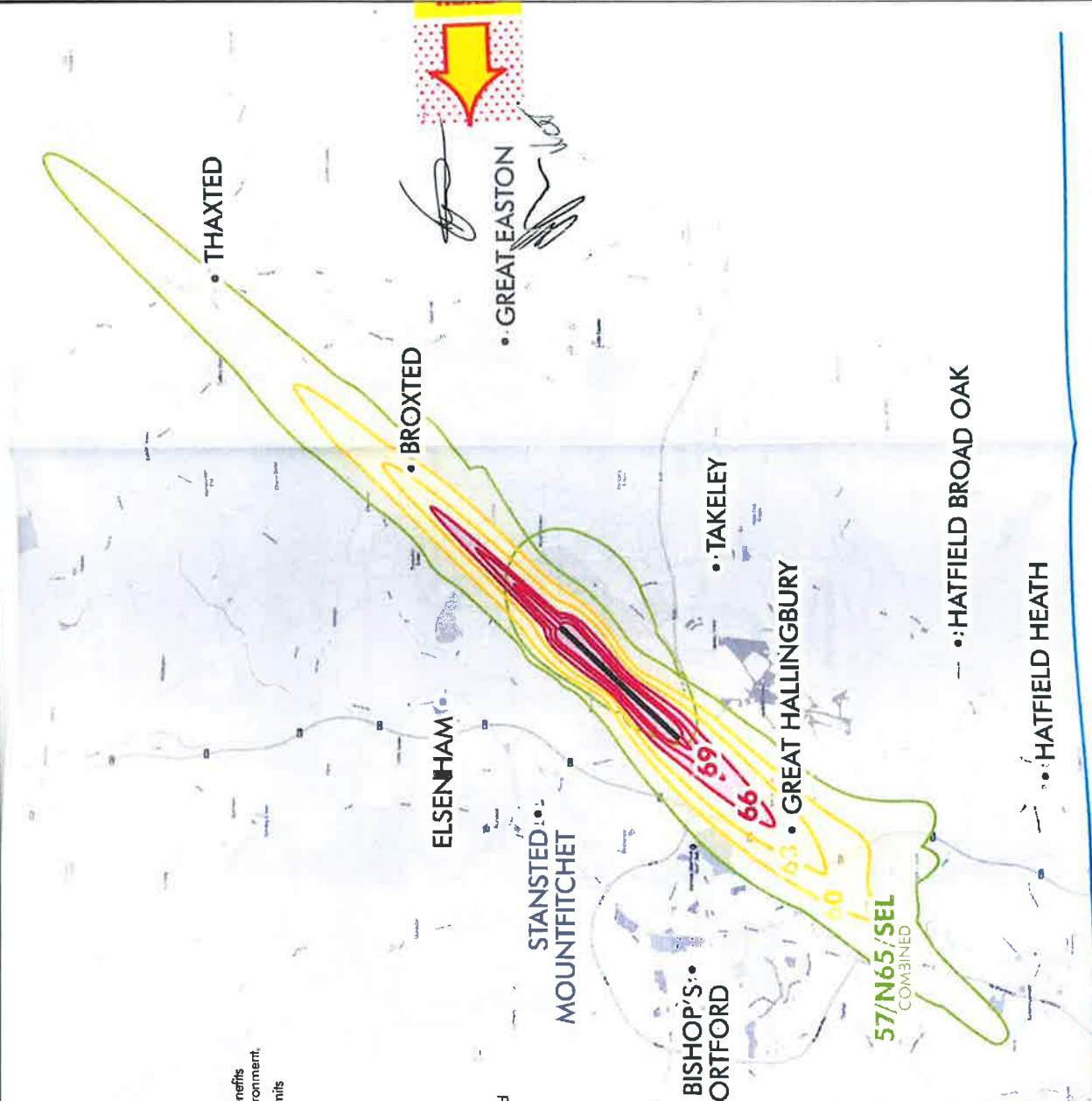
## ELIGIBILITY

The current sound insulation grant scheme provides support to those within the 63 noise contour (63 dB  $L_{max,10h}$ ). The proposed scheme, which is summarised in the table below and the figure opposite would provide support to those exposed to much lower noise levels, offering grants to those within the 57 noise contour (57 dB  $L_{max,10h}$ ).

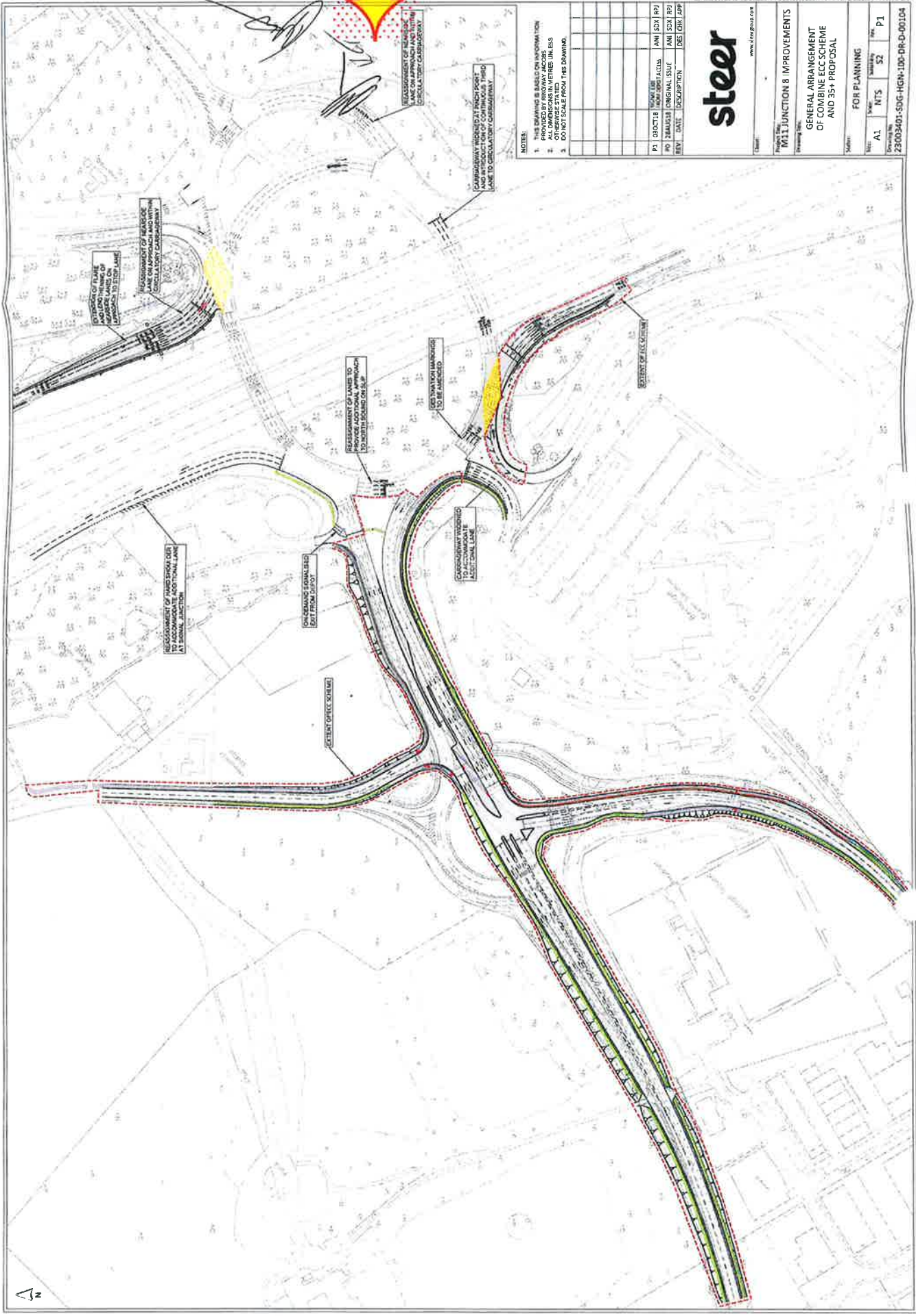
NOISE IMPACT	NOISE CONTOUR	GRANT MAXIMUM
UPPER	69 and 66 dB $L_{max,10h}$	£10,000
MIDDLE	63 and 60 dB $L_{max,10h}$	£8,000
LOWER	57 dB $L_{max,10h}$ /N65 200 / 90 dBA SEL* 600m distance/55 dB $L_{max,10h}$ ground noise	£5,000

\*90 dBA SEL footprint for the noisiest aircraft operating at night (23:00 to 06:00)

For households subject to the highest levels of noise (69dB  $L_{max,10h}$  noise contour or more), we will also provide assistance with the costs of relocating.



**Annexure 4: Junction 8 (M11) Scheme Drawing**



**NOTES:**

1. THIS DRAWING IS BASED ON INFORMATION PROVIDED BY HIGHWAY AGENCIES AND OTHERS AS STATED.
2. DO NOT SCALE FROM THIS DRAWING.

REV	DATE	DESCRIPTION	DESIGNER	CHECKER
P1	08/02/18	ISSUE FOR TENDERS	ANNI (S24) RPJ	
P0	28/04/18	ORIGINAL ISSUE	ANNI (S24) RPJ	



Project Name: **M11 JUNCTION 8 IMPROVEMENTS**  
 Drawing Title: **GENERAL ARRANGEMENT OF COMBINE ECC SCHEME AND 35+ PROPOSAL**  
 For Planning  
 No: **A1** / **NTS** / **S2** / **P1**  
 Drawing No: **231003401-SD06-HIGH-DB-DR-0-001104**

1/2



**Annexure 5: Priory Wood Roundabout Drawing**

**NOTES:**

1. ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.
2. DO NOT SCALE FROM THIS DRAWING.

**KEY:**

- PROPOSED WHITE ROAD MARKINGS
- ⇨ PROPOSED PRIMARY SIGNAL
- ⇨ PROPOSED SECONDARY SIGNAL

**SITE LOCATION**



Rev.	Date	Comments	Des	Chk	App
P1	18/01/18	ORIGINAL ISSUE		TRG	

**steer daves gleave**  
 t +44 (0)20 7910 5000 e sdginc@sdgworld.net

Client:

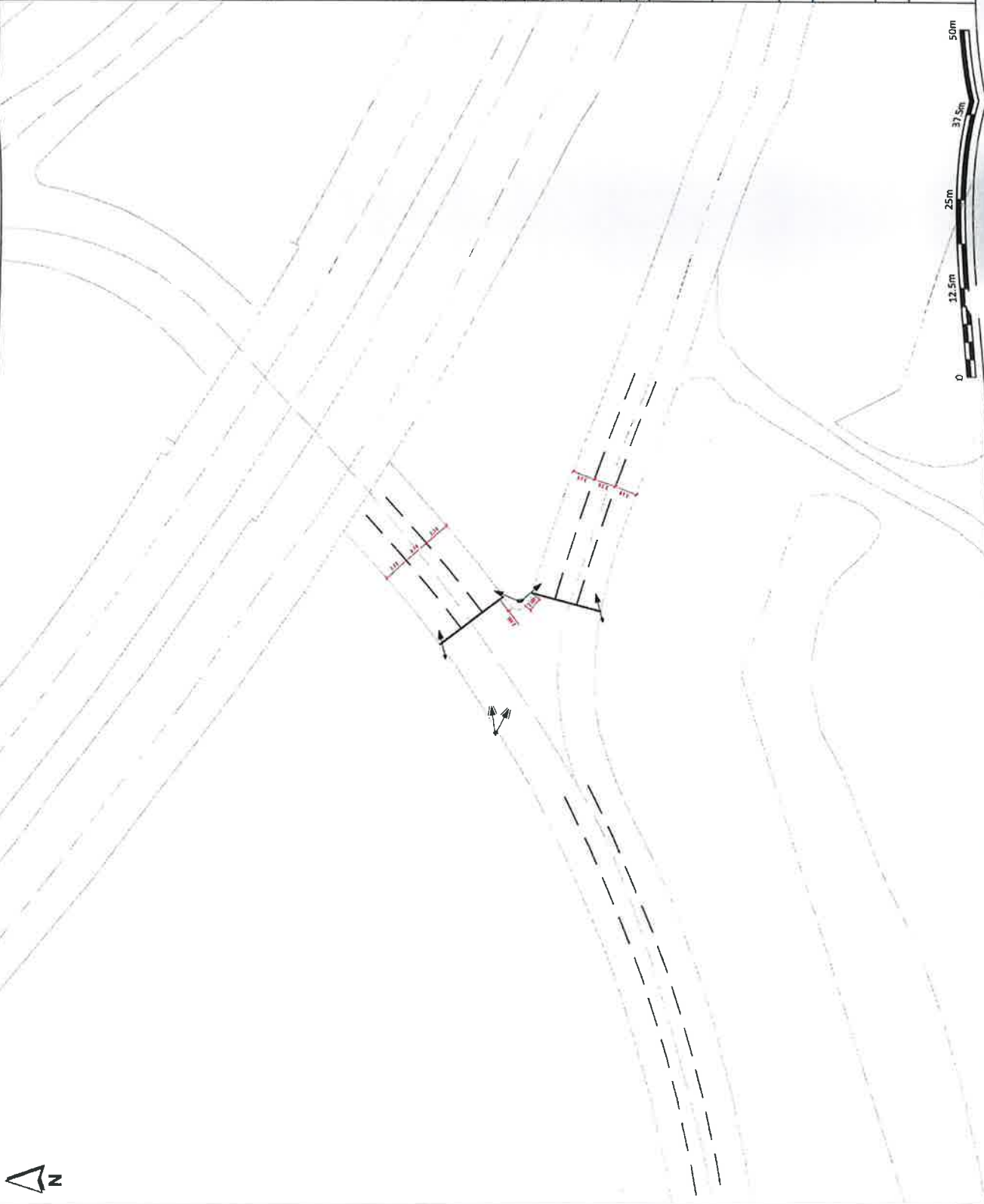
Project Title:

Drawing Title:

**PROPOSED LAYOUT**

**WORK IN PROGRESS**

Drawing Number:	00101	Version:	HGN	Scale:	1:500	Subsidiary:	SO
Author:	SOG	Drawn by:	D	Rev:	P1	Sheet:	A3
Scale:	1:500	DR					
00101							



## **Annexure 6: Scope of Local Road Monitoring Scheme (Schedule 3 Part 2)**

The detailed implementation plan for the Local Road Monitoring Scheme will include both traffic and Fly Parking monitoring and will specify:

- What data will be collected
- The collection method
- The area to be covered by monitoring
- Start date and frequency of collection (annually)
- Annual review of monitoring scheme
- Reporting of monitoring (3 months following data collection)
- Responsibility for provision of scheme

## **Annexure 7: Rail-Users Discount Scheme (Schedule 3 Part 2)**

The rail-users discount scheme will commence within 30 days after the Unchallenged Permission Date has been reached.

As an extension to the 2003 Agreement, STAL will provide parking within the short-stay car parks for rail commuters in possession of a rail season ticket from Stansted Airport at a price discounted by no less than 90% from the turn-up parking rate (the turn-up parking rate being the price payable to park in the premium short-stay car parks at the airport (currently known as the orange and green car parks but which may include any temporary or permanent replacement for these car parks) for 365 full days (a full day being any 24 hour period)). This rate of discount represents a higher rate of discount than that in operation when the current owner acquired its interest in Stansted Airport in 2013 and took over the pre-existing rail users discount scheme (which was 85% on a comparable basis).

To qualify for the discounted parking scheme rail passengers must be in ownership of a rail season ticket from Stansted Airport station and satisfactory evidence that the user is in possession of a rail season ticket will be required. A daily ticket does not entitle a rail passenger to participate in this scheme.

Rail Passengers will be able to apply for the discounted parking scheme for a period starting no earlier than the commencement date of their valid rail season ticket and ending at the date of the expiry of their valid rail season ticket (up to a 1 year maximum period).

On expiry of the season ticket, an application will be required for renewal.

Access to the airport car park will be monitored and where necessary subject to enforcement. Abuse of scheme rules (e.g. stay duration limitations) could result in withdrawal of this offer to the individual, household, and / or vehicle.

STAL will promote the Rail-Users Discount Scheme in consultation with UDC.

## **Annexure 8: Transport Forum Revised Terms of Reference (Schedule 3 Part 2)**

### **SATF Steering Group**

The SATF Steering Group is the decision making group which is accountable through the chair for:

1. Investment decisions, ensuring value for money, relating to:
  - o Transport related S106 agreements;
  - o Projects funded by the Sustainable Transport Levy;
2. Delivery of ASAS targets and objectives; and Travel Plan
3. Setting clear objectives and work programmes for the working groups.

### **Terms of reference for the SATF Steering Group**

4. To take executive responsibility to deliver on the objectives of the Airport Surface Access Strategy (ASAS) through the activities of the Working Groups and in particular by:
  - o By advising STAL on development and production of the ASAS including forward planning to meet targets for all forms of transport and accommodation of future strategic transport links to and from the airport
  - o developing annual work plans showing activity for each financial year to deliver each objective to be agreed by the SATF Steering Group before the start of each financial year;
  - o monitoring progress on delivery of those plans at each quarterly meeting;
  - o establishing, publishing and maintaining investment appraisal criteria for transport investment that deliver the agreed ASAS transport objectives, mode share targets and value for money; and
  - o providing assurance that the activities and spend are consistent with the terms of the strategy.
5. To administer the delivery of transport related Section 106 planning obligations associated with the planning permission for the airport ensuring that spend is consistent with the terms of the agreement.
6. To ensure overall budget control of allocated transport Section 106 funding, agree funding allocations in the light of investment appraisals, and monitor the effectiveness of measures taken.
7. To monitor the airport's Travel Plan initiatives and annually to advise STAL on measures to improve passenger and employee public transport mode share.
8. To ensure completion and publication of annual reporting of SATF activities, including a detailed report on activities, spend and delivery of objectives and performance against the S106 targets.

9. STAL will provide administrative support for the Steering and Working Groups, including:
- (a) Arranging and hosting meetings, circulating agendas and papers
  - (b) Providing quarterly data in advance on:
    - o Performance against the S106 targets and commitments
    - o Any papers on investment decisions or discussions
    - o Any data or information identified in working groups strategies to support advice and performance monitoring
  - (c) In all cases to:
    - o Keep a record of decision taking and the evidence on which decisions are taken;
    - o Report on spend, progress and delivery at each quarterly meeting;
    - o Ensure that all spending represents value for money; and
    - o For each transport investment ensure it is clear how each of the investment appraisal criteria are met.

### **Working Groups**

The three working groups are advisory. They do not take decisions on investment and accountability remains with the SATF Steering Group through the chair.

There is a working group for each of: Highways, Bus and Coach and Rail. The three working groups have generic terms of reference but each with a different focus.

### **Terms of reference for the Working Groups**

- 10. To propose a strategy to the Steering Group to deliver the ASAS objectives and targets.
- 11. To propose an annual work programme in stages of feasibility, design and implementation to the Steering Group setting out the delivery priorities for each financial year in order to deliver the ASAS objectives and targets.
- 12. To give quarterly progress reports to the Steering Group on the delivery of that work programme, including reviewing modal share, customer satisfaction and service quality STAL will provide the data to the working groups to support these reports.
- 13. To propose a set of investment criteria to the Steering Group for investment decisions, to include value for money, service quality, customer satisfaction, contribution to delivery of objectives and targets, and fit with work programme.
- 14. To put investment proposals to the Steering Group for decision.

### **Highways Working Group focus areas:**

- 15. To advise on and oversee the delivery of Section 106 highway-related planning obligations conditioned by the planning permission for the airport and to recommend to the Steering Group the allocation of Section 106 funding.
- 16. To consider the interface between existing road schemes, any future schemes, and the airport road system.

17. To consider the opportunities for improving road-based public transport through improving journey times and reliability for bus and coach services, and assisting the development of inter-urban public transport initiatives.
18. To oversee the monitoring of Fly Parking associated with the airport and to develop multi-agency activities to tackle identified and agreed incidences.
19. To work in partnership to deliver the Stansted Airport Cycling and Walking Strategy document.
20. To monitor supply and demand for car parking at the airport, both on and off site.

**Bus and Coach Working Group focus areas:**

21. To work in partnership with service operators and other agencies to deliver the Stansted Airport Bus and Coach Strategy.
22. To review the Stansted Bus and Coach Strategy and recommend the development of new and existing services and associated facilities to meet the objectives of the strategy.
23. To manage and oversee the delivery of the bus and coach-related S106 obligations and planning conditions and to recommend to the Steering Group the use of S106 funding.
24. To develop constructive liaison with existing and potential bus and coach operators, local authorities and TfL.
25. To review levels of service quality and customer satisfaction of bus and coach services serving Stansted Airport and recommend actions to improve such levels as necessary.

**Rail Working Group focus areas:**

26. To work in partnership to deliver the Stansted Airport ASAS Rail Vision;
27. To review the quality and customer satisfaction of rail services serving Stansted Airport, including monitoring of mode share & franchise commitments;
28. To provide advice to the Steering Group about any necessary steps in respect of coordination with other stakeholders and promotional activity to ensure improvements to rail infrastructure or franchises.

**List of Members of SATF**

Essex County Council, Uttlesford District Council Herts County Council, East Herts District Council, Highways England, TfL, Network Rail, Stansted Consultative Committee ; and STAL

Working Group Membership shall be determined by the SATF Steering Group and shall comprise of the above organisations (as appropriate) and as necessary, representatives of the public transport operators, airlines, and passenger user groups.

**Agreement of the Terms of Reference**

Both sets of terms of reference were ratified by the SATF Steering Group on [DATE].

**Annexure 9: Area of Benefit Plan  
(Schedule 3 Part 4)**




# Appendix 1: Area of Benefit

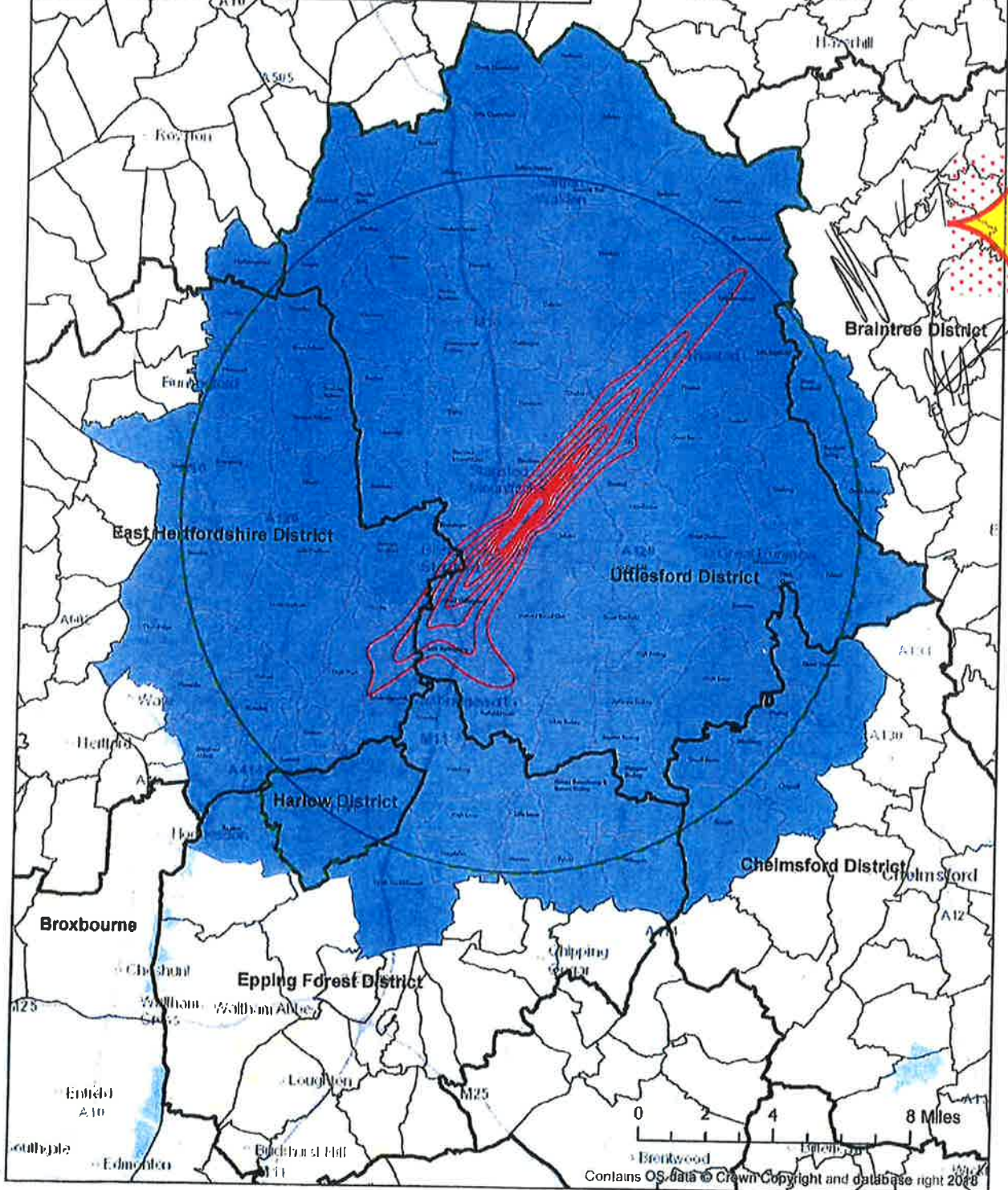
**Community Trust Boundary and Noise Contours**

Key

- 2023 Development Case  $L_{Aeq,1hr}$  54 - 72dB in 3dB increments
- 10 mile radius from runway centre point
- Local Authority boundaries
- Parish Council boundaries
- Existing Community Trust boundary
- Eligible Parish Councils

North: 

Note: Contours taken from CAA published sources and boundaries are from Ordnance Survey



## **Annexure 10: Community Benefit Terms of Reference (Schedule 3 Part 4)**

### **Trustees & Governance**

1. Chair to be appointed from the Trustees by UDC and STAL for two years with only one reappointment permitted which cannot run concurrently.
2. Independently administered, with a percentage of the Fund allocated for administration.
3. The body of trustees shall consist of 9 persons:
  - a) Two persons to be nominated by Stansted Airport Limited, only one of whom may be an employee of the Company;
  - b) One Elected Member or Officer by Uttlesford District Council;
  - c) One Elected Member or Officer by Essex County Council;
  - d) One Elected Member or Officer for each of the main District Councils comprised in the Area of Benefit to be nominated by such Councils consisting:
    - East Herts District Council;
    - Harlow District; and
    - Epping Forest District Council.
  - e) One person to be nominated by the Stansted Airline Operators Committee; and
  - f) One person to be nominated by Stansted Airport Consultative Committee.

### **Funding**

4. Contribution to the Community Trust Fund of £150,000 every Financial Year to 31 March 2029. Following this date, the amount of funding to be contributed by STAL to the Trust Fund is to be reviewed.
5. The maximum funding per application is £5,000 with discretion of the Trustees to adopt a higher figure for exceptional applications. Each year a maximum of one application for a 'flagship' or major project may be granted, for which funding is capped at £50,000.
6. The Fund can offer full funding or funding towards a specific element or item.
7. The Fund will also receive additional contributions from any aircraft noise or track keeping fines arising from aircraft arriving or departing from Stansted Airport.

### **Eligibility**

8. Applications can be made by an established community or other not for profit group, charity Town Council or Parish Council located, or which operates predominantly, within the Area of Benefit.
9. Parish Councils will be eligible to receive up to one grant per year. No more than 50% of total grants awarded in any year will go to Town Councils and Parish Councils.
10. Applications that offer match funding will be favoured.

### **Objectives**

11. The Community Trust Fund will support capital projects which help to mitigate adverse health and/ or quality of life impacts arising from the Development as a result of increased noise levels and a reduction in the amenity of local green spaces within the defined 'Area of Benefit'.
12. The Community Trust has the discretion to give greater weight to particular objectives in line with local and community priorities at the time. Any prioritisation will be published for applicants to view, along with the application process.

### **Area of Benefit**

13. 10-mile radius with extensions to reflect areas directly affected by operations at Stansted Airport as detailed in Appendix 1. Grants will only be awarded to schemes which are located within the Area of Benefit or deliver the vast majority of its benefits to the Area of Benefit.

### **Applications**

14. Successful applicants can re-apply after three years.
15. Applications can be submitted on-line or in hard copy using the Community Trust Fund Application Form. Applications must provide the following information as a minimum:
  - o Details of the Organisation;
  - o Project Details, including itemised descriptions of all/part of the project for which the organisation is applying for; and
  - o Additional supporting information.

### **Meetings**

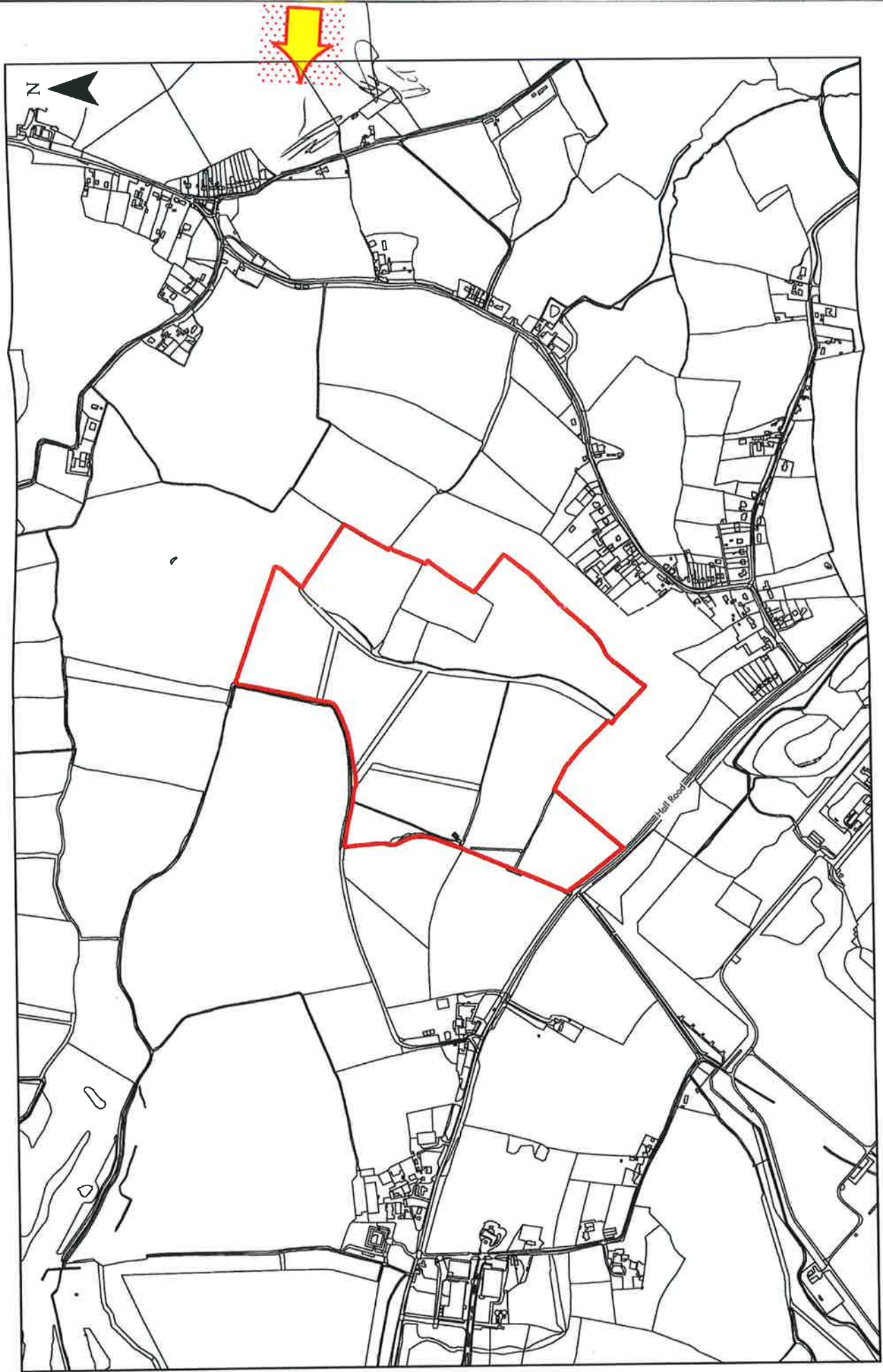
16. Quarterly ordinary meetings of the Trustees to review applications.
17. Quorum of a least one third of the number of trustees for the time being or three trustees whichever is the greater are present at a meeting.
18. Every matter shall be determined by a majority of votes by the trustees present and voting on the question.

19. A minute of the meeting will be recorded and signed by the Chair.

**Reporting and Monitoring**

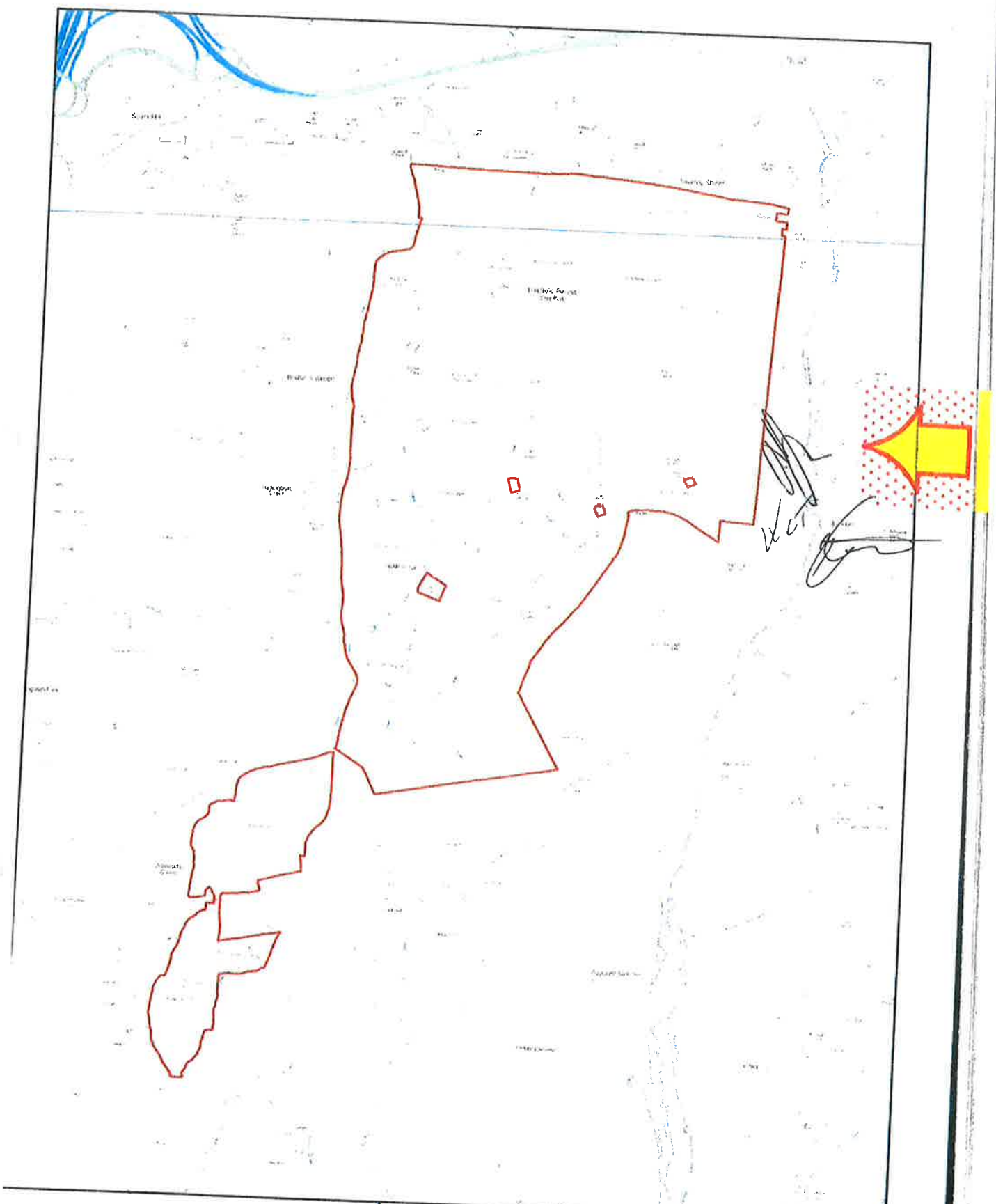
20. An annual report and accounts shall be produced within 3 months of Financial Year end of the Fund including a list of grants awarded, the amount and the applicant.
21. Successful applicants will be required to publicise, in an appropriate way, the support provided by the Community Trust Fund.
22. An appropriate audit system shall be established to ensure that grants are appropriately spent and that the benefits are delivered.

**Annexure 11: Woodland Plan  
(Schedule 3 Part 5)**




Scale 1:10,000 @ A4

Location Plan: East End Wood



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Location Plan: Hatfield Forest SSSI

 SSSI boundary







# Stansted Airport 35+ Planning Appeal

## PINS Appeal ref APP/C1570/W/20/3256619

### Planning Application ref UTT/18/0460/FUL

: Appendix 4 List of relevant policies

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## Appendix 4 List of relevant policies

### The Development Plan - Uttlesford Local Plan (2005)

- S4 – Stansted Airport Boundary
- AIR1 – Terminal Support Area
- AIR2 – Cargo Handling/Aircraft Maintenance Area
- AIR3 – Southern Ancillary Area
- AIR4 – Northern Ancillary Area
- AIR5 – Long Term Car Park
- AIR6 – Landscaped Areas
- AIR7 – Public Safety Zone
- GEN1 – Access
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- ENV2 – Development affecting Listed Buildings
- ENV4 – Ancient Monuments and Sites of Archaeological Interest
- ENV7 – The Protection of the Natural Environment – Designated Sites
- ENV9 – Historic Landscapes
- ENV11 – Noise Generators
- ENV12 – Protection of Water Resources
- ENV13 – Exposure to Poor Air Quality

### National Policies

- NPPF (2018)
- Planning Practice Guidance
- Aviation Policy Framework (March 2013)
- Beyond the Horizon: The future of UK aviation – Next steps towards an Aviation Strategy (April 2018)
- Beyond the Horizon: The future of UK aviation (June 2018)

### Other Policy

- Regulation 19 Uttlesford Local Plan (NB Withdrawn post January 2020)
  - The Spatial Vision: Theme 2 – Support Sustainable Business Growth
  - SP2 – The Spatial Strategy 2011 - 2033
  - SP11 – London Stansted Airport
-

# **Stansted Airport 35+ Planning Appeal**

## **PINS Appeal ref APP/C1570/W/20/3256619**

### **Planning Application ref UTT/18/0460/FUL**

: Appendix 4 List of relevant policies

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- Airports National Policy Statement (June 2018)
- Stansted Airport Sustainable Development Plan 2015

# **Stansted Airport 35+ Planning Appeal**

## **PINS Appeal ref APP/C1570/W/20/3256619**

### **Planning Application ref UTT/18/0460/FUL**

: Appendix 5 Core documents (policy, guidance and references documents)

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## **Appendix 5 Core documents (policy, guidance and references documents)**

UDC has noted the table of relevant documents contained within Appendix 4 of MAG's Statement of Case July 2020. A copy is included within Appendix 5 of this SoC for reference.

UDC will additionally rely upon the following core documents (policy, guidance, reference documents):

- Reference material contained within Appendix 1 of this SoC;
  - Decision Notice January 2020 contained within Appendix 2 of this SoC;
  - Draft Section 106 Agreement January 2020 contained within Appendix 3 of this SoC;
  - List of relevant policies contained within Appendix 4 of this SoC;
  - List of policy documents contained within Appendix 6 of this SoC;
  - G1 Inspector's Report: Appeal by BAA plc and Stansted Airport Ltd Stansted Airport, Stansted, Essex;
  - Airport Inquiries 1981-1983 report of Sir Graham Eyre;
  - Airports White Paper 1985;
  - Future of Air Transport White Paper (ATWP);
  - UTT/1150/80/SA Secretaries of State for Environment and for Transport Decision Notice;
  - Planning Committee meeting minutes for the following dates: 14 November 2018 Planning Committee, 25 April 2019 Extraordinary Council Meeting, 28 June 2019 Extraordinary Council Meeting, and 17 and 24 January 2020 Planning Committee;
  - UK Civil Aviation Authority Airport and Airline Statistics (CAA website);
  - Clarification letter from MAG to UDC (dated 8 January 2020) addressing S106 clarifications;
  - Table titled 'Stansted Airport section 106 Update Schedule January 2020';
  - Survey of Noise Attitudes 2014: Aircraft (SONA14), 2014;
  - World Health Organisation Environmental Noise Guidelines for the European Region, 10 October 2018;
  - Commission Directive (EU) 2020/367, 4 March 2020;
  - The Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018;
  - ICCAN Review of the Survey of Noise Attitudes 2014, December 2019;
  - European Environment Agency, Environmental noise in Europe – 2020, March 2020;
  - Heathrow Expansion Project, Preliminary Environmental Information Report, June 2018;
  - Planning Practice Guidance – Noise, Ministry of Housing, Communities and Local Government, July 2019;
  - Clean Air Strategy 2019, January 2019;
  - Local Authority Air Quality Management Technical Guidance (09), February 2009;
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# **Stansted Airport 35+ Planning Appeal**

## **PINS Appeal ref APP/C1570/W/20/3256619**

### **Planning Application ref UTT/18/0460/FUL**

: Appendix 5 Core documents (policy, guidance and references documents)

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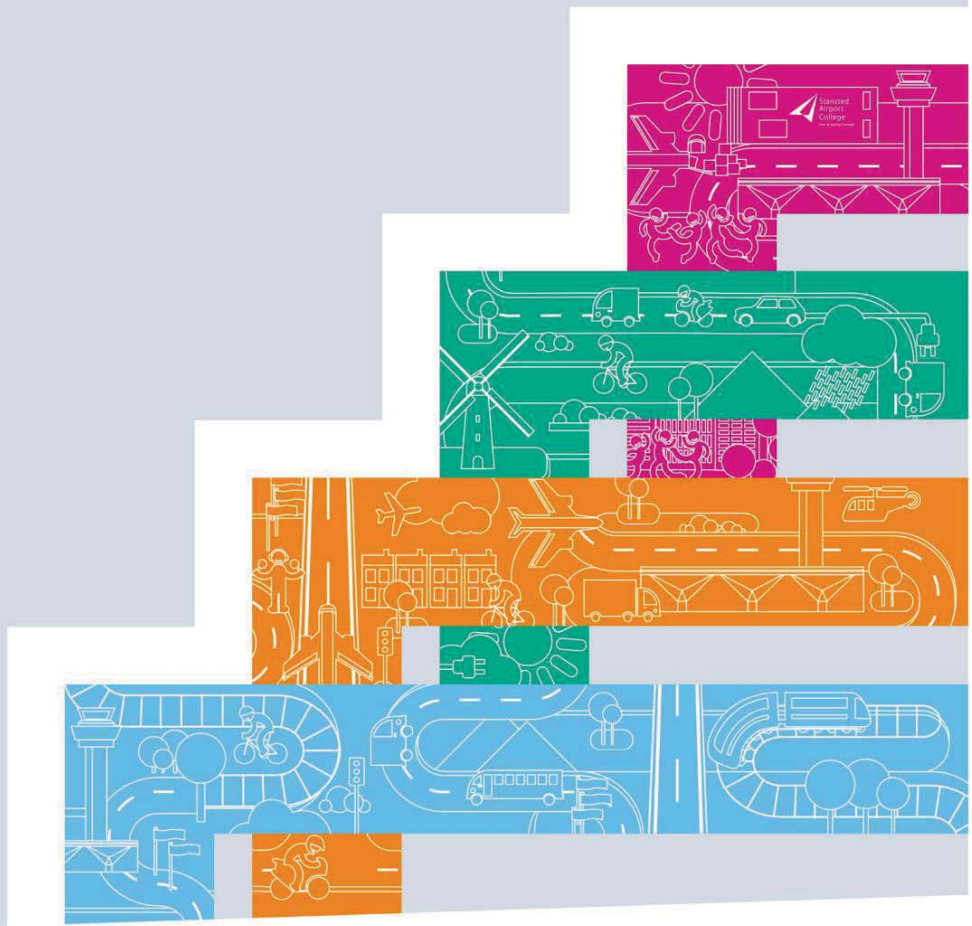
- DfT Beyond the horizon, the future of UK aviation: Making best use of existing runways ('MBU'), June 2018;
  - DfT Airports National Policy Statement: new runway capacity and infrastructure at airports in the south east of England", June 2018;
  - DfT Aviation 2050 – the future of UK aviation: Consultation and supporting documents, December 2018;
  - CCC advice on aviation (warning that stronger action may be needed beyond constraining aviation emissions to 2005 levels), February 2019;
  - The Climate Change Act 2008 (2050 Target Amendment) Order 26 June 2019;
  - Uttlesford District Council declare climate emergency and commit to making Uttlesford carbon neutral by 2030, July 2019;
  - CCC letter: Net-zero and the approach to international aviation, September 2019;
  - ACI Commit To 'Net Zero' by 2050, October 2019;
  - Sustainable Aviation Zero Carbon Roadmap, February 2020;
  - ANPS declared illegal in R (Friends Of The Earth) V Secretary Of State For Transport And Others; February 2020;
  - DfT Decarbonising Transport: Setting the Challenge A consultation paper, March 2020;
  - CCC Reducing UK emissions: 2020 Progress Report to Parliament, June 2020.
-

TRANSFORMING LONDON STANSTED AIRPORT

35+ PLANNING APPEAL

# Statement of Case

July 2020



# Appendix 4

Table of Relevant Documents

Core Document	Date
<b>Application Drawings</b>	
Location Plan (Drawing reference: NK017817-SK309)	14 February 2018
35+ Airfield Infrastructure Works: Site Plan (Drawing reference: STAL-001-PLA-001-001-01)	13 February 2018
35+ Airfield Infrastructure: Mike Romeo RET (Drawing reference: STAL-001-PLA-001-002-01)	13 February 2018
35+ Airfield Infrastructure: Yankee Remote Stands (Drawing reference: STAL-001-PLA-001-003-01)	13 February 2018
35+ Airfield Infrastructure: Runway Tango (Drawing reference: STAL-001-PLA-001-004-01)	13 February 2018
35+ Airfield Infrastructure: Echo Stands (Drawing reference: STAL-001-PLA-001-005-01)	13 February 2018
<b>Application Documents</b>	
Application Cover Letter	22 February 2018
Full Planning Application Form	22 February 2018
Planning Statement	February 2018
Design and Access Statement	February 2018
Environment Statement Volume 1: Chapter 1: Introduction Chapter 2: Environmental Impact Assessment Methodology Chapter 3: Description of Site, Proposed Development, Policy Context and Alternatives Chapter 4: Aviation Forecasts Chapter 5: Development Programme and Construction Environmental Management Chapter 6: Surface Access and Transport Chapter 7: Air Noise Chapter 8: Ground Noise Chapter 9: Surface Access Noise Chapter 10: Air Quality Chapter 11: Socio-Economic Impacts Chapter 12: Carbon Emissions Chapter 13: Climate Change	February 2018

<p>Chapter 14: Public Health and Wellbeing  Chapter 15: Water Resources and Flood Risk  Chapter 16: Non-Significant Topics  Chapter 17: Cumulative Effects  Chapter 18: Summary of Mitigation and Residual Effects</p>	
<p>Environment Statement Volume 2:</p> <p>Appendix 1.1 Statement of Competency  Appendix 2.1 Scoping Request  Appendix 2.2 Alteration to the Request for Scoping Opinion  Appendix 2.3 Summary of Representations in Scoping Report  Appendix 2.4 Scoping Opinion  Appendix 2.5 Scoping Opinion Requirements  Appendix 3.1 Planning and Aviation Policy  Appendix 7.1 Glossary of Acoustic Terminology  Appendix 7.2 Planning and Assessment Framework  Appendix 7.3 Noise Contours  Appendix 7.4 Background Noise Measurements  Appendix 7.5 Complaints Analysis  Appendix 8.1 Ground Noise  Appendix 8.2 Construction Noise  Appendix 9.1 Surface Access Noise Figures and Schedules  Appendix 10.1 Modelled Receptors  Appendix 10.2 Emissions Methodology  Appendix 10.3 Traffic Data  Appendix 10.4 Model Setup and Verification  Appendix 10.5 Predicted Pollutant Concentrations  Appendix 11.1 Socio-Economic Study Areas  Appendix 11.2 Socio-Economic Effects  Appendix 12.1 Carbon Emissions  Appendix 13.1 In-Combination Climate Change Impact Assessment  Appendix 13.2 Climate Change Resilience Assessment  Appendix 13.3 Validation of UKCP09 Weather Generator  Appendix 14.1 Health Impact Assessment  Appendix 15.1 FRA and Drainage Strategy Part 1, Part 2, Part 3  Appendix 16.1 PEA (incorporating information to inform a HRA)  Appendix 16.2 Ecology Mitigation Strategy  Appendix 16.3 NE Discretionary Advice Service</p>	<p>February 2018</p>



Environment Statement Volume 3: Transport Assessment	February 2018
Environment Statement Volume 4: Non-Technical Summary of the Environmental Statement	February 2018
Statement of Community Involvement	February 2018
Essex Biodiversity Validation Checklist	22 February 2018
Essex Drainage Checklist	February 2018
Certificate of Ownership (B)	22 February 2018
<b>Supplementary Documents</b>	
Letter to UDC from STAL: Amendment to application description	18 May 2018
Letter and Consultation Response and Clarifications	5 July 2018
Revision to Annex 1: Information for Epping Forest	19 July 2018
Letter to UDC from STAL and Table: Annex 2: Information on SSSI Impacts	19 July 2018
Figures for Annex 3B: Noise	May/June 2018
Letter to UDC from STAL and Technical Note: Impact of 35+ Planning Application on Epping Forest Site of Special Scientific Interest (SSSI)	10 August 2018
Letter to UDC from STAL re Clarification on Natural England and ECC responses to HRA/AA	18 September 2018
Letter to UDC from STAL: Night Noise	21 September 2018
Letter to UDC from STAL: Surface Access and development of the bus network	27 September 2018
Letter to UDC from STAL: Response to East Hertfordshire District Council comments	18 October 2018
Memo: Consultation Response Issues – Information Document for ECC	29 October 2018
Letter to UDC from STAL on Surface Access and Technical Note: Parsonage Road Traffic	30 October 2018

Letter to UDC from STAL: Response to ECC surface access correspondence	6 November 2018
Letter to UDC from STAL inc. Technical Note on Foul Water Discharge	28 September 2018
Letter to UDC re S106 Community Benefit Measures	17 Oct 18
Draft Section 106 Agreement	27 March 2019
Letter to UDC from STAL re Rail Commuter Scheme	30 May 2019
Letter to UDC from STAL re Rail Commuter Scheme	14 June 2019
Letter to UDC from STAL re S106 Clarifications	08 January 2019
Revised Draft Section 106 Agreement	January 2020
Certificate of Ownership (B) - Additions	9 March 2018 and 23 October 2018
Revised Location Plan (Ref: NK017817 - SK309)	23 October 2018
<b>Planning History</b>	
Decision Notice for Growth to 25mppa (Application No: UTT/1000/01/OP)	16 May 2003
2003 Section 106 Agreement between Uttlesford District Council and Essex County Council and Stansted Airport Limited	14 May 2003
Decision Notice for Growth to 35mppa (Application No: UTT/0717/06/FUL)	8 October 2008
2008 Deed of Unilateral Undertaking, Stansted Airport Limited to Uttlesford District Council and Essex County Council	26 September 2008
Addendum to Deed of Unilateral Undertaking, Stansted Airport Limited to Uttlesford District Council and Essex County Council (Nature Conservation)	7 October 2008
2008 Deed of Unilateral Undertaking, Stansted Airport Limited to Hertfordshire County Council	26 September 2008
Letter to UDC from STAL: Request for Environmental Impact Assessment Scoping Opinion	1 June 2017
35+ Environmental Impact Assessment Scoping Report	June 2017
Uttlesford District Council Scoping Opinion	21 December 2017

Core Documents – Policy, Guidance and Reference Documents	Date
<b>Planning and Aviation</b>	
Aviation Policy Framework	March 2013
Beyond the horizon, the future of UK aviation: Making best use of existing runways	June 2018
Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England, Department for Transport	June 2018
Draft Airports National Policy Statement: New runway capacity and infrastructure at airports in the South East of England	February 2017
Revised Draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England, Department for Transport	October 2017
National Planning Policy Framework (Revised 2019)	February 2019
National Planning Policy Framework	2012
National Planning Policy Guidance (at the date of submission)	2017
Uttlesford Adopted Local Plan	2005
East Herts District Plan	2018
Planning and Compulsory Purchase Act 2004	2004
Town and Country Planning Act	1990
Community Infrastructure Levy Regulations 2010	2010
UK Aviation Forecasts, Department for Transport	October 2017
Airport Commissions Appraisal Framework, Airport Commission	April 2014
Heathrow Cranford Decision, DCLG/DfT	2 February 2017
The London Plan	2016
London Airspace Modernisation project ATS Route Network Step 1B Design Principles, NATS	2018
CAP1616: Airspace Design – Guidance on the regulatory process for changing the notified airspace design and planned	January 2020

and permanent redistribution of air traffic, and on providing airspace information (Third Edition), Civil Aviation Authority	
CAP 1616c Airspace change guidance: changes made in the third edition of CAP 1616, Civil Aviation Authority	January 2020
CAP 1711: Airspace Modernisation Strategy, Civil Aviation Authority	2018
<b>STAL and MAG</b>	
Stansted Airport Sustainable Development Plan (Land Use, Economy & Surface Access, Community and Environment documents)	2015
Stansted Airport Corporate Social Responsibility Report 2018/19	2019
MAG Corporate Social Responsibility Report 2018/19	2019
MAG Corporate Social Responsibility Strategy: Working together for a brighter future	2020
<b>Air Quality</b>	
The Air Quality Standards Regulations 2010, SI 2010/1001	2010
Ultrafine Particles (UFP) in the UK, Air Quality Experts Group	2018
The Air Quality Standards (Amendment) Regulations 2016, SI 2016/1184	2016
Clean Air Strategy 2019, HM Government	2019
<b>Carbon</b>	
Climate Change Act	2008
Meeting the UK Aviation Target - Options for reducing emissions to 2050, Committee on Climate Change	2009
Convention on Civil Aviation (Chicago Convention) Ninth Edition	2006
Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)	2016
Decarbonisation Road-Map: A Path to Net Zero, Sustainable Aviation	2020

Sustainable Aviation Fuels Road-Map: Fuelling the future of UK aviation, Sustainable Aviation	2020
Aviation Industry Commitment to Action on Climate Change, Air Transport Action Group	2008
The EU Emissions Trading Scheme	2005
The UK's Small Emitter and Hospital Opt-Out Scheme - Guidance Document, Department of Energy and Climate Change	2015
The future of UK carbon pricing: UK Government and Devolved Administration's response	June 2020
The Clean Growth Strategy; leading the way to a low carbon future, HM Government	2017
Construction 2025: industrial strategy for construction - government and industry in partnership, Department for Business, Innovation & Skills	July 2013
Low Carbon Routemap for the Built Environment - Technical Report, Green Construction Board	2015
PAS2080:2016: Carbon Management in Infrastructure (British Standard)	2016
Valuation of energy use and greenhouse gas (GHG) emissions, Department for Business, Energy & Industrial Strategy	2017
ICAO Aircraft Engine Emissions Databank	2017
Air Pollutant Emissions Inventory Guidebook, EMEP/EEA	2016
Heathrow Airport's North-West Runway Carbon Footprint Assessment, AMEC	2014
Greenhouse Gas reporting conversion factors, DEFRA	2017
Airport Air Quality Manual, ICAO	2011
Fleet fuel efficiency model (FFEM) output, Department for Transport	2017
Rail infrastructure, assets and environment - 2014/15 Annual Statistics Release, Office of Rail and Road	2016
IEMA Principles Series: Climate Change Mitigation & EIA	2010

Climate Change Act 2008 (2050 Target Amendment) Order 2019	2019
2017 Progress Report, Sustainable Aviation	2017
Net Zero - The UK's contribution to stopping global warming, Committee on Climate Change	2019
Net Zero - The UK's contribution to stopping global warming - Technical Report, Committee on Climate Change	2019
Letter to Department for Transport: International aviation and shipping and net zero, Committee on Climate Change	September 2019
Reducing UK emissions: 2020 Progress Report to Parliament, Committee on Climate Change	June 2020
Transport Secretary's statement on coronavirus (COVID-19): 12 June 2020	June 2020
Press Release: PM commits £350 million to fuel green recovery	July 2020
Hansard, Volume 672, Aviation: Heathrow Expansion	27 February 2020
<b>Ecology</b>	
Epping Forest SAC Designation, JNCC	2020
RSK Preliminary Ecological Appraisal	2015
RSK Habitat Creation and Management Plan	2015
RSK Biodiversity Monitoring Strategy	2015
Uttlesford District Council Local Plan Issues and Options Consultation: Representations on behalf of the National Trust.	2015
Epping Forest SAC Conservation objectives, Natural England	2020
Elsenham Woods SSSI Citation, Natural England	2020
Epping Forest Site Improvement Plan, Natural England	2020
Hatfield Forest SSSI Citation, Natural England	2020

<b>Noise</b>	
Noise Policy Statement for England	March 2010
Survey of noise attitudes 2014: aircraft, Civil Aviation Authority	February 2017
Environmental Noise Guidelines for the European Region, World Health Organization	2018
GRADE: an emerging consensus on rating quality of evidence and strength or recommendations. BMJ. 336(7650):924-6, Guyatt GH et al.	2008
Global burden of disease in 2002: data sources, methods and results. Geneva World Health Organisation, Mathers CD et al.	2003
The burden of disease and injury in Australia. Canberra: Australian Institute of Health and Welfare cat. No. PHE 17, Mathers C, Vos T, Stevenson C.	1999
Burden of disease from environmental noise: quantification of healthy life years lost in Europe. Copenhagen: WHO Regional Office for Europe, JRC	2011
<b>Socio-Economic</b>	
The Economic Plan for Essex	2014
Growth Deal and Strategic Economic Plan, South East Local Enterprise Partnership	March 2014
Greater Cambridge and Greater Peterborough Local Enterprise Partnership Economic Plan	2013
Findings and Recommendations of the London Stansted Cambridge Corridor Growth Commission. The Next Global Knowledge Region: Setting the Ambitions and Delivering the Vision	July 2016
Cambridge and Peterborough Combined Authority Business Board (formerly LEP) (website)	2020
Haven Gateway Partnership Visions and Objectives (website)	2020
Uttlesford Economic Development Strategy and Action Plan 2018-21 (previously 2016-18)	2020
Uttlesford Corporate Plan 2020-24 (previously covered 2017-21)	2020

Harlow Local Development Plan (Pre-Submission Publication)	2018
Epping Forest District Local Plan (Submission Version)	2017
2019 London Stansted Airport Employee Travel Survey Analysis	2019
2015 London Stansted Airport Employee Travel Survey Analysis	2015
ONS Labour Productivity Time Series	2020 (latest)
ONS Subnational Population Projections	2018 (latest)
East of England Forecasting Model	2018 (latest)
GLA Employment Projections	2017 (latest)
ONS Regional Gross Value Added	2017 (latest)
ONS Business Register and Employment Survey	2018 (latest)
ONS Mid-Year Population Estimates by Local Authority	2019 (latest)
ONS Annual Population Survey	Q1 2020 (latest)
ONS Annual Survey of Hours and Earnings	2019 (latest)
ONS Census of Population	2011
ONS Job Seekers Allowance	Q2 2020 (latest)
Department for International Trade Inward Investment Results 2019-20	2019/20 (latest)
EY's Attractiveness Survey	2020 (latest)
ONS Travel Trends	2019 (latest)
HMRC Regional Trade Statistics	2019 (provisional)
HMRC Overseas Trade Data	
Oxford Economics "The Economic Contribution of the Aviation Industry in the UK"	2006
Oxera "What is the Contribution of Aviation to the Uk Economy"	2009
<b>Transport and Surface Access</b>	
Guideline for the Environmental Assessment of Road Traffic, Institute of Environmental Management and Assessment	1993



Essex Local Transport Plan (2011-2016), Essex County Council	2011
Hertfordshire Local Transport Plan (2011-2031), Hertfordshire County Council	2016
Local Plan Transport Study, Uttlesford District Council	2016
Department for Transport Trip End Model Presentation Programme (TEMPro)	2016
Stansted Airport Employee Survey 2019	2020
Stansted Airport Bus and Coach Strategy	2016
Stansted Airport Cycling and Walking Strategy	2016
Stansted Airport Travel Plan 2014-2019	2019
Annual Passenger Survey, Civil Aviation Authority	2020
London and South East Market Study, Network Rail	2013
Network Rail East Midlands Route Study, 2016	2016
Guidance on Transport Assessment, Department for Transport	2007
LA 104 - Environmental assessment and monitoring	2019
Anglia Route Study 2016, Network Rail	2016

# Stansted Airport 35+ Planning Appeal

## PINS Appeal ref APP/C1570/W/20/3256619

### Planning Application ref UTT/18/0460/FUL

: Appendix 6 Climate change: relevant legislative, guidance and policy changes since the Climate Change Act 2008 was enacted

## Appendix 6 Climate change: relevant legislative, guidance and policy changes since the Climate Change Act 2008 was enacted

Table 5.1 Climate change: policy changes and planning application timelines

Date	Policy changes	Planning application timeline
2008	Climate Change Act 2008	
Dec 2012	International aviation and shipping emissions and the UK's carbon budgets and 2050 target	
March 2013	CCC Aviation factsheet	
Dec 2015	Paris Agreement	
Dec 2016	Sustainable Aviation CO2 Road-Map	
2017	UK Aviation Forecasts	
Feb 2018		Stansted Planning application 22 Feb 2018
June 2018	DfT Beyond the horizon, the future of UK aviation: Making best use of existing runways ('MBU')	
June 2018	DfT Airports National Policy Statement: new runway capacity and infrastructure at airports in the south east of England"	
		First planning committee date resolves to approve the application
Dec 2018	DfT Aviation 2050 — the future of UK aviation: Consultation and supporting documents	
Feb 2019	CCC advice on aviation (warning that stronger action may be needed beyond constraining aviation emissions to 2005 levels)	
June 2019	The Climate Change Act 2008 (2050 Target Amendment) Order 26 June 2019	Extraordinary council meeting resolves not to issue consent, two days later, 28 June 2019
July 2019	Uttlesford District Council declare climate emergency and commit to making Uttlesford carbon neutral by 2030	
Sept 2019	CCC letter: Net-zero and the approach to international aviation	
Oct 2019	ACI Commit To 'Net Zero' by 2050	
24 January 2020		Extraordinary Planning Committee refuse application
Feb 2020	Sustainable Aviation Zero Carbon Roadmap	
Feb 2020	ANPS declared illegal in R (Friends Of The Earth) V Secretary Of State For Transport And Others	
March 2020	DfT Decarbonising Transport: Setting the Challenge A consultation paper	

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: Appendix 6 Climate change: relevant legislative, guidance and policy changes since the Climate Change Act 2008 was enacted

Date	Policy changes	Planning application timeline
June 2020	CCC Reducing UK emissions: 2020 Progress Report to Parliament	
July 2020		Notice of appeal and Statement of Case