

Committee: Full Council

Agenda Item

Date: 21 October 2008

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Title: Stansted Second Runway-Objections to the facilitating Transport Infrastructure and Compulsory Purchase Orders – Request for a Resolution under Section 239 of the Local Government Act 1972

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Item for decision

Summary

The purpose of this report is to seek a resolution endorsing the objections to the transport infrastructure associated with the second runway proposal at Stansted. The objections support the District Council's long held view opposing further runway provision identified in the Government's 2003 Aviation White Paper.

This is a key decision for the District Council to consider the ratification of an objection to the application for the proposed Stansted Rail Improvement Order under the Transport and Works Act 1992 for on-site infrastructure (the TWA) that legally requires a Full Council resolution. This report also includes the ratification of objections to both the M11/A120 road scheme / orders and the applications for land compulsory purchase orders (CPO) facilitating the provision of the second runway at Stansted.

Requested Resolution

- 1 That the District Council endorses the objection to the application for the proposed Stansted Rail Improvement Order under the Transport and Works Act 1992 facilitating on site rail infrastructure supporting the Stansted second runway proposal as set out in the letter and attachment in Appendix A of this report.
- 2 That the District Council endorses the objection to the Stansted Generation 2 Airport Access from M11 and A120 scheme and the related draft orders as set out in the letter and attachment in Appendix B.
- 3 That the District Council endorses the objections to the applications for the Stansted Airport Limited (Land at and in the Vicinity of Stansted Airport – Second Runway) Compulsory Purchase Order 2008 and Stansted Airport Limited (Land at and in the Vicinity of Stansted Airport – Offsetting Measures in Connection with the Second Runway) Compulsory Purchase Order 2008

associated with its land holdings affected by the Stansted second runway proposals as set out in Appendix C.

Background Papers

Stansted Generation 2 Planning Application and associated Environmental Statement 2008.

Impact

Communication/Consultation	This report has been advertised by publication of a statutory notice in a local newspaper and on the Council's website.
Community Safety	
Equalities	
Finance	See paragraph 7.
Human Rights	
Legal implications	See paragraph 6.
Sustainability	
Ward-specific impacts	The effects of airport expansion will be district-wide
Workforce/Workplace	See paragraph 8.

Introduction

- 1 The applications for planning permission and listed building consent for the development of the second runway at Stansted Airport were lodged by BAA in March/April 2008 with the District Council. In addition the facilitating rail order under the Transport and Works Act 1992 (TWA) for on site rail infrastructure and the M11/A120 draft road orders subject to different approval processes than the planning applications were also deposited. Draft CPOs have also been received by the District Council. This report deals specifically with the non planning application aspects of the Stansted second runway proposal that are part of different approval processes.

Objections to G2 Orders

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- 2 All the issues associated with the TWA, the draft road orders, the CPOs and the planning applications will be considered as part of the Inquiry process scheduled for April 2009.

Summary of the Objections

- 3 The appendices to this report detail the reasons for the objections. The prime reason is the Council's long standing opposition to a second runway at Stansted, and the objections make it quite clear that any comments need to be considered in the light of that position. Appendix A raises concerns about the deliverability of the necessary associated rail infrastructure not part of the TWA. Appendix B details concerns over the adequacy of the proposed road proposals on the M11 and at Junction 8. Appendix C relates to the compulsory purchase of District Council land and property.

Inquiry Timetable

- 4 The Inquiry is scheduled to commence in April 2009. It is likely that the Inquiry will sit for a year with a decision likely to be reached in 2011.

Relevance to Corporate Objectives and Other Strategic Plans

- 5 The District Council's involvement in opposing the second runway development supports the priority contained within its 2007-09 Corporate Plan, as well as the restraint policies in the adopted Uttlesford Local Plan.

Legal Implications

- 6 It is a legal requirement under Section 239 of the Local Government Act 1972 to advertise that a resolution to object to the proposed statutory instrument under the Transport and Works Act 1992 entitled "Stansted Rail Improvement Order" relating to proposed rail works associated with the second runway at Stansted Airport and to appear at any public inquiry relating to that objection is being considered. To be effective the resolution must be passed by a majority of the whole 44 Members of the Council.

Finance and Resource Implications

- 7 The objection to the transport proposals and the compulsory purchase orders do not add to the costs of the District Council over and above the costs of fighting the Stansted second runway proposal as the forthcoming Inquiry will deal with the transport, planning and CPO issues as one. The District Council is working jointly with Essex and Hertfordshire CCs and East Herts District

Councils on a single integrated case.

Supporting Papers

8 Appendix A - UDC's letter of 18/6/08 – Transport and Works Act 1992 – Stansted Generation 2, Stansted Rail Improvement Order + objections from ECC and HCC

Appendix B – UDC's letter of 18/6/08 – Draft Orders for Stansted Generation 2 Airport Access from M11 and A120 + objections from ECC and HCC

Appendix C – UDC's letter of 14/5/08 – Stansted Airport Limited (Land at and in the Vicinity of Stansted Airport – Second Runway) Compulsory Purchase Order 2008 and Stansted Airport Limited (Land at and in the Vicinity of Stansted Airport – Offsetting Measures in Connection with the Second Runway) Compulsory Purchase Order 2008

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
3. The District Council's objections to the various orders are not considered valid.	1. There is a clear mitigating action.	3. Not obtaining the resolution could detrimentally affect the Council's ability to present a comprehensive case at the inquiry.	Passing of the resolution under Section 239 of the Local Government Act 1972.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.