

Committee: Full Council

Date: 21 October 2008

Title: Stansted Airport G1 decision

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Agenda Item

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Item for
information

Summary

This report advises Members of the terms of the decision.

Recommendations

The report be noted

Background Papers

The decision letters and reports can be viewed on the Department for Communities and Local Government website at <http://www.communities.gov.uk/planningandbuilding/planning/decisionsplanning/secretarystate/recentsecretary/stanstedairportgeneration1/>

Situation

1. BAA's appeal against the refusal of the Council to allow development at Stansted without complying with two conditions attached to its 2003 planning permission was allowed on 8 October. The Secretaries of State for Communities and Local Government and Transport decision grants planning permission with conditions. Many of these conditions are rolled forward from the 2003 permission granted by the Council but there are new conditions relating to strategic road access, water quality, waste recycling, water and energy efficiency, and nature conservation. A tighter air noise contour cap has been imposed (the area of the 57 Leq contour is reduced from 43.6 to 33.9 sq km to reflect the submitted Environmental Statement) The new limits are: annual passenger throughput is not to exceed 35 mppa; annual passenger air transport movements are not to exceed 243,500, annual cargo air transport movements are not to exceed 20,500 and light aircraft and non air transport movements such as positioning flights are not to exceed 10,000 in a year.
2. The Secretaries of State in coming to their decision accepted all the recommendations of Planning Inspector Alan Boyland, with one exception. He recommended that there should a new night noise condition based on the Environmental Statement. The Secretaries of State however took the view that

there are already regulations at Heathrow, Stansted and Gatwick. An additional planning condition would in effect set a new noise abatement objective over the 8 hour night noise period including the night shoulder periods 11:00 to 11:30 and 6:00 to 7:00 which the government had previously rejected following consultation “which took into account the views of a much wider range of participants”.

3. Key points in the Inspector’s conclusions were that:
4. The policy (on Stansted) in the ATWP establishes an urgent need to provide additional runway capacity in the South East. In particular, it supports making full use of the existing runway at Stansted;
5. While climate change is undoubtedly of great importance, questions of the appropriateness and effectiveness of Government policies on aviation and climate change, and their compatibility, are matters for Parliament;
6. In terms of principle, the appeal proposals were not in conflict with the development plan, and accord with the emerging RSS (it has since been adopted);
7. For those within the noise contours and to a reducing extent some way beyond, noise from increased air transport movements 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 facilities. Some, but not all, of this harm could be mitigated.
8. The impacts on health from air quality would be likely to be very small. The Health Impact Assessment supports the position that the proposals would have no unacceptable health effects;
9. While the evidence is tenuous, in view of the scale of the G1 proposals, some intensification of negative housing impacts could be expected, involving further erosion of traditional social linkages in smaller settlements and increased unauthorised activity. Appropriate mitigation is put forward by way of the community fund and parking enforcement contributions, but there would be the possibility of unmitigated residual effects.
10. Harm to Hatfield Forest and nearby woodlands from increased air pollution related to the increase in aircraft and surface traffic is unlikely.
11. The additional road traffic arising from G1 would not cause significant harm in respect of safety or road capacity;
12. The stated aim of increasing public transport mode share from 40% to 43% by 2014 with G1 is contingent on the necessary capacity on the rail network being provided.
13. The proposal would deliver large direct economic benefits, although the evidence does not reliably quantify this. There is no indication in Government policy that outgoing tourism expenditure should be deducted from the calculation of net benefits;
14. There is no basis to believe that Government policy support for G1 is dependent on progress with its Emissions Cost Assessment.

15. In relation to the issue of public transport improvements being contingent on necessary capacity on the rail network being provided, the Secretaries of State concluded that the Rail White Paper and High Level Output Statement published in July 2007 indicated a clear position on capacity enhancement anticipated for the West Anglia Main Line. They are therefore satisfied that appropriate enhancement measures will be forthcoming albeit that they remain subject to regulatory determination and agreement with the train operating company in 2008/09.
16. BAA made an application for an award of costs against the Council, Essex and Hertfordshire jointly and severally. Whilst this was termed "partial" in practice it related to most aspects of the respective cases. The grounds were that the Councils had behaved unreasonably resulting in unnecessary expense on the part of the appellants.
17. The Secretary of State found that the Council had not behaved unreasonably in relation to the weight it attached to the Air Transport White Paper; its approach to discussing mitigation; its evidence on air quality, which was substantial; and its approach to economic benefits, which did not amount to a challenge to Government policy. Whilst the relations between the Council and SSE could give rise to a perception of bias, there was nothing to demonstrate that any such bias influenced the Council's decision on the G1 application.
18. However, the Secretary of State found that the Council acted unreasonably in the following respects:
19. It was unable to produce substantial evidence of the adverse impact of noise on leisure and cultural activities; although it raised ground noise in its reasons for refusal it then agreed before the inquiry that no additional mitigation was necessary; it produced no substantial evidence to predict future impacts on the cohesion of communities; it indicated one week before the inquiry that it was not pursuing its water conservation reason for refusal on the basis that BAA and the Environment Agency had reached agreement on mitigation; the Council should have assessed Hertfordshire's case for a higher proportional contribution to the costs of the Little Hadham bypass than BAA accepted, and concluded a) the level of contribution sought was not in accordance with the circular on planning obligations, and b) there were no exceptional circumstances; the reason for refusal on climate change expressly sought to raise the issue of the relationship between government policies on air transport and climate change.
20. Accordingly, the Secretary of State has made a partial award of costs against the Council and Hertfordshire County Council. She orders the Council to pay to BAA and Stansted Airport Ltd the costs of the preparation of preparing and giving evidence to rebut reasons for refusal 2 (impact of noise on culture and leisure), 3 (quality of life) and 8 (climate change) over and above that which was necessary to address the cases of third parties; and the costs of preparing evidence to rebut reasons 1 (surface noise only) and 5 (water conservation) over and above that which was necessary to address the cases of third parties. She orders the Council and Hertfordshire to pay jointly and severally the costs of preparing and giving evidence to rebut reason for refusal 6 (Lt Hadham bypass contribution only).

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21. Officers are studying the decision and taking legal advice.