

**SPECIAL DEVELOPMENT CONTROL AND LICENSING COMMITTEE held  
at COUNCIL OFFICES SAFFRON WALDEN at 2.00 pm on  
12 SEPTEMBER 2002**

Present:- Councillor P G F Lewis – Vice-Chairman in the Chair.  
Councillors E C Abrahams, W F Bowker, Mrs C A Cant,  
Mrs M A Caton, Mrs J F Cheetham, Mrs C M Dean,  
Mrs E J Godwin, Mrs J I Loughlin, D M Miller and A R Thawley.

Also present at the Chairman's invitation:- Councillor R J Copping.

Cllr A Dean also attended.

Officers in attendance:- Mrs M Cox, R Harborough, J Mitchell, B D Perkins,  
M Perry and J Pine.

**DCL1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor R D Green and  
R B Tyler.

Councillors Mrs J F Cheetham, Mrs C M Dean and Mrs J I Loughlin declared  
non-prejudicial interests in the application as Members of NWEHPA.

Councillor A R Thawley declared a non-prejudicial interest as a member of the  
Council for the Protection of Rural England and the National Trust.

**DCL2 UTT/1000/01/OP – OUTLINE APPLICATION FOR THE EXPANSION OF  
STANSTED AIRPORT FROM 15 TO 25 MILLION PASSENGERS PER  
ANNUM (MPPA) INCORPORATING AN EXTENSION TO THE  
PASSENGER TERMINAL, PROVISION OF ADDITIONAL AIRCRAFT  
STANDS AND TAXI WAYS , AIRCRAFT MAINTENANCE FACILITIES,  
OFFICES, CARGO HANDLING FACILITIES, AVIATION FUEL STORAGE,  
PASSENGER AND STAFF CAR PARK AND OTHER OPERATIONAL AND  
INDUSTRIAL SUPPORT ACCOMMODATION: ALTERATIONS TO  
AIRCRAFT ROADS, TERMINAL FORECOURT AND THE STANSTED RAIL  
COACH AND BUS STATION TOGETHER WITH ASSOCIATED  
LANDSCAPING AND INFRASTRUCTURE.**

The Head of Planning and Building Surveying presented the report to the  
Committee. He said that extensive consideration had been given to the  
application at four previous meetings. In addition, Members had visited the  
site and there had been a number of progress reports to Committee. The  
opinions of supporters and objectors had been heard at two special meetings.  
Following the meetings on 24 June, 31 July and 16 August, officers had been  
instructed to negotiate with the applicant on a wide range of issues. The  
responses were set out in the appendices, as were the conditions and the  
heads of terms of the legal agreements. He considered that Members now  
had sufficient information for them to determine the application.

Members' thorough examination of the proposals had resulted in a substantial enhancement and clarification of the package of mitigation measures. The total cost of the package was around £30m, most of which would be achieved through a Section 106 Agreement and a Section 278 Agreement. There were a number of additional matters that had been negotiated and these were now included in the heads of terms of the planning obligation. Members would have to balance the application proposals and the mitigation package against the cost to the environment of people living in the locality of the airport. Officers concluded that the proposed development would comply with Government policy and with the Development Plan and that the additional measures gained from the requirements of the Committee materially contributed to the mitigation measures as well as to the wider social, amenity and infrastructure contributions from the proposed development.

Members were advised that the proposals in the Government's consultation on the Future of Air Transport for the south and east of England could not be a material consideration in deciding this planning application, and Members should consider this application on its own merits. A letter was reported from the Government Office for the East of England, which directed the Council, under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995, not to issue a decision notice until it had been authorised by the Secretary of State. This did not preclude the Committee from making a decision at this meeting; in fact the Regional Office had urged the Committee to do so.

A letter was reported from the Managing Director of BAA Stansted, which stated that there had been lengthy and full consideration and negotiation, and if the Committee could not determine the application at this meeting, BAA Stansted would initiate the appeals procedure to seek the determination of the application. Officers also made it clear that there would need to be sound planning reasons attached to any decision to refuse the application.

The Head of Planning and Building Surveying said that if the application was determined by the Secretary of State a rigorous approach was likely to be taken and many of the benefits negotiated locally might not be carried through. He referred to the recent decision on the terminal 5 proposals at Heathrow where, after a lengthy inquiry, the legal agreement had only included three obligations. He added that approval of the application would be subject to a legal agreement and this would need to be reported back to this Committee.

In conclusion, the Head of Planning and Building Surveying commended his colleagues for the tremendous amount of work that they had put into this application, and recommended that planning permission be granted subject to conditions and legal agreements

The Chairman then invited the following members of the public to speak:

**Objectors** Irene Jones  
Alyson Bailey  
Joyce Chapman  
Sylvia McDonald

**Applicant** Terry Morgan – Managing Director of BAA at Stansted Airport

Summaries of the comments made are attached to these Minutes.

The Chairman then invited comments from Members.

Councillor Copping said that the Committee was losing sight of the effect of the proposal. The Government represented the interests of the global economy and transport, whereas the local representative was charged with protecting the environment and amenity of local residents. He did not consider this proposal to be sustainable; every step anticipated a further step and approving this application would smooth the path to further development. He commended the Committee for trying to find ameliorating measures, but it was not possible to mitigate against the effects of the growth of the airport. He asked the Committee to reject the application and get the Government to take ultimate responsibility.

Councillor Mrs Caton asked questions about the proposed conditions, seeking clarification as to Stansted Airport's ability to set its own landing charges in conjunction with this Council and also to limit the number of ATMs. The Principal Planning Officer explained that Stansted Airport had the authority to set its own landing charges, subject to the CAA's role as economic regulator. These could be used as incentives rather than as a control on effects. A cap on air transport movements would operate through scheduling arrangements per season and would be controlled through condition up to 25mppa. This condition had been recommended to Members at the meeting on 24 June.

In respect of landing charges for Chapter 3 aircraft, Councillor Thawley commented that the airport was only committing itself to a review, and targets should be included. The Committee then discussed the number of night flight movements. Councillor Thawley considered that these numbers should be held at current permitted levels with decreasing numbers planned for future years.

Councillor Mrs Godwin said that during all the discussions on this application, the public's main concern had been noise and in particular the shoulder periods, which she considered to start too early in the morning and end too late in the evening. She was informed that condition ATM3 limited the number of ATMs during the morning shoulder period. However, Councillor Mrs Godwin still felt that it was unreasonable for people to only have between 5 and 6 hours of unbroken sleep and asked if there was any way that the times could be adjusted. Councillor Mrs Cant said the proposed number of ATMs in this condition was an increase and she felt that the numbers should be limited to the current quota. Councillor Mrs Cheetham said the proposed limits would mean a plane taking off every 1½ minutes during the shoulder period and this was not acceptable

The Principal Planning Officer said that the shoulder periods were defined by the Secretary of State. Councillor Alan Dean asked whether BAA could limit the ATM levels and the times of the shoulder period if they wished. He said there was a danger of BAA hiding behind legislation.

The Head of Planning and Building Surveying said that Members had to decide whether the mitigation package was sufficient to justify the worsening of conditions for local residents affected by the proposals. The proposed Section 106 Agreement went far beyond what other local authorities had been able to negotiate with an airport operator. Councillor Mrs Godwin said she appreciated the work that had gone into the negotiations and realised that substantial ground had been gained, but found it difficult to support the application because of noise issues and the inability to address the shoulder period. The Head of Planning and Building Surveying suggested that measures to address the issue of the shoulder period and night flights could be included in a planning obligation for further negotiation, to be reported back to the Committee.

Councillor Mrs Cant said that she found herself in a dilemma when deciding how to vote on this application. She used and enjoyed using the airport, but because it was a small airport in the country. She had looked carefully at the mitigation package for evidence that it would make a real difference but had not been convinced. She did not think that the airport should bear the brunt of cheap links to Europe. The proposal would result in environmental destruction, loss of amenity of the near neighbours to the airport and destruction of the rural way of life. There was low unemployment in the district and there would be more dependence on Stansted Airport Ltd. In respect of noise, Stansted Airport Limited was not prepared to compromise profits. People were prepared to travel long distances for cheap flights and would therefore be prepared to travel to a coastal site if that was an option. The proposal for 12,000 night flights over the year was not acceptable. The proposed mitigation package did not provide sufficient funds, nor include stringent measures. She commended Stansted Airport and officers for what had been achieved so far, but she did not consider this to be sufficient. The cost to humans and to the environment appeared to be second to economic considerations. The Committee was nitpicking on the minor aspects in the mitigation package, because the larger issues were too significant. She did not feel able to support the application.

Councillor Miller said that the Committee had been discussing this application for the last 18 months. Most of the points raised today had already been considered. He asked that the airport be pressed on the concessionary items, but felt that the time had come for the Committee to make a decision.

It was then moved by Councillor Miller and seconded by Councillor Lewis that planning application 1000/01/OP Stansted be approved, subject to the satisfactory completion of a planning agreement.

Councillor Lewis, in seconding the motion, said that he lived under two flight paths and was well aware of the effects of the airport. If he could get rid of the airport he would do so, but it was here and would stay and the clocks could not be turned back. He had studied the paperwork and felt that to defer the application would be hopeless, as BAA would go to appeal. He could see no justifiable reason for outright refusal. There was a lot to lose if the Committee opted for refusal in terms of the benefit of money and concessions negotiated locally. He did hope that officers could ask for some of the

obligations to be strengthened to address points made by Members at this meeting.

Councillor Thawley did not consider that there had been enough movement on the issues that really mattered. He did not think the application should be approved whilst officers were still trying to negotiate with the airport.

He therefore moved and it was seconded by Councillor Mrs Godwin that

“the application be deferred for negotiation on the issues raised at this meeting”.

The Head of Planning and Building Surveying said that Stansted Airport had made it very clear that they would appeal if this application was deferred. It was stressed that the approval would be subject to the satisfactory conclusion of legal agreements. Officers had been negotiating as requested by the Council, and he said that Members should feel proud of what they had achieved, as many of the improved mitigation measures had resulted from Member pressure. The Agreement had not yet been finalised and it would be brought back to the Committee for approval.

Councillor Thawley said he accepted assurances from officers that the issues had been correctly negotiated, but he found it difficult to approve something that was not yet finalised. Members asked about the implications of BAA not agreeing to the legal agreement. The Head of Legal Services said that if the approval was to be subject to a satisfactory legal agreement then if this was not satisfactory it would be reversed and the decision would fall.

Councillor Copping said that the Chairman had stated that there was no reason to refuse this application, but he felt that because of its significance there was every reason to refuse it. The questions from Members had showed dissatisfaction with the proposal. He would be very unhappy if it was approved and so would the residents of Uttlesford.

Councillor Bowker said that the major problem relating to this application was noise. The increase in flights would increase this problem and he referred to the increased noise from the M11 and the effects on local schools. He could not vote in favour of the proposal.

Councillor Mrs Loughlin said she had sat through a number of meetings and had listened to residents. In deciding how to vote on this application she felt she had to take into account the increase in noise overall and the effect on people in this area.

Councillor Mrs Cheetham mentioned three conditions that she would like to be looked at further. First, the proposal to increase the number of ATMs in the shoulder period from 23 to 38. Second, the ground noise and whether all aircraft could be required to link up to the Fixed Electrical Ground Power to cut down on engine noise. Third was the requirement for a bund at Burton End and around the aprons.

Officers said these matters would be addressed with BAA.

Councillor Mrs Godwin was also concerned about ground noise and was not confident that the Council would receive the positive answers that it required. She did not think that the Committee should make a decision until it was ready to do so.

Councillor Miller said that after two years of negotiation, the Council should now stand by its planning rules.

The meeting was then adjourned at 3.50 pm and reconvened at 4.00 pm.

The Chairman asked the Committee to vote on the amendment. Councillor Mrs Caton asked about the likelihood of costs against the Council if the application was deferred and BAA decided to appeal. She was advised that the likelihood was very high.

The Director of Community Services told the Committee that in reality they had two choices. A deferral would be tantamount to a refusal. If the matter went to appeal, the Committee could not presume that the negotiated matters would still be there at the end of the process. The Terminal 5 Inquiry had resulted in deficiencies, and for Stansted Airport there was a serious risk that concessions made on the major issues, eg relating to noise, would be lost. The decision would be on the basis of what the Secretary of State deemed appropriate to be included. If the Committee were hoping to go a few more inches then why not go down the path put forward by the Head of Building and Surveying to approve the application, subject to satisfactory completion of the legal obligation. He realised that this was a balancing act; this was a difficult decision, which was not helped by the other proposals that had recently come from the Government. He did not consider that there was sufficient reason to justify refusal in a public inquiry. The Government was still saying that airports should make the most of existing capacity and it was inevitable that there would be some more development at the airport.

Councillor Mrs Cheetham reminded the Committee of Alistair Darling's recent statement to the House of Lords with regard to SERAS. He had said that the first step in airport development would be to make the most of the existing capacity. The Head of Planning and Building Surveying said that this demonstrated that Government sympathy lay in that direction.

Councillor Copping said he was depressed when the Council talked about costs. This was not significant when set against the overall cost of enjoyment and quality of life. Councillor Mrs Cheetham pointed out that it was the Council Tax payers who would be obliged to pay these costs.

The amendment was then put to the vote and was lost by three votes to seven.

Before the motion for approval was put, Councillor Thawley asked that the Committee go through the issues to be further negotiated and strengthened. These matters were listed as

- the number of night flights

- the number of flights in the shoulder period
- the starting and finishing times of the shoulder period.

Officers advised that these matters would be better dealt with by means of negotiating with the applicant and being included within a planning obligation.

A number of Members then voiced concern at the deletion of the 'Health Study of Local Residents', from the list of obligations. The Essex Health Authority had said that there was no need for a base line health study. Members were of the view that noise did have a physical effect on the population. It was agreed that there should be a regular dialogue with the Health Authority to see if a review became necessary.

The Motion for approval was then put to the vote. Councillor Thawley asked that a recorded vote be taken.

RESOLVED that planning permission be granted subject to:

- 1 the satisfactory completion of legal agreements under S106 of the Planning Act and S278 of the Highways Acts
- 2 An additional condition B2 to address the issue of a new blast deflector on Site B
- 3 The conditions set out in appendix 2 except Conditions ATM1 and ATM3 which were to be placed in the legal agreement for further negotiation to seek to reduce the number of flights in the morning shoulder period, the number of night flights, and the starting and finishing times of the shoulder period.
- 4 BAA being required to have regular consultations with the Health Authority as part of the legal agreement to review the need for a baseline general health study to assess the effect of the airport on general health.
- 5 And that the legal agreements, on completion, being presented to this Committee.

**For the motion**

E C Abrahams, D M Miller, Mrs C M Dean, P G F Lewis, A R Thawley

**Against the motion**

W F Bowker, Mrs C A Cant, Mrs J I Loughlin

**Abstentions**

Mrs M A Caton, Mrs J F Cheetham, Mrs E J Godwin

The meeting ended at 4.55 pm.





## STATEMENTS BY MEMBERS OF THE PUBLIC

### (i) Irene Jones – local resident

I live in Broxton at the north end of the flight path and feel very expendable. Noise complaints made are not accepted. The noise is said to be below the required decibel levels, but the noise is aggressive and it has made me ill. The noise pollution is measured scientifically, but that is not how it is experienced. This summer there have been even more aircraft and the prospect of up to 25mmpa is frightening. Noise insulation does not work in the summer. My life has been ruined and there is prospect of more to come.

### (ii) Alyson Bailey – Chairperson of the Thorley Manor Residents Association and Chair for the AIR Group

I am Alyson Bailey -Chairperson of the Thorley Manor Residents Association and Chair for the AIR group (Association of Independent Residents of Bishop's Stortford and surrounding parishes). I represent the interests of the residents of Bishop's Stortford and the surrounding parishes.

Bishop's Stortford is the largest town (of approx 34,000) affected by any proposed increase in air traffic from Stansted Airport. The Buzad route that circles the town means that the noise heard on the ground continues for far longer than if it was being flown straight by. We also get the 'back thrust' noise from aircraft departing on the Clacton and Dover routes. At the present level of 15mmpa we are suffering considerably - to the extent that during the summer we cannot sleep with our windows open unless we wish to be awoken at 6.00 am. Even with the windows closed it is very difficult to remain asleep much past 7.00 am. The night flights can also cause a very disturbed night's sleep.

It has been stated that if you can hear aircraft above your TV; if the noise drowns out conversation in your garden; if you are awoken by the noise of aircraft -then you have a noise problem! The Leq contours do not adequately reflect the way noise is heard on the ground and those outside the 57 Leq contour (used in government maps and statistics) would strongly dispute the idea that they do not suffer the effects of noise for long periods of time. If the 54 Leq contour that is the World Health Organisation standard for noise that becomes intrusive were used, it would cover a much greater number of residents and be more representative of noise disturbance.

On the Buzad route it would appear aircraft are reaching the magical 3000' earlier now and are being vectored off to more direct routes. The Flight Evaluation Unit is only responding to complainants now if there is either a noise infringement or the aircraft is off track. This highly unsatisfactory practice only confirms to residents that Stansted doesn't really take our complaints seriously.

The AIR group collected over 10,000 signatures in 1999 in an attempt to reduce the populated areas affected by aircraft noise. That was just before the Korean Airlines crash - so you can see a significant number of people in East Herts were concerned about their health and safety even then. Although the day- to-day concern of the residents is noise pollution there is an increased worry about safety issues.

Stansted Airport Limited has a very slick PR machine and has the financial resources to aid them in their desire to expand. However, the residents have no such advantage and look to

the councillors of Uttlesford to represent their interests. Whatever is decided on this planning application cannot ever be reversed. It will permanently affect thousands of people in wide ranging areas.

If this was a planning application for a ten-lane highway or a factory that produced both noise and air pollution would it be possible to refuse the application on grounds that it was detrimental to the area? Surely an increase in aircraft movements must produce more noise and air pollution and is detrimental to the environment and people's health.

If this application for 25mppa is approved it is logical to predict that the next step will be an application for an increase to 40 or 50mppa. Surely by indicating to government that the increase is acceptable it would make Stansted more attractive for an expansion with an extra three runways! Although this application is not directly related to the proposals in the SERAS report, to the person in the street it is the first step on the road to an airport with double the capacity of Heathrow today!

I do not envy the councillors the difficult job they have but would urge them to vote with their consciences and restore the residents' faith in local government. You are all we have to protect us from the potential desecration of our countryside and quality of life. Already many people I have spoken with are making plans to move from the area because of the plans for Stansted. Surely this cannot be right!

Once again I would say that the eyes of thousands of people in the area and beyond are looking to the councillors to send a message to the government that we do not believe expansion at Stansted is suitable for the area. Stansted has always been promoted as 'The Airport in the Countryside' - that would not last for long if you indicate that expansion is an acceptable proposition

**(iii) Joyce Chapman – Bishop's Stortford and District Footpaths Association**

I live in Great Hallingbury and am personally affected by the airport. In relation to my role as representative of the Ramblers Association, there are 700 miles of rights of way in the district. People come from far away to walk here to see charming Essex villages and secluded green lanes. The routes near the airport are not pleasant to walk. Expansion of the airport will spoil the tranquillity and quality of life in the district and I urge the committee to reject the application.

**(iv) Sylvia McDonald – Thorley Parish Council**

The Thorley area experiences noise as aircraft turn towards the Clacton route. The flight path is not always used as agreed and there is an increase in early morning flights. There is not an independent monitor of noise. The problem of compensation for noise has not yet been resolved and this should happen before the application is determined. Also the present definition of noise contours is not acceptable and this should be sorted out before further development. Development beyond the 15mppa is unsustainable.

**(v) Terry Morgan – Managing Director of BAA at Stansted Airport**

This application has been subject to most extensive consultation over the past two and a half years.

It has been a significant application for the Committee to consider. We have listened carefully to your views, and through negotiations with officers, tried to find the best way to provide necessary safeguards for the community .

The result is a comprehensive set of conditions and obligations.

Many of these are new and powerful. I will highlight only three today.

### **On Aircraft noise.**

We have suggested:

That the total number of air transport movements, and the total number of cargo movements, should be set by the Council for the first time  
That BAA be obliged to review its charges with the objective of reinforcing incentives to reduce the use of chapter 3 (high noise) aircraft.

### **On Affordable Housing**

There is a major opportunity for the Council here.

We have increased our contribution to £2.2m but, more importantly;

The Housing Corporation has indicated that it is prepared to support the mixed tenure proposal with further funding. This could increase the total to over £5m with every prospect of attracting more. The fund could also exist in perpetuity .

This partnership approach would deliver much more social rented housing than direct investment of BAA funds.

### **To Sum Up**

These conditions and obligations, and many others recommended by officers, could be lost if the application goes to appeal.

We have now reached the stage where further deliberation will not change the package currently before you.

It is entirely reasonable for BAA to expect a decision now.

I urge you to secure the opportunity for local partnership, by making a positive determination.