

Committee: Development Control and Licensing Committee

Date: 9th January 2003

Agenda Item No: [[Click here to enter number](#)]

Title: UTT/1000/01/OP

Outline Application for the Expansion of Stansted Airport from 15-25 Million Passengers Per Annum (Mppa), incorporating an 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.

Report on the draft s106 agreement

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Summary

- 1 Members will recall that at their meeting of 12th September 2002 it was resolved to grant planning permission for the above development subject to the satisfactory conclusion of legal agreements under section 106 of the Town and Country Planning Act, 1990, and section 278 of the Highways Act. A report setting out the terms of the legal agreement with cross references to the resolution of the meeting of 12th September 2002 was considered by the Committee on 16th December 2002.
- 2 At that meeting Members resolved to defer consideration for a special meeting of the Committee to examine the draft legal agreement in detail. Members also instructed the Chairman and the Head of Planning and Building Surveying to meet with the Applicants and to seek tighter controls over the whole night flying regime, including shoulder periods. That meeting has taken place. The applicants have not materially shifted their position, but they have conceded that they will be bound to directly draw the Secretary of State's attention to their undertaking in the draft legal agreement (if the application is approved) not to seek an increase in the night flight restrictions and the night quota period.

- 3 Members will recall that the resolution to grant permission was subject to requirements for a condition requiring the provision of a new blast deflector, regular consultations with the health authority for a baseline study of the effects on general health, should it prove necessary and also to seek reductions in the number of night flights, the number of flights in the morning shoulder period and the start and finish times of the shoulder periods.
- 4 Everything required by the Committee is incorporated into the draft legal agreement, except the matter of a reduction in night flights and revisions of shoulder periods. The legal agreement does contain a clause that limits night flights and use of the shoulder period to the current quotas imposed by the Secretary of State, as set out in paras 6 and 7 of part 1 of the fourth schedule of the draft agreement (page 9)
- 5 The applicants argue that the airport is designated under s78 of the Civil Aviation Act 1982. Responsibility for night time regime lies with the Secretary of State for Transport, and the present restrictions were announced in June 1999 and expire in summer next year. It is the responsibility of STAL to operate within the confines of those restrictions. The power to restrict or limit movements at the airport lies with the Secretary of State, not STAL. Consequently it is not possible to seek a reduction in night flights through the mechanisms available in determining this application.
- 5 There will shortly be a round of consultation on the night noise regime. This was supposed to commence around about now but the timetable is slipping. It will also be subject to EU Directive 2002/30/EC which comes into force on 28 September 2003, but which the government will follow. It requires a balanced approach. Members will therefore have the opportunity to make strong representations on this issue directly to the Secretary of State later this year.
- 6 It is most unusual to bring legal agreements back before the Committee for ratification. Officers consider that it is necessary in this case because of the significance of the proposed development. Members are reminded that the Committee has resolved to grant planning permission subject to the terms of this agreement. Unless Members consider, and are able to demonstrate, that the agreement materially fails to address the terms of the resolution of the meeting of 12th September, then the permission should be issued.

Background

- 7 The draft legal agreement is incorporated into the body of this report but is also attached as a separate document for ease of reference at Appendix 3. It is stressed that this is a legal document and the language, punctuation and structure may appear unfamiliar. The opening 8 pages comprise 13 sections on procedural and legal matters and are standard to most agreements. For further ease of reference appendix 1 is the proposed conditions and appendix 2 the resolution of the meeting of 12th September 2002.

- 8 There then follow 5 schedules. The first three set out the permission, the planning application and title. The fourth and fifth address the issues subject to the Committee resolution of 12th September.
- 9 The next part of this report sets out the opening 11 sections of the draft agreement. The remainder of this report takes the resolution of the meeting of 12th September insofar as it relates to the heads of terms for inclusion in the s106 agreement and cross refers to parts 4 and 5 of the draft legal agreement. It will be noted that the draft legal agreement specifies, where necessary, targets, trigger points or dates, and outcomes.
- 10 Other matters raised by Members at their meeting of 16th December, and as subsequently brought to the attention of the Head of Planning and Building Surveying, will be considered at the meeting.

- 1.13. "Implementation" shall mean the implementation of the Permission by the carrying out of any material operation (as defined by s. 56 of the 1990 Act) pursuant to the permission
- 1.14. "Implementation Date" shall mean the date specified by STAL to the Authorities in a written notice served upon the Authorities as the date upon which the development authorised by the Permission is to be commenced or if no such notice is served the actual date of implementation
- 1.15. "Local Road Network" shall mean roads within five mile of the perimeter of the Airport together with such other roads beyond that distance as shall be identified by ECC as being likely to be affected by increased traffic arising from the increased capacity of the Airport excluding motorways and trunk roads
- 1.16. "mppa" shall mean million passengers per annum taking off from and landing at the Airport
- 1.17. "NATS" shall mean National Air Traffic Services or any body succeeding to its functions
- 1.18. "the Night Time Restrictions" shall mean the Night Time Restrictions at Heathrow Gatwick and Stansted Scheme published by the Department of Environment Transport and the Regions dated 10th June 1999 and revised 31st October 1999 as amended from time to time
- 1.19. "Opening Date" shall mean the date that the terminal extension at the Airport authorised by the Permission is opened for use by the public
- 1.20. "the Permission" shall mean the planning permission (a draft of which is annexed at Schedule 1 to this agreement) granted by UDC in respect of the Planning Application
- 1.21. "the Plan" shall mean the plan annexed hereto
- 1.22. "the Planning Application" means the application made by STAL under reference number UTT/1000/01/OP (a copy of which is annexed at Schedule 2 to this agreement)
- 1.23. "SABF" shall mean the Stansted Airport Business Forum consisting of the Stansted Airport Business Forum consisting of representatives from business support organisations, regional development agencies, local authorities, airport companies and the Airport operator to discuss how to utilise the economic benefit generated by Stansted Airport; representatives

will be drawn from an area nominally defined as being within 30 miles of the Airport boundary as shown on Plan [xxxx] attached at schedule yyyy. The SABF will be supported by appropriate sub-groups as constituted by the SABF from time to time

1.24. "SAEF" shall mean the Stansted Airport Employment Forum consisting of representatives from public, private and voluntary organisations with responsibilities for employment strategy and training constituted by STAL on an annual basis. The SAEF will be supported by appropriate sub-groups as constituted by the SAEF from time to time

1.25. "SASAS" shall mean the Stansted Airport Surface Access Strategy prepared by STAL to increase the use of public transport by air passengers and staff at the Airport as recommended in the Transport Policy White Paper of 1998 or as amended from time to time

1.26. "the SATF" shall mean Stansted Airport Transport Forum as constituted at the date of this agreement or such other body as shall from time to time fulfil the objectives of that Forum

2. Recitals

2.1. UDC is the District Planning Authority within the meaning of the 1990 Act for the District in which the Airport is situated

2.2. ECC is the County Planning Authority within the meaning of the 1990 Act for the County in which the Airport is situated

2.3. STAL is registered at HM Land Registry as proprietor of the Airport with freehold title under the Title Numbers set out in Schedule 3 to this agreement

2.4. STAL has made the Planning Application to UDC

2.5. UDC EEC and STAL have agreed to enter into this agreement pursuant to the operative powers described in clause 3 of this agreement for the purpose of regulating the Development and use of the Airport

2.6. 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 s.106 and s.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 and section 2 of the 2000 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 as to the obligations set out in the Fourth Schedule to this agreement and by ECC and UDC as to the obligations set out in the Fifth Schedule to this agreement

4. Obligations undertaken by STAL

4.1. With the intent that the Airport 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 so that the provisions of this agreement shall be enforceable against STAL and its successors in title STAL hereby:-

4.1.1. Covenants with UDC to observe and comply with the obligations contained in Schedule 4 hereto

4.1.2. Covenants with ECC and as a separate covenant with UDC to observe and comply with the obligations contained in Schedule 5 hereto

4.1.3. Covenants with ECC and as a separate covenant with UDC not to part with its interest in the Airport or any part or parts thereof without

4.1.3.1. Giving each of the Authorities prior notification of its intention to part with the interest identifying the area concerned and

4.1.3.2. If so required by either of the Authorities procuring a covenant from the proposed successor with ECC and UDC to observe and perform the provisions hereof so far as the same remain to be observed and performed and in the case of a transfer or lease or other devolution of part so far as those provisions relate to that part or those parts

4.2. The liability of STAL under this agreement shall cease once STAL has parted with its interest in the Airport or any relevant part thereof (in which event the obligations of STAL under this agreement shall cease only in relation to that part or those parts of the Airport which is or are transferred by STAL) but not so as to release STAL from liability for any breaches hereof arising prior to or from the transfer

5. Notice of Implementation

5.1. STAL will give UDC not less than 28 days notice of its intention to implement the permission specifying the intended Implementation Date

5.2. Forthwith upon Implementation STAL will give UDC notice of Implementation

6. Provisos and Interpretation

6.1. No provision of this agreement shall be interpreted so as to affect contrary to law the rights powers duties and obligations of ECC or UDC in the exercise of any of their statutory functions or otherwise

6.2. 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 provisions 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

6.3. No waiver (whether express or implied) by ECC or 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 ECC or UDC from enforcing any of the said obligations covenants or terms and conditions or from acting upon any subsequent breach or default.

6.4. Insofar as any parts of this agreement may be subject to the rule against perpetuity those parts shall remain in force for as long as any of the provisions hereof remain to be performed or observed or 80 years whichever shall be the shorter

6.5. References in this agreement to sums of money shall be deemed to mean that sum plus a percentage thereof equivalent to the percentage increase in the Retail Price Index from the date hereof to the date that STAL shall pay 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 part payments

7. Review

7.1. With the intention of continuing the mitigation of the effects of the Airport on the community no later than 31st December 2008 the parties hereto shall enter into negotiations in good faith with the aim of extending the period and

scope of this agreement in relation to Part 3 paragraph 1.1 Part 10 paragraph 1 Part 11 and Part 17 of Schedule 4 to this agreement

8. Agreements and Declarations

- 8.1. The covenants provisions and obligations of this Agreement shall take effect only upon the Implementation Date and in the event that the Planning Application is refused or the Permission not implemented and expires the terms of this Agreement shall absolutely cease and determine without further obligation upon STAL or its successors in title
- 8.2. The provisions and obligations of this Agreement shall absolutely cease and determine without further obligation upon STAL or its successors in title if the Permission is revoked is modified without the consent of STAL expires or if a separate planning permission is subsequently granted and implemented which is incompatible with the Permission
- 8.3. Save as specifically provided in the Fourth Schedule or the Fifth Schedule to this Agreement nothing in this Agreement shall prohibit or limit the right to develop any part of the Airport in accordance with any planning permission (other than one relating to the Development)
- 8.4. This Agreement constitutes a Local Land Charge and shall be registered as such provided that the Authorities will 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

9. Exclusion of the 1999 Act

- 9.1. Save for as referred to in clause 9.2 of this agreement 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
- 9.2. Clause 9.1 of this agreement shall not prevent
- 9.2.1. East Hertfordshire District Council from seeking to enforce Schedule 4 Part 3 paragraph 5 of this agreement by virtue of the 1999 Act
- 9.2.2. Hertfordshire County Council or East Hertfordshire District Council from seeking to enforce such parts of Schedule 5 of this agreement as may relate to roads within their respective areas by virtue of the 1999 Act

10. Notices

- 10.1. 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.
- 10.2. 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 Head of Planning Services of that Council

11. Costs

- 11.1. Upon the execution of this agreement STAL will pay the reasonable costs of ECC and UDC in connection with the negotiation and preparation thereof

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

THE FIRST SCHEDULE

(The Permission)

THE SECOND SCHEDULE

(The Planning Application)

THE THIRD SCHEDULE

(Title)

THE FOURTH SCHEDULE

(Obligations entered into by STAL with UDC)

THE DRAFT LEGAL AGREEMENT – PARTS 4 AND 5

Resolution of DC&L Committee 12 th September 2003	Reference to s106 agreement
1 Obligations relating to air noise	Part 1 of the legal agreement
<u>Noise insulation schemes</u>	
1.1 To carry out consultation on the 8 to 15 mppa noise insulation scheme for the Department for Transport as soon as possible	<ol style="list-style-type: none"> 1. To use its best endeavours to procure the consent of DfT as soon as is reasonably practicable after the Date of Grant to enable STAL to carry out the consultation on the noise insulation grants schemes approved by DfT in relation to both 8 mppa and 15mppa on behalf of DfT 2. Within 3 months of obtaining the consent referred to in paragraph 1 of this Part to carry out such consultation on behalf of DfT and to report the results of such consultation to both DfT and UDC within one (1) month of the results being available to STAL
1.2 To set aside reasonable sufficient funds for noise insulation schemes in accordance with the requirements of the Department for Transport.	3. Forthwith upon DfT introducing a statutory scheme for noise insulation to implement such schemes and to make sufficient funds available for that purpose
1.3 To implement the schemes as soon as they have been finalised by the Department for Transport	4. As soon as is reasonably practicable after the Date of Grant to request DfT to design or procure the design of a statutory scheme for noise insulation relevant to the Development and to introduce such scheme
1.4 To provide a noise insulation scheme for community buildings within the area of the statutory scheme, with priority to schools, subject to there being residual funding available from financial provision for the statutory scheme.	5. In the event that there shall be surplus funds after the statutory scheme for noise insulation referred to in paragraph 3 of this Part has been implemented to apply such funds in the provision of noise insulation for such schools and other community buildings within the area of the statutory schemes as shall be agreed with UDC as soon as is reasonably practicable
1.5 Not to seek relaxation in the current	6. From the date of this

<p>2001/2 DfT night flight restrictions for the night period 2300 – 0659 and for the night quota period 2330- 0559.</p>	<p>agreement not to seek any relaxation of the night flight restrictions currently in force for the night period of 23.00 – 06.59 or for the night quota period of 23.30 – 05.59</p>
<p>1.6 To use reasonable endeavours to ensure that no QC4 movements will be scheduled during the night quota period 2330-0559.</p>	<p>7. From the Opening Date:- 7.1. To limit the number of aircraft movements between the hours of 23.30 and 06.00 to 12000 per annum or such other number as shall from time to time be specified by DfT (excluding aircraft movements which are exempt from the Night Time Restrictions 7.2. Not to schedule aircraft of a type which has noise certification levels of 8 or 16 Quota Count Points under the Night Time Restrictions to take off or land between 23.00 and 06.59</p>
<p><u>Good practice</u></p>	
<p>1.7 To use reasonable endeavours to work with airlines and stakeholders to adopt operational procedures and practices aimed at achieving continuous improvement against current levels in the minimisation of the impact of air noise, and</p>	<p>8. From the Implementation Date to use reasonable endeavours to work with the Flight Operations Committee to adopt operational procedures and practices aimed at achieving ongoing improvements in the levels of and the minimisation of the impact of air noise including:-</p>
<ul style="list-style-type: none"> • to eliminate the use of reverse thrust during the night period 	<p>8.1 The avoidance of the use of reverse thrust between 23.00 – 06.59 consistent with flight safety</p>
<ul style="list-style-type: none"> • ban the use of visual approaches by arriving aircraft, except in the event of an emergency or diversion 	<p>8.2 The prevention of the use of visual approaches by in-coming aircraft except in the event of an emergency or necessity</p>
<ul style="list-style-type: none"> • adopt Continuous Descent Approaches where possible, 	<p>8.3 The use of Continuous Descent Approaches wherever possible consistent with flight safety</p>
<ul style="list-style-type: none"> • measure performance against the Arrivals Code of Practice 	<p>8.4 The monitoring of the performance of airlines against the Noise from Arriving Aircraft an Industry Code of Practice published by the Department of Transport Local Government and the Regions in September 2001</p>

	and any revisions or replacements thereof
<ul style="list-style-type: none"> continue to review codes of good practice with NATS 	8.5 To regularly review Codes of Practice from time to time published by DfT with NATS
<ul style="list-style-type: none"> report on the work of Stansted Airport Ltd and the Flight Operations Committee 	8 From the Implementation Date to use reasonable endeavours to work with the Flight Operations Committee to adopt operational procedures and practices aimed at achieving ongoing improvements in the levels of and the minimisation of the impact of air noise including:-
<u>Voluntary incentives and controls</u>	
1.8 To maintain and enhance existing voluntary incentives and controls to reduce aircraft related noise and to use reasonable endeavours to reduce aircraft noise further by examining and where possible and appropriate, introducing additional incentives and controls. This will include a review of the charging regime with the objective of reinforcing incentives to reduce the use of noisier aircraft by April 2004.	9. From the date of this agreement to maintain and enhance to the extent that it is lawful for STAL to do so the existing voluntary incentives and controls to reduce aircraft noise and to use reasonable endeavours to reduce aircraft noise further by introducing additional incentives and controls when it is possible and lawful to do so and in particular (but without prejudice to the generality of the foregoing) to review charges with the object of enhancing incentives to the extent that it is lawful for STAL to do to reduce the use of aircraft having a certified noise performance which falls within 5 EPNdB of Chapter 3 limits as defined in the International Civil Aviation Organisation Annex 16 Volume 1 Chapter 3 by April 2004
1.9 To commit monies received from fines for flagrant and persistent off track flying imposed under Stansted Airport's operational terms and conditions to a Community Fund.	10. From the Implementation Date unless paid directly to the Community Fund to pay UDC for UDC to pay to the Community Fund established pursuant to Part 13 of this Schedule the amount of any penalties received by STAL for off-track flying such payments to be made to UDC on each anniversary of the implementation of the Permission and to be

	<p>accompanied by a statement setting out details of all penalties received during the preceding 12 months</p> <p>11. To give UDC access to records of STAL relating to penalties referred to in paragraph 10 of this part of this Schedule for the purposes of audit by UDC only if requested by UDC to do so.</p>
<p>1.10 To review the procedures, practices and processes of the Flight Evaluation Unit</p>	<p>12. Within 12 months of the Implementation Date to review the procedures practices and processes of the FEU and to report the results of such reviews to UDC and thereafter to report on the activities of the FEU within the annual Sustainability Report published by STAL pursuant to Part 18 of this Schedule</p> <p>13. To take all reasonable and proportionate steps to implement any improvements identified by the review referred to in paragraph 12 of this Part and the annual Sustainability Report published by STAL pursuant to Part 18 of this Schedule as soon as is reasonably practicable after such improvements shall have been identified</p>

<p>2 Ground Noise</p>	<p>Part 2 of the legal agreement</p>
<p>2.1 To construct a ground running facility for the purpose of routine ground running of engines for maintenance/ testing, involving the construction of approximately 3,500 sq m of pavement and a noise wall, to be operational by 30 September 2004, subject to obtaining the necessary consents.</p>	<p>1. Subject to the necessary consents being obtained to construct a ground run facility comprising approximately 3500 square metres of pavement and noise wall for the routine ground running of engines for maintenance and testing such facility to be complete and in operation by 30th September 2004</p> <p>2. To submit an application for planning permission for the ground run facility referred to in paragraph 1 of this Part by [insert date] and to use all reasonable endeavours to procure the grant of planning</p>

	permission and all other necessary consents as soon as is reasonably practicable thereafter
2.2 To review the Stansted Ground Noise Management Strategy by 30 September 2004 and, following consultation with all relevant stakeholders, identify measures to minimise the effects of ground noise, including consideration of:	<p>3. By 30th September 2004 to produce a Stansted Ground Noise Management Strategy in consultation with UDC and airlines and those representing local communities adjoining the Airport perimeter to identify measures to minimise the effects of ground noise to include:-</p> <p>3.1. operational and procedural controls on the ground running of engines</p> <p>3.2. the use of Fixed Ground Electrical Power</p> <p>3.3. identification of key performance measures to enable monitoring of ground noise management</p> <p>3.4. the provision of Pre-Conditioned Air supplies</p> <p>3.5. the identification of suitable areas for practical and effective Airport noise attenuation bunding and landscaping within the Airport Boundary</p> <p>4. To review the Stansted Ground Noise Management Strategy not less frequently than once in every 5 years</p>
• Operational and procedural controls on ground running of engines	See 3.1 above
• Use of Fixed Electrical Ground Power	See 3.2 above
• The identification of key performance measures to measure the management of ground noise	See 3.3 above
• Provision of Pre Conditioned Air supplies	See 3.4 above
2.3 To implement a Ground Noise Management action plan, including opportunities for bunding and screening to be agreed with those representing local communities adjacent to the perimeter by July 2003.	<p>See 3, 3.5, 4 above</p> <p>5. To use all reasonable endeavours to implement the Stansted Ground Noise Management Strategy as soon as shall be reasonably practicable after the same shall have been produced and to implement any</p>

	<p>revisions thereto as soon as shall be reasonably practicable after such revision</p> <p>6. To report on progress against the Strategy referred to in paragraph 3 of this part as revised from time to time annually in the Sustainability Report published by STAL pursuant to Part 18 of this Schedule</p>
<p>2.4 To ensure that, except in exceptional circumstances, no live movements by cargo aircraft take place on Echo apron between the hours of 2330 and 0600.</p>	<p>7. From the Implementation Date not to permit any cargo aircraft movements using the aircrafts own power supply upon Echo Apron between the hours of 23.30 and 06.00 save for in cases of emergency or necessity</p>
<p>2.5 To ensure that, except in exceptional circumstances, no APUs to be operated on the Echo apron between 2330 and 0600 except for 10 minutes by any aircraft arriving on stand before 2330 at night and except for up to 60 minutes by any aircraft departing after 0600 in the early morning. To take all reasonable steps to prioritise 100% serviceability of FEGP provision to all Echo apron stands to facilitate compliance with this obligation.</p>	<p>8. From the Implementation Date not to permit the use of Auxiliary Power Units on Echo Apron between 23.30 and 06.00 except for</p> <p>8.1. Up to 10 minutes for any aircraft arriving on an Echo Apron stand after 23.30</p> <p>8.2. Up to 60 minutes by any aircraft departing from an Echo Apron Stand after 06.00</p> <p>8.3. Cases of emergency or necessity</p> <p>See also 3.4 above</p>

3 Air Quality	Part 3 of the legal agreement
<p>3.1 To develop and implement a revised Air Quality Management Strategy by 30 September 2003 following consultation with all relevant stakeholders</p>	
<p>3.2 To have completed an odour study by 30 September 2004 and to implement any reasonable appropriate and proportionate measures to mitigate odour emissions directly attributable to Stansted Airport</p>	<p>5. Stansted Airport Limited will commission an Odour Study to undertake reasonable and appropriate research on the impact of odour emissions from Stansted Airport on the local area:</p> <p>5.1 The scope of the study shall be submitted Uttlesford District Council for approval, such approval not to be unreasonably withheld</p>

	<p>5.2 The study shall be undertaken by <i>[insert date]</i></p> <p>5.3 A report of the study shall be submitted in writing to Uttlesford District Council and East Hertfordshire District Council.</p> <p>5.4 Where appropriate STAL shall propose and implement reasonable appropriate and proportionate measures to mitigate odour emissions directly attributable to the Airport as soon as is reasonably practicable</p>
<p>3.3 Subject to obtaining the necessary consents, between 2003 and 2009 (with a review no later than 2009) to carry out air quality monitoring in the vicinity of the airport. Monitoring to include: continuous monitoring of oxides of nitrogen and fine particulate matter (PM₁₀) at one fixed site, such monitoring to be conducted for a period of three months in each year until 2005 and throughout each year thereafter, and diffusion tube monitoring at additional sites.</p>	<p>1. STAL shall until 2010 monitor air quality in the vicinity of the Airport in the following terms:</p> <p>1.1 continuous monitoring of oxides of nitrogen and fine particulate matter (PM₁₀) at a fixed site to be agreed with UDC such monitoring to be conducted for a period of three months in each year until 2005, and throughout each year thereafter.</p> <p>1.2 diffusion tube monitoring of nitrogen dioxide levels at not less than 4 sites to be agreed with UDC</p>
<p>3.4 To undertake and produce in 2005 a revised Airport emissions inventory for oxides of nitrogen and fine particulate matter (PM₁₀).</p>	<p>2 STAL shall:</p> <p>2.1 undertake and produce in 2006 a revised Airport emissions inventory for oxides of nitrogen and fine particulate matter (PM₁₀).</p> <p>2.2 undertake and produce in 2006 predictive dispersion modeling of nitrogen dioxide levels and fine particulate matter (PM₁₀) levels anticipated in 2010.</p>
<p>3.5 To undertake and produce in 2005 predictive dispersion modelling of nitrogen dioxide levels and fine particulate matter (PM₁₀) anticipated in 2010</p>	<p>See 2 above</p>
<p>Monitoring</p>	<p>3 STAL shall make the results of its obligations set out above available to UDC within</p>

	<p>28 days of the final results becoming available to STAL</p> <p>4. To undertake any works required by National Government for the reduction and control of emissions of the type referred to in paragraph 1.1 of this part as soon as is reasonably practicable after such requirements shall have been introduced</p>
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4 Obligations relating to surface access to the airport	Part 4 of the legal agreement
<u>Car parking levy</u>	
4.1 Not to permit the use of any public or common use staff car park without charging a levy.	<ol style="list-style-type: none"> 1. From the Implementation Date not to permit the use of any public car parking facilities to be used without charging a levy in respect of such use 2. From no later than 12 months after the Implementation Date not to permit the use of any communal use staff car parking facilities to be used without charging a levy in respect of such use in addition to the car park tariff payable in respect of such use
4.2 The levy to be at least equal to the amount of the levy during the financial year 2001-2 taking into account inflation.	<ol style="list-style-type: none"> 3. The levies referred to in paragraphs 1 and 2 of this Part shall be not less per transaction than the levies charged during the financial year 2001/2002 and shall be reviewed by STAL in each subsequent financial year taking into account all relevant factors including any increase in the Retail Price Index during the preceding year. 4. The obligations referred to in paragraphs 1 and 2 of this Part shall absolutely cease and determine in the event any levy or tax of whatever nature is raised by UDC or ECC or the highway authority from time to time or by any other person body or authority with authority to do so on vehicles leaving or entering the Airport or on vehicles using the Local Road Network (other than for on-street parking) or using the Airport roads or on-Airport parking facilities.
4.3 To use the income from the levy to finance initiatives which promote, in accordance with the Stansted Airport Surface Access Strategy, the use by passengers and staff of modes other than by private car and taxi for surface access to and from the airport and, with regard to	<ol style="list-style-type: none"> 5. Without prejudice to the other obligations of STAL hereunder with effect from the Implementation Date to apply the income from the levy referred to in paragraph 1 of this Part to finance initiatives in accordance with the Stansted Airport Surface Access Strategy to promote the use by

<p>staff, the encouragement and promotion of car sharing. Such initiatives are in addition to the rail infrastructure and rolling stock funding necessary as result of the proposed development, the cost of which BAA is responsible for meeting, and which BAA is responsible for making happen.</p>	<p>passengers staff of STAL and others employed at the Airport of modes of transport to and from the Airport other than private motor vehicles hackney carriages and private hire vehicles and (in the case of staff of STAL and others employed at the Airport) to encourage and promote car sharing</p>
<p><u>Mode share targets</u></p>	
<p>4.4 To use reasonable endeavours to achieve a reduction in the percentage of staff journeys to/from the airport by private car by 2010 so that no more than 80% of all staff employed at the airport in 2010 drive to/ from the airport by private car.</p>	<p>5 Without prejudice to the other obligations of STAL hereunder with effect from the Implementation Date to apply the income from the levy referred to in paragraph 1 of this Part to finance initiatives in accordance with the Stansted Airport Surface Access Strategy to promote the use by passengers staff of STAL and others employed at the Airport of modes of transport to and from the Airport other than private motor vehicles hackney carriages and private hire vehicles and (in the case of staff of STAL and others employed at the Airport) to encourage and promote car sharing</p> <p>6. To use all reasonable endeavours to achieve a reduction in the number of persons employed at the Airport driving to and from the Airport by private car to no more than 80% of the total of all such persons by 31st December 2010</p>
<p>4.5 To use reasonable endeavours to achieve an increase in the percentage of air passengers using public transport to/from the airport to a level of 37% by 2010 and to adopt a longer term target of 40%..</p>	<p>6 To use all reasonable endeavours to achieve a reduction in the number of persons employed at the Airport driving to and from the Airport by private car to no more than 80% of the total of all such persons by 31st December 2010</p> <p>7. To commission a study to identify how bus and coach services can contribute to achieving an increase in the percentage of air passengers using public transport to travel to and from the Airport to 37% of all air passengers (excluding transferring air passengers using the Airport solely to transfer between aircraft) by 31st December 2010</p> <p>8. To supply the results of the study referred to in paragraph 7 of this Part to UDC by 31st December 2003</p> <p>10 from 1st January 2011 to use all reasonable endeavours to achieve an increase in the number of air passengers using public transport to and from the Airport to at least 40% as soon as is reasonably practicable</p>

<p>4.6 To fund a study of the potential to raise the air passenger public transport mode share from 36% to 37% by 2010 by additional bus and coach patronage and to provide £1 million funding in total between 2003 and 2010 for initiatives to support the achievement of this mode share shift including local access improvements to the airport for movements on foot and by cycle.</p>	<p>9. To use all reasonable endeavours to implement the recommendations of the study referred to in paragraph 7 of this Part and to provide funding (in addition to the monies referred to in paragraph 3 of this Part) of up to £1 million between 1st January 2003 and 31st December 2010 towards the achievement of this objective to include (but without prejudice to the generality of the foregoing) improvements to access to the Airport for pedestrians and cyclists</p>
<p><u>Travel plan</u></p>	
<p>4.7 To provide an updated airport travel plan by 30 September 2003. The plan should include the introduction of formal monitoring arrangements, a commitment to undertake a two yearly travel survey with an annual update, a commitment to encourage all new tenants employing more than 50 staff to introduce a company travel plan for its staff, a commitment to use reasonable endeavours to secure the retention of an on airport employee travel scheme in which transport operators offer discounted fares to such employees (currently the Travelcard scheme).</p>	<p>11 to provide UDC with an updated SASAS by 30th September 2003 such strategy to include:-</p> <ul style="list-style-type: none"> a. the continuation and enhancement of formal monitoring arrangements to enable the success of the SASAS to be measured and the regular reporting of the outcome of such monitoring to UDC b. Provision for a two yearly travel survey to be updated annually and for the outcome of the same to be reported to UDC c. To review and update the SASAS by 31st December 2005 and to review and update the same at two year intervals thereafter <p>12 Before Opening Date to implement the SASAS referred to in paragraph 11 of this Part in such form as shall have been approved by UDC in consultation with the local highway and transportation authorities (such approval not to be unreasonably withheld or delayed)</p> <p>13 To use all reasonable endeavours to encourage those employing more than 50 staff within the Airport to introduce travel plans for those staff to promote the use by such staff of modes of transport to and from the Airport other than private motor vehicles hackney carriages and private hire vehicles and to encourage and promote car sharing</p> <p>14 From the Date of Grant to use all reasonable endeavours to secure the retention of an on Airport employee travel scheme (currently known as the Travelcard Scheme) whereby transport operators offer discounted fares to persons employed at the Airport</p>
<p>4.8 To implement the Travel plan as approved by the District Council and the</p>	<p>See 11 above</p>

local highway and transportation authority.	
<u>Surface Access Strategy</u>	
4.9 To review and update the Surface Access Strategy every two years. To continue to convene the Stansted Airport Transport Forum (SATF) (or other such body as shall from time to time fulfil the objectives of the SATF) annually, and to convene related working groups at least quarterly. To establish a monitoring working group and to provide it with relevant monitoring data.	See 11 & 12 above 15 To continue to convene the SATF on an annual basis and to convene related working groups reporting back to the SATF at least once every three months or as otherwise directed by SATF from time to time 16 To invite: 16.1 the SRA to report to the SATF twice a year with relevant data to allow the SATF and UDC to monitor Airport related rail demand and capacity 16.2 the Highways Agency and Essex CC to report to the SATF twice a year with relevant data to enable the Forum and UDC to monitor Airport related highway demand and capacity.
<u>Rail infrastructure and train capacity</u>	Part 5 of the legal agreement
4.10 To meet the cost of and be responsible for ensuring the delivery of:	1. Not to implement the Development without first:-
i) All works necessary to accommodate 12 car trains as generated by the applicant's proposed train plan, being:	1.1. entering into a binding legal agreement with SRA for STAL to meet the costs of and be responsible for ensuring the delivery of:-
<ul style="list-style-type: none"> Works at Stansted Airport station to provide a headshunt and fully serviced sidings; 	1.1.1. all works necessary to accommodate 12 car trains including:-
<ul style="list-style-type: none"> Platform extensions at Broxbourne and Stansted Mountfitchet to enable them to be served by 12 car trains; 	1.1.1.1. works at the Airport to provide a headshunt and fully serviced sidings
<ul style="list-style-type: none"> Any other works identified as necessary to accommodate 12 car trains. 	1.1.1.2. platform extensions at Broxbourne and Stansted Mountfitchet stations to enable them to be serviced by 12 car trains
ii) Improved vertical circulation at Stansted Airport station;	1.1.1.3. any other work which shall be reasonably required by SRA to permit the use of 12 car trains
iii) Shelter for rail passengers on Platform 2 at Stansted Airport station;	1.1.2. improved vertical circulation at the Airport station
iv) The construction of the second rail tunnel bore to the mainline when it is needed; and	

<p>v) To fund rolling stock costs arising from the need for the railway industry to provide additional stock to support BAA's expansion, these costs being the difference between revenue and outgoings for the period until a stable break even level is reached.</p>	<p>1.1.3. shelter for rail passengers on platform 2 at the Airport station 1.1.4. the construction of a second tunnel bore to the mainline when necessary 1.1.5. the funding of rolling stock costs arising from the need for additional rolling stock to support the expansion of the Airport</p>
<p>4.11 To obtain any necessary consents before any element of the development subject of the application is implemented.</p>	<p>1.2 obtaining any consents necessary for the execution of works referred to in paragraph 1.1.1. – 1.1.3. of this Part 1.3 providing evidence to UDC that the obligations referred to in paragraph 1.1. and 1.2. have been complied with by producing certified copies of the agreements and consents or (in the event that the agreement with SRA shall contain a confidentiality clause or SRA otherwise objecting to its production) a certificate signed by the solicitor for SRA that the requirements of paragraph 1.1. of this Part have been satisfied</p>
<p>4.12 To assist the Strategic Rail Authority, Railtrack Plc and the operator of the Stansted Airport train services in the planning long term development of enhancement of the West Anglia railway (WARM enhancements) and to contribute towards the cost of studies commissioned by the SRA directly associated with such enhancements that are relevant</p>	<p>2. To assist SRA [Railtrack Plc?] and the operator of the Stansted Airport Train Services in planning long term developments to enhance the West Anglia Railway and to make reasonable and proportionate contributions towards the costs of studies commissioned by SRA directly associated with such enhancements that are relevant to the Airport</p>
<p><u>Bus and coach station</u></p>	<p>Part 6 of the legal agreement</p>
<p>4.13 To commence construction of the proposed bus and coach station in the terminal landside zone by no later than 1 June 2005, subject to obtaining the necessary planning permission and other consents.</p>	<p>1. Subject to the necessary consents being obtained to commence construction of a bus and coach station in the terminal landside area of the Airport as shown on the Plan no later than 1st June 2005 and to complete the construction thereof by 31st May 2007</p>
<p>4.14 To provide the bus and coach station with a real time information system compatible with the Essex County Council public transport information system.</p>	<p>2. To submit an application for planning permission for the bus and coach station referred to in paragraph 1 of this Part by 31st October 2004 and to use all reasonable endeavours to procure the grant of planning permission and all other necessary consents as soon as is reasonably practicable thereafter</p>
<p><u>Effects on Highways Agency and Airport roads</u></p>	<p>Fifth Schedule of the legal agreement</p>

<p>4.15 To establish an appropriate review mechanism to monitor the actual impact of airport development on Highways Agency and Airport Roads, specifically at</p>	<p>3 Before the Opening Date</p> <p>3.1 To develop a scheme to monitor the impact of the Development on Highway Agency and Airport Roads (to include traffic loop detectors or equivalent devices as necessary) at:-</p> <p>3.1.1 The junction of the M11 Junction 8 Roundabout and the slip roads connecting the M11 with the Airport</p> <p>3.1.2 Priory Wood roundabout</p> <p>3.1.3 The eastern access to the Airport from the A120 at the junction outside the mid-stay car park shown on the Plan</p> <p>3.1.4 Bassingbourn roundabout</p> <p>3.2 To submit such scheme to the Highways Agency ECC and UDC for approval</p> <p>3.3 To implement the scheme as approved by the Highways Agency ECC and UDC (such approval not to be unreasonably withheld or delayed)</p> <p>3.4 To report the data gathered by the scheme to ECC and UDC</p>
<ul style="list-style-type: none"> • the M11 Junction 8 Birchanger Roundabout and its slips; 	<p>See 3.1.1 above</p>
<ul style="list-style-type: none"> • Priory Wood roundabout; 	<p>See 3.1.2 above</p>
<p>A120 eastern access to the airport (junction outside the mid stay car park); and</p>	<p>See 3.1.3 above</p>
<ul style="list-style-type: none"> • Bassingbourn roundabout. 	<p>See 3.1.4 above</p>
<p>4.16 To put in place measures to collect the necessary data for monitoring, including additional traffic loop detectors as necessary.</p>	<p>3.5 To develop a scheme to monitor the impact of the Development on the Local Road Network and to submit such scheme to ECC and UDC for approval which approval shall not be unreasonably withheld or delayed</p> <p>4 With effect from the Opening Date to implement the scheme referred to in paragraph 3.5. of this Part and to report the data gathered by the scheme to ECC and UDC</p> <p>5 Based upon the data produced by the scheme referred to in paragraph 1.5. of this schedule to identify with ECC and UDC traffic problems within the Local Road Network which are directly attributable to the Development</p> <p>6 To propose to ECC for approval practical measures to ameliorate the effects of traffic problems identified pursuant to the monitoring scheme referred to in paragraph 3 of this Schedule such approval not to be</p>

	unreasonably withheld
<u>Effects on local road network</u>	
4.17 To monitor the performance of the local road network and identify flows directly related to the development. To commit to underwrite up to £2 million to address problems arising that can be directly attributed to the development post implementation.	7 Should highway works be required to ameliorate traffic problems identified pursuant to the monitoring scheme referred to in paragraph 3 of this Part to enter into agreements with ECC pursuant to s.278 Highways Act 1980 to enable STAL to implement or procure the implementation of such highway works providing that the total cost thereof does not exceed £2 million or if ECC shall so require to pay to ECC at such time or times as ECC shall stipulate such sum or sums not exceeding £2 million to enable ECC to carry out such works
<u>Little Hadham junction</u>	
4.18 To fund measures to improve of the performance of the A120 signal controlled junction at Little Hadham	8 Not to implement the Permission until STAL shall have entered into an agreement with Hertfordshire County Council pursuant to s.278 Highways Act 1980 to carry out works of improvement to the signal controls at the junction of the A120 with unclassified roads at Little Hadham
<u>Passenger pick up arrangements</u>	Part 7 of the legal agreement
4.19 To introduce a new 15 minute free pick-up period for arriving passengers in an appropriate location convenient to the Terminal Building by 30 April 2003.	1. By 30 th April 2004 to provide a suitable area for collection by car of air passengers arriving at the Terminal Building 2. To limit parking in the area referred to in paragraph 1 of this Part to a maximum of 15 minutes per car and to apply penalties for exceeding this period
<u>Car parking for existing rail commuters</u>	
4.20 To continue to ensure that conveniently situated parking is available for existing rail season-ticket holders who are renewing their season tickets and who already use Stansted Airport railway station for the purpose of commuting.	3. From the date of this agreement to provide adequate car parking in a location convenient to the railway station at the Airport for use by existing rail commuters holding car park season tickets for the Airport at the date of this agreement who continue to renew their car park season tickets and use the railway station at the Airport for the purpose of rail commuting
<u>Fly parking</u>	
4.21 To carry out or procure two investigations into the incidence of air passengers parking on the public highway off airport within a five mile radius of its boundary, the first such study to be carried out by 30 September 2003..	9 By 30 th September 2003 to carry out or procure studies of the incidence of air passengers parking motor vehicles on the public highway outside the Airport boundaries within five miles of the Airport Boundary and to report the results of such studies to ECC and

	UDC as soon as reasonably practicable
4.22 To fund appropriate and proportionate measures to address problems identified.	10 To pay to ECC upon request a contribution of up to £50000 to ameliorate any problems with off-Airport parking which may be identified as a result of the studies referred to in paragraph 6 of this schedule including (but without prejudice to the generality of the foregoing) the costs of introducing local residents only parking zones
<u>Safeguarding future rail access to the airport from the east</u>	Part 5 of the legal agreement
4.23 To protect and maintain free of obstruction an alignment to allow construction of a new railway line into the Airport from the east, this alignment to be an extension of the proposed headshunt.	3. From the Date of Grant until 31 st December 2009 to preserve and maintain free of any permanent obstruction:- 3.1. Land at the Airport extending from the proposed headshunt shown on the Plan sufficient to allow the construction of a new railway line entering the Airport from an easterly direction together with the associated infrastructure 3.2. Land safeguarded for the provision of the headshunt shall be sufficient not to preclude the introduction of rail freight facilities should the same be required in the future
<u>Safeguarding land for future rail freight facilities</u>	
4.24 To ensure that the scope to provide future rail freight facilities is not prejudiced	See 3.2 above

5. Nature Conservation	Part 8 of the legal agreement
5.1 To develop, introduce and implement by 30 September 2003 a strategy for the management and maintenance of Stansted Airport's biodiversity	1. By 30 th September 2003 to submit to UDC a scheme for the management and maintenance of the Airport's biodiversity for approval 2. By 30 th September 2004 to implement the scheme referred to in paragraph 1 of this Part as approved by UDC (such approval not to be unreasonably withheld or delayed)
5.2 To commission a study into the effects of air noise and light pollution on flora and fauna within Hatfield Forest, East End Woods and the fen site within the airport boundary which are attributable to Stansted Airport operating beyond 15 mppa, including a base study at 15mppa.	3. By 30 th September 2003 to submit to UDC for approval (such approval not to be unreasonably withheld or delayed) a proposal for a study of the effects of noise air and light pollution

	associated with the approved development on flora and fauna within Hatfield Forest East End Wood and the fen site within the Airport boundary
5.3 To implement any appropriate and proportionate measures to mitigate the impact of flora and fauna directly attributable to Stansted Airport operating beyond 15 mppa.	<p>4. To provide funds not exceeding £75,000 to undertake the study referred to in paragraph 3 of this Part to be carried out and to use reasonable endeavours to undertake the study as soon as practicably possible following approval by UDC and to report the study results to UDC as soon as is reasonably practicable after the same shall be available to STAL</p> <p>5. Not to permit the terminal extension at the Airport authorised by the Permission to be used for more than 20 mppa prior to carrying out a further study of the effects of noise air and light pollution on flora and fauna within Hatfield Forest East End Wood and the fen site within the Airport boundary and to report the results thereof to UDC</p> <p>6. To submit to UDC for approval schemes of appropriate and proportionate measures to mitigate any significant effects of the Development on flora and fauna in Hatfield Forest East End Wood and the fen site within the Airport Boundary within 12 months of the result of the studies referred to in paragraphs 3 and 5 of this Part becoming available</p> <p>7. To use all reasonable endeavours to implement the schemes referred to in paragraphs 6 of this Part as approved by UDC (such approval not to be unreasonably withheld or delayed) as soon as is reasonably practicable</p>
6 Off site mounding and landscape planting	Part 9 of the legal agreement
6.1 To seek to identify and implement	3 Before the Opening Date to carry out a study to identify

<p>opportunities for the provision of off site mounding and or planting where such measures would be reasonable appropriate and proportionate and of benefit to the local community in terms of visual screening of the airport or address its noise effects.</p>	<p>suitable sites for the provision of mounding and/or planting outside the Airport Boundary where such measures would be of benefit to the local community in screening the Airport from view or mitigating noise from the Airport such study to be carried out contemporaneously with the study referred to in paragraph 3.5 of Part 2 of this Schedule</p> <p>4 To supply UDC with the results of the study referred to in paragraph 3 of this Part within a reasonable time of the same becoming available</p> <p>5 To submit to UDC for approval a scheme of appropriate and proportionate measures for the provision of mounding and/or planting identified by the study referred to in paragraph 3 of this Part</p> <p>6 To take all reasonable steps to implement the scheme referred to in paragraph 5 of this Part as approved by UDC (such approval not to be unreasonably withheld or delayed)</p> <p>7 Not to permit the terminal extension at the Airport authorised by the Permission to be open for public use until paragraph 6 of this Part shall have been complied with</p>
<p>7 Additional planting on Molehill Green mound</p>	
<p>7.1 To carry out additional planting on the grassed area on the crest of the Molehill Green mound.</p>	<ol style="list-style-type: none"> 1. By 30th June 2003 to submit to UDC a scheme for additional planting on the grassed area of Molehill Green mound for approval 2. During the next planting season after 30th June 2003 to implement the scheme referred to in paragraph 1 of this Part as approved by UDC (such approval not to be unreasonably withheld or delayed)
<p>8 Employment</p>	<p>Part 10 of the legal agreement</p>
<p>8.1 To maintain and support the Stansted Airport Employment Forum (SAEF) and to arrange meetings of the Forum not less than once a year, and meetings of its action groups</p>	<ol style="list-style-type: none"> 1. From the Date of Grant:- <ol style="list-style-type: none"> 1.1. To maintain and support the SAEF 1.2. To arrange meetings of

<p>not less than 3 times a year</p>	<p>the SAEF at not more than 12 month intervals</p> <p>1.3. To arrange meetings of SAEF sub-groups on at least three occasions in each year</p> <p>1.4. Until 31st December 2009 to commit the total sum of £350,000 to initiatives to support training and employment initiatives ratified by SAEF such sum to be paid by instalments as specified by SAEF</p> <p>1.5. To review the Stansted Training and Employment Strategy no later than 2006 and every four years thereafter and to annually present a report on progress to the SAEF for ratification</p> <p>1.6. To provide guidance to the SAEF to assist it in advising employers of best practice in the formulation and implementation of travel plans</p>
<p>8.2 Between 2003 and 2009 (with a review not later than 2009) to commit the sum of £350,000 to support training and employment initiatives ratified by the SAEF.</p>	<p>See 1.4 above</p>
<p>8.3 To review annually the Stansted Training and Employment Strategy and to present such a strategy to the SAEF for ratification.</p>	<p>See 1.5 above</p>
<p>8.4 To undertake an employment survey of on airport employment at Stansted airport not less frequently than every 5 years.</p>	<p>2. By 31st August 2007 and thereafter not less than once in every five years to undertake an employment survey of on-airport employment and to present the results thereof to UDC SAEF and SABF</p>
<p>8.5 To provide guidance through the Business Forum to groups of employers on how to go about setting up a successful travel plan</p>	<p>See 1.6 above</p>
<p>9 Economic Performance</p>	<p>Part 11 of the legal agreement</p>
<p>9.1 To host, between 2003 and 2009 (with a review not later than 2009) a Stansted</p>	<p>1. From the Date of Grant until 31st December 2009:-</p>

<p>Airport Business Forum (SABF) , which will meet least twice a year, and sub groups supporting the SABF, which will meet at least 3 times a year</p>	<p>1.1. To maintain the SABF 1.2. To maintain sub-groups to support the SABF 1.3. To arrange for meetings of the SABF to be held not less than twice a year and meetings of the sub-groups to be held not less than three times a year</p>
<p>9.2 To support and facilitate, between 2003 and 2009, in conjunction with the SABF, an annual Meet the Buyers event targeted at providing opportunities for suppliers within an area agreed by the SABF to supply goods and services to Stansted Airport, either as primary or secondary suppliers to on airport businesses.</p>	<p>1.4. To support and facilitate an annual “Meet the Buyers” event to provide opportunities for suppliers within an area or areas specified by the SABF to supply goods and services either as primary or secondary suppliers to on-Airport businesses</p>
<p>9.3 To seek, in conjunction with the SABF, to provide opportunities to support regeneration, inward investment and tourism.</p>	<p>1.5. In conjunction with the SABF to use all reasonable endeavours to identify and implement opportunities to support regeneration inward investment and tourism</p>

<p>10 Affordable housing</p>	<p>Part 12 of the legal agreement</p>
<p>10.1 In conjunction with a Registered Social Landlord, to provide an affordable housing scheme offering social rented accommodation and assisted home ownership equity loan arrangements within a 10 mile radius of the airport.</p>	<p>1. Before the Opening Date 1.1. To establish a Trust Fund for the provision of an affordable housing scheme to make available through a Registered Social Landlord social rented accommodation and assisted home ownership equity loans within the area shown on the attached plan prior to the Implementation Date</p>
<p>10.2 To provide £2.2 million funding to the selected RSL to implement the Scheme.</p>	<p>1.2. Unless paid directly to the Trust Fund referred to in paragraph 1.1. of this part to pay to UDC the sum of £2.2 million to be paid by UDC to the said Trust Fund at such time or times as UDC shall require</p>

11 Community	Part 13 of the legal agreement
11.1 To establish a Community Fund for the promotion, enhancement, improvement, protection and conservation of the social, educational, environmental and economic well-being of the wider community	
11.2 Between 2003 and 2009, with a review no later than 2009, to commit the sum of £700,000 in total, and fines income from penalty payments for off track flying, to a Community Fund	

12 Visitor Centre and Archaeological Resource Centre	Part 14 of the legal agreement
12.1 To provide a Visitors Centre and aircraft viewing facility of between 1,000 and 1,500 sq feet on the north side of the airport with appropriate parking and access providing an aircraft viewing area with clear views of the airfield, office, lecture room and resource centre facilities, reasonable support facilities.	<ol style="list-style-type: none"> 1. Subject to the necessary consents being obtained to provide a visitors centre and aircraft viewing facility comprising of between 1000 and 1500 square feet gross external area with viewing facilities an office lecture room resource centre and reasonable support facilities including parking and suitable forms of access at a suitable location on the north side of the Airport with clear views of the airfield 2. To submit an application for planning permission for the visitors centre referred to in paragraph 1 of this Part within 12 months of the date of this agreement and to use all reasonable endeavours to procure the grant of planning permission and all other necessary consents as soon as is reasonably practicable thereafter 3. Not to permit the terminal extension at the Airport authorised by the Permission to be open for use by the public until paragraph 1 of this Part shall have been complied with
12.2 To provide a sum of £32,000 for the provision of an archaeological resource centre and archaeological finds store either at the Visitor centre or an alternative location.	<ol style="list-style-type: none"> 4. Prior to the Opening Date to pay to UDC the sum of £32000 for the provision of a store for archaeological finds either at the visitor centre or at such other location as UDC shall determine

<p>12.3 To make finds discovered during the development available to the Saffron Walden Museum.</p>	<p>5. From the Implementation Date to make all archaeological finds discovered during the works authorised by the Permission available to the Saffron Walden Museum for inspection and (if so requested by UDC in consultation with the Museum) permanent or temporary display</p>
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<p>13 Design and Construction</p>	<p>Part 15 of the legal agreement</p>
<p>13.1 To ensure that the construction practice and selection of suppliers is environmentally responsible and sustainable.</p>	<p>To use all reasonable endeavours to ensure that the construction practices used in carrying out the Development and the selection of suppliers for goods and services are environmentally responsible and sustainable in accordance with STAL's construction and engineering procurement policies from time to time in force</p>

<p>14 Waste Management</p>	<p>Part 16 of the legal agreement</p>
<p>14.1 To develop a revised airport waste management strategy by 30 September 2003 in order to identify initiatives aimed to, minimise and recycle Stansted Airport waste, including a new target for the amount of waste recycled as percentage of total waste arisings to exceed 20% within a reasonable timescale.</p>	<p>1. By 30th September 2004 to develop a revised Airport Waste Management Strategy to identify reasonable appropriate and proportionate initiatives to minimise waste and increase recycling of waste at the Airport to include a target to recycle at least 20% of total waste generated by the Airport within a reasonable timescale and to submit such strategy to UDC for approval</p>
<p>14.2 To fund the implementation of appropriate and proportionate initiatives identified in the revised strategy</p>	<p>2. At its own expense and as soon as is reasonably practicable after 30th September 2004 to implement the strategy referred to in paragraph 1 of this Part as approved by UDC (such approval not to be unreasonably withheld or delayed)</p>
<p>14.3 To contribute £300,000 to the Council</p>	<p>3. Upon the Implementation</p>

<p>towards the provision of a community waste management and recycling centre, and to make further reasonable appropriate and proportionate contributions to its running costs.</p>	<p>Date to pay to UDC the sum of £300000 towards the cost to UDC of providing a community waste management and recycling centre</p> <p>4. To make reasonable appropriate and proportionate payments to UDC on an annual basis towards the running costs of the centre referred to in paragraph 3 of this Part <i>[formula required]</i></p>
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<p>15 Energy</p>	<p>Part 17 of the legal agreement</p>
<p>15.1 To develop an airport energy management plan by 30 September 2003 to identify initiatives aimed at minimising energy consumption and energy efficiency on airport</p>	<p>1. By 30th September 2004 to develop an Airport Energy Management Strategy to identify reasonable appropriate and proportionate initiatives to increase energy efficiency at the Airport and to submit such strategy to UDC for approval (such approval not to be unreasonably withheld or delayed)</p>
<p>15.2 To implement the Plan and fund reasonable appropriate and proportionate initiatives identified in the Plan.</p>	<p>2. At its own expense and as soon as is reasonably practicable after 30th September 2003 to implement the strategy referred to in paragraph 1 of this Part as approved by UDC</p>

<p>16 Review and Reporting</p>	<p>Part 18 of the legal agreement</p>
<p>16.1 To commission two studies of the impact of the development in 2005 and 2009 to include air noise contours, ground noise measurements, air quality, traffic flows and mode shares, employment levels and employee place of residence patterns, visual impacts and waste/ water/ energy impacts.</p>	<p>1. Before 31st December 2005 and again before 31st December 2009 to commission studies of the impact of the Development upon the area in which the Airport is situated to include the effect upon air noise contours ground noise measurements air quality traffic flows transport mode shares employment levels patterns of the places of residence of persons employed at the Airport visual impact waste water and energy and to submit the same to UDC as soon as is reasonably practicable after</p>

	the same shall have been completed
16.2 To publish an annual independently audited Sustainability Report	<ol style="list-style-type: none"> 2. From the Implementation date to publish once in each year an Sustainability Report audited by a registered environmental impact assessor who is a member of the Institute of Environmental Assessment 3. To use all reasonable and proportionate endeavours to implement any measures identified by the studies referred to in paragraph 1 of this Part or the reports referred to in paragraph 2 of this part which may mitigate the effects of the Development upon the environment

Additional matters covered in the legal agreement

Obligations relating to health	Part 19 of the legal agreement
To contact the PCT to see if there is any need for a study of the effects of the development on public health, and to undertake such a study if it is required	<ol style="list-style-type: none"> 1. During November 2003 and during November of each subsequent year to consult with the Primary Care Trust and UDC as to whether it would be appropriate to commission a reasonable and proportionate study into effects of the Development upon public health 2. In the event that as a result of the consultations referred to in paragraph 1 of this Part it is determined that such a study is desirable to commission such a reasonable and proportionate study forthwith at its own expense and to report upon the results thereof to the Primary Care Trust and UDC 3. To take all reasonable and proportionate steps to mitigate in accordance with National Government guidance any adverse effects upon public health identified by the studies

	carried out pursuant to paragraph 2 of this Part as being a result of the Development
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The Section 278 Agreement

The s106 agreement also requires, in para 1, schedule 5, entry into agreement with the Highways Agency under s278 of the Highways Act 1980, for the construction of a direct link from the southbound off slip road of the M11 junction 8 to Thremhall Avenue, and a direct link from the eastbound off slip road of the A120/M11 Stansted slip roads to Round Coppice Road at Priory Wood Roundabout, to be open by 31st December 2006.

Recommendation

That the draft agreement be accepted, subject to editorial and drafting changes, and that planning permission for Planning Application UTT/1000/01/OP be issued subject to the conditions set out in the report to the meeting of 12th September 2002, and consequent upon the signing of the legal agreement by all parties.

Background Papers:

Application file UTT/1000/01/OP including supporting information, Environmental Statement, TRL and York Consulting reports, representations received and correspondence.

Reports to the Development Control Committee, 24th June, 22nd July, 31st July, 16th August, 12th September 2002 and 16th December 2002.

Appendix 1: draft s106 agreement

APPENDIX 1 - CONDITIONS

GENERAL

GEN1

The following development is permitted within the sites identified on plan STN/GAP/1014/K/104/PA:

- Site "A" – Extension to the passenger terminal and ancillary development
 - Site "B" – New aircraft apron and ancillary development
 - Site "C" – Cargo shed accommodation and ancillary development
 - Site "D" – Aircraft hangar facilities and ancillary development
 - Site "E" – Multi storey car parking and ancillary development
 - Site "F" – Long term car parking and ancillary development
 - Site "G" – Redevelopment of existing surface car park for staff car parking and ancillary development
 - Site "H" – Grade separation of Junction 3
 - Site "J" – Dualling of Bassingbourn Road from Junction 3 (Bassingbourn Roundabout) to Pincey Roundabout
 - Site "K" – Office accommodation and ancillary development
 - Site "L" – Office accommodation and ancillary development
 - Site "M" – Ground handling facilities and ancillary development
 - Site "N" – Flight catering and airline support accommodation and ancillary development
 - Site "P" – Additional fuel tank and ancillary development at the Fuel Farm
 - Site "Q" – Eastward extension of the two main rail tracks at the rail station and ancillary development (including additional vertical circulation)
 - Site "R" – Extension of the terminal forecourt and ancillary development
 - Site "S" – Dualling of Thremhall Avenue from Junction 3 (Bassingbourn Roundabout) to Junction 11 (Coopers End Roundabout)
- Reason: To distinguish the development for which planning permission is hereby granted from that for which planning permission already exists as part of expansion to 15mppa.

GEN2

Any application for the approval of reserved matters made pursuant to this planning permission shall be made to the local planning authority before the expiration of 8 years from the date of this permission.

GEN3

The development hereby permitted shall be begun either before the expiration of 10 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matter to be approved, whichever is the later.

Reason for GEN2 & 3: In order to comply with Section 92 of the Town and Country Planning Act 1990.

SITE SPECIFIC

Extension to the passenger terminal and ancillary development

A1

The development hereby permitted within Site "A" shall be carried out in accordance with plans 2156/SK100-SK107.

Reason: To ensure the development is carried out as approved.

A2

The terminal extension hereby permitted within Site "A" shall have a gross floor area not exceeding 29,000 sqm.

Reason: The extension hereby permitted is considered to be the maximum floorspace commensurate with expansion to 25mppa

A3

The existing terminal, plus the terminal extension hereby permitted within Site "A" shall contain in total no more than 6,500 sqm of landside retail floorspace.

Reason: To ensure that retailing remains ancillary to the principal use of the terminal building.

New aircraft apron and ancillary development

B1

The development hereby permitted within Site "B" shall be carried out in accordance with plans STN/GAP/1014/K105/PA.

Reason: To ensure the development is carried out as approved.

B2

No development on Site B shall commence until details of a blast deflector to be erected between points A and B on drawing STN/GAP/1014/K105/PA have been submitted to and approved in writing by the local planning authority. The blast deflector as approved shall be completed prior to the first use of Site B by aircraft and thereafter retained in perpetuity.

Reason: In the interests of the amenity of residents of the areas around the airport who will be affected by aircraft noise.

Cargo shed accommodation and ancillary development

C1

Approval of the details of the siting, design and external appearance of the building(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "C" is commenced.

C2

Plans and particulars of the reserved matters referred to in condition C1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for C1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

C3

The cargo shed accommodation hereby permitted within Site “C” shall follow the general alignment and form of the existing FedEx cargo shed, and shall not exceed a height of 15m above the existing ground level of Site “C”.

Reason: To ensure that the alignment, form and height of the cargo shed will be in context with similar existing cargo sheds in that area.

Aircraft hangar facilities and ancillary development

D1

Approval of the details of the siting, design and external appearance of the building(s) hereby permitted and the landscaping of the site (herein referred to as “reserved matters”) shall be obtained from the local planning authority in writing before any development hereby permitted within Site “D” is commenced.

D2

Plans and particulars of the reserved matters referred to in condition D1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for D1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

D3

The aircraft hangar facilities hereby permitted within Site “D” shall not exceed a height of 35m above the existing ground level of Site “D”.

Reason: To ensure that the height of the hangar facilities will be in context with the existing hangar in that area.

Multi storey car parking and ancillary development

E1

Approval of the details of the siting, design and external appearance of the building(s) hereby permitted and the landscaping of the site (herein referred to as “reserved matters”) shall be obtained from the local planning authority in writing before any development hereby permitted within Site “E” is commenced.

E2

Plans and particulars of the reserved matters referred to in condition E1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for E1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

E3

Approval of details of a lighting strategy for the multi-storey car parking hereby permitted shall be obtained from the local planning authority in writing before any development hereby permitted within Site “E” is commenced. The strategy shall subsequently be implemented as

approved prior to first use of the multi-storey car parking hereby permitted, and shall thereafter be retained in operation.

Reason: To reduce the impact of the required lighting on the areas around the airport.

E4

The top deck of any sections of the multi-storey car parking hereby permitted shall not exceed a height of 108m AOD, excluding items such as lift towers and emergency escape shafts.

Reason: To ensure that the height of the multi-storey car parking will not materially impact upon the countryside setting of the terminal building.

Long term car parking and ancillary development

F1

Approval of the details of the siting, design and external appearance of the building(s) and parking area(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "F" is commenced.

F2

Plans and particulars of the reserved matters referred to in condition F1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for F1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

F3

Approval of details of a lighting strategy for the car parking hereby permitted shall be obtained from the local planning authority in writing before any development hereby permitted within Site "F" is commenced. The strategy shall subsequently be implemented as approved prior to first use of the car parking hereby permitted, and shall thereafter be retained in operation.

Reason: To reduce the impact of the required lighting on the areas around the airport.

Redevelopment of existing surface car park for staff car parking and ancillary development

G1

Approval of the details of the siting, design and external appearance of the building(s) and parking area(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "G" is commenced.

G2

Plans and particulars of the reserved matters referred to in condition G1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for G1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

G3

Approval of details of a lighting strategy for the car parking hereby permitted shall be obtained from the local planning authority in writing before any development hereby permitted within Site "G" is commenced. The strategy shall subsequently be implemented as approved prior to first use of the car parking hereby permitted, and shall thereafter be retained in operation.

Reason: To reduce the impact of the required lighting on the areas around the airport.

Grade separation of Junction 3

H1

Approval of the details of the siting, design and external appearance of the roadway hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "H" is commenced.

H2

Plans and particulars of the reserved matters referred to in condition H1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for H1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

Dualling of Bassingbourn Road from Junction 3 (Bassingbourn Roundabout) to Pincey Roundabout

J1

Approval of the details of the siting, design and external appearance of the roadway hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "J" is commenced.

J2

Plans and particulars of the reserved matters referred to in condition J1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for J1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

Office accommodation and ancillary development

K1

Approval of the details of the siting, design and external appearance of the building(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "K" is commenced.

K2

Plans and particulars of the reserved matters referred to in condition K1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for K1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

K3

The office development hereby permitted within Site "K" shall not exceed a height of 18m above the existing ground level on Site "K".

Reason: To ensure that the height of the offices will be in context with the existing office building in that area.

Office accommodation and ancillary development

L1

Approval of the details of the siting, design and external appearance of the building(s) and parking area(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "L" is commenced.

L2

Plans and particulars of the reserved matters referred to in condition L1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for L1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

L3

The office development hereby permitted within Site "L" shall not exceed a height of 18.3m above the existing ground level on Site "L".

Reason: To ensure that the height of the offices will be in context with the existing office building in that area.

Ground handling facilities and ancillary development

M1

Approval of the details of the siting, design and external appearance of the building(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "M" is commenced.

M2

Plans and particulars of the reserved matters referred to in condition M1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for M1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

M3

The office development hereby permitted within Site "M" shall not exceed a height of 11.5m above the existing ground level on Site "M".

Reason: To ensure that the height of the offices will be appropriate to the countryside setting of the airport.

Flight catering and airline support accommodation and ancillary development

N1

Approval of the details of the siting, design and external appearance of the building(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "N" is commenced.

N2

Plans and particulars of the reserved matters referred to in condition N1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for N1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

N3

The flight catering and airline support accommodation hereby permitted within Site "N" shall not exceed a height of 15m above the existing ground level on Site "N".

Reason: To ensure that the height of the flight catering and airline support accommodation will be in context with other industrial buildings in that area.

Additional fuel tank and ancillary development at the Fuel Farm

P1

Approval of the details of the siting, design and external appearance of the structure(s) hereby permitted and the landscaping of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before any development hereby permitted within Site "P" is commenced.

P2

Plans and particulars of the reserved matters referred to in condition P1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for P1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

P3

The fuel tank hereby permitted within Site "P" shall not exceed a height of 16m above the existing ground level on Site "P".

Reason: To ensure that the height of the fuel tank will be in context with other fuel tanks in that area.

Eastward extension of the two main rail tracks at the rail station and ancillary development (including additional vertical circulation)

Q1

Approval of the details of the siting, design and external appearance of the rail tracks and additional vertical circulation hereby permitted and the landscaping of the site (herein referred to as “reserved matters”) shall be obtained from the local planning authority in writing before any development hereby permitted within Site “Q” is commenced.

Q2

Plans and particulars of the reserved matters referred to in condition Q1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for Q1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

Extension of the terminal forecourt and ancillary development

R1

Approval of the details of the siting of the extension of the terminal forecourt hereby permitted and the landscaping of the site (herein referred to as “reserved matters”) shall be obtained from the local planning authority in writing before any development hereby permitted within Site “R” is commenced.

R2

Plans and particulars of the reserved matters referred to in condition R1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for R1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

Dualling of Thremhall Avenue from Junction 3 (Bassingbourn Roundabout) to Junction 11 (Coopers End Roundabout)

S1

Approval of the details of the siting, design and external appearance of the roadway hereby permitted and the landscaping of the site (herein referred to as “reserved matters”) shall be obtained from the local planning authority in writing before any development hereby permitted within Site “S” is commenced.

S2

Plans and particulars of the reserved matters referred to in condition S1 above shall be submitted in writing to the local planning authority and the development hereby permitted shall only be carried out as approved.

Reason for S1 &2: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

AIR NOISE

AN1

The area enclosed by the 57dB(A) Leq16hr (0700-2300) contour, when calculated and measured by the Civil Aviation Authority's Aircraft Noise Contour Model 2.2, shall not exceed 43.6 sq.km from the date of the implementation of this permission. Any necessary account shall be taken of this requirement in declaring the capacity of Stansted airport for the purpose of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports.

Reason: To protect the amenity of residents who are or will be affected by aircraft noise.

GROUND NOISE

GN1

No stand hereby permitted within Site "B" shall be used for live aircraft movements until there is available to it a supply of Fixed Electrical Ground Power (FEGP). For the purposes of this condition, a live aircraft movement is one where the aircraft is using a stand for the purpose of embarking or disembarking passengers or cargo.

GN2

No stand hereby permitted within Site "B" shall be used for live aircraft movements as defined in condition GN1 until a management system for the operation of the FEGP supply has been submitted to and approved in writing by the local planning authority. The management system as submitted shall provide for the use of the FEGP supply when available by aircraft on the stand in preference to reliance on Auxiliary Power Units, and for the supply to be maintained in good working order and restored promptly when out of service.

Reason for GN1 & 2: In the interests of the amenity of residents of the areas around the airport who are or will be affected by ground noise.

LANDSCAPING

LAN1

No development hereby permitted shall take place until a scheme of landscaping has been submitted to the local planning authority for approval. The scheme as submitted shall include:

- a) proposed finished levels
- b) existing trees, shrubs, hedges or other soft features to be retained
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- d) location of any service runs
- e) management plan, which shall include maintenance details and a timescale for implementation of the planting

LAN2

All the planting comprising the scheme of landscaping submitted under condition LAN1 shall be undertaken in accordance with the timescale set out in the management plan. Any trees, shrubs or hedges (or part thereof) which comprise part of the scheme of landscaping and which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason for LAN1 & 2: To reduce the visual impact of the proposed development on the surrounding countryside

ARCHAEOLOGY

ARC1

No development hereby permitted shall take place within a site identified in condition GEN1 until the developer has secured on that site the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall previously have been submitted to and approved in writing by the local planning authority.

ARC2

The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority to allow the observation of the excavations and the recording of items of interest and finds within any site identified in condition GEN1.

Reason for ARC1 – 2: To ensure that the archaeological richness and educational value of the airport site is retained.

WATER QUALITY

WAT1

No development hereby permitted shall take place within a site identified in condition GEN1 until details of surface water control measures and surface and foul water drainage systems serving that site have been submitted to and approved in writing by the local planning authority. The approved measures and systems shall subsequently be carried out as approved.

Reason: To prevent the increased risk of flooding, to improve water quality and to prevent pollution of the water environment.

WAT2

No development hereby permitted shall take place within a site identified in condition GEN1 until:

- a) a detailed investigation of that site has been carried, the method and extent of which shall previously have been agreed in writing with the local planning authority to establish the degree and nature of any contamination present and to determine its potential for the pollution of the water environment, and
- b) details of appropriate measures to prevent pollution of groundwater and surface water of and from that site have been submitted to and approved in writing by the local planning authority. The approved measures shall subsequently be carried out as approved.

Reason: To prevent pollution of the water environment.

WAT3

No development hereby permitted shall take place until proposals for the monitoring of the biological interests of local brooks has been submitted to and agreed in writing by the local planning authority. The submitted proposals shall identify those local brooks which are to be monitored, and subsequently the monitoring shall be carried out as approved.

Reason: To prevent pollution of controlled waters and to enhance the aquatic environment.

WAT4

The construction of any storage facilities for oils, fuels or chemicals shall not be carried out until details have been submitted to and approved in writing by the local planning authority. The construction of the storage facilities shall subsequently be carried out as approved.

Reason: To prevent pollution of the water environment.

WAT5

No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater.

CONSTRUCTION

CON1

No development hereby permitted shall take place within a site identified in condition GEN1 until a construction management plan for that site has been submitted to and approved in writing by the local planning authority. The plan as submitted shall include:

- a) routes to be used by contractors' vehicles (and the appropriate signing thereof) moving to and from the site, and
- b) temporary noise protection measures relating to the site.

The plan shall subsequently be implemented as approved for the duration of the development being carried out on that site.

CON2

No development hereby permitted shall take place within a site identified in condition GEN1 until construction management proposals specific to that site (e.g. hours of working, wheel washing and dust suppression measures) have been submitted to and approved in writing by the local planning authority. The proposals shall subsequently be implemented as approved for the duration of the development being carried out on that site.

Reason for CON1 & 2: To protect the amenity of residents around the airport.

NATURE CONSERVATION

NAT1

No development hereby permitted within Site "B" identified in condition GEN1 shall take place until a nature conservation management plan has been submitted to and approved in writing by the local planning authority. The plan as submitted shall:

- a) identify an area of land of not less than 20 hectares which shall be maintained thereafter as suitable open grassland surrounded by an irregular broad fringe of longer grass and scrub, and
- b) identify suitable area or areas of land which shall be created and maintained thereafter as habitats suitable for the Brown Hare and Skylark, including a timescale for their creation and proposals for their maintenance.

The nature conservation management plan shall subsequently be implemented as approved.

NAT2

No development hereby permitted within Sites "B", "D", "F", "G", "H", "J", "L", "N", "P" or "S" identified within condition GEN1 shall take place until a survey of that site identifying its nature conservation status has been submitted to and approved in writing by the local planning authority.

NAT3

No development hereby permitted within Sites "B", "D", "F", "G", "H", "J", "L", "N", "P" or "S" identified within condition GEN1 shall take place until a translocation scheme for any protected species identified in the surveys pursuant to condition NAT2 has been implemented in accordance with details which shall previously have been submitted to and agreed in writing by the local planning authority.

Reason for NAT1 – 3: To ensure that the proposed development will not diminish the nature conservation value of the airport site.

AIR TRANSPORT MOVEMENTS (ATMs)

ATM2

Subject to ATM4 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 241,000 ATMs during any period of one year of which no more than 22,500 shall be CATMs (Cargo Air Transport Movements).

ATM4

The limit in condition ATM2 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;
- (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.

ATM5

For the purposes of condition ATM4(a) an aircraft is not to be taken as carrying, for hire or reward, any passengers or cargo by reason only that it is carrying employees of the operator of the aircraft or of an associated company of the operator. And for the purpose of condition ATM4(b) an aircraft is engaged in non-scheduled air transport services if the flight on which it is engaged is not part of a series of journeys between the same two places amounting to a systematic service.

ATM6

For the purposes of condition ATM5, a company shall be treated as an associated company of the operator of the aircraft if either that company or the operator of the aircraft is a body corporate of which the other is a subsidiary or if both of them are subsidiaries of one and the same body corporate.

Reason for ATM2, 4 – 6: To protect the amenity of residents who live near the airport and who are affected by, or may be affected by aircraft noise.

PASSENGER THROUGHPUT

MPPA1

The passenger throughput at Stansted airport shall not exceed 25 million passengers in any twelve calendar month period.

Reason for MPPA1: To ensure that the predicted effects of the development are not exceeded.

OTHER

OTH1

Following the implementation of the development hereby permitted within any of the sites identified in condition GEN1 above, except where expressly stated, these conditions shall not affect in any way the operation of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modifications).in relation to Stansted Airport.

Reason for OTH1: For the avoidance of doubt.

APPENDIX 2 - RESOLUTION OF THE DC & L COMMITTEE, 12TH SEPTEMBER 2002.

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.