

**Deliberative development of Council policy in relation to the airport
Stansted Airport Advisory Panel 6 June 2006, item 7**

Committee: Stansted Airport Advisory Panel

Date: 6 June 2006

Title: **Deliberative development of Council
policy in relation to the airport**

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Agenda Item

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Item for
information

Summary

This report advises Members that there are statutory procedural and other requirements to be complied with in developing policy about the airport.

Recommendations

None

Background Papers

None

Impact

Communication/Consultation	Will need to be undertaken through the means set out in the Statement of Community Involvement
Community Safety	There are public safety issues associated with the airport
Equalities	None
Finance	None at this stage
Human Rights	None
Legal implications	In the event that the Council gave weight to policies which were not part of the development framework any decision relying on such policy would be susceptible to judicial review or would give rise to a high probability of an award of costs against the Council on a planning appeal.
Ward-specific impacts	Most, and beyond the District's boundaries
Workforce/Workplace	None

Situation

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- 1 The Council resolved at its meeting on 16 May that one of the roles of the Panel is the deliberative development of Council policy in relation to the airport. It is likely that such policy would fall within the scope of the Planning Acts. The Environment Committee in considering the recommendations of the Panel will ensure that statutory requirements would be met, but in order to assist the Panel to make productive contribution, this report outlines some necessary considerations.
- 2 If a policy is to accorded weight in any determination under the planning acts it must be part of the development plan. This means it must either be in the East of England Plan or a Development Plan Document within the Council's Local Development Framework, or a Supplementary Planning Document linked to a policy in a Development Plan Document.
- 3 There are comprehensive requirements as to the process for developing policy covering, for example:
 - i. A staged approach: Pre production, Issues and Options, Preferred Options, Submission to the Government Office, Post Submission including Public Examination
 - ii. Community involvement
 - iii. Inclusion in the programming document: the Local Development Scheme.
 - iv. Strategic Environmental Assessment.
- 4 Development policy must meet the soundness tests in other respects, including.
 - i. It must be a spatial plan that is consistent with national planning policy and in general conformity with the regional spatial strategy and any other plans.
 - ii. If it is not consistent, is there a local justification.
 - iii. Does it have regard to the community strategy.
 - iv. The policies represent the most appropriate in all the circumstances, having considered all the alternatives, and they are founded on a robust and credible evidence base.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
A policy is developed in isolation to appreciation of inter-relationships with the other	Medium	High	Ensure that the policy forms part of the reports considered by the Environment Committee as the need arises

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issues which are addressed in the LDF			
The extent to which a policy for the airport can be material in planning terms will be dependent on an inspectors report over the LDF, which will be binding on the Council. It is quite possible therefore that expectations could be unreasonably high if the Inspector does not consider the Council's policy to be acceptable	High, insofar as the Inspector's report will be binding	High	Ensure that a policy towards the airport is realistic and does not raise public expectations beyond that which is deliverable by the Council