

<b>Committee:</b>	<b>Stansted Airport Advisory Panel</b>	<b>Agenda Item</b>
<b>Date:</b>	<b>11<sup>th</sup> September 2008</b>	<b>5</b>
<b>Title:</b>	<b>Stansted Generation 1 and 2 – progress report</b>	
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### Summary

This progress report updates the Panel firstly on the impending decision on Stansted Generation 1 (SG1) following the inquiry last year, and secondly with preparations for the Generation 2 (SG2) inquiry due to start next year. Any further updates will be given at the Panel meeting.

### Recommendations

None.

### Background Papers

SG1 application and inquiry documents.

SG2 application and associated documents.

### Impact

Communication/Consultation	The District Council is working with Essex and Herts County Councils and East Herts District Councils and their appointed consultants to support the preparation of a joint case at the SG2 inquiry. The Planning Inspectorate has set up an inquiry website.
Community Safety	
Equalities	
Finance	The 4 local authorities have agreed joint funding arrangements for the SG2 inquiry.
Human Rights	

Legal implications	Counsel has been instructed to represent the 4 local authorities at the SG2 inquiry.
Sustainability	
Ward-specific impacts	The effects of airport expansion will be district-wide
Workforce/Workplace	Officers from the 4 local authorities are working together in preparation for the SG2 inquiry.

## Situation

### Stansted Generation 1

- 1 The SG1 inquiry concluded on 19<sup>th</sup> October 2007, after 49 sitting days. The Secretaries of State for Communities and Local Government and for Transport are still considering the report of the Lead Inspector, Alan Boyland.
- 2 The Secretaries of State were expected to publish their decision earlier this year, but this has been delayed for 2 reasons:
  - a) the production by BAA of new information relating to aspects of the air quality modelling that was used to predict the likely effects of the proposed development on concentrations of nitrogen oxides in the vicinity of the airport, and
  - b) concern by the Secretaries of State that a proposed condition on night noise to limit the area covered by the 50dBA Leq 8h (2300-0700) contour would conflict with the current noise abatement objective for Stansted set under the Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003.
- 3 The Rule 6 parties to the Inquiry (i.e. the major participants) were given the opportunity by DCLG and DfT to comment on both these issues, and then to comment on each others' comments. In relation to issue a), the round of consultation ended in May. In relation to issue b), the last day is 1<sup>st</sup> September. Officers therefore expect a decision any time after the start of September. The Secretaries of State's decision letter will also include adjudication on BAA's application for a partial award of costs against this Council and Essex and Herts County Councils.

Stansted Generation 2

- 4 The 38 applications for planning permission and listed building consent comprising SG2 were called in for her own determination by the Secretary of State for Communities and Local Government on 21<sup>st</sup> July 2008. Go-East's call in letter advised the Council that the Secretary of State is very selective about calling in planning applications. In general, she will only take this step if planning issues of more than local importance are involved. In this case, the Secretary of State has decided that the SG2 proposal is one she ought to decide herself because she considers that the proposal conflicts with national policies on important matters.
  
- 5 To consider all relevant aspects of the proposed development, the Secretary of State has decided to hold an inquiry (in effect, concurrent inquiries) into the 38 applications. The inquiry will be held under the Town and Country Planning (Major Infrastructure Project) Inquiries Procedures (England) Rules 2005. Under the Rules, the Secretary of State has published her statement of matters, which are those matters about which she particularly wishes to be informed for the purposes of her consideration of the applications. A copy of her statement of matters is attached to this report (appendix 1).
  
- 6 The Council has also been informed by the Highways Agency and the Department for Transport that inquiries will also be held into objections to the highway orders, compulsory purchase orders and the rail improvement order associated with SG2. These will also be concurrent inquiries joined to the planning inquiries.
  
- 7 The Planning Inspectorate originally proposed that the inquiry would open on 13<sup>th</sup> January 2009. The Council rejected this date as being unrealistic in view of the amount of material that BAA had submitted. On Counsel's advice, the Council wrote to the Inspectorate setting out an alternative timetable that it felt was more realistic. Following negotiations involving the Inspectorate, BAA and the Council, the Council's alternative timetable has been agreed and the inquiry will start on 15<sup>th</sup> April 2009. BAA felt able to agree to the April start date provided that the risk of any further slippage in the overall timetable (including each of the key procedural steps leading up to the start of the inquiry) is minimised as far as possible.

At the moment, the inquiry timetable is as follows:

<u>DATE</u>	<u>EVENT</u>
By 12/09/08	Deadline for registering with the Planning Inspectorate for taking part in the inquiry
By 13/10/08	Submission of outline statement by all major participants re planning / listed building consent applications. <i>(The deadlines for</i>

	<i>statements of case re the rail improvement order, highway orders and applications for scheduled ancient monument consent are also being standardised to this date)</i>
By 3/11/08	BAA to submit economic impact report to Secretary of State
10/11/08	Pre-inquiry meeting at Hilton Hotel
After pre-inquiry meeting	BAA to send statement of case for compulsory purchase orders to each remaining objector and Secretary of State
After receipt of BAA's CPO statement of case	CPO objectors to provide statement of case
By 5/12/08	BAA to submit statement of case re planning / listed building consent applications
By 19/12/08	All other major participants to submit statement of case re planning / listed building consent applications
02–03/09?	Second pre-inquiry meeting if required
03/09	Date for submission of proofs of evidence and any statement(s) of common ground to be set by the Inspector following the pre-inquiry meeting ( <i>likely to be 3-4 weeks before the inquiry opens</i> )
15/04/09	Inquiry opens

- 8 Over the next few months, officers will be working with colleagues from the other local authorities and the appointed consultants on the preparation of the joint case. In addition, topic group meetings will be held with BAA and other major participants to achieve a fuller understanding of what is being proposed and to agree common ground where possible. Consultants are assisting the 4 local authorities in the following fields:

*Agriculture*  
*Air and ground noise*  
*Air pollution*  
*Air traffic forecasting*  
*Economic / employment effects*  
*Historic environment*  
*Landscape / habitat impact*  
*Planning issues*  
*Transport*

- 9 The Inspector conducting the inquiry will be Andrew Phillipson, BSC CENG FICE MIHT. Stephanie Chivers, BA DIPTP MRTPI will be the Deputy Inspector. A pre-inquiry meeting will be held at 10.30am on Monday 10<sup>th</sup> November 2008 at the Hilton London Stansted Airport. At the pre-inquiry meeting, the Inspector will explain how he wishes to conduct the inquiry and set the timetable for the submission of proofs of evidence. It is likely that the

inquiry will include some concurrent sessions.

- 10 The Planning Inspectorate will appoint an Inquiry Manager / Lead Programme Officer and an assistant for the duration of the inquiry. The Inquiry Manager will work under the supervision of the Inspector and will be the main point of contact for all the parties with an interest in the Inquiry and for members of the public. The assistant, in addition to deputising, will have day to day responsibility for inquiry documents. It is expected that these 2 posts will commence end of September / beginning of October. The inquiry website will contain full details of participants, the inquiry timetable, venue and all documents. [www.planning-inspectorate.gov.uk/stanstedq2inquiry](http://www.planning-inspectorate.gov.uk/stanstedq2inquiry)
- 11 It is expected that the inquiry will last 12–18 months. The Planning Inspectorate is in negotiation with the owners of Endeavour House to hold the inquiry on the 2<sup>nd</sup> floor – the same venue as for SG1. The Council is seeking to have its inquiry office on that floor, although this has not yet been confirmed.
- 12 The Council has agreed to fund the pre-inquiry meeting, but has indicated to the Planning Inspectorate that it does not have the resources to fund either the inquiry venue (apart from its own accommodation) or inquiry support staff. However, the Council's attention has been drawn by the Planning Inspectorate to section 250 (4) of the Local Government Act 1972 which provides that "*where a minister causes an inquiry to be held...the costs incurred by him in relation to the inquiry shall be paid by such local authority or party to the inquiry as he may direct*". This does, of course, include BAA.
- 13 Prior to call in, the Council extended its deadline for responses on the 38 applications from 26<sup>th</sup> June to 26<sup>th</sup> September 2008. Whilst the Council is no longer the determining authority, it is continuing to receive many representations. The Planning Inspectorate has agreed that all the representations that the Council receives can be forwarded to it and will be taken into account by the Inspector at the inquiry. Under the 2005 Rules, the Council has publicised the arrangements for participating in the inquiry, including notifying all those either with an interest in the land, or who were originally notified of the applications or who have written in with their views. The inquiry website has details of those parties and individuals who have requested to take part.
- 14 Around the turn of the year, officers will present a report to the Development Control Committee once the analysis of the SG2 proposal and the representations has been completed. The report will draw on the work currently being undertaken (see paragraph 8) and will seek a resolution from Members on what they would have done had the applications still remained with the Council for determination. This resolution will be necessary to

reinforce the case at inquiry.

- 15 A copy of the schedule of representations received so far from groups and organisations is attached (appendix 2). It must be stressed that this is very much work in progress, and is updated daily. At this stage, the schedule does not include representations from the public, as work is ongoing to collate, order and present these in an easily understandable form. At the moment 1,385 letters of objection and 66 letters of support have been received from the public and read by officers. Others are continuing to be received.
  
- 16 Objectors' main concerns are air noise and pollution, climate change, economic impact, landscape / heritage, loss of productive farmland, prematurity in advance of the G1 decision, road / rail congestion and sustainability. Supporters are highlighting the benefits to the local and regional economy, convenience of the airport, investment in transport, job creation and security and the need for extra runways.