

Committee: Stansted Airport Advisory Panel

Agenda Item

4

Date: 13th February 2017

Title: Implementation of the 35mppa (Generation 1) planning permission

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Key decision: No

Summary

1. This report has been written at the Chairman's request, and advises the Panel on the current status of the 35mppa (Generation 1) planning permission for the expansion of Stansted Airport. The report sets out the history of the Generation 1 application since it was submitted and explains what has happened since planning permission was granted, taking into account the effect of the economic downturn.
2. The current position, for the reasons set out in this report, is that the Generation 1 permission has not yet been implemented.

Recommendation

3. That the Panel notes this report.

Financial Implications

4. None

Background Papers

5. None

Impact

- 6.

Communication/Consultation	None
Community Safety	None
Equalities	None

Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

Planning History

7. The Generation 1 planning application (reference UTT/0717/06/FUL) was submitted by BAA plc and Stansted Airport Limited in 2006. It was a hybrid application as it included both full and outline elements. Its constituent parts were:
 - i) a full application to remove the condition limiting passenger throughput to 25mppa imposed on an earlier permission granted in 2003 (UTT/1000/01/OP),
 - ii) a full application to vary the condition limiting the number of Air Transport Movements (ATMs) to 241,000 imposed on UTT/1000/01/OP,
 - iii) a full application for the construction of an extension to the terminal (Enterprise House side) and a new aircraft apron and ancillary development ("Y" Cul-de-Sac) to the south west of the cargo centre, and
 - iv) an outline application for other on-airport infrastructure (such as hangars, car parks and flight catering/airline support accommodation).
8. On 8th October 2008, the Secretaries of State for Communities and Local Government and for Transport granted planning permission for Generation 1 following a public inquiry that was held between 30th May and 19th October 2007.

Planning Conditions

9. In granting the planning permission, the Secretaries of State imposed a number of conditions relating to both the full and outline elements of the application. Of particular significance were Conditions MPPA1 and 2 which imposed a 35mppa annual cap and a passenger throughput monthly reporting requirement and Conditions ATM1-5 which imposed a 264,000 ATM annual cap, an explanation on which type of flights were exempt from the ATM cap limit and an ATM monthly reporting requirement. The trigger point for Conditions ATM1-4 is the first public use of the terminal extension (see Paragraph 6 above). In addition, a condition (AN1) was imposed limiting the

57dB(A) Leq16hr contour to an area not exceeding 33.9sqkm, reported annually to the local planning authority.

10. An 8-year limit was given for the submission of any reserved matters (8th October 2016) and a 10-year limit (8th October 2018) for subsequent construction to begin. A number of pre-commencement conditions were also imposed relating to matters such as landscaping, archaeology and water quality. A number of conditions (HA1-5) were imposed on the advice of the Highways Agency (as it was) relating to the carrying out of on and off-site highway works and associated traffic monitoring.
11. In June and July 2016, MAG submitted a reserved matters application for works at the fuel farm and a further application for discharge of the relevant parts of the pre-commencement conditions, within the 8-year limit. Both were approved. MAG advises that the works have not yet started on site, but they will be in the coming weeks to ensure lawful implementation of the Generation 1 permission. In December 2016 MAG submitted a full application for planning permission for a new arrivals building located to the north east of the terminal and south west of the Radisson hotel. This application is under consideration and may be reported to the Planning Committee in March. If planning permission is granted, the arrivals building would replace the unimplemented terminal extension permitted in Generation 1.
12. Some of the conditions came into force upon the grant of planning permission, namely the MPPA2 and ATM5 monitoring requirements as well as the AN1 noise contour restriction. The latest monitoring figures submitted by MAG (December 2016) indicate that throughput has reached 24.3mppa and the number of ATMs as defined in Conditions ATM1-4 has reached about 166,000. No breach of Condition AN1 has occurred, the latest reported contour area (for 2015) being 24.8sqkm. The contour for 2016 is awaited.

Unilateral Undertakings

13. The planning permission also included two unilateral undertakings signed by the applicants on 26th September 2008. One was in favour of the District Council and Essex County Council relating to a number of matters. The other was in favour of Hertfordshire County Council relating to contributions towards local road schemes and public transport.
14. The unilateral undertaking included a definition of "implementation", this being:

"Implementation shall mean the implementation of the Planning Permission for the development by the annual passenger throughput at Stansted Airport exceeding 25mppa over any period of 12 calendar months or the annual number of ATMs exceeding 241,000 over any period of 12 calendar months or the carrying out of any material operation (as defined by S.56 of the 1990 Act) pursuant to the Development which is permitted by the Planning Permission,

whichever is the earlier”.

15. Towards the end of the public inquiry, throughput at the airport reached just on 24mppa and it was anticipated that implementation of the Generation 1 permission would take place very soon. The trigger points in the unilateral undertaking reflected an anticipated sequential progression through to implementation and not the decline to 17.3mppa (October 2012) that actually took place as a result of the economic downturn. Since the airport was acquired by Manchester Airports Group (MAG) throughput has returned to 2007 levels, meaning that recovery has taken about 8-9 years. The main effect has been to delay implementation of the Generation 1 permission with some of the trigger points in the unilateral undertaking which were specific dates now appearing “out of sync”.
16. The latest monitoring update for the unilateral undertaking obligations and trigger points is attached. “Implementation” as defined in the unilateral undertaking has not yet taken place (see earlier Paragraphs 11 and 12).
17. Some obligations have effectively been met even though they have technically not been triggered. Details are set out in the “Current Action” column.

Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
None	None	None	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.