

**EXTRAORDINARY PLANNING COMMITTEE held at COUNCIL CHAMBER -
COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on
WEDNESDAY, 14 NOVEMBER 2018 at 10.00 am**

Present: Councillor A Mills (Chairman)
Councillors R Chambers, P Fairhurst, R Freeman, A Gerard (In place of J Lodge), E Hicks, M Lemon, J Loughlin, H Ryles and L Wells

Officers in attendance: N Brown (Development Manager), K Denmark (Development Management Team Leader), B Ferguson (Democratic Services Officer), G Glenday (Assistant Director – Planning), R Harborough (Director – Public Services), J Pine (Planning Policy Officer), E Smith (Solicitor) and M Watts (Environmental Health Manager – Enforcement).

Also present: Peter Henson (Bickerdike Allen), Nigel Mann (WYG), David Sprunt (ECC Highways), Katherine Wilkinson (ECC Highways), Mary Young (ECC Highways) and Christiaan Zwart (Barrister).

Public Speakers: Councillors Alan Dean, Martin Foley, John Lodge (Uttlesford District Council); Alex Armstrong, Tricia Barber, Andy Bennett, Peter Jones, Jackie Kingdom, Graham Mott and Neil Reeve (Parish Council Representatives); Robert Beer, Cassius Blanchard, Sid Brand, Steve Heapy, Ken O' Toole, Keith Perry, David Rooke, Brian Ross, Karen Spencer, Ray Woodcock and Michael Young.

PC43 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Councillors Fairhurst and Freeman declared non-pecuniary interests as members of Saffron Walden Town Council. Councillor Lemon declared a non-pecuniary interest as a member of Hatfield Heath Parish Council.

PC44 OPENING STATEMENT

The Development Manager made an opening statement to the Committee. He said there had been a misunderstanding relating to the nature of planning performance agreements, which were standard practice in the planning industry. Officers had been accused of using these as 'cash for favours'. This was offensive, as in no way had the application been fast tracked. The application had been assessed by a team of experts, including the statutory consultees, independent consultants and officers from East Hertfordshire District Council, Essex County Council (ECC), Hertfordshire County Council and Uttlesford District Council (UDC), who had worked in collaboration throughout the assessment. He said the integrity and professionalism of the officers could not be called into question.

The Solicitor clarified the situation regarding the request that had been made to the Secretary of State to call-in the application. She said it was normal procedure for the Secretary of State to consider the request of a call-in but it would not prevent Members determining the application which should be considered solely on its merits. If Members did resolve to approve the application, the Secretary of State had asked that the decision notice not be issued until he had confirmed he was not calling-in the application.

PC45 **UTT/18/0460/FUL - STANSTED AIRPORT**

The Development Management Team Leader summarised the report for the Committee's consideration.

The application related to the construction of a rapid access taxiway (RAT), a rapid exit taxiway (RET), and a total of nine additional stands over two locations. These additional facilities would enable the optimal use of the runway, improving efficiency during peak hours. The proposal also sought to uplift passenger numbers from the currently consented 35 million passengers per annum (mppa) to 43mppa. The application did not propose to increase the number of aircraft movements from the previously consented 274,000 per annum.

The conditions stated in the report were highlighted, including improvement works to associated junctions on the M11, noise mitigation measures and the Community Trust Fund. The amended recommendation and revised wording to the S106 agreement Heads of Terms was also outlined. Specifically, attention was drawn to the 'sustainable transport levy' which would be increased and could be used to fund alternative transport schemes.

The Development Management Team Leader said Members had been provided with a supplementary list of representations, which included issues arising from the public speaking sessions. She said no further issues had been raised which had not been addressed in the report.

The Chairman invited public speakers to make their statements. The statements can be heard in full on the Uttlesford District Council [website](#).

The following people spoke to the Committee:

Non-committee councillors

Councillor Alan Dean

Councillor Martin Foley

Councillor John Lodge

Councillor Neil Hargreaves (statement read by John Lodge)

Parish and Town Council representatives

Councillor Andy Bennett - Felsted Parish Council

Dr Graham Mott - Elsenham Parish Council

Councillor Neil Reeve - High Easter Parish Council
Councillor Peter Jones - Stansted Parish Council
Councillor Alex Armstrong - Dunmow Town Council
Councillor Jackie Kingdom - Stebbing Parish Council
Councillor Tricia Barber - Takeley Parish Council

Objectors

Robert Beer
Brian Ross
Ray Woodcock
Sid Brand
Michael Young

Supporters

Steve Heapy
David Rooke
Cassius Blanchard
Keith Perry
Karen Spencer

Applicant

Ken O' Toole

The meeting was adjourned at 12.30pm.

The meeting was reconvened at 1.15pm.

The Chairman said the report would now be broken down into the key aspects of the application and Members were invited to ask any questions of the officers who had been involved in the assessment process.

David Sprunt (ECC) gave a presentation on the proposed improvement works at Junction 8 of the M11. The estimated cost of the scheme was £10 million and would be funded through various sources. He said works were due to start in spring of 2019 and would last approximately 18 months.

In response to a Member question, Katherine Wilkinson (ECC) said future development in Uttlesford and East Hertfordshire, as well as this application, had been taken into account when analysing the applicant's transport assessment. An additional 10% uplift was also applied as a sensitivity test to ensure robustness and the forecasting had been extended to 2033. She said the proposed "interim-plus" scheme would mitigate the impact of the application, if approved.

Mary Young (ECC) said the modelling used data from a variety of sources but it also included data from the applicant's own assessment.

Councillor Fairhurst said there was a problem if Members had to determine this application on the basis of a ‘best guess’ scenario in terms of the impact it would have on the road network. He said this was a gamble.

David Sprunt said this was standard practice with all major road schemes, as highway planners could only anticipate what would happen in future. He reiterated that a 10% uplift on traffic flow had been added to ensure testing was sufficiently robust.

In response to a Member question regarding Junction 7a of the M11, David Sprunt said extensive modelling had been done on the proposed works at the junction, and the results suggested that it would have a positive impact by reducing traffic flow through local villages.

Katherine Wilkinson said £800,000 would be available for local road improvement works, to mitigate the impact on local roads of the airport’s expansion in passenger numbers.

In response to a Member question, the Planning Policy Officer said new, longer trains would be introduced as part of the new Greater Anglia rail franchise to increase capacity, and the Greater Anglia service from the airport to Cambridge would be extended to Norwich when the new “bi-mode” trains were introduced. He added that Network Rail, when consulted, had stated that there was sufficient capacity on the network and that they had no objections to this application.

Councillor Freeman said the figures did not add up and capacity would be increased by removing seating and making the majority of passengers stand on trains. This was contrary to the Government’s own guidelines.

Councillor Gerard said the Department for Transport (DfT) had stated that Stansted Airport would reach its current passenger cap in fifteen years’ time; MAG had stated it would reach this cap in the early 2020’s. He said he had been given conflicting information and it was difficult to know what was true. He cited the Government’s policy document ‘Beyond the Horizon’ and asked for a definition of ‘best use’ in relation to the airport’s runway.

The Solicitor cited commentary in the Department for Transport’s 2017 aviation forecasts which stated that the forecasts should not be considered a cap on the development of individual airports. The purpose of the forecasts is to inform longer term strategic policy rather than providing detailed forecasts at each individual airport in the short term.

The Chairman said it was clearer if members took a pro-rata approach to the airport’s growth in passenger throughput. If growth continued on its current trajectory, passenger numbers would reach the existing cap in five years’ time.

The Development Manager said the application before Members was not for ‘best use’ at Stansted Airport. He added that it was the DfT who had stated that the airport itself was best placed to forecast passenger growth levels.

In response to a Member question relating to noise, Peter Henson (Bickerdike Allen) said noise would increase in the next few years but in the medium and longer term, aircraft noise would decrease due to better technology and fleet modernisation.

Members asked questions regarding airport noise and the measures MAG were using to ensure its airline operators were investing in and committed to modernisation.

The Development Manager said Condition 7 outlined in the report related to permitted noise levels. If this condition was breached, enforcement action would be considered.

The Development Management Team Leader said a timeframe and passenger number trigger would commit MAG to incentivise operators in the modernisation of aircraft operating from Stansted Airport. If modernisation was not achieved, and quieter aircraft were not deployed, MAG would be tied to Condition 7 in the report and would not be able to grow in terms of passenger numbers, as the noise cap would otherwise be breached.

In response to a Member question, Peter Henson said the larger planes deployed in future would be no noisier than current aircraft, due to modernisation.

The meeting was adjourned at 3.25pm.

The meeting was reconvened at 3.45pm.

The Chairman returned to the point regarding standing capacity on the rail network.

The Director – Public Services said the issue of seating availability had been definitively addressed in the report. Whilst demand would exceed seating availability on four trains departing from Liverpool Street in the pm peak period if the rail mode share matched the 35% sensitivity assumption, there would be sufficient standing capacity to accommodate passenger numbers. On other trains in the peak period, there would be more seats than the forecast number of rail passengers. He said Network Rail, who had not objected to the application, were well aware of government guidance in relation to passengers in excess of capacity.

The Development Manager said more checks and balances could be included in Condition 7 of the report, to provide a higher level of assurance that enforcement action could be taken if the condition was breached.

Members considered the impact of the application on air quality, biodiversity and the environment.

In response to a Member question relating to carbon dioxide emission targets, the Director – Public Services said Government policy stipulated that it was not for local planning authorities to consider national emission targets when determining applications relating to the increase of passenger numbers at existing airports.

Councillor Gerard said the Government's 'Beyond the Horizon' document stated differently, and that weight should be given to emission targets when considering applications relating to the 'Best use' of existing runways. Furthermore, numerous sections of the National Planning Policy Framework (NPPF) also gave weight to these targets. He concluded that this application was contrary to NPPF guidelines.

The Director – Public Services said the NPPF listed the areas in which emission targets must be taken into account by local planning authorities. Emissions from aircraft in flight, and while taxiing, were not included. Beyond the Horizon was explicit that action on emissions from aircraft was a matter for government to address. This application was not contrary to Government policy.

Councillor Fairhurst said the application would cause huge levels of air, road and noise congestion for the District of Uttlesford. He proposed to refuse the application.

Councillor Gerard asked why no Quality of Life assessment had been included in the report. He said it was impossible to deliberate without this information.

The Director – Public Services said a Quality of Life assessment was not mandatory. The Environmental Statement was, and it incorporated such information.

The meeting was adjourned at 4.45pm.

The meeting was reconvened at 5.05pm.

Members discussed potential reasons for refusing the application. ENV11 and ENV13 of the adopted Uttlesford Local Plan 2005 were given as valid planning reasons for refusing the application.

Councillor Fairhurst requested a recorded vote. He had already proposed refusal of the application.

Councillor Gerard seconded the motion to refuse the application.

The vote to refuse the application was as follows:

For refusal:

Councillors Fairhurst, Freeman, Gerard, Lemon and Loughlin.

Against refusal:

Councillors Chambers, Hicks, Mills, Ryles and Wells.

The vote was tied. The Chairman used his casting vote to reject the motion for refusal.

Councillor Fairhurst proposed to defer the application.

Councillor Gerard seconded the motion.

The vote to defer the application was as follows:

For deferment:

Councillors Fairhurst, Freeman and Gerard.

Against deferment:

Councillors Chambers, Hicks, Loughlin, Mills, Ryles and Wells.

Abstained:

Councillor Lemon

The motion to defer the application was defeated six to three, with one abstention.

Councillor Ryles proposed to approve the application.

Councillor Hicks seconded this motion.

The vote to approve the application was as follows:

For approval:

Councillors Chambers, Hicks, Mills, Ryles and Wells.

Against approval:

Councillors Fairhurst, Freeman, Lemon, Gerard and Loughlin.

The vote was tied. The Chairman used his casting vote to approve the application.

RESOLVED to approve the application subject to the conditions in the report and the applicant entering into a S106 Agreement in respect of the obligations as set out in the heads of terms.

The Development Manager reminded members and staff that the decision notice could not be issued until the Secretary of State had confirmed he was not going to call-in the application for determination.

The meeting ended at 5.50pm.