



Uttlesford District Council

Chief Executive: Dawn French

Stansted Airport Advisory Panel

Date: Tuesday, 26th February, 2019
Time: 7.00 pm
Venue: Committee Room - Council Offices, London Road, Saffron Walden,
Essex CB11 4ER

Chairman: Councillor K Artus
Members: Councillors P Fairhurst, T Farthing, M Foley, A Gerard, T Goddard,
D Jones, G LeCount, M Lemon and H Ryles

Agenda

- 1 Apologies for Absence and Declarations of Interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 5 - 6
To consider the minutes of the previous meeting.
- 3 UTT/18/0460/FUL - Arrangements for monitoring the S196 agreement and planning conditions** 7 - 10
To receive the report on the arrangements that the Council would put in place to monitor the S106 agreement and planning conditions for airport expansion to 43mppa should planning permission be granted. Presented by Jeremy Pine (Planning Policy/Development Management Liaison Officer).
- 4 Aircraft Movements Data** 11 - 20
To receive the report about data on the movement of aircraft at Stansted Airport. Presented by Jeremy Pine (Planning Policy/Development Management Liaison Officer).
- 5 Airport Car Parking Update** 21 - 26

To receive the report setting out the position relating to passenger car parking associated with Stansted Airport. Presented by Jeremy Pine (Planning Policy / Development Management Liaison Officer)

6 Environmental Health (Commercial Report Impact and risk planning EU Exit - No deal scenario) 27 - 32

To receive the report considering the implications for the Environmental Health imported food service of the UK leaving the European Union under a no deal scenario.

7 Draft Noise Action Plan

Verbal presentation by Chairman.

For information about this meeting please contact Democratic Services

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Agenda Item 2

STANSTED AIRPORT ADVISORY PANEL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 20 MARCH 2018 at 7.00 pm

Present: Councillor K Artus (Chairman)
Councillors T Farthing, M Foley, A Gerard and M Lemon

Officers in attendance: A Bochel (Democratic Services Officer), R Harborough (Director - Public Services) and J Pine (Planning Policy/Development Management Liaison Officer)

Also present: Councillors A Dean, B Light and J Lodge, M Peachey and B Ross.

SP5 **STOP STANSTED EXPANSION UPDATE - PRESENTATION**

B Ross and M Peachey gave a presentation providing an update on the work of Stop Stansted Expansion. A copy of this presentation is included as appendices to these minutes.

Members noted that one view that could be taken was there was a lack of strategically joined-up thinking regarding planning application transport assessments and the Council's draft Local Plan. They said it was in the interests of Uttlesford that major infrastructure interrelationships be given appropriate time for consideration.

The Director – Public Services said Stop Stansted Expansion had now been invited to a meeting with Uttlesford District Council regarding the application to expand Stansted Airport.

The Director – Public Services said Uttlesford District Council were not legally committed to the published planning decision deadline, and that it was only a target. There were no penalties for not meeting this date. The target date could be extended if the Council decided there was not enough information provided to decide on the application.

Members noted that many councillors had been concerned with lobbying tactics for emails supporting the application.

SP6 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Fairhurst and Ryles.

SP7 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting on 3 October 2018 were approved and signed as a correct record.

SP8 **SECTION 106 OBLIGATIONS UPDATE**

The Planning Policy / Development Management Liaison Officer said the main change since the report last year was that the planning permission for expansion to 35 million passengers per annum had now been implemented.

Two obligations relating to expansion to 25mppa had however not been complied with. These were:

- Planning permission for a visitor centre. This had not been developed because of security concerns over the location at the time.
- Funding towards the cost of the construction and running of a materials recycling facility was not provided because the District Council did not proceed with the scheme.

The Planning Policy / Development Management Liaison Officer said some 35mppa obligations were ahead of their implementation schedule while others were behind. At the request of the Chairman, the next update to the Panel could focus more on outcomes.

SP9 **CURRENT UDC INTERACTION WITH THE AIRPORT (NON PLANNING) - VERBAL REPORT**

The Director – Public Services said Uttlesford District Council was the airport's Port Health Authority, it provided the border inspection post and the Environmental Health Team monitored food hygiene issues and in-flight catering. The Council was also engaged in discussions with the airport about off-airport parking, and a multi-agency taskforce would be convened to examine issues relating to this.

SP10 **DISTRICT TRANSPORT INFRASTRUCTURE - DISCUSSION**

Councillor Artus said members were concerned by a lack of strategic vision, and that transport developments did not encompass the needs of each other. He said the lack of strategic vision was compounded by the fact that the district plan did not consider passenger numbers beyond the current permissions and also that the airport's transport plan did not consider the impact of the local plan.

The Director – Public Services said Essex County Council, as the region's Highways Authority was fully engaged with Manchester Airport Group's application.

The meeting ended at 8.35pm.

Agenda Item 3

Committee: Stansted Airport Advisory Panel

Date:

Title: UTT/18/0460/FUL - Arrangements for monitoring the S106 agreement and planning conditions

Tuesday, 26
February 2019

Report Author: Jeremy Pine, Planning Policy/Development Management Liaison Officer
jpine@uttlesford.gov.uk

Summary

1. This report is about the arrangements that the Council will put in place to monitor the S106 agreement and planning conditions for airport expansion to 43mppa should planning permission be granted.

Recommendations

2. That the Panel notes the monitoring arrangements that will be put in place and raises any comments that it thinks are fit.

Financial Implications

3. None

Background Papers

4. None.

Impact

- 5.

| | |
|---------------------------------|--|
| Communication/Consultation | None. |
| Community Safety | None. |
| Equalities | None. |
| Health and Safety | None. |
| Human Rights/Legal Implications | None. |
| Sustainability | None. |
| Ward-specific impacts | Airport operations have the most effect on |

| | |
|---------------------|---|
| | those wards closest to the airport. |
| Workforce/Workplace | The Council has appointed a new S106 Monitoring and Enforcement Officer to carry out monitoring of all S106 agreements. |

Situation

History

6. On 14th November last year, the Planning Committee resolved to grant planning permission for airport expansion to 43mppa subject to a number of planning conditions and a Section 106 agreement. The planning conditions that were recommended were:
 - Time limit for commencement (standard condition)
 - Submission of a scheme of water resource efficiency measures
 - Submission of a Construction Environmental Management Plan
 - Submission of a detailed surface water drainage scheme
 - Submission of a Biodiversity Management Strategy
 - Carrying out of approved ecological mitigation and enhancement measures
 - Noise envelope based on 57dB(a) Leq 16hr (0700-2300) contour, with arrangements for subsequent tapering
 - 43mppa throughput limit, reported to the local planning authority
 - 274,00 ATM limit (16,000 CATMs max) reported to the local planning authority
 - Installation of electric vehicle charging points

7. The officers' report also set out the draft Heads of Terms of the agreement. The main topic areas are:
 - Noise mitigation
 - Transport
 - Skills, education and employment
 - Community Trust Fund
 - Ecology provisions
 - Surface water discharge quality monitoring

8. The S106 agreement has been prepared and is currently subject to final reviews. The District Council is currently not able to issue the decision notice (of which a signed S106 agreement would be part) until the Secretary of State for Housing, Communities and Local Government (SSHCLG) determines a request to call the application in. The process is subject to a challenge from SSE against the Secretary of State for Transport (SST) in concluding that the proposals did not constitute a Nationally Significant Infrastructure Project (NSIP), and therefore did not fall to be determined within the Development Consent Order regime. The request for a call in under Section 77 of the

Planning Act 1990 has been made on the basis that, if the application were to be called in by the SSHCLG, SSE argues that this would render its application for a judicial review against the SST unnecessary. The court action is currently stayed until a date to be arranged in March. The Court Order indicates that the call in issue will be mentioned in the hearing. Counsels' advice is currently being sought as to when the S106 Agreement should be published.

9. Up to now, the Council has been monitoring two previous agreements that relate to airport development:

- An agreement signed on 14th May 2003 in relation to expansion to 25mppa

- A unilateral undertaking dated 26th September 2008 in relation to expansion to 35mppa.

10. Periodically, officers have reported on progress on both to Panel meetings using a summary table. Most recently, and with the Panel's consent, reporting has concentrated on 35mppa, but in the past the Panel was informed which of the 35mppa obligations were new compared to 25mppa, which were in effect rolled forward and which older obligations had expired. The Panel will recall that there was a delayed implementation of the 35mppa planning permission due to the economic downturn which pushed back many of the trigger points.

Moving forward – S106 monitoring

11. It was the original intention of STAL to roll-up the two previous agreements into the new one, so that there would be only one to monitor. This has not happened for a number of reasons, and if planning permission for 43mppa is granted there will be three to monitor.

12. The Council has recently appointed a new S106 Monitoring and Enforcement Officer who will be carrying out the monitoring function, not just in relation to the airport but on all agreements districtwide. A dedicated officer allows the Council to be more proactive in its monitoring function than the previous part-time arrangements allowed.

13. A main task will be to devise a monitoring spreadsheet that amalgamates the obligations in all three agreements into a single document that is as easy for the Panel and others to understand as is possible. At the moment this cannot be done because there is no finalised, signed agreement and the outcome of the application is not yet known pending SSHCLG's consideration.

14. Officers will work with STAL to identify which of the former obligations are still in force to reduce any disagreement between the two parties.

15. A large part of the agreement relates to transport obligations, and these will also be monitored through the work of the Stansted Airport Transport Forum (SATF). The SATF Steering Group (on which the District Council is represented) will be responsible for the headline targets set out in the agreement relating to public transport mode share, single occupancy car use by staff and “kiss and fly” traffic. Progress on these targets will be reported to the SATF Annual Assembly and on the SATF’s new website which is being launched at the Annual Assembly on 28th February.
16. The SATF working groups (Bus/Coach, Rail and Highways) will be responsible for devising the strategy to achieve the headline targets via an update of the surface access strategy which forms part of the airport’s sustainable development plan. The update will be overseen by the Steering Group.

Moving forward – planning conditions monitoring

17. For a number of years, the airport operator has submitted passenger throughput and aircraft movement data to the Council under previous planning conditions. This would continue under any 43mppa planning permission. This data is important as it is a good way to monitor trigger points that relate to throughput.
18. In relation to the other conditions, including pre-commencement conditions, these are monitored by the case officer as with any other planning permission

Risk Analysis

1.

| Risk | Likelihood | Impact | Mitigating actions |
|---|--|---|--|
| That planning obligations and conditions are not monitored. | 1. There is little or no risk due to the high-profile nature of the development. | 2. Non-compliance could have an impact on the environment and on local residents. | Continue to monitor planning obligations and conditions. |

- 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.

Committee: Stansted Airport Advisory Panel

Date:

Title: Aircraft Movements Data

Tuesday, 26
February 2019

Report Author: Jeremy Pine, Planning Policy/Development

Management Liaison Officer

jpine@uttlesford.gov.uk

Summary

1. This report is about data on the movement of aircraft at Stansted Airport with reference to the reporting requirements under Conditions ATM1, ATM2 and ATM 5 of the planning permission for expansion to 35mppa granted by the Secretaries of State on appeal in 2008 (UTT/0717/06/FUL). Aircraft movement data is also regularly reported to the Stansted Airport Consultative Committee (STACC).
2. The report also includes data relating to night movements, which are controlled by the night flight restrictions set by DfT and not via the planning permission. This data is not required to be reported to the District Council under the planning permission, but is reported regularly to STACC. Further details are also available in the draft Noise Action Plan and as background data in the "Night flight restrictions at Heathrow, Gatwick and Stansted Consultation Document" dated January 2017.
3. The annex at the end of this report contains the data tables and explanations that are referred to. Data starts from 2014, that being the first full year of ownership by Manchester Airports Group (MAG).

Recommendations

4. That the Panel notes the contents of this report.

Financial Implications

5. None.

Background Papers

6. None.

Impact

- 7.

| | |
|---------------------------------|----------------------|
| Communication/Consultation | None |
| Community Safety | None |
| Equalities | None |
| Health and Safety | None |
| Human Rights/Legal Implications | None |
| Sustainability | None |
| Ward-specific impacts | Air and ground noise |
| Workforce/Workplace | None |

Situation

Aircraft movements

8. Condition ATM1 of UTT/0717/06/FUL sets out the limits on air transport movements (ATMs) at Stansted Airport. Condition ATM2 explains which types of flight are excluded from the ATM limit (commonly known as “other” flights”), but does set a separate limit of 10,000 movements / year for flights that are positioning and business in nature. However, ATM2 does exclude business flights with 10 seats or fewer from counting towards the limit.
9. The reason for the 10,000 movements / year limit in ATM2 is to hold the airport operator to the effects that were predicted in the environmental statement that accompanied the planning application, setting a notional overall limit of 274,000 aircraft movements at 35mppa.
10. Condition ATM5 sets out what data is required to be reported monthly to the District Council. Only numbers of ATMs are actually required to be submitted, but MAG does include “other” flights as well, although it does not break these down into the ATM2 categories. Monthly data on aircraft movements at all UK airports is also published by the CAA on its website. The CAA data does break down “other” flights into categories, although these categories do not directly correlate with ATM2 and the CAA data does not identify business flights with 10 seats or fewer.
11. The wording of Conditions ATM1, 2 and 5 is set out in the annex.
12. An analysis of the ATM5 yearly data table in the annex shows that the total number of ATMs is well within the Condition ATM1 limit, both in terms of passenger movements (PATMs) and cargo movements (CATMs) and also the overall limit. In a statement to STACC on 25th January 2017, MAG referred to a meeting that took place with STACC members representing the local community to discuss the ATM series of conditions. The note of the meeting

explained that the “10 seats or fewer” exclusion in ATM2 removed some 8,000 “other” movements each year, resulting in the airport not being in breach of the 10,000 movements / year limit.

13. Even if all the other movements were to count towards the limit imposed by Condition ATM2, this would need to be viewed within the context of the overall number of movements which complies with ATM1. It is generally accepted that the noisiest movements are CATMs which are currently running at 59.2% of the 20,500 / year limit.
14. In November of last year, the Planning Committee resolved to grant planning permission for expansion to 43 mppa. The environmental statement that accompanied the planning application predicts that 274,000 movements will be reached in 2026 with a separate limit of 16,000 CATMs and a squeezing of “other” movements to no more than 5,000 in 2028.

Night flight restrictions

15. The night flight restrictions relate to summer and winter seasons, which start at the seasonal clock changes in March and October respectively. The night quota period to which the restrictions apply is 23:30 – 06:00 local time. The movement and quota limits for summer and winter are set out in the annex.
16. When the current regime was introduced in October 2017 (expiring in October 2022), the movements limit at Stansted was increased to accommodate the large number of less noisy and modern aircraft that were operating but which were exempt under the previous regime. Under the new regime all aircraft now count against the movement limit. After one year (in October 2018), aircraft that are between 81 and 83.9 EPNdB (Effective Perceived Noise Decibels) started to count within the quota limit as QC/0.125. This is most of those that previously operated as exempt. Aircraft below 81 EPNdB remain excluded from the quota limit. Some aircraft are QC-rated differently on arrival than on departure.
17. Annually, the CAA produces a report setting out the average summer day and night noise exposure contours for Stansted Airport. The latest report is for 2017, published in June 2018. During the year, there was an average of 85.6 movements over the 8-hour night period from 23:00–07:00, an increase of 4% from the previous year. Arrivals were 63% of all movements. Unsurprisingly, night traffic was dominated by the Boeing 737-800/900 with 54 movements / night, representing 63% of the total. The next highest was the Airbus A319 with 9%.
18. In summer 2016 the movement limit was exceeded by 5.3% but the quota count was not. Under the regime, MAG was able to accommodate this by carrying over a shortfall of movements from the previous winter period when only 62.1% of the movements limit was used. The Council has in the past objected to these arrangements as they reduce certainty for residents. The absolute maximum carry over allowable under the regime is 10% of the

original limit in each case. Overruns of up to 20% can also be made, subject to a deduction being made from the next season's allowance although with a >10% carry over the deduction becomes progressively severe. The carry over and overrun arrangements also apply to the quota count where relevant.

19. Data presented by MAG to STACC's Noise and Track Keeping Working Group (NTKWG) on 17th January 2019 show that there was a similar exceedance of the movements limit in summer 2017.

20. Consultation on the post-October 2022 regime is due to start later this year when the Council will again be able to express its views.

21. The data for January – March 2018 reported to STACC seems to show a very large increase in both QC points and movements used, resulting in a significant exceedance of both the quota limit (51%) and movement limits (17%) for winter 17/18. MAG has admitted that this data is in error and there has been no resultant exceedance of the winter 17/18 limits, confirmed by the NTKWG data. Data for September 2018 seems not to have been reported to STACC.

22. In its decision document on the current night flights regime, the DfT has stated that its environmental objective for the regime is to *“limit or reduce the number of people significantly affected by aircraft noise at night, including through encouraging the use of quieter aircraft, while maintaining the existing benefits of night flights”*. The key indicators that it will use will be:

- the area and number of people in the 48dB LAeq 6.5hr night contour
- sleep disturbance impacts associated with night flights, assessed using webTAG methodologies
- the average noise of an aircraft (as measured by the average noise Quota Count per aircraft movement over the course of a season)
- number of movements in the night quota period

Risk Analysis

23.

| 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.

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Aircraft Movements Data Annex

UTT/0717/06/FUL – Expansion to 35MPPA

Condition ATM1

“Subject to ATM2 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 264,000 ATMs (Air Transport Movements) during any 12 calendar month period, of which no more than 243,500 shall be PATMs (Passenger Air Transport Movements) and no more than 20,500 shall be CATMs (Cargo Air Transport movements).

Condition ATM2

“The limit in condition ATM1 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 the control of the operator and commander of the aircraft; and*
- (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.*

The total number of take-offs and landings by aircraft in categories (a) and (b) above combined shall not exceed 10,000 in any 12 calendar month period.

Condition ATM5

“From the date of the granting of planning permission the developer shall report the monthly and moving annual total numbers of ATMs (Air Transport Movements), PATMs (Passenger Air Transport Movements) and CATMs (Cargo Air Transport Movements) in writing to the local planning authority no later than 28 days after the end of the calendar month to which the date relate”.

ATM5 yearly data – as submitted by MAG to UDC and STACC

| Year (ATM1 limit) (ATM2 limit) | PATMs (243,500) (N/A) | CATMs (20,500) (N/A) | Total ATMs (264,000) (N/A) | Others (N/A) (10,000 (a) + (b)) | Total movements (274,000) |
|--------------------------------------|-----------------------------|----------------------------|----------------------------------|---------------------------------------|------------------------------|
| 2014 | 133,928 | 12,082 | 146,010 | 11,557 | 157,567 |
| 2015 | 144,800 | 12,448 | 157,248 | 11,860 | 169,108 |
| 2016 | 152,402 | 13,750 | 166,152 | 14,468 | 180,620 |
| 2017 | 161,318 | 12,492 | 173,810 | 16,111 | 189,921 |
| 2018 | 173,818 | 12,144 | 185,962 | 15,711 | 201,673 |

Note 1: Previous limit set under UTT/1000/01/OP for expansion to 25mppa was a total of 241,000 ATMs of which no more than 22,500 could be CATMs. No “others” limit was set.

Note 2: The “Others” column includes the “10 seats or fewer” business flights – (circa 8,000 / year) which need to be excluded under Condition ATM2.

Night Flights Restrictions

The previous regime ran from October 2014 to October 2017, and the current one has been in force since then (expires in October 2022). The following limits apply:

| Restriction | 2014-17 | Current regime |
|-----------------------------|---------|----------------|
| Summer night movement limit | 7,000 | 8,100 |
| Summer night quota limit | 4,650 | 4,650 |
| Winter night movement limit | 5,000 | 5,600 |
| Winter night quota limit | 3,310 | 3,310 |

The usage data for winter 14/15 – summer 16 for Stansted is set out in the following 2 tables, and is taken from the January 2017 DfT consultation document on the new regime. The data shows that the predominant QC classification is 0.5, and the NTKWG data submitted in January 2019 shows that QC/0.5 remains the predominant classification in the subsequent seasons.

Quota Count

| Season | QC0.25 | QC0.5 | QC1 | QC2 | QC4 | Quota used | % used | Exempt |
|--------------|--------|-------|------|-----|-----|------------|--------|--------|
| Winter 14/15 | 138 | 1558 | 900 | 242 | 2 | 2205.50 | 66.63 | 481 |
| Summer 15 | 954 | 3778 | 1276 | 337 | 2 | 4085.50 | 87.86 | 673 |
| Winter 15/16 | 141 | 1951 | 804 | 208 | 1 | 2234.75 | 67.51 | 605 |
| Summer 16 | 758 | 5020 | 1257 | 333 | 2 | 4630.50 | 99.58 | 1093 |

Movement Limit

| Season | Movements used | % used | Exempt |
|--------------|----------------|--------|--------|
| Winter 14/15 | 2840 | 56.80 | 481 |
| Summer 15 | 6347 | 90.70 | 673 |
| Winter 15/16 | 3105 | 62.10 | 605 |
| Summer 16 | 7370 | 105.30 | 1093 |

From winter 16/17, the following data has been obtained from MAG summaries to STACC. Some comments by officers have been added in italics. It should be noted that the totals are approximate as seasons start and finish on BST and GMT time changes.

| Month | QC points used | QC movements | Total movements | Comments |
|-----------------------|----------------|--------------|-----------------|--------------------------------|
| <i>(Winter 16/17)</i> | | | | |
| Nov 2016 | 469 | 655 | 801 | |
| Dec 2016 | 544 | 789 | 928 | |
| Jan 2017 | 505 | 710 | 805 | |
| Feb 2017 | 431 | 601 | 710 | |
| Mar 2017 | 477 | 656 | 780 | |
| <i>Totals</i> | <i>2,426</i> | <i>3,411</i> | <i>4,024</i> | <i>No exceedance of limits</i> |
| <i>(Summer 2017)</i> | | | | |
| Apr 2017 | 472 | 768 | 811 | |
| May | 589 | 981 | 1,063 | |

| | | | | |
|-----------------------|--------------|--------------|--------------|--------------------------------|
| 2017 | | | | |
| Jun 2017 | 674 | 1,142 | 1,228 | |
| Jul 2017 | 709 | 1,218 | 1,299 | |
| Aug 2017 | 725 | 1,275 | 1,343 | |
| Sep 2017 | 703 | 1,191 | 1,263 | |
| Oct 2017 | 624 | 1,096 | 1,170 | |
| <i>Totals</i> | <i>4,496</i> | <i>7,671</i> | <i>8,177</i> | <i>Movement limit exceeded</i> |
| <i>(Winter 17/18)</i> | | | | <i>New regime starts</i> |
| Nov 2017 | 573 | 799 | 915 | |
| Dec 2017 | 565 | 850 | 922 | |
| Jan 2018 | 1,307 | 1,630 | | <i>See text of main report</i> |
| Feb 2018 | 1,112 | 1,404 | | <i>See text of main report</i> |
| Mar 2018 | 1,455 | 1,852 | | <i>See text of main report</i> |
| <i>Totals</i> | <i>5,012</i> | <i>6,535</i> | | <i>See text of main report</i> |
| <i>(Summer 2018)</i> | | | | |
| Apr 2018 | 464 | 908 | | |
| May 2018 | 560 | 1,092 | | |
| Jun 2018 | 654 | 1,317 | | |
| Jul 2018 | 704 | 1,406 | | |
| Aug 2018 | 775 | 1,536 | | |
| Sep 2018 | N/A | N/A | | <i>Data is missing</i> |
| Oct 2018 | 644 | 1,251 | | |
| <i>Totals</i> | <i>3,801</i> | <i>7,510</i> | | <i>Excludes Sept data</i> |
| <i>(Winter 18/19)</i> | | | | |
| Nov 2018 | 422 | 724 | | |
| Dec 2018 | 446 | 786 | | |

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Committee: Stansted Airport Advisory Panel

Date:

Title: Airport Car Parking Update

Tuesday, 26
February 2019

Report Author: Jeremy Pine, Planning Policy/Development
Management Liaison Officer
jpine@uttlesford.gov.uk

Summary

1. This report sets out the position relating to passenger car parking associated with Stansted Airport. It explains what measures the Council and others have at their disposal to deal with off-airport car parking where it is perceived to be a problem. The report is an update of the one presented to Scrutiny Committee in November of last year.

Recommendations

2. That the Panel notes the current position and the actions that the Council and others are taking in relation to off-airport car parking.

Financial Implications

3. None

Background Papers

4. None

Impact

- 5.

| | |
|---------------------------------|---|
| Communication/Consultation | None |
| Community Safety | None |
| Equalities | None |
| Health and Safety | None |
| Human Rights/Legal Implications | None |
| Sustainability | None |
| Ward-specific impacts | Off-airport car parking can impact those wards closest to the airport, particularly |

| | |
|---------------------|--------------------------|
| | Takeley and Lt Canfield. |
| Workforce/Workplace | None |

Situation

On-airport parking

- Stansted Airport Limited (STAL) makes provision for all airport-related car parking to take place within the airport boundary. This is consistent with Policy S4 of the Council's adopted Local Plan and also with Policy SP11 of the submitted Regulation 19 Local Plan.
- As of the end of 2017, there were 30,750 on-airport car parking spaces for passengers:

21,950 long-stay (including "meet and greet")

5,100 mid-stay

3,700 short stay

Long stay car parking (including "meet and greet" storage) is located to the north west of the runway adjacent to Long Border Road. Mid-stay is located adjacent to the A120 by the South Gate entrance to the airport. Short-stay is located to the front of the terminal and to the south and north east of the Radisson Hotel. All these spaces are managed by STAL. In addition, "kiss and fly" (drop-off and pick-up) traffic is accommodated on the terminal forecourt, for which there is an access charge. On a daily basis, around 46% of all entries and exits are kiss and fly (STAL data).

- In 2017, outline planning permission was granted to a third party operator for an on-airport six-level multi-deck car park on a site at Coopers End Road near to Endeavour House. 4,000 spaces would be provided, but as yet reserved matters have not been submitted.
- In its transport assessment forming part of the planning application for expansion to 43mppa, STAL estimates that the amount of on-airport parking for passengers would need to increase by between 50% - 83% from the 2017 level to meet demand should planning permission be granted. Currently, STAL is increasing its supply of short-stay car parking to meet short-term demand by providing more surface and decked spaces near to the Radisson Hotel using its Permitted Development rights as an airport operator under the 2005 Town and Country Planning (General Permitted Development) Order. These spaces are due to be available in the summer of this year.
- STAL enforces no waiting restrictions on a 24 hour / day basis in other locations close to the terminal within the airport boundary, such as along Thremhall Avenue.
- Notwithstanding the Local Plan provisions and as a consequence of the operation of the airport, airport-related car parking takes place beyond the

airport boundary for a number of reasons. These reasons include commercial competition with STAL and a desire to avoid paying for parking altogether. This type of parking occurs at other airports and is not unique to Stansted.

Off-airport car parking

12. A breach of planning control can occur where private land beyond the airport boundary is used for car parking (usually airport-related) without the benefit of planning permission. Usually, this consists of the use of open land, which may be fenced / floodlit to form a compound with an on-site security hut, or the parking may be concealed in some other way from public view such as within a building. Commonly, arrangements are made by the operator to pick the customer's car up from the airport and return it there or there may be a taxi service from the car park itself.
13. An allegation of a breach of planning control will be investigated by the Council's enforcement team in accordance with standard procedures. Each case is considered on its merits, judged against Council planning policy and other relevant material planning considerations such as Government policy in the National Planning Policy Framework. If an enforcement notice is served the Council is required to include a compliance period. This period will need to take into account an appropriate length of time for the winding down of the business which will likely have existing and future bookings to honour that were made in good faith by customers.
14. It is difficult to estimate how much off-airport car parking takes place, but when the British Airports Authority (BAA) owned Stansted Airport it presumed a 10% loss of business to off-airport operators.

Fly parking

15. Fly parking is where cars are parked within the limit of the highway in adjoining towns and villages. Fly parking can be kerbside, in laybys or on grass verges. This type of activity is lawful (unless in contravention of any traffic regulation order -TRO), but can lead to loss of amenity for adjoining residents such as through the coming and going of cars and taxis in residential areas and also obstruction (such as of a driveway or footway). In extreme cases, local residents have been wakened at night by a taxi driver calling at their door to pick up a fare, when the customer has actually been waiting at the kerbside, having given the nearest house as the pick-up address.
16. Fly parking can consist of a car being parked by its owner within the highway for a period of time, or it can be part of a "meet and greet" operation where customers may otherwise believe their car is being securely parked. In respect of the latter, this is a matter that can be raised with Essex Trading Standards (ETS). However, ETS adopts an intelligence led approach to its work, and is not able to commit any resources to investigating businesses in an attempt to find a breach of legislation.

17. Fly parking can also be caused by taxis waiting for a fare, particularly within the Takeley and Priors Green areas which are closest to the terminal. There is a free one-hour waiting facility within the mid-stay car park.
18. For several years, STAL, Essex County Council (ECC), Herts County Council and this Council have tried to gauge the extent of fly parking around Stansted Airport through the work of the Stansted Airport Transport Forum (SATF), in particular the Highways Working Group (HWG) which is chaired by ECC. A Freephone car park hotline is in operation on which callers can report suspected incidents of fly parking using a series of prompts. The purpose of the prompts is to establish the likelihood that the parking is airport-related, such as by observing people “in the act” i.e. leaving with suitcases by taxi. Judging whether fly parking is airport-related is not always easy – it could be commuter parking related to a nearby railway station or a convenient bus route. A one-off on-street survey would not be able to identify airport-related parking from any other type of parking, and repeated surveys would be very labour intensive.
19. The hotline data is collated by STAL staff and reported quarterly to the HWG, and the anonymised data is plotted on a GIS database by STAL’s highway consultants. On the basis of this evidence, HWG will decide whether there is an identified “hotspot” of fly parking activity that warrants further investigation. Under the 2003 and 2008 planning permissions for airport expansion to 25mppa and 35mppa respectively, STAL (under BAA ownership) made funding available to contribute towards local authority costs of dealing with fly parking within 5 miles of the airport boundary. The 2008 unilateral undertaking made a maximum of £20,000 / per year available until the end of 2015 (now time expired).
20. The funding was proposed to be used for the drawing up, publicising, advertising and implementation of TROs such as a no-waiting restriction or a residents’ car parking scheme. These schemes would be drawn up by the North Essex Parking Partnership (NEPP) on behalf of ECC. One-hour no-waiting restrictions are common close to railway stations where fly parking can also be a concern.
21. Shortly after the 2003 planning permission was granted, funding was made available to ECC for the implementation of a one-hour no waiting restriction in Takeley. This followed a local survey where residents were given the option of a no-waiting restriction or a residents’ parking scheme. The latter was not favoured, probably because residents would have had to pay for the parking permits. A Clearway along Parsonage Road was subsequently included in the order. At that time, there was clear evidence that Takeley was the settlement that was most subject to fly parking. This was unsurprising given its close location and convenient access by road to the terminal.

22. The 2008 undertaking also allowed the funding to be used to enforce breaches of planning control for unauthorised off-airport car parks. In a recent review by the Civil Aviation Authority (CAA) of airport parking nationally, the CAA scrutinised the supply of off-airport car parking for Stansted compared to that of other UK airports. The reason for this was the successful Local Plan policies which have restricted parking beyond the airport boundary.
23. It is the view of STAL (now under different ownership from 2008) that it is questionable whether it is lawful for airport funding to be provided for planning enforcement matters as it is for the Council to decide where airport car parking should be located. Requiring STAL to finance planning enforcement of Local Plan policies could be conceived as an anti-competitive measure by the CAA.

The present position

24. The parking hotline continues to operate. The number of instances reported through it has varied from 16 in 2010 to over 100/year recently, indicating that the main concerns are in Bishop's Stortford, Stansted Mountfitchet, Takeley (still) and Priors Green. However, spread over a year and a fairly large area, the number of reported incidents of fly parking is not considered by the HWG to be high at any one time. Fly parking is a type of activity that is always likely to take place, migrating from one area to another, although it should in theory become less attractive with distance from the airport. In recognition of the increased local concerns, a Fly Parking Task Force (FPTF) has been established by STAL as a sub-group of HWG including NEPP, Essex Trading Standards (ETS) and UDC enforcement within its membership. The FPTF is in its infancy at the moment, but its work will include reviewing the hotline data, looking at options for solutions, quick wins and timelines.
25. The establishment of the FPTF is separate to any review of the working of the SATF that may take place under any planning obligation should planning permission be granted for airport expansion to 43mppa.
26. Separately, officers and members of the Council met with STAL and NEPP staff to discuss the particular issue of taxi parking on local streets around Takeley and Priors Green, which seems to be increasing, and the problems that have been observed. As a result of this meeting, the following actions either have or are being undertaken:
- The one-hour free waiting area in the mid-stay car park has been extended so that taxis can more easily use it. 42 additional spaces have been created. MAG started with a campaign focussed on Uber, and is also using the taxi licensing networks of neighbouring local authorities (including UDC's Taxi Chat) to publicise this facility. MAG will monitor its use and on-site facilities for taxis that users would like. At the SATF Annual Assembly on 28th February, a new SATF website will be launched which will include a portal for reporting problem parking areas.
 - The FPTF (MAG reps only) has recently met with Stansted, Takeley and Lt

Canfield Parish Councils to further understand their concerns about airport related car parking, both in relation to on-street hotspots and off-road sites. Potential further discussions will take place with Takeley and Lt Canfield about any other restrictions residents might favour.

- If MAG comes across any sites where it believes unlawful car parking is taking place, these sites are referred to UDC enforcement for investigation. Progress on these cases is raised at FPTF meetings.

- On 17th January, NEPP made a draft TRO for a Clearway restriction (including no stopping on verges or footways) on Molehill Green - Bambers Green Road/Waltham Hall Road/Parsonage Road/Elsenham Road/Smiths Green Lane to the east and southeast of the airport. This restriction would supplement the one already in place along Parsonage Road, Takeley. The period for objection to the proposed TRO expired on 8th February. Any further information will be reported at the Panel meeting.

- MAG has offered to enforce parking restrictions in the Takeley area as an extension of the 24 hour / day parking enforcement it carries out within the airport. This it would do as an agent of NEPP, if this can be sorted out legally.

27. It is also possible for concerns about fly parking to be raised at the Stansted Airport Consultative Committee (STACC). STACC has three working groups (Corporate Affairs, Environmental Issues and User Experience), and a representative of STACC sits on the Steering Group of the SATF.

Risk Analysis

28.

| Risk | Likelihood | Impact | Mitigating actions |
|--|---|---------------------------------|---|
| That off-airport car parking is detrimental to the amenity of local residents. | 2. There is some risk depending upon location and extent. | 2. This will vary in each case. | Continuously monitor through the work of the airport's Transport Forum. Consider through the local plan process and the determination of planning applications for airport development. |

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.

Agenda Item 6

Committee: Stansted Airport Advisory Panel

Date:

Title: Environmental Health (Commercial Report
Impact and risk planning EU Exit - No deal
scenario

Tuesday, 26
February 2019

**Report
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Summary

1. To consider the implications for the Environmental Health imported food service of the UK leaving the European Union under a no deal scenario.

Recommendations

2. That the Panel notes the report.

Financial Implications

3. From within existing budgets, but contingency funding can be made available.

Background Papers

4. None.

Impact

- 5.

| | |
|----------------------------|--|
| Communication/Consultation | Implications are set out in the report |
| Community Safety | Implications are set out in the report |
| Equalities | None |
| Health and Safety | Implications are set out in the report |
| Human Rights/Legal | None |

| | |
|-----------------------|--|
| Implications | |
| Sustainability | None |
| Ward-specific impacts | A no deal scenario is a nationwide issue |
| Workforce/Workplace | Implications are set out in the report |

Situation

Relevant history

6. On 24 June 2016, the UK voted, 52% to 48%, to leave the EU, having been a member since 1973. 'Article 50', (of the Lisbon Treaty) giving a member state the right to leave the EU unilaterally, was triggered by the UK in March 2017, giving the country two years to negotiate an exit deal. Since March 2017 the Government has been in negotiations with the EU with a view to achieving a deal to establish a new relationship and for this deal to be agreed by Parliament.
7. Currently all products imported into the UK must comply with European Union (EU) law on contaminants, these laws are intended to protect public health. There are certain types of food which are considered high risk which if imported and fail to meet the correct standards will not be allowed into the EU. Food products can only be imported through designated points of entry (DPE) or appropriate Border Inspection Posts (BIP) where documentary checks must be carried out and physical checks may be required prior to release.
8. Stansted Airport receives hundreds of consignments of imported foods every year which require import controls, including sampling for those products identified as being at risk. The border inspection function is currently carried out by a small team of council officers resourced from within the Environmental Health Commercial team supported by an external port veterinary officer. The service is overseen by the Commercial Environmental Health team manager. The imported food staff are not solely dedicated to imported food work and have additional responsibilities within the wider Environmental Health Service including statutory duties.
9. In the event that the Government or Parliament do not agree a way forward, and no extension to Article 50 is requested and/or agreed, the UK automatically leaves the EU on March 29 2019. In such a situation, all existing agreements, including access to the single market, and EU systems that support the safe importation/exportation of food products would cease to apply to the UK. Given the civil contingency planning duties of local authorities, the council has been assessing the implications of a no-deal scenario and what measures might be necessary to address potential impacts.

Identified concerns and contingency planning in the case of a no deal scenario

10. Since July 2018 officers have been engaging with the Local and Regional Border Steering and Planning group and other Government agencies including

DEFRA and the Food Standards Agency. The team have hosted and contributed to discussions which have identified potential impacts both at a local and national level.

11. Contingency plans have been put in place to cover the following likely local impacts on both the DPE and the BIP operations:

- The introduction of new checking requirements for imported goods of both animal and non-animal origin.

Stansted has been identified as having the third highest EU inbound air freight volumes in the UK. This figure includes all inbound freight not just food products but any increases in HMRC checking could have a knock on effect for turnaround. The UK government is promoting a risk based approach and it is not envisaged that any routine additional checks will be imposed but as the same guarantees will not apply to the EU member states any increased checking by them may impact upon Stansted by causing delays in turnaround of flights.

- The introduction of new checking requirements for transiting products of both animal and non-animal origin.

Currently any product entering the EU zone will be checked at its point of entry. It can then move freely through the EU to its final destination. In the case of a no deal scenario these checks are unlikely to be carried out on our behalf and such checks will be required at the UK point of entry. At this stage it is not possible to predict the precise increase in documentary and physical checks but an increase in workloads of some description is expected.

- Supporting the potential additional volumes of export certificates.

Local authorities provide export certification to facilitate the exportation of goods. Currently the council only provides these to a limited number of companies who export to non EU countries. As no certification has been required for products being exported into the EU we may see an increase in demand however this is unlikely to be high. Contact has been made with our local manufacturers to signpost them to Government advice.

- Supporting the creation of Catch certificates for fish exports and the checking of these certificates for imports.

There will likely be an expansion of the import / export catch certificate system used for the fish trade. As an ambient BIP it is unlikely we will see a significant increase in fresh fish and / or fishery product throughput but should it occur we will have a responsibility to check certification. Appropriate training on this requirement has been undertaken by the senior technical officer and cascade training will take place as appropriate.

- Preparing for the loss of TRACES (Trade Control and Expert System)

and the introduction of replacement systems IPAFF and / or manual back-up.

Stansted Airport, like all BIPs and DPEs across the EU, work on the TRACES system to apply required imported food controls. The TRACES system allows for data sharing which is of particular significance to products that have failed official controls. It will alert to the fact that a similar product arriving at the BIP or DPE may require further investigation.

In the case of a no deal EU exit, the UK will lose access to the TRACES system and this ability to share information. The UK Government has been working on a replacement system known as IPAFFS. In the event of IPAFFS being implemented, delays may occur in turnaround especially if the current database does not migrate into it.

DEFRA have confirmed that training on the IPAFFS system is scheduled to take place imminently for all agents and UDC staff. UDC will ensure that adequate numbers of its staff are available for such training and have signposted the sessions to the importing agents at Stansted, reinforcing the DEFRA contacts and stressing that taking responsibility for this training is essential as officers at UDC will not be in a position to offer training support

As IPAFFS has yet to be fully tested it is currently not possible to state how effective it will be. Concerns have been raised within the Border Steering Groups on its ability to communicate with other UK customs systems such as CHIEF and ALVS. In preparation for it not being effective, contingency is available by resorting to a manual clearance system. Officers that currently work with TRACES are sufficiently trained and competent to a level that allows compliant goods to be processed for a rapid turnaround. A manual system would undoubtedly have a significant effect on efficiency, and we estimate that on average, what takes 12 minutes may take up to 3 times as long on a manual system.

- Preparing for the loss of effective information exchange including loss of access to the rapid alert system (RASFF).

It is expected that the UK will lose all access to the RASFF system, in a similar way to the TRACES notifications. The RASFF portal sends alerts to all EU member states when there has been a breach of EU food or feed law and there is a risk of a particular food or feed going into circulation. A planned replacement for a UK version of RASFF is believed to be under development although it is not yet clear as to how or if this will link to the EU version.

- Managing existing staff resource and providing for extra resilience should it be required.

We have three staff who will provide full time imported food primary cover, and a team of four Environmental Health Officers who are food competent and able to comply with code of practice requirements acting as secondary cover, These officers will also have the availability to supervise an additional non-

food competent officer, giving a total pool of fourteen staff which can be drawn on. Refresher training on imported food procedure is planned and all staff will be trained on any new control requirements arising from a no deal scenario.

12. In providing cover there are other risks to the environmental health service that may arise, including the following:

- High risk urgent incidents such as infectious disease outbreak or a fatal accident / dangerous occurrence coinciding with the contingency period
- Multiple emergency planning events occurring at the same time, such as a severe weather event and Operation London Bridge.
- The need to meet statutory inspection requirements for food premises.

13. It is recognised that contingency funding can be made available, backfilling posts if required, and scope exists to allocate resource from the Environmental Health Protection team to support the Commercial team if required.

14. Any contingency plan would only be sustainable for a limited period. If a no deal scenario does impact as potentially envisaged and then becomes “Normalised”, additional staffing resources will be needed on an on-going basis. For the imported food service such an increase in resourcing could in part be met by cost recovery / government grant, but as official control implementation will need to be undertaken by officers holding suitable qualifications and formal competency in food control, there is likely to be high national demand for such skilled officers. Any training programme for non-qualified officers could take up to 18 month minimum, unless there is a change to existing COP requirements.

Wider considerations

15. In addition to providing effective planning for the imported food service, the council contributes to the local resilience forum (Essex Resilience Forum). This ensures we are aware of the wider issues potentially arising from disruption at Stansted Airport, including localised traffic disruptions and flight disruption that form part of wider contingency planning.

16. In his report to Stansted Airport Consultative Committee in January, the Airport’s CEO advised that, over the last few months, contingency planning for all potential Brexit outcomes has been undertaken. This has included engaging directly with the Border Delivery Group (the group assigned by the HM Government to oversee Brexit planning). This planning includes evaluating all potential risks in both the short and longer terms and includes assessing and mitigating risks to the border, customs, cargo, people and aviation. The CEO said that the airport is also working with airlines, ground

handlers, retailers and contractors to provide them with support and guidance as required, and this will continue. The airport is also working with third parties to gain confidence in their plans for all scenarios. The council will support these plans as per existing emergency planning arrangements and has the ability to draw resource from neighbouring authorities if required under mutual aid protocols.

Risk Analysis

17.

| Risk | Likelihood | Impact | Mitigating actions |
|--|---|--------------------------------------|---|
| Border delays and / or lack of managed inspection processes as a result of a no deal scenario. | 3. This is a significant risk in the event of a no deal scenario. | 3. Effects would be felt nationwide. | Contingency planning is continuing with all public and private stakeholders to ensure that the effects of a no deal scenario are both well managed and minimised. |

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