

TWO DAY PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on FRIDAY 17 JANUARY at 10.00 am, re-convening on FRIDAY, 24 JANUARY 2020 at 11.00 am.

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, P Fairhurst, R Freeman, G LeCount, M Lemon, J Loughlin, R Pavitt, N Reeve, G Sell (substituting for M Caton), A Storah and M Sutton

Officers in attendance: A Bochel (Democratic Services Officer), N Brown (Development Manager), K Denmark (Development Management Team Leader), G Glenday (Assistant Director - Planning), R Harborough (Director - Public Services), E Smith (Solicitor) and M Watts (Environmental Health Manager - Protection)

Also present: Councillors C Day, A Dean, G Driscoll, M Foley, A Gerard, N Gregory, V Isham, B Light, L Pepper and M Tayler
K O'Toole and J Twigg (Manchester Airports Group)
B Ross and P Stinchcombe (Stop Stansted Expansion)
P Coppel (Barrister)
D Sprunt and K Wilkinson (Essex County Council).

Post meeting note: There is no sound recording of this meeting.

PC103 STATEMENT OF THE CHAIR

The Chair welcomed those present and stated that in order to comply with the Council's duty of care to its staff and Members the meeting would take place over two non-consecutive days. Day One would be devoted to public speakers and anyone with a pre-prepared text was requested to deposit a copy with the Democratic Services Officer. The meeting would adjourn at approximately 4.00PM and would reconvene on 24th January 2020.

It was further stated that planning permission had been granted on 14th November 2018 subject to conditions and to the entering into of a legally compliant S106 agreement. There was no lawful reason to revisit that decision and the purpose of the present meeting was to consider the adequacy of the mitigation package contained within the S106 agreement the text of which was included in the documents pack. The Council's officers and external legal advisers all considered that it complied with Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended. This is a mandatory requirement and anything more than that Regulation permitted would be void.

The Chair stated that the purpose of the Two Day meeting, as stated in the agenda, was to consider whether, having regard to the facts, circumstances and policies now applicable and to the earlier resolution in favour of the application, the information that has been so far supplied in support of the application

UTT/18/0460/FUL is sufficient to convince the Council that it should authorise the grant of planning permission for that development application or whether than information falls short of doing so.

The Chair also referred to the resolution of the Extraordinary Council Meeting held on 28 June 2019.

Officers confirmed that the draft S106 agreement as it stood complied with Regulation 122 Community Infrastructure Levy Regulations 2010 as amended This is a mandatory requirement and anything more than the Regulation permitted would be illegitimate and could be struck down by a Court.

PC104 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Councillor Fairhurst said he sat on the Planning Committee when this application was considered in November 2018. He entered the meeting with an open mind.

Councillor Reeve said he was a ward member for Broad Oak and the Hallingburys and entered the meeting with an open mind.

Councillor Freeman said he sat on the Planning Committee when this application was considered in November 2018. He entered the meeting with an open mind.

Councillor Loughlin said she sat on the Planning Committee when this application was considered in November 2018. She entered the meeting with an open mind.

Councillor Sutton said she was a member of Stop Stansted Expansion. She entered the meeting with an open mind and did not pre-determine.

Councillor Bagnall said he was a ward member for Takeley.

Councillor Lemon said he was the ward member for Hatfield Heath and sat on the Planning Committee when this application was considered in November 2018. He entered the meeting with an open mind.

PC105 **PUBLIC SPEAKING**

Members of the public who had registered their intention to speak gave statements to the Committee. A full list of those that supported, objected and commented on the application is included in the table below.

Planning Speakers – 17 January 2020	
Name	Object/support
Martin Peachy	Object
John Farrow	Support
Parish Councillor Andy Bennett	Object
Councillor Vere Isham	Object

Parish Cllr Patricia Barber	Object
Jonathan Fox	Object
Councillor L Pepper	Object
Ray Woodcock	Object
Michael Young	Object
Town Cllr Terry Moore	Object
Irene Jones	Object
Parish Cllr Christina Cant	Object
Parish Cllr David Hall	Object
Peter Jones	Object
Suzanne Walker	Object
Peter Sanders	Object
Ken McDonald	Object
Robert Beer	Object
Jane Gray	Object
Parish Councillor Andy Dodsley	Object
Parish Cllr West	Object
Sarah Cousins	Object
Stephen Boulter	Object
Janet Robinson	Object
Tony Jones	Support
Russell Graham	Support
Monika Simonaityte	Support
Chris Hardy	Support
Neil Banks	Support
Joanne Kitteridge	Support
Alex Smith	Support
Nick Millar	Support
Mark Lucas	Support
LUNCHEON AJOURNMENT	
Julien Sample	Support
Nicola Ward	Support
J A Devoti	Object
James Sloan	Support
Andrew Brambridge	Support
Sam Johnson	Support
David Burch	Support
Chris Hindle	Support
Maddison Broadbent	Support
Emily Ferris	Support
Stuart Moodie	Support
Scott Barlow	Support
Edward Gildea	Comment
Councillor Geoff Driscoll	Comment
Jangu Banatvala	Comment
Michael Belcher	Comment

Councillor Alan Dean	Comment
Louise Yellowlees	Comment
Raymond Beverley	Speak
Mike Fairchild	Speak
Parish Councillor Tayler	Speak
Parish Councillor Webb	Speak
Margaret Beer	Object
Mr Aldridge	Object

The meeting adjourned at 3.50pm until 11.00am 24th January 2020.

DAY TWO

PC106 DISTRICT COUNCILLORS SPEAKING SESSION

The meeting reconvened at 11.00am on 24 January 2020.

The Chair welcomed people to the meeting and confirmed the procedure that would be followed. The Chair clarified that the purpose of the meeting stemmed from the resolution of the Extraordinary Council Meeting held on 28 June 2019 and read as follows:

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RESOLVED that:

In accordance with Section 70(2) of the Town and Country Planning Act 1990 as amended by Section 143(2) of the Localism Act 2011 to instruct the Chief Executive and fellow officers not to issue a Planning Decision Notice for planning application UTT/18/0460/FUL unless and until the Council's Planning Committee have had a sufficient opportunity to consider in detail, as timely as possible: (i) the adequacy of the proposed Section 106 Agreement between UDC and Stansted Airport Ltd, having regard to the Heads of Terms contained in the resolution approved by the Council's Planning Committee on 14th November 2018; (ii) any new material considerations and/or changes in circumstances since 14 November 2018 to which weight may now be given in striking the planning balance or which would reasonably justify attaching a different weight to relevant factors previously considered; And thereafter ask the Planning Committee to determine the authorisation of the issue of a Planning Decision Notice.

Those Members who making declarations of interest on 17 January confirmed their declarations.

Additionally, Councillor Sell said he was a ward member for Stansted North. He entered the meeting with an open mind.

Councillors Gregory, Light, Dean, Caton, Day, Gerard and Foley made statements to the Committee.

The Solicitor read out a statement from Robert Jones of Hatfield Heath, which had been unavailable at the session on 17 January 2020.

PC107 **PRESENTATION BY STOP STANSTED EXPANSION AND STATEMENT BY MANCHESTER AIRPORTS GROUP**

Brian Ross and Paul Stinchcombe gave a Powerpoint presentation on behalf of Stop Stansted Expansion. A copy of this presentation is annexed hereto.

Ken O'Toole and John Twigg made a statement on behalf of Manchester Airports Group, the Applicant in this matter. A copy of this statement is annexed hereto.

Break for lunch 1305 to 1405

PC108 **UTT/18/0460/FUL - STANSTED AIRPORT**

The Director – Public Services distributed a new paper titled 'speaking notes'.

A point of order was raised by Cllr Fairhurst. He stated that it was not normal practice for the case officer to give a second written report in response to matters arising out of public speaking to the Committee.

In response the Development Manager stated that it was standard practice for any necessary clarification to be provided to Members following the close of public participation and that normally this was supplied by himself. The Solicitor confirmed this and stated that the Director – Public Service would provide that clarification but that in this case a written note had been provided to assist Members in their deliberations.

The Director – Public Services gave a verbal report to the Committee. He said there needed to be a very good planning reason for the Committee to change its mind about publishing the decision notice granting planning permission. He noted the following points raised in public speaking and correspondence:

- World Health Organisation guidelines on community noise were referred to, however this is a matter which the government has reserved to itself and will address in its forthcoming updated Aviation Strategy. The level difference between the Do Minimum and the Development cases in both 2023 and 2028 was less than 1dB and therefore the difference had been assessed as negligible.
- Dispersion modelling of fine particles had been carried out and concluded that the airport expansion would have no significant effects on the concentration of such particles. The highest predicted annual mean concentrations of PM2.5 were set out before the Committee in November 2018.

- There were no alternative fleet mix assumptions upon which to rebase the environmental statement, now that the Boeing 737MAX was grounded until at least summer 2020.
- In November 2018, the government believed there was a case for airports making best use of their existing runways and that this could be achieved within the statutory greenhouse gas emissions target. The emissions target had since shifted from 80% reduction to net zero output, but the Making Best Use of Existing Runways policy had not been withdrawn and remained current policy.
- Some representations had indicated that the Making Best Use of Existing Runways policy only supported planning applications to remove aircraft movements and passenger number caps, and not those where additional infrastructure other than an additional runway would be provided. However the policy did not include this caveat.
- The need for the current development had been raised via representations regarding a short term softening and dip in growth, as well as the existence of proposals for growth at Gatwick, Heathrow and London Luton. However the Making Best Use of Existing Runways Policy supported all applications to make best use of existing runways and did not require need to be demonstrated.
- It was not government policy that a balance of imports and exports should be achieved in each sector of the economy.
- The Council had not yet responded to Inspectors advising how it wished to proceed with its local plan, and therefore no more than limited weight could be attached to emerging policy SP11 in the terms in which it was submitted.

The Director – Public Services said the S106 agreement now proposed would adequately address the impacts of the proposed development, and the obligations were no less and no more than was necessary. The caveat attached to the resolution to refuse permission had therefore been discharged and a decision notice granting planning permission should now be issued.

Members Discussion

Members discussed whether there were discrete issues on which there had been a relevant material change in circumstance which should be considered sufficient to tip the tilted balance in deciding whether there had been any change therein.

Any changes to material considerations should be considered before identifying whether the Section 106 Agreement obligations adequately mitigated these. Six possible changes in circumstance by way of themes were suggested by Cllrs Fairhurst and Freeman were identified for further discussion:

- noise,
- number of flights,
- climate change,
- health and wellbeing,
- need and
- surface transport.

Noise:

In relation to noise the following matters were discussed with emphasis upon the publication of updated guidelines by the WHO pertaining to the health impact of noise upon populations. This was relevant to the question of there being more actual flights at Stansted :

- The Boeing 737MAX was now grounded until at least summer 2020. There was now no guarantee that noise restrictions could be met. The airport would be subject to a fine if it exceeded the noise limits presented in the application. The noise assessment contained in the ES was based on an outdated understanding regarding the impact of noise upon public health and upon assumptions as to the likely fleet mix of RyanAir at the date of the November meeting. These assumptions are as of January 2020 unlikely to come to fruition.
- The modelling that was done for the application in 2018 was based on noise levels of 55 decibels rather than 45 decibels.
- A revised impact assessment was unavailable and the Committee had no alternative fleet mix assumption. Any assumptions made about noise would be speculation.
- The health and wellbeing of residents of the district could be affected by the negative impacts of a possible breach of noise restrictions.
- The Committee considered increased awareness of the impact of noise nuisance upon health combined with fleet mix issues to be a change in circumstances which was a material consideration affecting the decision to approve the application.

Number of flights:

In relation to number of flights, the following matters were discussed:

- A member said that the November 2018 Planning Committee which had considered the application were not clear whether there would be an increase in the number of actual as distinct from permitted flights at Stansted Airport.
- Publishing the decision notice granting permission for this application would not grant permission for an increase in the number of flights permitted. The number of permitted flights, referred to in the documentation as Air Transport Movements (ATMs) was capped at 274K per annum in 2008 and this will not change. However, the Applicant has not reached this figure in terms of actual ATMs per year and an increase in the number of passengers passing through Stansted would result in a larger number of actual flights but still within the permitted movements total.
- The cap on passenger number is not synchronized with the cap on number of flights. One has always increased more quickly, leading to the need to apply for an increase in the other.
- The discussion on the number of flights ended with the Chair stating that it was up to members to decide whether this was a material change.

Climate change:

In relation to climate change, the following matters were discussed:

- Since the Committee considered the application in November 2018, the government had adjusted its target of an 80% reduction in carbon emissions by 2050 to a net zero emission goal.
- In December 2019, the Mayor of London had declared a climate emergency. In May 2019, the UK became the first country to declare a climate emergency. As of October 2019, over 200 local authorities had declared a climate emergency, including Uttlesford District Council which declared a climate and ecological emergency on 30 July 2019. In November 2019, the European Union declared a climate emergency. As of January 2020, 25 countries had declared a climate emergency. This timeline was a material consideration as it demonstrated a change in circumstances since the application was considered in November 2018.
- It was noted that the government intended to put restrictions on the amount of carbon that could be generated through aviation, but at present, there were no specified limits.
- Putting the green-house gas emissions in context, it was noted that Uttlesford needs to reduce its carbon dioxide emissions by 0.5 million tonnes per annum (rounded) to achieve its zero carbon target by 2030. In the application it is stated that the increase in passengers will increase the carbon dioxide emissions by 1.0 million tonnes per annum (rounded). i.e. the passenger increase causes double Uttlesford's target decrease.
- Members discussed the realities of the MaxJet engine and when it was likely, if at all, to come forward. There were concerns that as Ryanair had yet to place an order with Boeing, the new, and therefore more environmentally friendly aircraft would not be operational for a number of years. Members felt this was significant given that Ryanair accounted for 60% of operations at Stansted Airport.
- The Committee had a responsibility to consider the effects on Uttlesford residents and other people. With aviation responsible for 2% of global carbon emissions and 6% of the UK's carbon emissions, it would be difficult to justify not taking climate change into consideration, as a material consideration amounting to a change in circumstances.

Health and Wellbeing:

In relation to health and wellbeing, the following matters were discussed:

- Particulate matter was generated both by planes and other traffic entering and leaving the airport.
- It was important for the Committee to take the risks of exposing residents to PM2.5 and ultrafine particles into consideration. Reference was made to a paper in the British Medical Journal in this regard but the paper itself was not before the Committee.
- There was more evidence of the negative impact of particulates upon health available to the Committee now than there was in November 2018, particularly upon people with respiratory conditions and diabetes. The health of residents was of paramount importance.

- With the Boeing 737MAX grounded for the time being, no alternative aircraft with more efficient engines would be commercially available enabling a reduction in the amount of harmful particulate matter being generated.
- Members discussed the emission levels of the new MaxJet engine, and, as that engine was no longer on the table, said that new projections on air quality should have been provided.
- Air quality monitoring in Stansted Mountfitchet had not been included in the 2018 report to the Committee, however it was in the updated Environmental Study brought before this Committee today.
- Health and wellbeing was therefore a material consideration amounting to a change in circumstances. There was considerable agreement among the members who spoke to this topic that this was considered to be of great importance.

Need:

In relation to need, the following matters were discussed:

- The Development Manager advised that the need for expansion was not a material consideration.
- The expansion would clearly be good for the business environment, employment, incoming tourism etc.
- It was said an application might be considered unsustainable if it compromised the ability of future generations to meet their own needs.
- There was a danger of the 'airport in the countryside' concept being lost with continued expansion.
- The application could be considered to have been brought prematurely since at present only 28 million passengers travelled through the airport annually; below the current passenger cap of 35 million.
- The Director – Public Services stated that the Making Best Use of Existing Runways policy supported applications to utilize the capacity of existing runways. The only requirement of the policy was in so doing local environmental effects should be sufficiently mitigated.
- Expansion applications are also being considered for multiple other airports.
- The need for expansion is probably not a material consideration, since it is substantially unaltered since the Nov 2019 Committee meeting.
- The discussion on need concluded that it was most likely not a material change.

Surface Transport:

In relation to surface transport, the following matters were discussed:

- K Wilkinson (Essex County Council Highways) said the Local Plan had not been taken into account in the Committee's deliberations when the application was considered in November 2018. There was no change on this point and a monitoring scheme for the roads surrounding the airport was included within the s106 package in order to assist in mitigating the increased use of the surrounding roads.
- The discussion on transport concluded with the general view (also from the Chair) that it was probably not a material change.

Decision Notice

Councillor Fairhurst proposed that the decision made by the Planning Committee on 14 November 2018 in respect of application UTT/19/0460/FUL be overturned due to changes of material circumstances since the consideration of the application. These changes were in respect of the following matters:

- Noise
- Climate change
- The impact of particulates generated by the airport on health and wellbeing

It was requested that the issue of the potential increase in the number of actual flights within the parameters of the permitted maximum number of flights also be mentioned in the decision notice. There was some discussion surrounding the developing appreciation of the potential difference between the two figures but it was reiterated that the permitted overall cap on numbers was fixed.

In response to a member question regarding the preservation of the mitigation package, the Development Manager said if this application went to appeal, officers would ask for a Unilateral Undertaking to be put into place, thereby allowing the proposed s106 obligations to be retained.

Councillor Freeman seconded the motion.

The Chair read the draft decision notice to those present.

A recorded vote on Councillor Fairhurst's motion was requested. The results were as follows:

For: Councillors Bagnall, Fairhurst, Freeman, LeCount, Lemon, Loughlin, Merifield, Pavitt, Sell and Storah.

Abstain: Councillors Reeve and Sutton.

RESOLVED: Having regard to the changes between 14 November 2018 and now in relation to:

- (a) noise from the development as fully implemented;
- (b) air quality, specifically PM 2.5 and ultrafine particles, resulting from the development as fully implemented; and
- (c) generally accepted perceptions and understandings of climate change,

the Committee resolves not to issue a planning decision notice for the development and, accordingly, the resolution of the planning committee of 14 November 2018 is no longer effective.

Planning Permission

Councillor Fairhurst proposed that permission for application UTT/18/0460/FUL – Stansted Airport be refused on the basis that it contravened policies ENV11

(Noise Generators), ENV13 (Exposure to Poor Air Quality) and the National Planning Policy Framework, as well as generally accepted perceptions and understandings of the importance of climate change and the timeframe within which it must be addressed.

Additionally, he proposed refusal on the basis that the application failed to provide the necessary infrastructure to support the application, contrary to policies GEN6 (Infrastructure Provision to Support Development), GEN1 (Access), GEN7 (Nature Conservation), ENV7 (The Protection of the Environment – Designated Site), ENV11 and ENV13

Councillor Pavitt seconded this motion.

A recorded vote on Councillor Fairhurst's motion was requested. The results were as follows:

For: Councillors Bagnall, Fairhurst, Freeman, LeCount, Lemon, Loughlin, Merifield, Pavitt, Sell and Storah.

Abstain: Councillors Reeve and Sutton.

RESOLVED that having regard to

- a) noise from the development as fully implemented;
- b) air quality, specifically PM 2.5 and ultrafine particles, resulting from the development as fully implemented
- c) generally accepted perceptions and understandings of climate change, planning permission for the development is refused.

The full decision notice is available on the Council's website [here](#).

The Chair thanked everyone who participated for their input in the process.

The meeting closed at 18.15pm

SSE Presentation to UDC Planning Committee

24 January 2020

**Planning Application
UTT/18/0460/FUL**



Brief Recap - Timeline

- Initial MAG Scoping Report – June 2017
- UDC Scoping Opinion – December 2017
- Planning Application – February 2018
- Conditional Approval – November 2018
- Council Resolution to Review – June 2019

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Planning Application – Summary

- Raise passenger cap to 43 mppa (originally 44.5mppa)
- Two new access/exit taxiways to increase runway capacity
- Nine new aircraft stands – again, to increase capacity
- More focus on long haul (i.e. larger, wide-bodied aircraft)

Committee Resolution – Nov 2018

*“The applicant be informed that the Planning Committee would be **minded to refuse** planning permission ... unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town & Country Planning Act 1990 ...”*

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- This was followed by a ‘shopping list’ of items for the S.106.
- Approved by narrowest of margins – 5 for and 5 against.
- Chairman’s casting vote carried the resolution.



Council Resolution – June 2019

Planning Committee to consider:

(i) adequacy of the proposed S.106 Agreement

and

(ii) any new material considerations and/or changes in circumstances since 14 November 2018 to which weight may now be given in striking the planning balance or which would reasonably justify attaching a different weight to relevant factors previously considered

- **S.106 Agreement – i.e. the offsets offered – of secondary importance**
- **The Application should be decided on its merits and on the evidence**



Paul Stinchcombe QC



Introduction

- Familiar with this Planning Application
- Familiar with wider issues – going back to 2007 Public Inquiry
- Involvement with current application started in March 2018
- Issue of local or national determination led to legal challenge
- Provided Opinion in October 2019 which I believe was made available to the Council.
- No need to repeat all of that. I understand it's in the public domain
- Focus this morning is on a few key points

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Right to Reconsider

- November 2018 resolution is a material consideration to which the Planning Committee must have regard ...

[North Wiltshire DC v Secretary of State for the Environment - ECWA, 1992]

... but has no legal effect unless/until Decision Notice is issued.

[Burkett v Hammersmith and Fulham LBC - House of Lords, 2002].

- Any new factor(s) arising since November 2018 which might tip the balance one way or the other must be taken into account by you.

[Erine Kides v South Cambridgeshire DC – Court of Appeal, 2002]



Planning Judgment

- A Planning Committee has wide discretion
- Entitled to come to different planning judgements leading to a different conclusion and can lawfully reverse an earlier decision provided it has good planning reason(s) even if there are no material changes of circumstances.

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*“... while a material change of circumstances since an earlier decision is capable of being a good reason for a change of mind, it is not the only ground on which a local planning authority may change its mind. **A change of mind may be justified even though there has been no change of circumstances whatsoever** if the subsequent decision taker considers that a different weight should be given to one or more of the relevant factors, thus causing the balance to be struck against rather than in favour of granting planning permission.”*

[Kings Cross Railway Lands Group v Camden LBC – EWHC 2007]



New Planning Committee

- Individual members of a newly constituted Planning Committee, many of whom had no involvement in the prior decision, are fully entitled to come to their own views
- Can make their own planning judgement, looking at not just new material considerations and changes of circumstance but all other relevant considerations also.
- Helpful for members to give brief reason for their decision when voting. Refusal notice must state formal reasons.
- Normally scope for broad range of possible views in any planning decision, none of which can be categorised as unreasonable.

[Newsmith Stainless Ltd v Secretary of State for Environment, Transport and the Regions – EWHC, 2001]



Materiality

*“In my judgment a consideration is ‘material’, in this context, if it is relevant to the question whether the application should be granted or refused; that is to say if it is **a factor which, when placed in the decision maker’s scales, would tip the balance to some extent, one way or the other.**”*

[Erine Kides v South Cambridgeshire DC – Court of Appeal, 2002, LJ Parker]

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- The fact that the November 2018 resolution was by the narrowest of margins needs to be taken into account when judging its materiality.



Appropriate Matters for Review

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- New evidence relating to aircraft noise and air pollution
- Impact of B737 MAX problems
- Number of flights
- Expansion plans of competitor airports – “Need” case
- Climate Change – new evidence, policy developments
- Emerging Policy – Local and National
- Economic and Employment considerations

I dealt with a number of these issues in my October Opinion. I’ll now hand back to Mr Ross who will say more about them.

WHO Noise Guidelines

The New World Health Organisation ('WHO') *Noise Guidelines (October 2018)*, set **far lower thresholds than before** for the avoidance of adverse health impacts from aircraft noise:

*“For average (24hour) noise exposure the [WHO] **strongly** recommends reducing noise levels produced by aircraft **below 45dB_{Lden}** as aircraft noise above this level is associated with adverse health effects.”*

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Noise and health impact assessments for UTT/18/0460/FUL were based on **55dB_{Lden}** (the old WHO “safe” limit). Nothing lower than this was plotted.

- New WHO Guideline Limit of 45dB is **10dB less** than previous WHO Limit for the avoidance of adverse health impacts from aircraft noise.
- A reduction of 10dB equates to a halving of the acceptable “safe” level of noise to avoid adverse health impacts on communities (logarithmic scale)

Government is still considering policy implications but *“agrees with the ambition to reduce noise and minimise the adverse health effects”*. Meanwhile, no reason why Committee can't make **its own judgment** based on WHO recommendations.



WHO Noise Guidelines – cont'd

Officers recognised the importance of the new WHO *Noise Guidelines* even before they were published and advised MAG as follows in December 2017:

*“In the event that the World Health Organisation (“WHO”) new evidence on the impacts of aviation noise is published before a determination to grant planning permission, the environmental statement assessment **must incorporate** this evidence (for example, by way of supplementary assessment).”*

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- MAG has still not provided this supplementary assessment of noise and health impacts, **as insisted upon by UDC officers in December 2017.**
- If this was provided it would show that the noise impacts of the proposed expansion would exceed new WHO Guideline Limits for the avoidance of adverse health impacts over a wide area around the airport.

Safeguarding the health of the community must be a material consideration





Health Impacts

- **New research** shows that emissions of fine particulate matter (“PM_{2.5}”) can have serious adverse health impacts even at levels below WHO guideline limits.
- PM_{2.5} emanates from fuel combustion and transport sources and is now one of the major health concerns relating to airport expansion.
- Ultrafine particles arising from aircraft take-off and landing operations are also a growing concern – have been found up to 14 miles from an airport.
- The new research confirms previously known associations between PM_{2.5} and respiratory and cardiovascular disease. Also identifies health impacts not previously associated with particulate matter, including impacts on the CNS¹.
- MAG's own figures show that at 43mppa Stansted would be responsible for emissions of 13.6 tonnes of PM_{2.5} per annum = 26% more than today.
- No proposals for ongoing monitoring of PM_{2.5}. Monitoring of NOx seems to be limited to Hatfield Forest SSSI and East End Wood SSSI.

Safeguarding the health of the community must be a material consideration

¹CNS = Central Nervous System



Issues with Boeing 737 MAX

- MAG's modelling of the **noise and air quality impacts** for 43mppa assumed Ryanair (which accounts for 80% of Stansted's passengers) would replace the great majority of its present fleet with Boeing 737 MAX aircraft by 2028.
- Ryanair currently has 470 aircraft and projects 585 by 2024, assuming deliveries of 135 Boeing 737 MAX aircraft (23% of fleet).
- Page 27 MAG's fleet replacement assumptions always considered by SSE to be unachievable – even before problems arose with B737 MAX.
- Noise, air quality, CO₂ emissions and health impacts heavily dependent on B737 MAX, modelled as up to 40% “cleaner and quieter”.
- Ongoing issues with the B737 MAX, unforeseen in November 2018, are clearly a new material consideration.

Would Ryanair be told to stop flying if noise contours breached?



Number of Flights

- Whilst the current permission allows for 274,000 flights, only 227,000 flights are achievable in practice with the current 35mppa cap.
- The distinction between “permitted” and “achievable” was not clearly communicated to Planning Committee in Nov 2018 – and not clearly understood by all members.
- Maximum number of flights achievable under **existing permission** is as follows:

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Category	Flights
Maximum PATMs needed	206,000 ¹
Projected number of CATMs	14,000 ²
Non-ATMs (MAG’s figure)	7,000
Total	227,000

- Put simply: extra 8mppa needs 47,000 more PATMs at 170 passengers/plane.

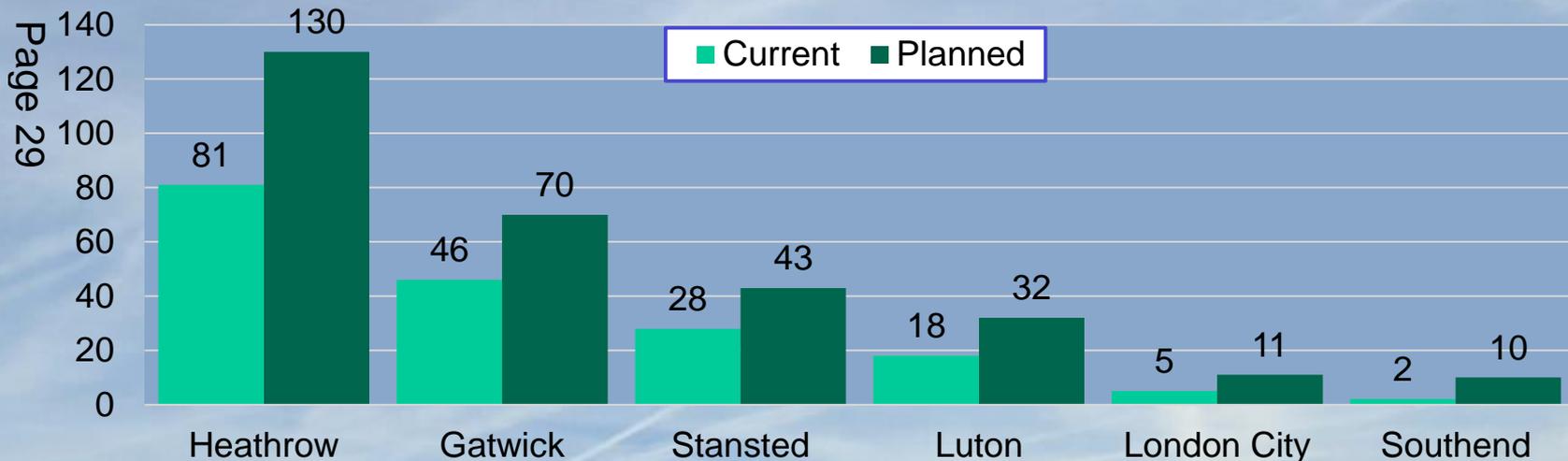
¹ 35mppa divided by MAG’s conservative projection of 170 passengers per PATM in 2028. The average number of passengers per PATM has steadily increased at Stansted from 77 in 1999 to 163 in 2019.

² MAG projects 16,000 but CATMs are in long term decline at Stansted, from 13,400 in 1999 to 11,500 in 2019.

The Question of 'Need'

- The “need” justification for cap to be raised to 43mppa was based on MAG’s claim that there was minimal scope for expansion at other London airports.
- This was accepted by officers despite far lower DfT forecasts for Stansted and SSE evidence of expansion plans elsewhere showing that capacity of London airports is planned to grow from 180mppa to 296mppa:

London Airports - Expansion Plans



- DfT projects 26mppa for Stansted in 2030 and below 35mppa until 2050.
- **There is no need for the Stansted cap to be raised to 45mppa.**



Climate Change

- **June 2019** – Having regard to the latest CCC advice, Government amends Climate Change Act 2008 to require greenhouse gas emissions to be reduced by **100% by 2050** rather than original requirement for 80% reduction.
- **July 2019** – UDC declares **climate emergency** and commits to net zero carbon status by 2030. Other local authorities have taken a similar stance.
- **September 2019** – CCC publishes further report recommending that UK aviation growth is limited to **“at most 25% above current levels”**.
- **January 2020** – Scientists confirm that past decade was hottest on record, and that sea temperatures in 2019 were highest ever recorded.

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- NPPF adopts UN definition of sustainable development:

*“The objective of sustainable development can be summarised as meeting the needs of the present **without compromising the ability of future generations to meet their own needs.**”*



Climate Change – Continued

- MAG projects that Stansted's CO₂ emissions would increase from 1.74Mt baseline to 2.75Mt in 2028 at 43mppa – i.e. an additional 1Mt – of which aircraft emissions account for 1.56Mt and 2.50Mt respectively.
- This is **82% above the 1.37Mt** allowed for by the DfT.
- Airports National Policy Statement ('ANPS') says as follows:

“Any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets.”

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- New material considerations since November 2018, include:
 - The new statutory net-zero target in the Climate Change Act
 - CCC assessment that aviation's 37.5Mt carbon budget should be reduced to about 30Mt and aviation growth limited to 25% from now to 2050
 - DfT disclosures showing Stansted CO₂ provision based on only 35mppa.



Officers' Report

- Rejection of selected material considerations and silent on others
- Assessment of the B737 MAX position is at variance with the known facts
- Wrongly assumed that Inspectors would find SP11 unacceptable
- Interpretation of 35mppa decision: a curious new argument is advanced to suggest that to refuse 43mppa would amount to imposing a new cap on ATMs. This overlooks the fact that in 2008 the Secretary of State **imposed 5 planning caps**, namely:
 - PATMs = 243,500 per annum
 - CATMs = 20,500 per annum
 - Non ATMs = 10,000 per annum
 - Passengers = 35 million per annum
 - Noise = 33.9 km² noise contour for 57dBA



Emerging Local Policy – SP11

- The current wording is substantially the same as agreed by Council in **July 2017** (Reg 18) and **June 2018** (Reg 19), and was included in the final version of the Local Plan agreed by Council in late 2018 to be submitted for examination.
- The Inspectors, having had a year to consider and comment on SP11, make no mention of SP11 in their 24-page letter of 10 January, which is otherwise highly critical of the Plan. Paragraph 3 of the Inspector’s letter states:

“Our letter focuses on those aspects of the plan and its evidence base which we do not consider to be justified.”

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- Whilst this does not amount to a ratification of SP11, it entitles the Planning Committee to attach considerably more weight to SP11 than in November 2018.
- The Officers’ Report wrongly anticipates that SP11 would be found unacceptable and that the Inspectors “...*may potentially be looking to recommend major modifications to Policy SP11*”. [Para 40]



Emerging National Policy

- The Planning Committee meeting in November 2018 was followed, in December 2018, by a Government 'Green Paper' setting out proposed new national policies for tackling the adverse environmental impacts of aviation.
- The final version of this – a new Aviation White Paper – has been repeatedly postponed. Within the past few days yet another postponement (perhaps 6 months) has been signalled.
- The new Aviation White Paper – just the third AWP since 1985 – is expected to set out far stricter policies in relation to:
 - Aircraft noise limits – responding to the WHO recommendations; and
 - Aviation CO₂ emissions – responding to the CCC recommendations.
- This may help explain the prematurity of the Application – i.e. in the hope of obtaining approval before stricter environmental policies are introduced.

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Economic Impacts

- UK trade balance (exports v imports) takes on new significance post-Brexit
- Using MAG's projections and its figures for inbound and outbound spend, proposal would have a significant **adverse** impact on UK trade balance.

Scenario	Million			Annual Trade Deficit
	UK residents' visits abroad	Foreign visits to UK	Difference	
Baseline (2016)	6.1	3.6	2.5	£1.7bn
Actual 2018	6.8	3.2	4.6	£3.2bn
35mppa Case 2028	10.1	4.7	5.4	£3.8bn
43mppa Case 2028	12.5	5.8	6.7	£4.7bn

- Economic impact would be significantly adverse for UK trade deficit
- More than 7 out of 8 Stansted's passengers were leisure travellers in 2018.
- Economic and employment issues were not discussed in November 2018.

Employment

Residency of airport employees

Year	Total airport employees	UDC residents	% UDC
2003	8,979	2,137	23.8%
2015	10,967	2,007	18.3%
2017*	11,898	1,892	15.9%

Source: STAL 2003 and 2017 employment surveys and STAL 2018 planning application

- Fewer Uttlesford residents work at Stansted Airport than 15 years ago
- Increased airport employment has implications for UDC housing targets
- New jobs at Stansted would be substitutional, not additional, for the UK

*The 2017 STAL Employment Survey was not made available to Planning Committee in Nov 2018





Conclusion

Weighing Benefits v Harms

Examples:

- Economic benefits
- Employment benefits
- Social benefits

Examples:

- Noise impacts
- Air pollution
- Health impacts
- CO₂ emissions
- Road traffic
- Social harms



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In this case, the environmental harms are clear whereas the economic and employment benefits are, at best, highly questionable





Annexes

- **Draft Reasons for Refusal**
- **Supplementary Data**

Draft Reasons for Refusal

Glossary

ADP = Adopted Local UDC Plan

ANPS = Airports National Policy Statement

APF = Airports Policy Framework

BTH = Beyond the Horizon - DfT Policy (in progress)

CCC = Committee on Climate Change

DfT = Department for Transport

ELP = Emerging Local UDC Plan

IPCC = Intergovernmental Panel on Climate Change

NPPF = National Planning Policy Framework

WHO = World Health Organisation

NOISE

N1: The assessment of noise impacts is unreliable because it is dependent upon modelling based on fleet replacement assumptions which are no longer realistic in the light of the extended grounding of the B737 MAX aircraft. The B737 MAX was projected by the Applicant to become the main aircraft in operation at Stansted under the development proposal and assumed to be significantly quieter (up to 40%) than the aircraft types it would replace

N2: The latest World Health Organisation ('WHO') advice "strongly recommends reducing noise levels produced by aircraft below 45dB Lden as aircraft noise above this level is associated with adverse health effects." Aircraft noise at Stansted already exceeds the WHO thresholds in the vicinity of the airport thereby exposing a significant number of residents within the local community to potential adverse health impacts. The proposed development would exacerbate the health risks to the local community.

N3: Inadequate mitigation measures are proposed to address the noise impacts of the proposed development which would be to the detriment of the amenity of the occupiers of buildings in the vicinity of the airport, to the cognitive development of primary school children and the health and wellbeing of local residents, contrary to policies ENV10, ENV11 and GEN4 of the adopted Local Plan ('the ALP') and policy SP11 of the emerging Local Plan ('the ELP').

Draft Reasons for Refusal – Cont'd

AIR QUALITY, PROTECTING THE ENVIRONMENT AND COMMUNITY HEALTH AND WELLBEING

AQ1: The assessment of the air quality impacts is unreliable because it is dependent upon modelling based on fleet replacement assumptions which are no longer realistic in the light of the extended grounding of the B737 MAX aircraft. The B737 MAX was projected by the Applicant to become the main aircraft in operation at Stansted under the development proposal and assumed to be significantly less polluting (up to 40%) than the aircraft types it would replace.

AQ2: Increased emissions of oxides of nitrogen ('NOx') and fine particulate matter (PM_{2.5}) arising from the proposed development would be likely to have adverse local environmental impacts and potentially serious health impacts for local residents, respectively. Of particular concern are PM_{2.5} emissions which would increase significantly under the proposed development. New research shows that there is no safe limit for PM_{2.5} and confirms earlier links with respiratory and coronary disease. Research also now identifies links between PM_{2.5} and other serious health conditions.

AQ3: Inadequate contingency measures for mitigation and/or compensation have been made, to the detriment of the health and wellbeing of local residents and contrary to ALP policies GEN4, ENV7, ENV8 and ENV13, and to ELP policy SP11. In addition, emissions of NOx would give rise to an increased risk of vegetation damage in Hatfield Forest SSSI and NNR and East End Wood SSSI to the detriment of biodiversity, contrary to paragraph 175 of the NPPF.

INCREASED FLIGHTS

FI: The proposed development would result in a significant increase in the number of flights which would adversely affect the amenities of surrounding occupiers (in terms of, noise, disturbance, air quality and health impacts) contrary to ALP policies GEN4 and ENV11, and ELP policy SP11.

Draft Reasons for Refusal – Cont'd

CLIMATE CHANGE/CARBON EMISSIONS

CC1: The proposed development would be contrary to the principles set down in the National Planning Policy Framework ('NPPF') for sustainable development since it would give rise to a significant increase in Stansted Airport's emissions of CO₂ substantially in excess of the provision made by the Department for Transport (DfT). It would have a material impact on the ability of the Government to meet its carbon reduction targets, particularly having regard to the new statutory target in the Climate Change Act to reduce UK emissions by net zero by 2050. In such circumstances the Airports National Policy Statement ('ANPS') indicates refusal.

CC2: The Committee on Climate Change ('CCC') has advised that the 37.5Mt CO₂ currently allowed for UK aviation in 2050 should be reduced to about 30Mt and aviation growth limited to 25% from now to 2050. The Airport has scope to grow by 25% by 2050 within the existing cap and this is consistent with the DfT's long term forecast for Stansted.

CC3: No contingency measures have been made for the mitigation of the additional CO₂ emissions which would ensue from the proposed development, contrary to the policy set down in Section 9 of the NPPF and to para 175 of the NPPF.

NEED FOR THE DEVELOPMENT

ND1: The need for the development has not been demonstrated. First, there is considerable headroom for expansion under the existing permission; second, the Applicant's long term forecasts are significantly higher than the DfT forecasts; third, passenger numbers at Stansted are currently in decline; and fourth there are plans for significant expansion at other/competitor London airports which were not taken into account in the Applicant's case for need.

ND2: The ANPS requires airports to "demonstrate sufficient need for their expansion proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow." The Applicant has not met this requirement.

Draft Reasons for Refusal – Cont'd

ECONOMIC AND EMPLOYMENT EFFECTS

EE1: The proposed development would have an adverse impact on the UK trade balance and the Applicant has provided no quantified evidence of countervailing economic or user benefits sufficient to outweigh all other factors, with or without mitigation, to the detriment of the principles of sustainable development set down in the NPPF.

EE2: The additional jobs that would be provided would be predominantly low paid, requiring out-of-area recruitment which would increase the need for commuting, contrary to the principles of sustainable development set down in the NPPF.

EE3: The proposed development would not result in any net additional jobs in the UK since the expansion of other airports will lead to overcapacity in the London airports market. New jobs at Stansted, which is located in an area of minimal unemployment, would be at the expense of jobs at competitor airports with higher local unemployment.

USE OF PUBLIC TRANSPORT

PT1: The proposed development would result in reduction in public transport mode share compared to the level currently achieved and an increase in private car mode share, which is directly contrary to the Government's policy of 'Promoting Sustainable Transport', set down in Section 9 of the NPPF, and to Policy SP11 in the ELP.

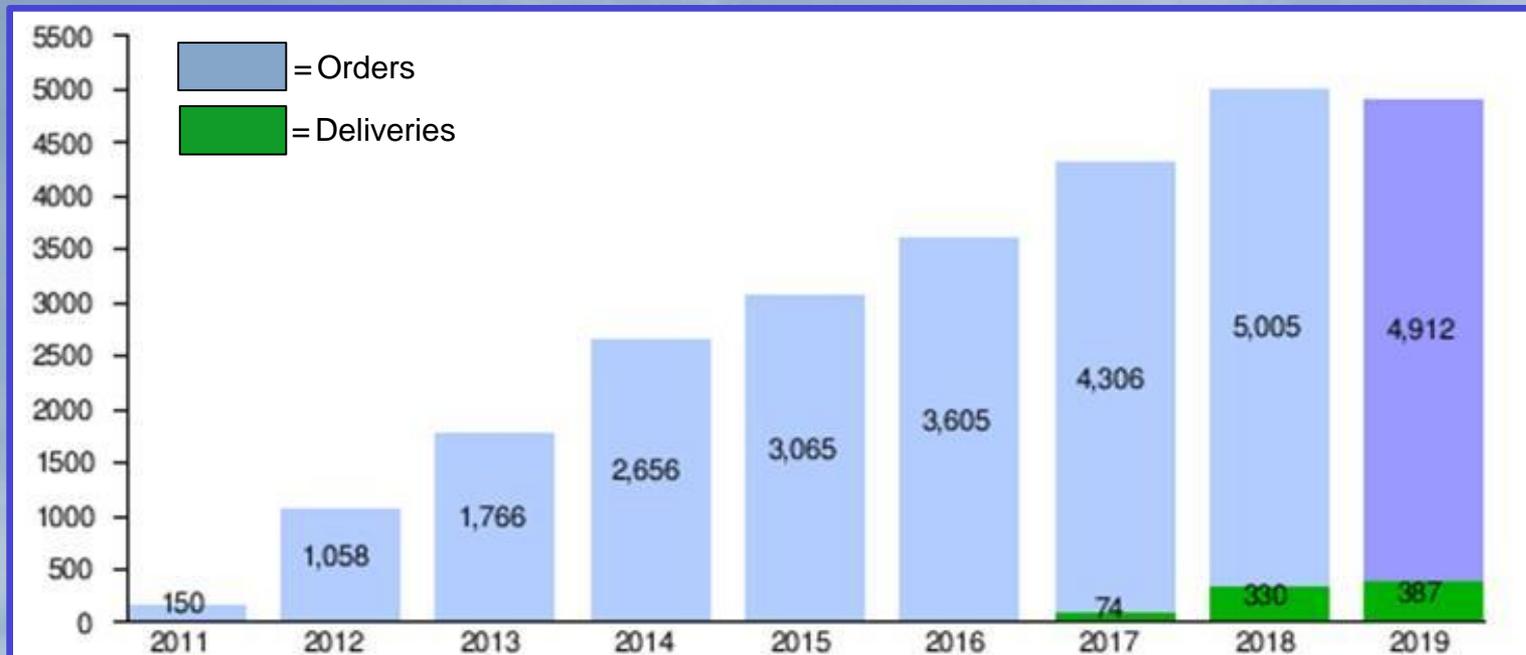


Supplementary Data



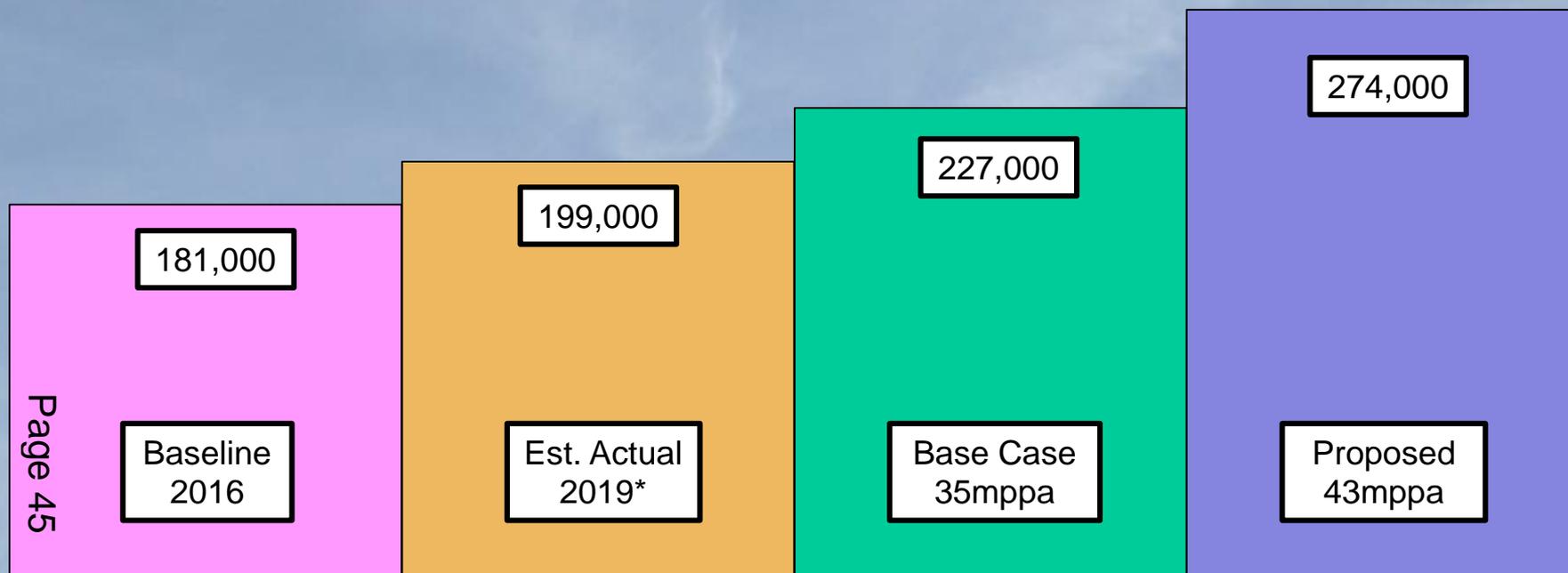
Boeing 737 MAX - Supplementary

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- Current backlog = 8 years production – i.e. waiting time for new orders
- Airbus A320neo also has overflowing order book – also about 8 years

Number of Flights



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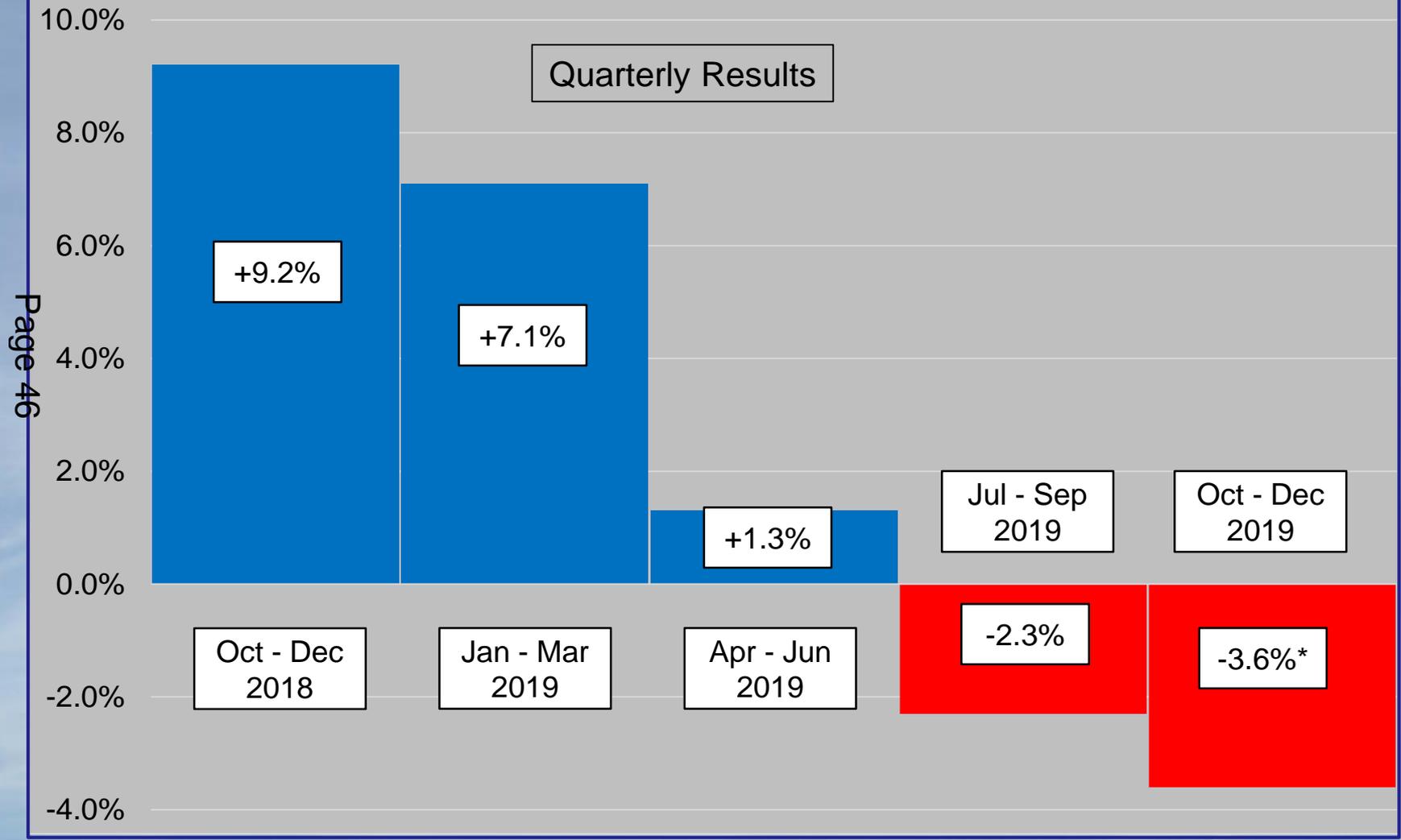
*Dec 2019 estimated

- 93,000 extra flights/year compared to Baseline
- 47,000 extra flights/year compared to Base Case
- 75,000 extra flights/year compared to 2019

Town & Country Planning (EIA) Regs 2017 (Schedule 4) require impacts of development to be compared to the current position – the “**baseline**” – and the position arising without the development – the “**base case**”. (No requirement to compare to existing permission.)

Stansted Traffic Data 2018/19

Stansted Passengers – Year on Year Increase or Decrease



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*Dec 2019 estimated



Carbon Emissions – Further Data

Projected carbon emissions for Stansted – Mt CO₂

Year	DfT Assumption	MAG Projections	Excess
2023 (35mppa case)	1.45	2.30	+0.85 (+59%)
2028 (43mppa case)	1.37	2.50	+1.13 (+82%)
2050 (43mppa case)	1.64	2.19	+0.55 (+34%)
Cumulative 2023-50	38.9	67.8	+28.9 (+74%)

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- Officers conclude that “*the application proposals will not materially impact on the ability of the government to meet its national carbon reduction target.*”
- We submit that the excess of **28.9 MtCO₂** compared to DfT’s planning assumption is – **by any measure** – a material consideration.
- Note that the UN Intergovernmental Panel of Climate Change (IPCC) – lists the atmospheric lifetime of CO₂ as between 50 and 200 years.

Emerging Local Policy – SP11

"Proposals for development [of Stansted Airport] will only be supported where **all of the following criteria** are met". This is followed by a list of criteria including:

- "They are in accordance with the latest permission"
- "Do not result in a significant increase in Air Transport Movements or air passenger numbers that would adversely effect the amenities of surrounding occupiers, or the local environment or transport networks (in terms of, noise, disturbance, air quality and climate change impacts);
- "Include proposals which will over time result in a **proportionate diminution and betterment of the effects of aircraft operations on the amenity of local residents and occupiers ...**"
- "Incorporate sustainable transportation and surface access measures in particular which minimise use of the private car ..."
- "Incorporate suitable road access ... and demonstrate that the proposals **do not adversely affect the adjoining highway network**; and will not lead to detriment to the amenity of the area and neighbouring occupiers"

KOT Speech to UDC Planning Committee 24 January 2020

[START]

Good morning everybody. I am Ken O'Toole, Chief Executive at Stansted Airport. I will be joined in this speaking session by John Twigg, my Planning Director, who will cover some of the technical matters.

I want to start by thanking the UDC members and officers for the time and effort they have devoted to carefully and professionally considering our application, particularly over the past few months.

I would also like to thank the people who appeared at last week's public sessions to speak about the application – particularly members of our Stansted family, local businesses and other stakeholders who passionately described their views of Stansted and how they see us as a vital part of not only their lives but also the local economy and the services we provide directly and indirectly. Their views reflect the fact that over 2,000 residents of Uttlesford work at Stansted, and in 2018 the District's population of 89,000 made nearly ¼ million air passenger trips to or from Stansted. We have always supported a healthy and accurate debate about Stansted's future, and how to ensure our growth is in the best interests of the community in which we operate.

Our mission is two-fold: to meet the needs of those using the airport and also to ensure that local people are able to travel, to trade, to find employment, to develop their careers and to enjoy a prosperous future. This in turn attracts inward investment and visitors to the region. As the region's largest employer, sustaining the livelihoods of thousands of local people (and not just the 12,000 who work on site), we believe we have a

positive role to play in the growth and sustainable development of the region.

Our planning application is founded on our confidence in both the future of the region and the airport – the combination of the strong economic well-being of our catchment, the growing success of world-leading sectors in the region, our available runway capacity, the multi-million pound investment we are making in our facilities and the continuing desire of local residents to travel by air, while avoiding long and costly car journeys to Heathrow and Gatwick.

These factors combine to ensure that we remain an attractive proposition for leisure and business passengers and airlines alike. In the last 12 months we have announced Emirates going ‘double daily’ to Dubai, Air India to Mumbai and Amritsar with a Boeing 787 and Ural Airlines to Moscow with an Airbus A320. Looking ahead to the summer season, early indications from airlines are that they are asking Stansted for a 15% increase in seats flown compared to last summer.

Our planning application was submitted in February 2018. We have been patient; recognised the challenges facing a new administration; and have tried to be accommodating and respectful of your wish to thoroughly examine the issues.

However, you will also understand that planning authorities remain under a duty to discharge their functions efficiently, fairly and promptly. This is clearly in the interest of all parties.

Should you, as representatives of the Council make a positive decision today? Based on the evidence before you, then yes, I think you should.

Aside from the factual evidence there are two other important reasons.

Firstly, a positive decision will provide the local community with confidence that our future growth will be delivered in a controlled and sustainable way. And it will also send a message to the wider region that Uttlesford has a clear vision of its future and has shown how it can accommodate growth within its wider goals. I'm a firm believer that a successful airport and a successful region go hand-in-hand.

Secondly, because both ourselves and our airlines and business partners need clarity and certainty to enable the very substantial investments in people, assets and facilities that will be needed to support our future growth.

It is often said that the best way to resolve any issue is to ensure that the factual and legal assessments that are relevant to it are clear and understood. That is what your officers and advisers have done in their reports to this Committee.

Whilst some outside the Council are encouraging you to revisit and re-run the lengthy debates that led to the Committee's decision to grant permission in November 2018, that is not the purpose of today's meeting. In June last year, the Council's EGM tasked this Planning Committee with answering two clear questions:

1. To assess the adequacy of the draft Section 106 agreement in light of the Heads of Terms agreed by the Committee.
2. To determine whether there has been any material change in circumstances since the original resolution that might affect the planning balance.

As I will focus on the only two questions that are before you, I will not therefore require the 40 minutes afforded to the previous speaker.

To address the adequacy of the Section 106 you have the benefit of the full text being before you. I have been very encouraged by the way in which the Council, members of this Committee and my team have worked together to ensure that the proposed development, when considered with the proposed mitigation, will not result in any significant impacts and will benefit the community. The full wording of the agreement can leave you in no doubt of this.

This new agreement builds on, and enhances, the current raft of legal obligations and mitigation measures that accompanied our previous planning permissions. We have a proud track record of compliance on every measure – frequently going beyond that which is legally required. A good example of this is the 500 student Airport College based on our site. That was not borne out of a Section 106 legal obligation; but clearly demonstrates how we have chosen to work with UDC and other partners to deliver a fantastic resource for the District.

As a business, we set ourselves challenging targets and high standards and I can give you my commitment that this will continue. Indeed, we are actively developing plans for Phase 2 of the College Campus as we speak today.

A critical point that some have chosen to ignore in recent months is that the legislation, and Government's guidance to planning authorities and developers, is crystal clear. Every S106 agreement has to be firmly rooted in the impacts that are likely to arise from the development. It cannot be just a wish list of measures.

And if there were any doubts about this, you will see in the Officer's Report the very recent decision by the Supreme Court which confirms absolutely that any S106 agreement has to fairly and reasonably relate to the

development it applies to. It cannot 'over mitigate' nor should it 'under mitigate'.

The mitigation package that sits before you today - and that has been jointly created – does just that and is fully fit for purpose.

Our proposals closely follow the outcome of the comprehensive Environmental Statement that accompanied the application. Again, this has been carefully scrutinised by your officers and independent expert advisers and analysed in your officers' previous reports to the Committee. The purpose of an Environmental Statement is to assess the changes that are likely to arise from a development – and always on a 'like for like' basis.

Some of the comments I have heard from objectors are, I'm afraid, just factually incorrect. For example, last week you heard a number of speakers compare our carbon emissions for 2028 with DfT's forecasts for 2050.

Let me put that one straight. At 2050, both the DfT's figures and our figures fall within the same range.

The clear conclusion from the Environmental Statement is that our proposal to grow from 35 million passengers per year to 43 million creates no significant impacts, whether that be with regard to air quality, carbon, noise or transport.

The Section 106 package of measures involves us putting substantial funding into schemes that will directly benefit local communities – a much better sound insulation scheme; new bus services with low emission vehicles; funding to tackle fly parking; grants for community projects and continuing support for our much valued and award-winning education and employment programmes.

These are all measures that will make a real difference to local people and mitigate the effects of our growth.

Together, these commitments amount to over **£35m** of direct funding over the next eight years, to help ensure that Uttlesford remains one of the best places in the UK to live, work and do business.

On this basis, we are clear in our view that the Section 106 is totally adequate and meets the test set out by the Council at its EGM.

Your officers and independent legal advisers have come to the same conclusion.

Turning now to your second question that you are addressing today – the consideration of any material change of circumstances.

The report drawn up by your Officers to accompany this meeting is again absolutely clear on this point – there has been no material change of circumstances between November 2018 and today that can be shown to affect the Council's original decision.

We have listened very carefully to what has been said by all interested parties on this issue. There have been various comments, assertions, speculation and misinformation that, again, are designed to confuse the position.

The reality is that many of these issues were also scrutinised as part of the deliberations by the Committee in November 2018 and there is nothing new of substance; and certainly **nothing** factually, legally or well-founded in evidence, that would justify a re-opening of the original planning decision.

To demonstrate this point I want to invite John Twigg, our Planning Director, to address you on the environmental assessment of our application and three particular topics – noise, air quality & carbon.

JT TO SPEAK.

Thank you Ken. Good morning.

I want to briefly cover the three main environmental topics where it is suggested that there has been a significant change in circumstances.

This should help you to decide whether this is strong enough to change the planning balance.

The proper basis for considering these three topics is still to be found in our Environmental Statement; which was peer reviewed and carefully assessed by your own specialists. Any new environmental matters have to be evidence based and – crucially - significant enough for you to arrive at a different conclusion about the scale and significance of the impacts arising from the development. That is a high hurdle.

I will start with aircraft noise.

You have a legally binding assurance from us of a smaller noise footprint. **With** the development, at 43mppa, the 57LAeq noise contour is capped at 28.7 sq km. Our current permission allows a footprint of 33.9 sq kms. So, in reality, not only is this a significant reduction of 5.2 sq kms, but also a smaller contour than when the airport experienced its last peak back in 2007 when we only handled 24million passengers.

Much has been said – and speculated – about the Boeing 737 Max. Whatever the current difficulties, we remain confident that by 2028 the proportion of newer, cleaner, quieter aircraft will be as we state. And if we are wrong, you still have the reassurance that Stansted will have to

manage its operations to stay within the lower noise contour that it will be legally bound by.

Therefore, it is not the local community that is exposed to the risk associated with fleet change, but instead the airport.

Finally on noise, I would remind you of the advice that you have been given both at the EGM in June and for today's meeting. The October 2018 report of the World Health Organisation is not UK Government aviation or planning policy. Its recommendations are not seen by the Government as being appropriate in a UK context. It is that simple, and any suggestion to the contrary is again misleading as to how you should consider this application.

And, as I will emphasise when talking about carbon, the fundamental question for you (as with any planning decision) is to consider the difference arising from the development – whichever metric or threshold is used. Planning law and policy is absolutely clear on this. The conclusions of the ES are that at 2028 there is a negligible change between Stansted **with** this permission, and Stansted **without** it. I would ask you as a Committee please to focus on this comparison.

In respect of air quality, the point has been made that dust particulates (PM2.5) now pose a greater risk than previously understood. Firstly, let me make clear that a thorough assessment of air quality changes is spelt out in our Environmental Statement; reflecting the long-held importance attached to understanding impacts of nitrogen and particulate matter. Our assessment includes not just PM2.5 but also NOX, NO2 and PM10s, in line with best practice.

You have heard **nothing** and seen no evidence to suggest that these assessments are incorrect or lacking in any way.

Our assessment, on the proper basis, and which has been verified by your independent consultants, looks at the difference with and without the development. That comparison shows a negligible impact – in most cases less than 0.1microgrammes change in annual mean levels. And that assessment is focused on the sensitive receptors i.e. people, as that is the measurement that matters, not large gross totals of emissions that you have heard from other speakers.

So, again, there will be no significant impact as a consequence of our application. And you do have the reassurance of the Section106 clauses that require our continuous monitoring and reporting of air quality to be maintained and expanded and any necessary remedial action taken.

Turning now to climate change. Despite its high profile, the truth is that aviation is c. 2% of global and 6% of UK CO2 emissions. For comparison, the fashion industry is 10% of global emissions - and rising fast, making it a greater contributor to the problem than the international shipping and aviation industries added together.

In terms of reducing emissions and achieving net zero, then Stansted has a clear strategy; indeed, the aviation industry is one of the few industries that has a clear and detailed long-term strategy for meeting that objective. We are already seeing concerted action on a broad front by aircraft and engine manufacturers, airlines, Governments and international bodies to achieve the 2050 net zero target.

As with noise, the crucial test for you as a Committee in considering **any** planning application is not to look at absolute numbers but at **the difference** that results from the development.

In 2028, **without** the development, emissions are forecast to be 2.5mtCO₂; **with** the development, they will be marginally more than 10% higher

This difference does not prejudice the UK's ability to meet its 2050 targets. This is confirmed in the Government's current policy document – Making Best Use – and its assessment of the carbon implications of growth at the UK's airports.

This recent statement of Government policy remains a strong material consideration. And the key point is that Government is clear that carbon emissions from aviation are to be dealt with internationally, and that national policy will determine the UK's carbon targets.

It is not a matter for local authorities to have to manage this through the planning system and individual applications.

Stansted Airport has been carbon neutral for the activities under its control since 2016 – as confirmed by international accreditation and therefore meaning we are way ahead of many airports and other businesses.

We have reduced emissions from the energy and fuel used to operate the terminal, runway and facilities at Stansted from 25,000 tonnes CO₂e in 2011/12 to zero in 2016/17.

I am confident in Stansted's ability to play a meaningful role at the local level – whether through managing our energy consumption and that of our on-site business partners and supply chain; increasing sustainable public transport usage to and from the airport; large scale tree planting across Uttlesford through to ensuring all our annual 150 tonnes of coffee grinds are converted into log fuel. We are very happy to work with the Council to help you on your journey to achieve a similar ambition of zero carbon by 2030.

Turning now to local determination. There is a good reason that three other London airport schemes are being dealt with nationally rather than locally. Its simply because the scale of their development requires them to be Nationally Significant Infrastructure Projects; making Heathrow a 3 runway airport (the date for which has now slipped to late 2029); making Gatwick a 2 runway airport; and in Luton's case doubling in size – increasing its planning cap from 18mppa to c 36mppa. All three applications differ radically from ours, which has at its heart, some modest airfield infrastructure, an increase of 8 million in our passenger cap, no increase in permitted aircraft movements and a smaller noise footprint than already approved.

For applications such as ours, Government policy is very clear – local authorities are best placed – and in my experience well able - to deal with such applications.

The Council has benefited from professional advice and also received additional funding to seek external specialist support as necessary. Ultimately, such local determination sits squarely within the Government's position - that on local issues local authorities should be best placed to decide, not Westminster.

Another point worth making in relation to Central Government is that during the past 14 months, Westminster has consistently supported its policy to support planning applications which seek to make best use of existing runway capacity.

They remain content that this policy is compatible with the UK's carbon commitments. And contrary to what was suggested last week; there is no evidence that the publication of the Government's 2050 Aviation Strategy is 'imminent'. Indeed, Government is planning to consult further on

elements of its strategy before it finalises its White Paper. Any suggestion that this will done “imminently” is misleading. And I would also point out that the Making Best Use policy is an early part of that White Paper. Government specifically brought forward this element of policy so as to provide advice and clarity for planning authorities and airports whilst their consultation was ongoing.

That covers the points I wanted to make; thank you. Ken will now conclude our submission.

Ken O’Toole RETURN

With the benefit of your officer’s report, your independent legal advice and specialist expertise, and Mr Twigg’s analysis of the factual position, the conclusions are unambiguous.

As a matter of fact and law, there have been no material changes in circumstances since the original resolution that might alter the planning judgment.

My final point is to explain how we are delivering the benefits that we set out in our February 2018 application.

In line with our expectations, we have continued to expand our route network, attracting new airlines and launching the new long-haul services that we said would bring benefits to the District and local people.

There are now 12,000 people working at Stansted;

Our 2019 air quality monitoring shows we remain well below the UK regulatory limits.

Two million more passengers are using public transport since 2018 – in line with our agreed targets.

The on-site airport college has seen its first 250 students successfully complete their first year of study, with the number of students currently studying now having risen to nearly 500.

Last year, 350 of our on-site colleagues spent over 7,000 hours working with local people- supporting community, educational, social and recreational projects as part of our highly regarded community strategy.

The Aerozone has welcomed 16,000 local children – for free – over the last 5 years, as part of our ambition to inspire them, support their future career choices and ensure they have a range of quality jobs available locally.

In concluding my remarks; I would like to reaffirm our confidence in the future of this District and the region – its residents and its businesses.

We want to continue to play a substantial part in making Uttlesford an even better place to live, work, invest and visit. Your vision for the District relies on our ability to continue to provide employment, education and investment and it will be a successful, growing Stansted that will be best placed to deliver this.

From the outset we have listened to the wider community, including those whose opposition to the application has been vociferous.

Wherever possible, we have addressed those concerns factually and legally. The package of controls and mitigation should reassure you that any impacts are limited to defined levels; will be closely monitored by you (but at our expense) and that our growth will have to take place within those clear limits.

The independently reviewed environmental assessment is clear. Thus, you can be confident that with your controls, and our proposed package

of community, transport and environmental mitigation, this application will create no significant impacts.

The mitigation strategy has been created with your input and is built on the success of previously agreed controls and partnerships. Where these still remain relevant, we have continued them; where they have needed updating, we have improved them; and where new measures are required, we have introduced them.

Through extensive engagement and consultation with people living around the airport, we have developed an application that strikes a positive balance between the benefits of growth and enhanced local controls for those local communities. For these reasons I hope you will now agree to issue the permission.

But if, today, you choose an alternative course of action, then I hope you will have carefully considered the negative impacts that your decision will have on your constituents and the wider region and particularly the risk to the 5,000 additional jobs this application will create.

I am confident that, ultimately, Stansted will be permitted to grow to the capacity of its single runway, so further delay will only prolong the uncertainty and place additional costs on local residents. Failing to bring this issue to a conclusion would hinder the Council from moving forward on its wider agenda, including the long-term partnership that you know we are keen to forge with you.

And so to return to the two questions before you.

Your legal and technical advice is very clear. I agree with and support those conclusions. You may of course want to today confer further with your officers and advisers to ensure that in the light of all that has been said this morning that the factual and legal position has been fully clarified for you, before you begin your debate.

The revised Section 106 agreement is clearly fit for purpose.

There has been no material change in circumstances which warrant changing the planning balance from approval to refusal. So I can now see no impediment to you issuing the permission.

It is time to move on; provide the certainty and clarity that is needed for the District and enable everybody to deliver on our shared vision of creating a better life for the communities in which we operate.

And for this reason, and for the final time, I ask you to support the application and release the decision notice.

Thank you.

[END]