

**Committee:** Stansted Airport Advisory Panel  
**Title:** UTT/18/0460/FUL - Arrangements for monitoring the S106 agreement and planning conditions  
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## 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 14<sup>th</sup> 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 14<sup>th</sup> May 2003 in relation to expansion to 25mppa

- A unilateral undertaking dated 26<sup>th</sup> 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 28<sup>th</sup> 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.