

**EXTRAORDINARY COUNCIL MEETING held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 7.30pm on 25 APRIL 2019**

Present: Councillor L Wells – Chairman.
Councillors H Asker, G Barker, S Barker, R Chambers,
J Davey, P Davies, A Dean, P Fairhurst, T Farthing, M Felton,
R Freeman, A Gerard, N Hargreaves, S Harris, E Hicks, S Howell,
D Jones, G LeCount, P Lees, M Lemon, B Light, J Lodge, A Mills,
S Morris, E Oliver, V Ranger, J Redfern, H Rolfe, H Ryles and L
Wells.

Officers in
attendance: D French (Chief Executive), B Ferguson (Democratic Services
Officer), R Harborough (Director – Public Services) and S Pugh
(Assistant Director – Governance and Legal Services).

This Extraordinary Meeting was called by the Chairman of the Council following
a requisition signed by the following twelve members of the Council, specifying
the item of business set out in these minutes:

Cllrs Alan Dean, Geoffrey Sell, Mark Lemon, Paul Fairhurst, Neil Hargreaves,
Anthony Gerard, Barbara Light, Heather Asker, Petrina Lees, Garry LeCount,
Martin Foley and Sharon Morris.

C97 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Felton, Freeman, Knight, Loughlin and
Sell.

Councillors Dean and Foley declared personal interests as members of Stop
Stansted Expansion.

Councillor Susan Barker declared a personal interest as a member of Essex
County Council.

C98 PUBLIC SPEAKING

The Chairman welcomed Members and the public to the meeting. She said public
speaking had been extended to allow those who had expressed interest an
opportunity to address Council. Summaries of the public statements have been
appended to these minutes.

**C99 REQUISITION FOR EXTRAORDINARY COUNCIL MEETING - DECISION
NOTICE FOR PLANNING APPLICATION UTT/18/0460/FUL**

The Chairman introduced the item relating to the planning application submitted by Stansted Airport Ltd and approved by the Planning Committee on 14 November 2018 subject to conditions and to completion of an agreement under section 106, Town and Country Planning Act, 1990. She invited Councillor Dean to propose the motion as set out in the agenda.

Councillor Dean proposed the following motion:

To instruct the Chief Executive and fellow officers not to issue a Planning Decision Notice for planning application UTT/18/0460/FUL until the related Section 106 Legal Agreement between UDC and Stansted Airport limited and the Planning Conditions have been scrutinised, reviewed and approved by the Council's Planning Committee after the local elections.

Councillor Gerard seconded the motion.

Members discussed the motion. The following reasons were put forward by Members as to why the S106 legal agreement between UDC and Stansted Airport and the planning conditions should be considered by the Planning Committee before approval was granted:

- The draft S106 agreement was a 'significant departure' from the resolution of the 14 November Planning Committee – the draft S106 agreement did not adequately address the items listed in the Heads of Terms document issued with the Officer's report.
- Omissions in the draft S106 agreement included; no binding obligation to a railway discount scheme; no revised targets to increase the number of journeys to the airport by public transport; and no penalty clauses for the airport if they missed set targets (with the exception of noise).
- The S106 agreement should be made openly and not behind 'closed doors'.
- It was not unprecedented for the Planning Committee to review S106 agreements and used to be standard practice.
- It was for Members, not Officers, to make the decision as they were accountable to the public.
- The mitigation on offer in the draft S106 was inadequate.
- This was an 'extraordinary' application and Councillors had to ensure the 'best deal' possible was negotiated by reviewing the agreement in view of the public at Committee.
- The S106 agreement was not discussed at the meeting on 14 November.
- Scrutiny of the S106 agreement needed to occur in the public domain to ensure the reputation of the Council did not suffer.

The following reasons were given as to why the S106 agreement should not be considered by the Planning Committee:

- The correct process had been followed in respect of the application and to send the S106 agreement back to Committee was procedurally incorrect.

- The planning process was being politicised.
- It was standard practice to delegate S106 agreements to officers.
- The motion brought before Council reflected the 'unhappiness' with the decision to approve the application in November, rather than a desire to renegotiate the S106 agreement.
- If the application had been refused in November, the applicant would have been granted approval on appeal with no obligation to mitigate.
- The Administration had not whipped Members and the application had been approved in good faith.
- The Council was leaving itself vulnerable to a costly legal challenge if it delayed issuing the decision notice.

Councillor Light requested a recorded vote.

The following Members voted for the motion:

Councillors Artus, Asker, Dean, Fairhurst, Foley, Freeman, Gerard, Hargreaves, LeCount, Lees, Lemon, Light, Lodge and Morris.

The following Members voted against the motion:

Councillors G Barker, S Barker, Chambers, Davey, Davies, Farthing, Gordon, Harris, Hicks, Howell, Jones, Mills, Oliver, Ranger, Redfern, Rolfe, Ryles and Wells.

The motion was defeated by 14 votes to 18.

Councillor Lodge presented a requisition for an Extraordinary Council meeting to the Chairman.

The Chairman received the request and closed the meeting.

The meeting ended 21.30.

PUBLIC STATEMENTS

Summaries of Public Statements

Mr Day

Mr Day said this meeting was an opportunity to make amends for the decision to approve the Stansted Airport application on 14 November. He urged Members to ignore the party whip and to listen to the public whom they represented. Public trust had been damaged and there was an urgent need to rebuild the relationship between the public and Council.

Mr Beer

Mr Beer said the decision to approve the Stansted Airport application had left residents feeling totally disenchanting with the democratic process in Uttlesford. He said the officer reports were biased and not adequately challenged by Members. The S106 terms had not been discussed at the meeting on 14 November and therefore should be reviewed by the Planning Committee before the decision notice was issued. He said it would be shameful if Council did not refer the S106 agreement back to the Planning Committee.

Mr Woodcock

Mr Woodcock asked why the Council were not enforcing previous planning conditions on Stansted Airport, with particular regard paid to the 35 million people per annum (35 mppa) limit that had already been imposed. He said if conditions were enforced there would be 6000 fewer flights per year. He also asked why commercial operations were allowed to operate within the Airport's boundaries without the intervention of the Council's enforcement team. He said this was Council's last chance to get this decision right.

Mr Reeve

Mr Reeve said it would not be a 'unique' event for this S106 agreement to be sent back to the Planning Committee for consideration, and cited the case of the Hatfield Broad Oak application at Great Chalks, as well as the previous Airport application in 2002, to demonstrate this action had a precedent. He asked Members to support the motion.

Mr Haynes

Mr Haynes said he was disappointed by the lack of ambition behind the draft S106 agreement, as the current draft would not mitigate against the environmental harm caused by an increase in passenger numbers at Stansted Airport. He said the Airport had previously avoided paying out compensation to local residents by intentionally stalling works on granted development but this was later overturned by a tribunal and the Airport were ordered to pay out. He said the Airport was a very poor neighbour to residents.

Ms Jones

Ms Jones spoke on recent evidence that suggested noise pollution was as damaging to physical health as air pollution. She dismissed the claim that aircrafts were becoming 'quieter' and asked what noise mitigation measures were really being put in place. She said the aviation industry was the worst polluter and climate change had not been addressed in the draft S106 agreement. She asked Members to support the motion in front of them.

Ms Sutton

Ms Sutton said Members had been elected to make decisions on behalf of the community and yet they seemed to be working with the Airport, rather than for local residents. She said the mitigation package was wholly inadequate and if the S106 agreement did not include all of the items listed at the 14 November Planning meeting, it should be refused. She said if the decision was approved it would be a gross betrayal of local people.

Mr Ross – Deputy Chairman of Stop Stansted Expansion (SSE)

Mr Ross said the draft S106 agreement had a number of major omissions compared to what was agreed at the Planning Committee on 14 November. He said he was disappointed that the Council continued to refuse to engage with SSE, which was a non-political organisation with 7,500 members, and by the threat of legal proceedings. He urged Members to support the motion in front of them.

Mr Twigg – Planning Director, Manchester Airport Group (MAG)

Mr Twigg said the draft S106 agreement and planning conditions were a comprehensive list that had been determined by public consultation, environmental assessments, independent advisors and consultees. He said the draft S106 agreement was led by the Heads of Terms document that had been agreed by the Planning Committee and stressed that the correct process had been followed, as demonstrated by the fact that the Secretary of State had not seen it necessary to call-in the application 36 days ago. He said the Airport had complied with air movement limits and there would be no removal of a previous planning condition that prevented the Airport from lobbying over night-time flights.