

## **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 2.5mtCO<sub>2</sub>; **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 CO<sub>2</sub>e 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 be 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]**