

Committee:	Stansted Airport Advisory Panel	Date:	20 th March 2018
Title:	Monitoring of the 35mppa (Generation 1) unilateral undertakings		
Report Author:	Jeremy Pine, Planning Policy / Development Management Liaison Officer (01799 510460)	Item for decision:	No

Summary

1. This report has been written at the Chairman's request, and advises the Panel on the current status of the 35mppa (Generation 1) unilateral undertakings for the expansion of Stansted Airport. At the meeting of the Panel in February 2017, a report was presented which set out the history of the Generation 1 application since it was submitted. That report explained what has happened since planning permission was granted, taking into account the effect of the economic downturn.
2. The Generation 1 planning permission has now been implemented by the Manchester Airports Group (MAG).

Recommendations

3. That the Panel notes this report.

Financial Implications

4. None.

Background Papers

5. None.

Impact

- 6.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

Ward-specific impacts	None
Workforce/Workplace	None

Situation

Planning History

7. The Generation 1 planning application (reference UTT/0717/06/FUL) was submitted by BAA plc and Stansted Airport Limited in 2006. It was a hybrid application as it included both full and outline elements. Its constituent parts were:
 - i) a full application to remove the condition limiting passenger throughput to 25mppa imposed on an earlier permission granted in 2003 (UTT/1000/01/OP),
 - ii) a full application to vary the condition limiting the number of Air Transport Movements (ATMs) to 241,000 imposed on UTT/1000/01/OP,
 - iii) a full application for the construction of an extension to the terminal (Enterprise House side) and a new aircraft apron and ancillary development ("Y" Cul-de-Sac) to the south west of the cargo centre, and
 - iv) an outline application for other on-airport infrastructure (such as hangars, car parks and flight catering/airline support accommodation).

8. On 8th October 2008, the Secretaries of State for Communities and Local Government and for Transport granted planning permission for Generation 1 following a public inquiry that was held between 30th May and 19th October 2007. The planning permission also included two unilateral undertakings signed by the applicants on 26th September 2008. One was in favour of the District Council and Essex County Council relating to a number of matters. The other was in favour of Hertfordshire County Council relating to contributions towards local road schemes and public transport. The monitoring of the latter is the responsibility of Hertfordshire.

9. The unilateral undertakings effectively superseded the earlier Section 106 Agreement signed by the District Council, Essex County Council and Stansted Airport Limited in 2003 in relation to airport expansion to 25mppa. Other than where 2003 obligations were rolled forward into new ones in the unilateral undertakings, there were only two that were not complied with:
 - A planning permission that was obtained for a visitors' centre northside by the Hilton Hotel was not implemented because of security concerns that existed at that time over the location. An Aerozone facility with an outside viewing platform has now been fitted out by MAG to the south east of the runway.

- Funding towards the cost of the construction and running of a materials recycling facility was not provided because the District Council did not proceed with the scheme.

10. In June and July 2016, MAG submitted a reserved matters application for works at the fuel farm and a further application for discharge of the relevant parts of the pre-commencement conditions, within the 8-year limit. Both were approved. Works at the fuel farm commenced on 10th March 2017, constituting lawful implementation of the Generation 1 permission. In December 2016 MAG submitted a full application for planning permission for a new arrivals building located to the north east of the terminal and south west of the Radisson hotel. Planning permission was granted on 7th April 2017, the arrivals building replacing the unimplemented terminal extension permitted in Generation 1. Completion of the arrivals building is expected in 2020.

Unilateral Undertakings

11. The unilateral undertaking included a definition of “implementation”, this being:

“Implementation shall mean the implementation of the Planning Permission for the development by the annual passenger throughput at Stansted Airport exceeding 25mppa over any period of 12 calendar months or the annual number of ATMs exceeding 241,000 over any period of 12 calendar months or the carrying out of any material operation (as defined by S.56 of the 1990 Act) pursuant to the Development which is permitted by the Planning Permission, whichever is the earlier”.

12. Towards the end of the public inquiry, throughput at the airport reached just on 24mppa and it was anticipated that implementation of the Generation 1 permission would take place very soon. The trigger points in the Uttlesford and Essex unilateral undertaking reflected an anticipated sequential progression through to implementation and not the decline to 17.3mppa (October 2012) that actually took place as a result of the economic downturn. Since the airport was acquired by MAG throughput has returned to 2007 levels and beyond, meaning that recovery has taken about 8-9 years. The main effect has been to delay implementation of the Generation 1 permission with some of the trigger points in the unilateral undertaking which were specific dates now appearing “out of sync”. Good examples of this are the obligations relating to funding for local road schemes.

13. The latest monitoring update for the unilateral undertaking obligations and trigger points is attached. “Implementation” has now occurred (see earlier Paragraphs 10, 11 and 12).

14. Some obligations were met prior to being technically triggered. Details are set out in the “Current Action” column.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
None	None	None	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.