

Stansted Airport
Rule 6 Parties

Our ref: APP/C1570/A/06/2032278

17 July 2008

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY BAA PLC AND STANSTED AIRPORT LTD
APPLICATION REF: UTT/0717/06/FUL
STANSTED AIRPORT, STANSTED, ESSEX, CM24 1QW**

The Secretaries of State are considering the report of the Inspector, Alan Boyland BEng(Hons) DipTP Ceng MICE MIHT MRTPI, who held a public local inquiry between 30 May and 19 October 2007 into the above appeal.

In relation to the requests made to re-open the inquiry, the Secretaries of State, having carefully considered these representations, are presently of the view that this is not appropriate. They also consider that they are not yet in a position to determine the appeal.

At the inquiry, BAA and UDC proposed a new condition AN2 on night noise to limit the area covered by the 50dBA Leq, 8h (2300-0700) contour. BAA sought the area to be 45sq km, which it argued was consistent with the Government's calculation of an 8 hour equivalent to the current 6½ hour night quota period when consultation was carried out on the possibility of extending the controlled period to 8 hours [CD/115 p.106]. UDC suggested a figure of 41.7sq km, which it argued reflects BAA's 35 mppa case [CD/5 para 10.5.3 p.26].

However, the Secretaries of State are concerned that both BAA's proposed condition and the Council's proposed amended condition conflict with the current noise abatement objective for Stansted, set under the Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003 (SI 2003/1742ⁱ), which provides:

“To limit the 6.5 hour 48dBA Leq contour (for the winter and summer seasons combined) to 38km² by 2011 to 2012”

Were the Secretaries of State minded to grant planning permission they would wish to ensure that there was an appropriate regime in place in respect of night noise. However, the Secretaries of State are not at present persuaded that such a regime

would be achieved by imposing either the BAA or UDC form of proposed condition AN2 for the following reasons:

Established Night Noise Regime

The Secretaries of State note that there is already an established night noise regime governed by the Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003 and the Civil Aviation Act 1982 and that the effect of either of the proposed conditions would be regulation over an 8 hour period which was specifically rejected as part of the recent consultation on night noise, as indeed was a regulation of the shoulder hours or potentially subdividing the night period into separate areas of regulation, the latter two being rejected as too administratively complex. Furthermore, the effect of regulation over an 8 hour period would also run contrary to a consensus reached as part of the night noise consultation exercise that there should be a uniform approach to regulation of night noise at Heathrow, Gatwick and Stansted.

The Secretaries of State are therefore not currently persuaded that it would be appropriate to change the existing night noise regime unilaterally for Stansted, especially in light of the extensive two stage public consultation on night noise, which took into account the views of a much wider range of participants and which specifically rejected this approach. The Secretaries of State note that the current regime applies for the period 2006-12 and that post 2012 arrangements will be the subject of the usual periodic review. Work on the review is likely to start in 2010.

Necessity

Furthermore, if the Secretaries of State were minded to grant planning permission they would wish to be satisfied that the proposed condition is necessary. The Secretaries of State note in this regard that BAA's evidence was that there would be no additional departures in the night shoulder period and only 4 additional take offs and landings in the morning shoulder period.

Enforceability

Were the Secretaries of State to consider imposing either condition they would wish to be satisfied that the condition is operationally feasible. Further, they would wish to be satisfied that the planning condition could be effectively delivered. It is not clear how, without quota and movement limits, it is proposed that this condition be achieved. Nor is it clear to the Secretaries of State how either condition would be monitored and thus adhered to.

The purpose of this letter is to invite parties to comment on the issues posed above. The Secretaries of State are not proposing to allow a lengthy series of cross-representations and further comments. They are inviting representations **only** on the particular issues set out above and do not regard this invitation as an opportunity to address other issues raised during the inquiry. Accordingly, parties should restrict their representations to the matters set out above.

Next steps

Representations in response to this letter must be received within 28 days of the date of this letter, which is 14 August. The Secretaries of State will circulate all representations received for comment as soon as practicable after this date, giving a further 14 days within which final comments can be made.

The Secretaries of State will take into account all representations on these matters in reaching their decision on the appeal. They wish to emphasise that representations on the above issue are to enable them to take a fully informed decision as they have not yet determined the appeal. This letter should not be read as any indication as to their attitude to the proposals generally one way or another.

All representations should be copied to the two addresses above.

Yours faithfully



Richard Watson

Yours faithfully



John Faulkner