Stansted Airport

Generation 1 Inquiry

SUMMARY EVIDENCE BY

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SECTION 1: INTRODUCTION

1.1 My name is John Stuart Rhodes; I am a Senior Director of the RPS Group. I provide planning advice to BAA in relation to both the G1 and G2 projects; I have been instructed since 2004.

1.2 My evidence considers the planning judgement to be made in this case, taking account of all material considerations against the starting point of planning policy.

1.3 The planning application for G1 seeks consent again for the development that was granted planning consent in May 2003 by Uttlesford District Council but without compliance with conditions MPPA1 and ATM1. In particular, BAA seeks to increase the limit on the number of passengers from 25 million to 35 million passengers per annum and to increase the limit on air transport movements from 241,000 to 264,000 per annum.
SECTION 2: NATIONAL AIRPORTS POLICY

a) Planning for National infrastructure

2.1 Since the Government came to power in 1997, one of the principal matters addressed through planning reforms has been the approach to major infrastructure projects. In particular, Government has made a determined effort to reduce lengthy planning processes for nationally important infrastructure by the publication of more explicit national policy statements. The Government has explained the position as follows:-

"National policy statements will address such issues as the need for and benefits of major projects, criteria for site selection, relationships with other policies etc. The existence of such statements will help the Inspector ensure that time is not wasted at inquiry going over issues which have been settled."

b) Air Transport Policies

2.2 The ATWP is such a national policy statement. Its intention is to set out a policy framework against which relevant public bodies, airport operators and airlines can plan ahead and to set the policy framework against which local impacts can be considered.

2.3 The ATWP was carefully prepared over the period 1998 – 2003. In particular, the Study of Airports and Air Services in the South East of England (SERAS) was a comprehensive technical approach to the consideration of all relevant issues, informed by substantial public consultation. The nature of the exercise was described in a High Court judgement as follows:-

"To the best of my knowledge, the scale of SERAS and the extent of the consultation exercise are unprecedented in the planning field. Those who criticise the outcome must acknowledge that, in terms of process, this was a serious attempt to grapple with the immensely difficult problem of devising an airports policy for the South East of England."
2.4 The ATWP was published in December 2003. It recognises that air travel is essential to the UK's continued prosperity but also that its environmental effects cause genuine concern. Consequently, the ATWP sets out a "measured and balanced approach providing a strategic framework for the development of air travel over the next 30 years."

2.5 The ATWP's main conclusions include that there is an urgent need for additional runway capacity in the South East and that:-

- The first priority is to make best use of the existing runways, including the remaining capacity at Stansted and Luton;
- Provision should be made for two new runways in the South East by 2030;
- The first new runway should be at Stansted, to be delivered as soon as possible (around 2011 or 2012)."

2.6 Specifically in relation to Stansted, the ATWP provides:-

"11.26 Because we expect there to be an increasingly severe shortage of runway capacity at the major South East airports over the remainder of this decade, making full use of the available capacity at Stansted will be essential to avoid stifling growth. Making full use of Stansted would generate large net economic benefits. We therefore support growth at Stansted to make full use of the existing runway and expect the airport operator to seek planning permission in good time to cater for demand as it arises."
2.7 The ATWP was subject to a legal challenge by the County Councils of Essex and Hertfordshire and the District Council’s of Uttlesford, East Hertfordshire and North Hertfordshire. The authorities recognised the role of national policy statements but argued that, if they were truly to settle matters which need not be considered at length at planning inquiries, it was important that they were properly prepared. The criticism was focussed only on the policy in the ATWP that the second runway at Stansted should be wide spaced and, in this respect, the Court agreed that that specific element of the policy had not been subject to sufficient consultation and should effectively be struck from the ATWP. In all other relevant respects, however, the ATWP was unaffected.

2.8 The weight to be attached to the specific policy for the G1 proposal in the ATWP is reinforced by the Government’s recent statement that it remains committed to the policies in the White Paper. The Future of Air Transport Progress Report was published in December 2006. It took full account of up to date studies including the Stern Review, the Eddington Transport Study and the Oxford Economic Forecasting report and concluded that the Government remains committed to the strategy set out in the ATWP.

2.9 Against this background and given the explicit endorsement that full use should be made of the runway at Stansted, there can scarcely have been a planning application more directly or strongly endorsed by Government policy.
SECTION 3: REGIONAL AND LOCAL POLICIES

3.1 The RSS for the East of England has reached an advanced stage and the Government has published Proposed Changes, following an examination in public. The RSS adopts the policies of the ATWP to support maximum use of the current facilities at Stansted Airport as a first priority.

3.2 The RSS takes precedence over the Structure Plan and Local Plan policies in this respect. In due course, local policies will need to conform generally with the RSS and, therefore, with national policy.

3.3 The expansion of Stansted Airport is important to the fulfilment of the economic and housing strategies set out in the RES and the RSS. In particular, planning authorities are encouraged to take advantage of the opportunities created by the sustainable expansion of airports in the region and the expansion of Stansted Airport is relied upon to generate jobs important to economic objectives regionally and more locally. In addition, housing allocations specifically reflect anticipated growth of Stansted Airport.

3.4 Rejecting proposals to expand Stansted Airport, therefore, would not only frustrate and undermine the Government’s policy in the ATWP, it would also have direct structural consequences for the RSS within months of its adoption as part of the statutory development plan.

3.5 The reasons for refusal do not allege any conflict with the RSS. Structure Plan policies are relied on but few if any of these policies are likely to survive the approval of the RSS.

3.6 In any event, Structure Plan policies do not presume against airport expansion and the G1 proposals are generally consistent with those policies. The County Council concurs and has not raised a policy objection.
3.7 The Uttlesford Local Plan is also out of date in relation to airport expansion, although the appeal proposals do not conflict with the principle of Local Plan policies. The general environmental policies of the Local Plan do need to be taken into account but, principally, as a guide to the consideration of any necessary mitigation proposals.
SECTION 4: NEED AND BENEFITS

4.1 It is not the function of this inquiry to re-examine the need for increased aviation or to question the Government's clear policy position that increases in aviation capacity bring significant benefits.

4.2 My evidence reviews the Government's identification of need and benefits in order to provide a context for the consideration of objections to the G1 proposals.

4.3 The ATWP and the ATPR forecast aviation demand for the UK up to 2030 at 500 million and 490 million passengers per annum respectively. Both forecasts take account of the Government's policy that aviation should meet its environmental costs. The forecasts are strongly positive. At Stansted, no parties dispute that the current mppa limit will be reached in 2008. In line with Government policy, there is an urgent need to lift the existing restrictions.

4.4 Appendix 1 to my evidence draws out the needs and benefits which the Government has concluded relate to increased aviation. In particular, the Government has made clear its conclusions that it is particularly important for the UK economy to ensure that sufficient capacity is available. Interpretation of Government reports suggests that the net present value of the G1 proposals lie in the region of £2.9 billion with a very strongly positive benefit cost ratio.

4.5 Work undertaken by the OEF and relied upon in the ATPR suggest that the wider economic benefits to the UK economy could be greater than this by a factor of four.

4.6 The expansion of Stansted would contribute strongly to the economy of the region, which is identified as a growth area in national policy. It is estimated that the G1 proposals would generate an additional 3,800 employees.

4.7 The full range of economic benefits have been identified and endorsed by Government and they carry very substantial weight at this inquiry.
SECTION 5: NOISE RELATED REASON FOR REFUSAL

5.1 Neither reason for refusal asserts that the noise impact from G1 is unacceptable. Instead, impacts are said to be uncertain or inadequately mitigated. It is the role of the planning authority to fully assess the effects of development and to consider whether those effects can be made acceptable through mitigation.

5.2 The air noise effects of expanding Stansted Airport were fully considered through SERAS and are identified in the ATWP. In fact, the figures now calculated for 35 mppa at 2015 are less than the impact which the Government found acceptable in the ATWP.

5.3 A range of restrictions are in place to control and mitigate the noise effects; many of these have been developed with the agreement of the District Council, particularly through the 2003 planning permission.

5.4 Other powers are available to the Secretary of State under the Civil Aviation Act 1982 and the Secretary of State assumes control of and responsibility for aircraft noise at Stansted Airport.

5.5 One example of this are the controls on night flying at Stansted Airport which are up to date and were arrived at after extensive public consultation. They would not be breached by the G1 proposals.

5.6 The number of people affected by increased flying activity at Stansted is significantly less than the number that would be affected by growth at other airports which has been sanctioned by the ATWP. As a matter of approach, the Government understandably prefers to minimise the number of people over flown.

5.7 One effect of this is that the noise footprint of Stansted Airport coincides substantially with open countryside, rather than built up areas and the Government was fully aware of this in determining policies within the ATWP.

5.8 Jeff Charles evidence identifies:-
1. The noise footprint (the 57 dB contour) would be less with the G1 development than has historically been the actual noise footprint over the period 1995-2000 (Jeff Charles Table 14).

2. The noise footprint and the numbers of people affected would be significantly less than that which the District Council considered acceptable in 2003 and that which is considered acceptable in the ATWP.

3. The difference in the noise climate with 274,000 as opposed to 216,000 aircraft movements is less than 2 dB, which is not considered material.

5.9 As a result, there is no evidence of a material effect on the cognitive development of school children and the noise impacts on outdoor cultural and leisure facilities are no greater than those already considered acceptable by both the Government and the District Council.

5.10 There will, of course, be an increase in the frequency of flying but not so much as to change the overall character of flying activity already apparent around Stansted Airport.
SECTION 6: QUALITY OF LIFE

6.1 The absence of a Quality of Life Assessment is not a valid planning objection and the BAA Environmental Statement sets out a full assessment of the effects of the G1 proposals. It is not open to the District Council to use the Quality of Life heading to lower the thresholds which planning policy sets for the acceptability of development.

6.2 In 2003, the District Council considered it appropriate to require BAA to establish a Community Fund to deal with generalised, non-specific impacts on the local area and BAA has confirmed its willingness to continue this arrangement with the G1 proposals.

6.3 The District Council's case does not produce evidence of adverse effects on local quality of life but relies instead upon the representations from third parties; I have examined the concerns in my evidence.

6.4 The widespread concern about BAA's local property ownership could not be a valid reason for refusal. It does not, in fact, relate to G1 but, rather, reflects the fact that BAA have properly responded to the suggestion in the ATWP that it should seek to address the risks of generalised blight arising from published proposals for the development of a second runway. BAA has fulfilled its obligations responsibly.

6.5 There is no evidence that the growth of Stansted attracts a disproportionate element of migrant workers but, even if it did, this would not represent a reason for refusal.

6.6 Similarly, the presence of Stansted Airport (or any other significant generator of economic activity) may result in a small proportion of houses being in multiple occupation but there is no land use planning objection arising as a result.

6.7 There is no clear evidence that the expansion of Stansted Airport has had an adverse effect on school rolls. Indeed, housing development which is partly related to the growth of Stansted means that school rolls are falling in Uttlesford less quickly than elsewhere within Essex.
6.8 Since at least 1985, the Government has sought to ensure that Local Planning policies allocate sufficient housing to match the growth of Stansted Airport and there is no evidence to suggest that the next stage of growth would have adverse effects on local housing policy.

6.9 Neither does the evidence suggest that the presence of Stansted Airport is responsible for house price devaluation.

6.10 In fact, whilst there may always be some disadvantages of living close to an airport, there are also many advantages for the local area, including the substantial employment and prosperity which Stansted Airport brings.

6.11 Additionally, the airport is responsible for attracting high quality and high frequency public transport services to the area and, of course, for contributing significantly to a wide range of community activities through the Community Fund.

6.12 BAA is a responsible and important contributor to the economic health of the local community.
SECTION 7: AIR QUALITY EFFECTS

7.1 The scope of the reason for refusal is very narrow. No actual harm is alleged; instead, a concern is expressed that the G1 proposals "could give rise to an increased risk of vegetation damage" in Hatfield Forest and East End Wood.

7.2 The evidence demonstrates that:-

- Levels of nitrogen deposition in the local area are high but this is a common occurrence across the south of England and no adverse effects have yet been identified as a consequence;

- The contribution which the airport makes to nitrogen levels is small;

- Nitrogen levels locally are forecast to fall by 2% per annum so that, by 2014, the levels will be significantly lower than they are now, even taking account of the marginal contribution which would be generated by the airport;

7.3 The District Council could have approached this issue in the same way that it did in 2003; that is to put in place a programme of monitoring with the requirement for mitigation if adverse effects attributable to the airport could be identified.
SECTION 8: WATER CONSERVATION

8.1 The reason for refusal did not state that the G1 proposals were unacceptable; simply that provision should be made for increased water efficiency.

6.2 Conditions could have been imposed to require such measures. The relevant conditions have now been agreed with the Environment Agency and the District Council.
SECTION 9: SURFACE ACCESS ROAD AND RAIL

9.1 Issues relating to surface access are dealt with in the evidence of Ian Forshew. Whilst the concerns expressed in the reasons for refusal are limited to matters of mitigation rather than principle, Ian Forshew's evidence is lengthy and comprehensive and it would not be sensible for me to seek to summarise it here.

9.2 Consequently, I rely upon Ian Forshew's evidence and I place weight upon the substantial measure of agreement reached with all relevant transportation authorities. The evidence demonstrates that rejection of the proposals on grounds relating to surface access would not be justified.
SECTION 10: CLIMATE CHANGE

10.1 I am aware that climate change is a major cause of concern. For its part, I am aware that BAA has long recognised that aviation has a responsibility to address its climate change impacts and that aviation is one of the fastest growing contributors to climate change.

10.2 There is, however, a clear national policy position in relation to aviation and climate change, and this inquiry does not provide an appropriate forum for debating the rights and wrongs of the Government’s policy position.

10.3 The District Council is advised by its officers that no climate change effect directly linked to the additional movements on the runway at Stansted can be demonstrated.

10.4 Government policy is clear, ie that it supports increased aviation but requires the industry to meet its environmental costs through fiscal and other means. This approach was clearly and carefully set out in both the ATWP and the ATPR. The District Council considered that a decision on G1 was premature following the publication of the Stern Review, in case this may cause a reconsideration of national policy but the Council’s concern was decisively answered in the ATPR which took into account the Stern Review and confirmed the Government’s commitment to the ATWP.

10.5 In my judgement, the refusal of the application on these grounds was inappropriate. It is not for the local planning authority to disregard Government policy or to presume any intention to withdraw it that has not been signalled by the Government itself. One of the principal purposes of the ATWP was to create certainty and it is not for the District Council to undermine that policy approach.

10.6 The revised reason for refusal alleges prematurity to an emissions cost assessment (ECA) but is equally inappropriate because:

1. The ATPR is clear about the Government's approach and has renewed its commitment to making the most of the capacity of Stansted's existing runway;
2. The ATPR does not suggest that the introduction of the ECA should create any pause in the determination of airport planning applications which conform with the ATWP; and

3. The purpose of the ECA is to consider whether the aviation sector is meeting its external climate change costs; it is not a test to be applied to individual planning applications.
SECTION 11: ECONOMIC BENEFITS

11.1 This reason for refusal is badly damaged by the enforced withdrawal of the District Council's reliance on the costs of climate change. The Council has been obliged to recognise that the Government has taken into account these costs in the ATPR and recommitted to the policies set out in the ATWP.

11.2 The District Council does not assert that the economic benefits of G1 are insufficient to outweigh the impacts; simply that the economic benefits have not been demonstrated strongly enough. This is an inappropriate approach, not least because:-

- There is no obligation on the applicant to demonstrate the economic benefits; rather the obligation falls on the District Council to assess the merits of the application taking account of clear national and regional policy;

- The Government has expressed the clearest view about the economic benefits; and

- The District Council is required to formulate its own policy approach from national policy and the RSS, both of which confirm the importance of the benefits from increased aviation.

11.3 There is a distinct lack of balance in the District Council's approach. Its selective reliance on the tourism balance of payments and the alleged lack of benefit in local employment is mistaken and misplaced.

11.4 In drawing any balance, it is relevant to recognise that the local environmental consequences of making full use of the existing runway were studied in detail as part of the SERAS and ATWP process. The views of the District Council, SSE and others were fully known to the Government at the time that it confirmed its policy approach and, in any event, an objective review of the environmental impacts shows that there are, in fact, no substantial adverse effects from the G1 proposals.
11.5 Instead, UDC is encouraged by the regional economic and planning strategies to maximise the economic potential inherent in Stansted Airport. For UDC to assert that the economic benefits of the G1 proposals are insufficient is to attempt to turn planning policy on its head.
SECTION 12: OTHER MATTERS RAISED

12.1 Other matters have been raised relating to the development of the airport which fall outside the reasons for refusal.

12.2 Concerns about the lack of a formal Airport Masterplan are inappropriate, not least because airport masterplans are not statutory documents and their approval is a matter exclusively for airport operators. In this case, BAA has published its proposals for the intended interim and full development of the airport in just the same way as if a final Airport Masterplan was available.

12.3 The G1 application proposes no additional physical development beyond that already consented and the concerns expressed by the ACC appear to relate substantially to matters more relevant to the establishment of airport charges through the regulatory process.

12.4 It is entirely appropriate for BAA to suggest a condition which would control the number of passengers, in place of the existing mppa limit. Such a condition has been called for by SSE, the County Councils and others, whilst the District Council’s committee report considered that it would be "essential".

12.5 Controlling activity to about 35 mppa would be consistent with BAA’s forecasts and with the Primary Assessment Case used in the Environmental Statement.

12.6 It is common ground that the forecast growth of passenger numbers at Stansted Airport will reach the current 25 mppa limit during 2008. In practice, the delay caused by the refusal of planning consent by the District Council is already creating practical difficulties for scheduling aircraft operations during the coming season. There is an urgent need to resolve the future use of the runway without delay.
13.1 This planning inquiry takes place against an exceptional background. In my evidence I have suggested that there can scarcely have been a planning application more directly or strongly endorsed by Government policy. Those policies, of course, carry very substantial weight. They were challenged in the High Court and the Court’s conclusions included the following:-

"226…the policies in the White Paper will undoubtedly be given considerable weight by the decision taker, not merely because they are expressions of Government Policy, and as such would be accorded due respect, but also because they will have been incorporated into the RSS and will therefore have the added weight of policy contained in the development plan. Indeed, the policies in the White Paper are likely to be given added weight precisely because they were underpinned by the very many reports comprising SERAS and were the subject of extensive public consultation."

13.2 The ATWP policies, therefore, are the starting point for a decision in this case, although I recognise that they are not the decision itself. In such circumstances, it is potentially open to a planning authority to demonstrate that the local environmental impacts revealed by an assessment of a particular application could be such as to justify the frustration of Government policy.

13.3 In fact, the approach adopted by UDC has inappropriately sought to question the economic benefits of the proposal and to apply an approach to Government policy on climate change which is not contained within the policy itself.

13.4 A fair and proper assessment of the extent of local environmental effects in this case clearly identifies that those effects do not begin to outweigh the clear and specific national policy support for this proposal, or the benefits which the Government considers would flow from it. In this respect, it is relevant to note the following points:-
1. The ATWP was based on an unusually detailed assessment of environmental and other effects, taking account of a wide range of views, including those expressed by the District Council and SSE.

2. The evidence of objectors significantly overstates the adverse effects of the appeal proposals, none of which justify the rejection of planning permission.

13.5 Very considerable weight attaches to national policy which specifically endorses the appeal proposals. The G1 proposals are also important to the fulfilment of regional planning and economic strategy and there is an urgent operational need for them to be permitted.

13.6 In my judgement, planning permission should be granted without delay.