Stansted Airport

Generation 1 Inquiry

PROOF OF 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 hold a BSC in Estate Management and I am a member of the Royal Institution of Chartered Surveyors. I have over 25 years experience in private sector planning consultancy.

1.2 I am the Operational Director of the RPS Planning Office in London. In recent years I have been engaged providing advice on a wide range of planning projects including some of the larger regeneration projects in the UK: for instance the New Retail Quarter in Sheffield, 5 million sq.ft of mixed use development at Brierley Hill in the West Midlands as well as the regeneration projects at Wembley, Kings Cross, Brent Cross Cricklewood and Stratford City, including the Olympic Village. In addition, I have provided advice in support of significant infrastructure projects such as Thameslink 2000 and the UK's largest energy from waste plant in south east London. I am also advising on two of the Country's largest rail freight interchange proposals, in the North West and Kent. In 2005, my office won the London Planning Awards as the Best Private Sector Planning Organisation. We were also successful in winning the national RTPI Planning Award for City and Metropolitan Areas for the regeneration project at Stratford City.

1.3 I was first instructed in relation to Stansted Airport in 2004 and my role since that time has been to provide strategic planning advice to BAA Limited and Stansted Airport Limited (STAL) (referred to jointly as BAA in my evidence) on the proposals both to make better use of the existing runway (the project known as G1) and the development of a second runway (G2). I appeared on the companies' behalf at the Examination in Public of RSS14 last year. I have been closely involved with the preparation of the G1 planning application and with the process of working towards a planning application for G2.
SECTION 2: STRUCTURE AND SCOPE OF EVIDENCE

2.1 BAA and UDC have agreed a substantial Statement of Common Ground. As a result, very little of my evidence is devoted to background, descriptive issues and, instead, I have tried to focus on the issues raised by the reasons for refusal and those raised by objectors.

2.2 All planning decisions require judgement to be made, taking account of all material considerations against the starting point of planning policy. My evidence is concerned therefore, with all of the reasons for refusal, although I rely upon the expert evidence of others in respect of the more technical objections. Against the background of planning policy at all levels, I seek to draw my own conclusions on the degree to which the other considerations raised by UDC and objectors could justify any departure from the position set out in national policy.

2.3 For the reasons I shall explain, I consider that there is an overriding case for the grant of planning permission.

2.4 I also consider in my evidence the appropriateness of mitigation measures proposed to be secured through conditions or obligations.

2.5 My analysis starts with a review of the Government's approach to planning for national infrastructure. I then consider the Government's application of that approach to policies for the Air Transport sector. Those policies are deliberately specific and I shall explain that the Government's explicit policy support for making full use of the existing runway at Stansted should carry very substantial weight. This factor is given even greater weight by examining the need for and benefits of the appeal proposals by reference to the Government's own analysis.

2.6 I next examine regional and local policies. To some extent, those policies do not yet reflect the national policy support for the expansion of Stansted but they do provide a helpful matrix within which to consider the appropriate approach to the management and mitigation of environmental effects.
2.7 In subsequent sections I consider the identified need for, and benefits of, the G1 development and then address each of the reasons for refusal in turn, including concerns about climate change.

2.8 I then seek to address other principal issues raised by objectors or by the Inspector which have not formed part of the specified reasons for refusal and, finally I draw conclusions having regard to policy, benefits and impacts.

2.9 First, however, it may be helpful to explain something of the nature of the planning application.
SECTION 3: NATURE OF THE APPLICATION

3.1 On 16th May 2003 planning permission (reference UTT/1000/01/OP) [CD/30] was granted by UDC for significant development at the airport involving a number of new built facilities and increased use of the runway. The description of development was as follows:-

"Extension to the passenger terminal; provision of additional aircraft stands and taxi ways, aircraft maintenance facilities, offices, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operation and industrial support accommodation; alterations to airport roads; terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure."

3.2 The use of the runway was controlled by 2 conditions imposed on the grant of the consent:-

- MPPA 1: "the passenger throughput at Stansted airport shall not exceed 25 million passengers in any 12 calendar month period."

- ATM 1: "...there shall be at Stansted Airport a limit on the number of occasions on which aircraft may take off or land at Stansted Airport of 241,000 ATMs during any period of 1 year of which no more than 22,500 shall be CATMs".

3.3 The G1 planning application was submitted on 26th April 2006 under Section 73 of the Town and Country Planning Act 1990. As described on the application form:-

"Application is for planning permission for development permitted under UTT/1000/01/OP without complying with Condition MPPA1 and varying Condition ATM1."

3.4 As explained in the covering letter, the proposed development is, therefore, that which was granted planning permission in 2003 subject to the same conditions save in respect of MPPA 1 and ATM1.
3.5 It is important to recognise that the G1 planning application, therefore, does not propose the construction of any additional buildings or infrastructure beyond those already approved in May 2003; it simply seeks to change two of the planning conditions to which the 2003 consent was subject. As Section 73 (2) explains:-

"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted…"

3.6 If different conditions are appropriate, the application should be granted subject to those conditions. If it is not appropriate to change the conditions, planning consent should be refused (Section 73 (2) (a) and (b)).

3.7 Whilst the planning application does not seek planning permission for any additional physical development or facilities that do not currently have planning permission, the submitted Planning Statement [CD/2] does recognise the possibility that further additional facilities which do not currently have planning permission may be brought forward in due course as the airport continues to grow. The Planning Statement suggests that these facilities could include car park extensions, car rental sites along with new hotel and restaurant development. The text explains (para 1.19), however, that no overall increase in permitted car parking spaces is required for the G1 development but that STAL may wish to bring forward proposals to rearrange the disposition of permitted car parking. In order to ensure completeness, the Environmental Statement assesses the effects of these potential additional developments, as well as providing an up to date assessment of the effects of the construction of facilities which were approved in May 2003.

3.8 Whilst the ES found that there would be no significant additional environmental effects from constructing these potential future developments, they do not form part of this planning application. The G1 development does not rely upon them and, if or when applications or consultations are made for their development, they can be considered on their own merits. Their acceptability is not pre-judged by determination of the G1 application.
3.9 In formulating the application BAA and STAL recognised that there was no purpose in applying again for development which had already been permitted but also no purpose in applying now for facilities which may not be required in the future. Accordingly, the use of a Section 73 application is ideal in circumstances where the applicants only wish to change two conditions which currently constrain the use of the runway.

3.10 Volume 1 of the Environmental Statement explains that an assessment has been undertaken of the environmental effects of the development of the airport as it would be expected to develop by 2014/15 if the two planning conditions were not removed (the 25mppa case), compared to the way in which the airport is expected to develop if planning permission is granted to remove and vary the conditions as described above (the 35 mppa case). Sensitivity testing has also been undertaken to consider both the effect of a different make up of the aircraft fleet mix within the proposed condition limits and the effects if the airport grew to 40 mppa.

3.11 In response to questions from the District Council, BAA wrote to UDC on 14th July 2006 [CD/46] advising, *inter alia* that the forecast for 2014/15 of 274,000 total aircraft movements (ie 264,000 ATMs and 10,000 non-ATMs) would mean runway utilisation at 87% of maximum theoretical runway capacity. The letter explained that, theoretically, there is scope for further aircraft movements beyond 274,000 but, in practice, the figure is considered to represent the maximum effective capacity of the single runway in 2014/15.

3.12 The Planning Statement submitted with the application explained BAA's intention to seek an increase in the ATM limit to a new level of 264,000 ATMs, of which no more than 243,500 would be PATMs and no more than 20,500 shall be CATMs.

3.13 Given that ATM limit, BAA forecasts suggest that passenger numbers would not exceed 35 mppa in 2014. BAA also anticipates that the second runway at Stansted would be operational by 2015.
3.14 SSE in particular has put forward different and higher forecasts for the use of the runway up to and beyond 2014. Whilst BAA does not accept SSE’s forecasts, no purpose is served by having lengthy debate around forecasting, in circumstances where BAA is content to accept a condition controlling the use of the airport to about 35 mppa, ie well within the scope of that which has been assessed in the Environmental Statement. I comment further on that condition in Section 16 of my evidence.
SECTION 4: PLANNING FOR NATIONAL INFRASTRUCTURE

4.1 It is common ground that Government policy supports the expansion of Stansted Airport including, particularly, the principle which underlies the G1 application, ie making better use of the existing infrastructure at the airport. In order to consider the weight that attaches to that policy support, together with its implications for local policy and decision making, some general background on the Government's approach to planning for infrastructure projects of national importance may be instructive.

4.2 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.

4.3 In January 1998, the DETR published a Ministerial Planning Statement titled “Modernising Planning”. Paragraph 10 of the statement provided that:

"We need to recognise, however, that some planning issues can only be decided at a national level. National projects, and certainly major infrastructure projects, are not generally covered by policies in development plans. In the absence of national policy statements on the benefits of, or the need for, such projects, the whole burden of debate tends to fall on local inquiries. This can make for an unduly lengthy process. There is, however, no obvious relationship between length and thoroughness of process. There can be no justification, in a modern planning system, for procedures which take many years to produce a decision."

4.4 The Ministerial Statement suggested three initiatives for improving the process. One of these was to publish more explicit national planning guidance. In this regard, paragraph 11 stated: (inter alia)

"It should be possible to reduce debate at public inquiries by publishing, well in advance, more explicit national policy statements on the need for projects of national importance such as airports, or prisons, as well as criteria for site selection."
4.5 A consultation paper titled “Streamlining the Processing of Major Projects through the Planning System” built on the themes outlined in the Ministerial Statement. This was produced by the DETR in May 1999.

4.6 Paragraphs 4-6 of the consultation paper set out the objectives of the document. Paragraphs 4 and 5 state:

"It takes far too long to process major projects through to a decision. The process is lengthy, unwieldy and expensive for all concerned. Delay is costly, leads to uncertainty and brings the planning system into disrepute. The fact that major projects are relatively infrequent does not detract from the need to improve the procedures for dealing with them."

“The purpose of the proposals in this consultation paper is to achieve significant improvements in the time taken to handle major projects, whilst continuing to ensure that adequate opportunity is given for people to have a say, to test the evidence and to reach a sound decision."

4.7 Paragraphs 16-18 set out the government’s position on statements of national policies. The key paragraph is paragraph 17, which states:

"The purpose of such statements (which might take the form of a White Paper, for example) would be to set a clear national policy framework for the consideration of specific projects and thereby avoid unnecessary speculation and debate at subsequent planning inquiries. 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."

4.8 The Government launched its consultation “The Future of Aviation” through a DETR consultation document in December 2000 [CD/112]. Paragraphs 230-232 relate specifically to dealing with major projects through the planning system. These stated:
"230. It takes far too long to process major projects through to a decision. The process is lengthy, unwieldy and expensive for all concerned. That is why the government published a consultation paper in 1999 on streamlining the processing of major projects through the planning system in England. This was part of the Modernising Planning agenda. It focussed on projects of national significance, such as new or expanded airports. The purpose was to cut unnecessary and costly delays in decision making, whilst continuing to ensure that people have an adequate opportunity to contribute their views."

"231. One of the proposals in the consultation paper was that statements of national policy should be published before major projects were considered in the planning system. These would set a clear national policy framework for the consideration of specific projects and thereby avoid unnecessary speculation and debate at subsequent planning inquiries." (my emphasis).

"232. The Air Transport White Paper could provide such a national policy statement for airport development. Consequently, subsequent revisions of RPG, or National Planning Policy Guidelines in Scotland, and structure and unitary development plans in the relevant regions would need to reflect this."


"We intend that national planning policy should concentrate on the important policy issues that need to be resolved at national level and leave to regional or local level those matters that can better be expressed at those levels."

4.10 Paragraph 4.60 elaborated on what the Government proposed to introduce. The paragraph stated (inter alia):

"We propose to ... issue national statements about our major infrastructure needs so that we set a clear policy framework for investment decisions which have national significance. An example is our intention to make clear policy statements on the need for additional airport capacity."
4.11 The Air Transport White Paper (ATWP) was published in December 2003 [CD/87]. The Secretary of State for Transport presented a statement at the time of the White Paper’s release. At the start of his speech he stated the following:

"It is essential that we plan ahead to meet the pressures that we know we will face as a result of a growing economy, and in a world where people can, and will want to, travel more for business and leisure. Only the government can provide such a framework to enable everyone to plan ahead." (Hansard 16 December 2003 column 1433). (my emphasis).

4.12 The Secretary of State was in no doubt about the significance of the White Paper:-

"The decisions are difficult and, yes, I have no doubt that there will be legal challenges – lawyers up and down the Country will be rubbing their hands even as I speak – but it is the job of Government to make decisions and to set out a clear strategy for the next generation." (Column 1440).

4.13 Later on in his statement, the Secretary of State stated the following:

"We have set out our proposals in the White Paper. People have every right to make their views heard on the planning process but I hope that we can make progress quickly for once in this country because we will otherwise pay a heavy price. That has happened with other transport modes, so I do not want it to happen on this matter." (Column 1449).

4.14 At the same time as publishing the ATWP, the Government published its response to the Transport Committee's Report on Aviation which included the following confirmation:-
"50 The White Paper is a strategic document, setting out statements of national policy on airport development. One of the aims of the Government's planning reforms is to speed up the planning inquiry process for major infrastructure projects. Setting out a clear policy framework in the White Paper will help to do that for airports, reducing uncertainty and shortening the time taken up by discussion of policy issues in any planning inquiry. Land use and other planning considerations have been taken into account in the decision making process but the national policy will need to be reflected in due course in the relevant regional and local planning documents." (my emphasis)

4.15 In the White Paper itself, the Government sets out its reasons for producing a national strategic framework for the future development of airport capacity. These are set out in paragraph 1.6 as follows:

"Provide a clear policy framework against which airport operators, airlines, regional bodies and local authorities can plan ahead. The lack of such a framework has been a serious hindrance to the development of airports in this country, resulting in over-lengthy planning inquiries and unnecessary delay;

Give greater certainty wherever possible to those living close to airports and their flight paths. Again the lack of a clear long term strategy and the slow progress of decision making has helped create unnecessary blight, uncertainty and distress for many people;

Take a view of the long term demand for air travel and airport capacity, both for the country as a whole and across regions, and of the best long term strategy to respond to that demand, rather than addressing each separate proposal in a piecemeal and uncoordinated fashion;

Set out a strategic and sustainable approach to balancing the economic benefits of airport development, the social benefits of easier and more affordable air travel, and the environmental impacts that air travel generates;

Ensure that airport development is properly linked in to our wider transport strategy and to our other transport networks."

4.16 Paragraph 4.27 of the White Paper provides a steer as to how the conclusions of the White Paper should be reflected in regional spatial strategies. It states:
"For all these reasons, it is essential that proposals for new airport capacity and related development both reflect, and are reflected in, the spatial development, transport and economic strategies of the English regions and Scotland, Wales and Northern Ireland. The government expects the relevant English regional bodies to take the conclusions in this White Paper fully into account in drawing up their strategies, and the devolved administrations are encouraged to do the same."

4.17 The ATWP, therefore, is national policy of particular significance. It represents a national policy statement, deliberately designed to minimise delay in the delivery of nationally important infrastructure and also intended to increase certainty and, thereby, reduce blight. The 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. One of the intentions was to avoid the need for inquiries such as this to spend time considering again issues of national policy or the need for and benefits of providing additional capacity.
SECTION 5: AIR TRANSPORT POLICIES

a) SERAS


"This will develop the application to UK airports of the policies set out in this White Paper of sustainable development, integration with surface transport and contribution to regional growth." (Page 69)

5.2 The Government announced a series of studies of airports and air services across the regions to assist in the development of policy; the Study of Airports and Air Services in the South East and East of England (SERAS) was announced in March 1999 by the then Minister for Transport. Ministers made it clear that the starting point of SERAS was that nothing was ruled in or out. It was intended that the study would take 2 years to complete and would be followed by public consultation; Consultation also took place on the draft terms of reference for SERAS in September 1999 and the following steps were then set in train:-

- More than 1,000 copies of the draft terms of reference were distributed to individuals and organisations.

- Consultants were commissioned to develop an Airports Appraisal Framework as envisaged in the draft terms of reference.

- Consultants were appointed in October 1999 to carry out a preliminary search for potential sites.

- An external reference group embracing a wide range of interested organisations was set up to validate the study process.
• The terms of reference and the draft Appraisal Framework were published in February 2000 again for consultation and the Appraisal Framework was finalised in November 2000. It explained that the overall decision making process would involve a number of stages or sifts based on appraisal of packages of site specific options. The framework explained that its purpose was to ensure that all the significant impacts were assessed and that schemes could be compared on a consistent basis; consultation responses would be particularly relevant in helping Ministers to come to a view on what weight they should attach to any conflicting considerations.

• SERAS Stage 1 started in June 2000 and appraised more than 60 options at existing and new sites.

• In December 2000 the Government published a consultation document *The Future of Aviation* which set out an intended approach to the Air Transport White Paper; around 560 consultation responses were received.

• In July 2001, Ministers considered the results of SERAS Stage 1 and agreed that 22 different packages of airport development should be studied in Stage 2.

• Consultants reported the findings of the Stage 2 studies in November 2001; the report contains over 500 pages of text and tables and 280 separate figures; the consultants were then commissioned to undertake a number of sensitivity tests.

• The Stage 2 [CD/235] and Stage 3 SERAS reports were considered by Government in June 2002 when a short list of options was selected.
Proof of Evidence

- Public consultation on the SERAS work commenced in July 2002 with a summary document, a questionnaire designed by NOP and the complementary publication of 65 technical reports which had been produced as part of the SERAS Study. The first consultation was challenged on the basis that it did not include any option for a new runway at Gatwick with the result that a second consultation document was published in February 2003 [CD/113] for consultation up to the end of June. The DFT distributed over 125,000 copies of the document and received over 500,000 responses to the consultation exercise. The consultation invited responses on 3 questions: (i) how much demand for air travel should be met; (ii) where to locate any new airport capacity; and (iii) how to manage the environmental impacts of any airport growth. The consultation explained that options had been reviewed against 5 objectives: safety, economy, environment, accessibility and integration.

5.3 The published SERAS documents make clear that SERAS was a major, detailed exercise. Amongst other things, the environmental effects of different options were assessed under a series of headings including land use, ecology, heritage, landscape/townscape, construction, water, noise and air quality. The documents contain specific chapters in relation to Stansted and other airports with findings summarised in Appraisal Summary Tables.

5.4 The ATWP was the subject of judicial challenge after its publication (see below). As part of his judgement, Mr Justice Sullivan concluded in relation to the SERAS and ATWP process [CD/342]:-

"45. I have described the SERAS study and the consultation process in some details because, in considering the force of the Claimants’ criticisms of the policies in Chapter 11 of the White Paper, it is important to appreciate that the White Paper and the Consultation Document are but the tip of a very large iceberg. 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."
5.5 I respectfully concur with the comments of the Court and conclude that the weight to be attached to policies in the ATWP is increased not only by their explicit purpose to bring deliberate certainty to major investment decisions of national importance but also by the scale of the technical exercise which underpinned their conclusions and by the fact that the process was subject to extensive public consultation. This was clearly intended to be an exemplary approach to the formation of national policies in view of the importance of the issues at stake.

b) **The Future of Air Transport, December 2003**

5.6 The ATWP [CD/87] identifies in its Foreword that air travel is essential to the UK's continued prosperity but recognises that environmental problems cause genuine concern for the impact on people who live near airports, as well as for the global environment. Consequently, the ATWP explains that it sets out a "measured and balanced approach providing a strategic framework for the development of air travel over the next 30 years." (Page 7).

5.7 As part of that balanced approach the ATWP explains that simply building more and more capacity to meet demand is not a sustainable way forward (page 9) instead, a balanced approach is required which:-

"• recognises the importance of air travel to our national and regional economic prosperity, and that not providing additional capacity where it is needed would significantly damage the economy and national prosperity;

• reflect peoples desire to travel further and more often by air, and to take advantage of the affordability of air travel and the opportunities this brings;

• seeks to reduce and minimise the impacts of airports of those who live nearby, and on the natural environment;

• ensures that, over time, aviation pays the external costs its activities impose on society at large – in other words, that the price of air travel reflects its environmental and social impacts;

• minimises the need for airport development in new locations by making best use of the existing capacity where possible;
• respect the rights and interests of those affected by airport development;

• provides greater certainty for all concerned in the planning of future airport capacity, but at the same time is sufficiently flexible to recognise and adapt to the uncertainties inherent in long term planning."

5.8 The ATWP’s main conclusions include (page 13) 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)."

5.9 More detailed policies for airports in the South East are set out in Chapter 11, including a specific policy directly relevant to the appeal proposals:-

"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."

5.10 The chapter also discusses issues relating to the development of a second runway at Stansted and (at para 11.40) sets out that the Government supports the development of a second runway at Stansted as the first new runway to be built in the South East. That paragraph explains that the new runway would be a wide spaced runway and a diagram is provided on page 117 to indicate the location of the new wide spaced runway.
c) The Judicial Review

5.11 The ATWP was subject to a legal challenge by the County Councils of Essex and Hertfordshire and the District Councils of Uttlesford, East Hertfordshire and North Hertfordshire; the Hearing was held in December 2004 and the Judgement delivered in February, 2005 [CD/342]. Summarising the case for the objecting authorities, Mr Justice Sullivan explained:-

"14...whilst both groups of claimants disagree with the content of the policies in the White Paper, they have no quarrel with the proposition that National Policy Guidance should be issued in respect of major projects such as airport developments and that such statements of policy will inform, and therefore should serve to reduce the length of, planning inquiries into proposals for such development. However, they submit that if issues are to be regarded as "settled" so that inquiry time is not "wasted" by going over them, it is essential that the process whereby those issues are settled is both fair and proportionate to the level of detail that is "settled" by the policy."

5.12 Consequently, the principal complaint made by the authorities was that the White Paper is unduly prescriptive in stating not merely that the Government supports development as soon as possible of a second runway at Stansted, but that it supports a "wide spaced second runway at Stansted" (judgement para 159). In this limited respect the Court agreed, on the basis that the specific wide spaced option for Stansted described at para 11.40 of the ATWP and shown diagrammatically on page 117 had not been subject to sufficient public consultation. As a result, the Court concluded that, in future, the ATWP should be read together with the declaration comprised in the court judgement, i.e. that the last sentence of para 11.40 and the diagram of the wide spaced runway on page 117 were effectively struck from the ATWP (Judgement para 313). In no other respects (except in relation to an issue at Luton), was the ATWP qualified by the challenge.
5.13 Whilst the consequence of the challenge was effectively to strike out the specific reference to a wide spaced runway at Stansted, I consider that the outcome of the challenge also has the effect of underlining the significance of the policies which remain within the ATWP. Indeed, the purpose and nature of the challenge itself reflects an acknowledgement that very substantial weight would attach to policies in the ATWP. The Court accepted that objectors at a planning inquiry would still be given a proper opportunity to have their say but recognised:

"228 …there is a clear intention that the new procedures will be used by Inspectors to ensure that inquiry time is not "wasted" by going over issues that have been "settled".

5.14 In addition, the Court concluded that:

"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." (my emphasis)

5.15 I am aware that the SSE Statement of Case draws attention to an extract from the witness statement from an official of the Department for Transport to the effect that, notwithstanding the policies of the ATWP, a local planning authority must still be able to consider whether planning consent should be refused because environmental impacts revealed by an EIA could be such as to justify the frustration of Government Policy (SSE Statement of Case para 3.3). By way of comment, I would make the following observations:

1. it is, of course, true that no statement of Government policy can override all other material considerations where those considerations are weighty enough;
2. the policy itself, however, does carry considerable weight for the reason which I have set out; and

3. the policy formulation was informed by environmental appraisal and by public consultation, including substantial objections and representations from UDC, SSE and others.

d) The Future of Air Transport Progress Report

5.16 The weight to be attached to the specific policy support for the G1 proposal in the ATWP is reinforced by the Government's recent statement that it remains committed to policies in the White Paper. The ATWP promised (page 146) that the Government would report progress generally on the policies and proposals set out in the White Paper by the end of 2006.

5.17 The Future of Air Transport Progress Report was published in December 2006 [CD/88] and its terms are reviewed in the Statement of Common Ground. The Progress Report explains that it has taken full account of all relevant issues since the publication of the White Paper including publications such as the Stern Review [CD/157], the Eddington Transport Study [CD/111] and the 2006 Oxford Economic Forecasting Report on the economic contribution of the aviation industry in the UK [CD/120]. The ATPR stresses the economic benefits of air travel and states that the importance of aviation to the economy is rising as a result of broad economic trends (para 1.10). Against this background, para 1.2 of the Progress Report advises:-

"The Government remains committed to the strategy set out in the White Paper: it strikes the right balance between economic, social and environmental goals."

5.18 Consequently, para 1.12 confirms that the first priority is to "make the most" of the UK's existing airports.
5.19 I am conscious that some objectors at this inquiry may seek to make a case that Government policy towards aviation is inconsistent with other Government policies which emphasise environmental issues and sustainability. This inquiry is not the appropriate forum for challenging the merits of current Government policy or for debate on the direction of future policy – these are matters for Parliament and public consultation/debate outside the scope of the present appeal. In any event, the terms of the Progress Report substantially deal with that objection. As the Progress Report is at pains to point out, the ATWP deliberately sets out a "balanced strategy" taking account both of the economic importance of aviation but also recognising its environmental effects (see Chapter 3 of the ATWP).

5.20 It is not a credible position to suggest that the Government adopted policies for air transport either ignorant of or inconsistent with its own objectives for sustainable development. Furthermore, as a result of the publication of the Progress Report, it is also not now credible to suggest that the ATWP is out of date because of changes in such policies.

5.21 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 6: REGIONAL POLICY

6.1 The UDC committee report of 29th November 2006 [CD/33] which considered the G1 application advised members:-

"4 – In principle, the proposal is consistent with the emerging spatial strategy for the East of England."

"66 – It is difficult to come to any conclusion other than that the current application is consistent with the principles set out in the spatial strategy for London and emerging spatial strategy for the East of England."

6.2 The RSS, of course, has significance for the development of Stansted Airport. With the publication of the Government’s Proposed Changes in December 2006 [CD/76], the document has reached an advanced stage. Furthermore, in accordance with paras 4.19-4.21 of PPS12 [CD/101], Uttlesford’s local development documents will be required to be in general conformity with the RSS.

6.3 Whilst there have been debates about policies relating to the second runway (which EERA has opposed), the draft RSS has consistently supported making maximum use of the existing runway (draft policies ST1 and E14). Those emerging policies were not opposed by UDC or by any other statutory authority.

6.4 In accordance with the representations made by the Government Office to the Examination in Public of the RSS, the Proposed Changes make clear that it is for national policy to set out guidance on the development of airports and it is the role, therefore, of the RSS to accommodate the consequences of that national policy, for instance, in relation to allocations for housing, employment and in relation to policies for transport.

6.5 The Proposed Changes, therefore, adopt the policies of the ATWP to support maximum use of the current facilities at Stansted Airport as a first priority (paragraph 4.32) [CD/76].
6.6 It is important to note that there are no reasons for refusal which allege conflict with the emerging RSS. Furthermore, by the time that a decision is to be taken on the G1 appeal, it is likely that the RSS will form party of the statutory development plan. If any conflict was thought to exist between the RSS and existing local policies, it is the RSS that would take precedence, by virtue of Section 38 (5) of the Planning and Compulsory Purchase Act, 2004 [CD/301].

6.7 There is another important point to make, however, that goes beyond the question of conflict or conformity. The expansion of Stansted Airport is important to the fulfilment of the economic strategy set out in the RSS and, indeed, in the Regional Economic Strategy A Shared Vision – The Regional Economic Strategy for the East of England, November 2004 [CD/119].

6.8 The RES sets 8 strategic goals, around which its strategy is constructed. Goal Six provides:-

"Making the most from the development of international gateways and national and regional transport corridors.

Taking advantage of the opportunities from sustainable airport expansion in the region

- Sustainably develop the potential of the region's airports to support job growth and provide business opportunities, through skills training and provision of business infrastructure.

- Support the sustainable expansion of airports including proposals progressed as a consequence of the Aviation White Paper, whilst seeking to minimise the negative environmental and quality of life impacts of airport expansions."
6.9 The clear strategy is to maximise the benefits to the regional economy which are potentially available from Stansted Airport. There is no evidence that the District Council has properly addressed this opportunity and, indeed, its decision to refuse the G1 application, significantly undermines the delivery of a clear component of the regional strategy.

6.10 Consistent with the objectives of the RES, the draft RSS proposed (Policy E2) job growth across the region of 421,500 over the period 2001-2021 as part of an economic strategy called Enhanced Growth. The target behind the employment figures is an aspiration to achieve an economic status within the top 20 European regions by 2021 and to meet aspirational growth consistent with the Government's Sustainable Communities Plan, which defines the London-Stansted-Cambridge-Peterborough corridor as a growth area.

6.11 As part of this strategy, the Stansted/M11 sub-region was proposed to contribute 40,000 jobs, of which the Essex component accounted for approximately 31,000.

6.12 Reports and submissions to the EIP made clear the significance of Stansted's expansion in this context:-

"Airport expansion will make a considerable contribution to achieving overall regional job growth targets" (Government Office for the East of England Statement matter 1C para 11).

"As an economy led document, RPG 14 should support a second runway and take fuller advantage of one of only 2 major drivers (the other is Cambridge) within the area." (RPG14 strategic review study, Robin Thompson Associates, September 2004, para 4.4).

6.13 Even these targets were considered insufficiently ambitious by the Panel in the context of the London-Stansted-Cambridge-Peterborough growth area and the Proposed Changes recommend an increased jobs target of 452,000 for the region. The Proposed Changes have also changed the sub-regional boundaries and Stansted now lies within the Central and North Essex sub area: comprising Harlow, Uttlesford, Chelmsford/Braintree/Malden. The Secretary of State's schedule of decisions on the Panel recommendations makes clear that Stansted expansion forms a significant component of the employment objectives for the sub area, as follows:-
the enhanced growth forecasts for the sub area would have totalled 21,000;

to these the Secretary of State has added 11,000 more jobs to reflect extra job growth at Stansted Airport up to 2021 "in consequence of moving beyond full use of the existing runway once a second is built"; and

about 10,000 more jobs are added at Harlow "to reflect regeneration needs there and potential to attract some indirect Stansted related job growth."

(Schedule of Secretary of State's Decisions on EIP Panel Recommendations page 69).

6.14 The Statement of Common Ground sets out extracts from the Proposed Changes which confirm the important role that airports play in the local and regional economy and which recognise that airport growth would provide a useful catalyst for economic regeneration of nearby towns including Harlow. The substantial growth in housing at Harlow should provide for a growing number of Stansted employees to live there, from where they can reach the airport conveniently by public transport.

6.15 The regeneration of Harlow is one of the key objectives of the RSS. In this and other respects it is clear that the growth of Stansted Airport is integral to the achievement of the strategy of the RSS and of the RES. 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.
SECTION 7: LOCAL PLANNING POLICIES

7.1 In this section I address the relevance and terms of the Essex and Southend on Sea Replacement Structure Plan (2001) [CD/59] and the Uttlesford Local Plan (2005) [CD/57]. Both documents form part of the statutory development plan and both documents are relied upon in the reasons for refusal of the planning application.

a) Introduction

7.2 Before examining each document in turn, however, there is one overriding point that should be made. Both policy documents pre-date the ATWP and the ATPR and have not, therefore, taken account of national policy support for both the full use of the existing runway at Stansted and the development of a second runway.

7.3 In time, the Structure Plan will cease to be relevant at all (see below) and the Local Plan will be replaced by the LDF which will be required to be in general conformity with the RSS. Currently, however, both plans are out of date on the issue of most significance to this inquiry and, in this respect, can carry only limited weight.

7.4 In any event, the policies of the Structure Plan have a very limited life. Appendix E of draft RSS 14 [CD/74] makes clear that adoption of the East of England Plan will replace the large majority of Structure Plan policies. Some policies are identified as "saved policies" to remain valid until 28th September 2007 or until they are replaced by the LDF. Of the 7 Structure Plan policies relied upon in the reasons for refusal, Appendix E indicates that only two (NR5 and BIW9) are to be saved, ie the other policies will cease to have any status on adoption of the RSS. More recently, I am aware that Essex County Council have written to EERA suggesting, in fact, that even NRS and B1W9 do not need to be saved [CD/67 and CD/72].

7.5 It is to be remembered that the reasons for refusal do not allege conflict with any RSS policies.
b) The Structure Plan

7.6 The Structure Plan contains two policies of direct relevance to Stansted Airport: BIW7 and BIW9. Policy BIW7 is concerned with ensuring that all development directly related to the airport is contained within the airport itself. The appeal proposals, of course, propose no additional development beyond that which has already been permitted and, therefore, no party suggests that there is a conflict with BIW7.

7.7 Policy BIW9 applies to all proposals for airport development at any airport in the county and its terms are set out in the Statement of Common Ground. The policy requires proposals for new development at airports to be determined in relation to a series of criteria including general planning policies for the area, air travel needs, economic benefits and a range of planning and environmental criteria.

7.8 The same policy framework was in place in 2002 when UDC considered and granted consent for the planning application for the 15+ expansion of the airport up to 25 mppa. As the officer's report at the time made clear, the Structure Plan policies do not set out any opposition to the expansion of Stansted Airport, which the Plan recognises as being of "national strategic importance" (para 10.40). Instead, they consider the criteria that should be applied to the assessment of proposals. In relation to the first criterion of BIW9, however, (general planning policies for the area) the officer's report reviewed relevant policy objectives and recognised, for instance, that an important objective of planning policies for the area is that deprivation in Harlow, East London and parts of the Thames Gateway should be addressed. The proposed development at the airport was recognised as potentially significant in supporting the achievement of regeneration objectives for these areas. Similarly, the report reviewed the consistency of the proposals with the airport policies in the Local Plan (Uttlesford Committee Report 24th June 2002 paras 6-9). Overall in relation to planning policies, the report reached the following conclusion:

"10. The conclusion on issue 1 is that the proposed development is consistent with the general planning policies for the area"

7.9 The same conclusion can be drawn in principle in relation to the current Section 73 application.
7.10 This is not to suggest that the criteria set out in the policy are not relevant and I shall examine their terms against the specific reasons for refusal in subsequent sections of my evidence. As a matter of principle, however, there is no conflict between the appeal proposals and the policies of the Structure Plan. Even if such a conflict did exist, it would tend to highlight the fact that the Structure Plan is now out of date.

7.11 This conclusion is reinforced by the position of the Structure Plan authority. In its report of 19th September 2006, Essex County Council did not suggest that there was any conflict with the policies of the Structure Plan and, instead, recognised the significance of national policy, as follows:-

"13.1 The proposed expansion of Stansted for the full use of the existing runway is in line with existing Government policy but will cause increased disturbance for residents over a wide area. However, this does not mean that the local impacts cannot be managed by the imposition of measures to mitigate the environmental impact."

7.12 I respectfully endorse that approach.

b) The Local Plan

7.13 As with the Structure Plan, the Local Plan contains no policies which seek to resist the growth of the airport or place any limit on the use of the runway.

7.14 The Local Plan does identify 6 separate development zones within the airport, each of which are subject to guidance on appropriate airport related land uses, although the uses identified are not intended to be definitive or exclusive (para 16.2). All of the land uses permitted in 2003, together with those identified in the Environmental Statement that may come forward in the future, are consistent with the land use zoning in the Local Plan.

7.15 The Local Plan does contain relevant development control policies which seek to protect the environmental assets of the district, some of which are relied upon in the reasons for refusal, which I shall examine later. In particular, the reasons for refusal rely on 3 policies from the Local Plan: policies GEN1 and GEN2 set out general criteria for access and design which all developments are expected to meet, whilst policy ENV7 is concerned with protecting the environment of designated sites.
7.16 As explained above, the Local Plan is out of date in relation to the appeal proposals because it pre-dates the endorsement for the further growth of Stansted set out in the ATWP and the ATPR. Whilst the plan was not formally adopted until January 2005, the publication of the ATWP came too late to influence the substantive stages of the Local Plan. The LDF will be obliged to be in general conformity with the RSS and thus also with the relevant parts of the ATWP.

7.17 Together, the Structure Plan and Local Plan provide the same local policy framework as that which existed in 2002 when the planning application for the 15+ expansion of the airport was considered. At that time, the officer's report was able to conclude that the application was consistent with those policies.

7.18 I recognise that, whether the same conclusions can be drawn in the case of the appeal proposals depends upon testing the environmental effects of those proposals against the criteria set out in the policies, taking into account any mitigation proposed. I undertake that assessment as part of my consideration of the reasons for refusal in the following sections of my evidence. I conclude that the appeal proposals do conform with the policies of the development plan.

7.19 If that conclusion is not accepted, that is if identified local impacts are thought to breach criteria of the Structure Plan or Local Plan policies, it would be necessary to examine whether there are any material considerations which would outweigh such a conflict. Clearly, in this case, there is one major material consideration, namely the development of the site specific Government policy for Stansted Airport which post-dates the adoption of the Structure and Local Plans.

7.20 Against this background, as I shall explain, it would not be right to consider that the general environmental policies of the Local Plan should be taken as a basis for refusing the appeal proposals. Rather, those policies should be used to guide consideration of any necessary mitigation proposals.
SECTION 8: NEED AND BENEFITS

8.1 The review of national policy set out in the preceding sections of my evidence makes clear that it is not the function of this inquiry to re-examine, for instance, the need for increased aviation capacity or, indeed, to question the Government's clear policy position that increases in aviation capacity bring significant benefits. In this section of my evidence, therefore, I seek only to identify the levels of need and benefits which the Government itself has identified in order that these can provide a context for the consideration of objections to the G1 proposals.

8.2 I have dealt with these issues relatively briefly because, in principle, I do not anticipate that they should be controversial. As the officer's report to committee on the G1 application in November 2006 advised:--

"4. In principle,......the "need" for the development is established in the Future of Air Transport White Paper as are the "economic benefits".""

8.3 This view is consistent with the conclusions which I have drawn from the effect of national policy and is reinforced by the Judgement on the judicial review of that policy.

a) Forecast Needs

8.4 Both the ATWP and the ATPR were based on detailed forecasting, the principal conclusions from which might be summarised as follows:-

1. Annex A of the ATWP set out UK Air Travel Forecasts up to 2030. A range of forecasts was presented and a mid-point forecast for demand at UK airports was calculated at 500 million passengers by 2030, compared to 200 million passengers in 2003.

2. Updated forecasts have been undertaken for the ATPR which states that:-
"4.10 Our new forecasts remain fully in line with what we said in 2003. Assuming passengers pay their climate change costs, but no limit on the supply of flights, we forecast overall demand would grow from 228 million in 2005 to 490 million passengers passing through UK airports per year by 2030."

8.5 As both the ATWP and the ATPR explain, however, it is not Government policy to meet unconstrained demand. Instead, a balanced approach is taken and the White Paper supports airport growth sufficient to meet the demand from 465 million passengers per annum in 2030 (ATPR para 4.11).

8.6 Both the ATWP and the ATPR forecasts make assumptions about the increased cost of aviation arising from economic instruments designed to ensure that aviation meets its environmental costs. In particular, the ATPR forecasts assume that, after 2010, passengers will face an additional cost linked to their climate change emissions (including a recognition that the quantity of carbon emissions is up rated to account for the warming effect of non-carbon emissions using a radiative forcing factor of $2.5^2$ – ATPR para 4.6). As with BAA’s own forecasts, explained by Stan Maiden, these updated assumptions have only a small impact on the overall forecasts.

8.7 The level of growth which the Government intends to meet, therefore, remains strongly positive and this has direct consequences, for instance, for Stansted. The ATPR advises:-

"5.9 Demand at Stansted continues to grow, increasing by 18% since 2003, and is expected to increase still further as other airports in the South East face capacity constraints."

8.8 At Stansted Airport itself, therefore, there is a clear and urgent need to lift the constraint on capacity represented by the current conditions. No parties dispute that the current mppa limit will be reached in 2008.
8.9 Government policy could not be more clear or up to date on the subject. That policy has determined that the forecast demand should be met to the extent set out in the ATWP. Against that clear background, "making best use" of the existing runway capacity at Stansted is the "first priority" (ATWP Executive Summary and page 28 para 5.7).

b) Identified Benefits

i. National Benefits

8.10 Appendix 1 to my evidence has been compiled by consultants Tribal. It sets out a review of the Government's own approach to and conclusions on the benefits of increased air travel to the economy. The details are set in the appendix and I shall not repeat them at length.

8.11 The Government's approach is clear and settled. The very first passage of the ATWP explains that "Air travel is essential to the UK's economy and to our continued prosperity". The Foreword then explains:

"Our economy depends on air travel. Many businesses, in both manufacturing and service industries, rely on air travel; and it is particularly important for many of the fastest growing sectors of the economy. Visitors by air are crucial to UK tourism. Airfreight has doubled in the last 10 years; one third by value of all goods we export go by air. And 200,000 people are employed in the aviation industry, with three times as many jobs supported by it indirectly."

8.12 The ATPR confirms the Government's approach. For instance, under the heading Economic Benefits of Air Travel, the ATPR sets out the following:

"1.10...The aviation industry makes an important contribution to the UK economy, supporting around 200,000 jobs directly and many more indirectly. The importance of aviation to the economy is rising as a result of broader economic trends:

Growing global economic integration, which leads to increasing business travel and greater movement of international freight: about one quarter of the UK’s visible trade by value is carried by air;"
Rising disposable incomes in the UK, which enables more people than ever before to travel abroad for leisure;

Increases in the number of foreign visitors and residents travelling to and from the UK;

The UK’s success in acting as a hub for international air travel – 15% of international air passengers are flying to and from a UK airport.

8.13 Some quantification of user benefits is given in the ATWP. Para 11.26 explains that "making full use of Stansted would generate large net economic benefits". A footnote on that page (page 114) identifies that the Net Present Value of the benefits from the G2 proposals might be in the order of £9 billion. In my Appendix 1, Tribal use published Government sources to estimate that the Net Present Value of the benefit attributed to G1 is in the region of £2.9 billion.

8.14 Again, using published Government data, Tribal identify that, when the different packages of capacity in the South East were appraised as part of the SERAS process, the option which generated the highest Benefit Cost Ratio (BCR) was the option which made maximum use of existing capacity (with a BCR of 5.35). This reflected the fact that options making increased use of existing capacity achieved the economic benefits of air travel without significant cost. All other options tested had BCRs of less than 4.

8.15 Examination of the Treasury value for money guidelines indicates that a BCR of 5.35 is exceptional for an infrastructure project.

8.16 The identified economic benefits, however, go far beyond the quantified user benefits. The ATPR draws upon the report by Oxford Economic Forecasting The Economic Contribution of the Aviation industry in the UK, October 2006 [CD/120] which was commissioned by a range of organisations from different parts of the aviation industry, together with the Department for Transport and VisitBritain. As my Appendix 1 explains, the OEF work suggests that wider national benefits might be in the region of four times greater than the calculated user benefits. The OEF report emphasises the wide range of economic benefits of aviation to the UK economy under a series of headings which can be briefly summarised as follows:-
1. **Aviation is a substantial industry** in its own right generating £11.4 billion value-added in 2004, employing 186,000 people and helping to support over 520,000 jobs.

2. **Aviation supports tourism** which makes a large and growing contribution to the UK economy. Nearly three quarters of international visitors to the UK arrive by air. The Government has an objective to grow the tourism industry by one third by 2010 and this is likely to require increased air services capacity.

3. **Aviation supports international trade** which promotes growth and raises living standards by allowing countries to specialise in producing the goods and services for which they have a comparative advantage. Over time, aviation services are likely to become even more important to the UK's ability to compete in the world economy.

4. **Aviation influences where companies invest and is particularly important for key growth sectors.** Many of the growth sectors on which the future of the UK economy depend are particularly dependent on air services for competing effectively in the global economy.

5. **Users depend on network connectivity** but the network of destinations served at Heathrow has been narrowing as the need to meet demand on heavily used routes has crowded out less profitable routes with more limited demand.

6. **Aviation supports business efficiency** by expanding the size of the market that can be served. Aviation acts as a spur to innovation, increases sales and profits, allows more scope to exploit economies of scale and enhances competition.

7. **Airport development reduces congestion costs** which have been rising over the past decade as passenger numbers have grown more rapidly than the capacity of the air transport system.
8. **Environmental impacts are smaller than GDP benefits** taking into account, for instance, the costs of environmental impacts arising from noise, local air quality and climate so that the economic benefits of the ATWP proposals remain substantial even after allowance is made for the environmental cost of additional emissions.

8.17 Quite apart from the economic case, it is also clear that the Government sees other advantages in the expansion of aviation. As the ATWP makes clear:-

"In the last 30 years there has been a five-fold increase in air travel. And it has opened up opportunities that for many simply did not exist before; half the population flies at least once a year, and many fly far more often than that." (Foreword).

"2.3...in an era of increasing globalisation, foreign travel, whether for pleasure or on business – is now a common experience. The increasing affordability of air travel has opened up new destinations and possibilities; it has expanded people's horizons, opportunities and expectations."

8.18 The ATPR recognises that people's aspirations to fly are one of the factors behind the forecast increase in the demand which the Government intends to meet. Many people value hugely the opportunity to fly abroad with their families and to introduce their children to other places and cultures. Foreign travel brings education, an understanding of the world, great holidays, it connects people and can significantly enhance the quality of life. The freedom to enjoy those benefits, within a framework, which ensures that environmental costs are met, is clearly a freedom to which Government policy is committed.
ii. **Regional and Local Benefits**

8.19 The success of the economies of London, the South East and the East of England are critical to the performance of the national economy. All of the economic benefits identified at a national level from aviation apply with particular force to the regional economy. My evidence has already identified the key role identified in the Regional Economic Strategy for Stansted Airport and the contribution which it is expected to make to the achievement of economic and employment objectives for the RES and the RSS. My Appendix 1 sets out a review of the East of England Regional Economic Strategy as a context in which to consider regional and local economic benefits.

8.20 Volumes 5 and 6 of the G1 Environmental Statement identify the contribution that Stansted Airport makes as one of the principal drivers of the regional and local economy. Again, this should not be controversial. The *Modified Text of RSS incorporating Proposed Changes* confirms:-

"4.35 Studies have highlighted the important role that airports perform in their local area and in the regional economy. They provide a range of employment opportunities with a significant proportion of jobs that do not rely on high skill and educational attainment levels, and can attract firms that value proximity to airport services. Airport growth will provide a useful catalyst for economic regeneration of nearby towns, notably Harlow, Luton, Norwich and Southend. Local planning authorities will need to make appropriate provision to meet the direct and indirect employment generation arising from airports operating in their area or nearby."

8.21 My Appendix 1 and the Environmental Statement estimate that the G1 proposals would generate an additional 3,800 employees in the Stansted Employment Study Area. Without the growth of Stansted Airport, the RSS would fail to meet its employment targets and fail to meet its objectives to balance housing and employment.

8.22 The identified benefits of the G1 proposals are clear, substantial and endorsed in authoritative national and regional policy statements; they carry very substantial weight at this inquiry.
SECTION 9: NOISE RELATED REASONS FOR REFUSAL (NOS 1 AND 2)

9.1 The first 2 reasons for refusal are concerned with impacts on the amenity of local communities, particularly in relation to noise and the quality of life. The reasons are expressed as follows:-

"1. Inadequate mitigation measures are proposed to address the effects of noise on the local community, to the detriment of the amenity of the occupiers of buildings in the vicinity of the airport and the cognitive development of primary school children, contrary to policies BIW 9 of the Essex and Southend on Sea Structure Plan and GEN2 of the Uttlesford Local Plan.

2. The absence of a Quality of Life assessment means that inadequate consideration has been given to the impact of air noise on the culture and leisure activities of nearby communities, although evidence from consultees suggest these impacts are significant. As a result, the effect of the development on local communities is uncertain, and no proportionate mitigation measures can be put forward, to the detriment of amenity and contrary to policies BIW9 of the Essex and Southend on Sea Structure Plan and GEN2 of the Uttlesford Local Plan.

a) Planning Policy

9.2 The reasons for refusal rely on policy BIW9 of the Structure Plan and policy GEN2 of the Local Plan. For ease of reference, the terms of those policies are set out in Appendix 2 to my evidence.

9.3 Both policies are general in nature. Policy BIW9 lists a number of matters to which consideration will be given in relation to any proposal for new development at an airfield. The relevant issues include general planning policies, air travel needs, economic benefits, impact on public health and safety, noise pollution levels, environmental conditions as well as residential and urban areas affected by the proposals. No specific standards are set out for any of these criteria, they are simply general matters to be taken into account.
9.4 Policy GEN2 of the Local Plan is more direct in that it provides that development will not be permitted unless its design meets all of the listed criteria. It is important to note, however, that the policy as a whole is concerned with the "design" of new development and that, in this case, no additional development beyond that already permitted is proposed. The District Council may be using the policy for a purpose for which it was not intended but, I assume that the principal reliance is on the final two criteria:—

"h) it minimises the environmental impact on neighbouring properties by appropriate mitigation measures.

i) it would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of day light, over bearing impact or over shadowing."

9.5 The policy is not readily applied to the G1 proposals which seek to vary two planning conditions relating to aircraft and passenger numbers, rather than to construct new buildings. Nevertheless, I recognise that the sentiments of the policy are appropriate, that is that there is a need to consider the impact of the proposed development on the amenities of its neighbours.

b) Approach

9.6 The terms of the reasons for refusal are instructive. Neither reason asserts that the noise impact from the G1 development is unacceptable; instead, impacts are said to be uncertain or inadequately mitigated. It is, of course, the obligation of the planning authority to assess the effects of the application and to consider what mitigation measures should be required to meet perceived adverse effects (Circular 11/95 para 10 and para 15 [CD/116]; Circular 8/93 para 11 [CD/118]). Reliance is placed in the second reason for refusal on evidence from consultees who are concerned that the impacts are significant. The District Council, however, should make its own assessment and reach its own conclusions, supported by evidence.
9.7 In fact, the assessment of noise is subject to clear guidance and objective analysis. A substantial amount of common ground exists between the experts on the likely noise effects of the G1 development and their significance can be judged against planning policies. Jeff Charles assesses the position in his evidence and it would not be helpful for me to repeat his assessment.

9.8 I do suggest, however, that some clear planning conclusions can be drawn from the available evidence and I have considered these under a number of sub-headings as follows:-

1. The likely noise effects of the development were taken into account in the formulation of Government policy;

2. Other controls are in place to mitigate the impact of noise;

3. The relatively low levels of population directly affected by noise from Stansted;

4. In any event, the impacts are not substantial.

i. Already taken into account

9.9 Whilst many objectors do not accept the point, it is Government policy to cater for the forecast growth in aviation in the UK up to the level set out in the ATWP and ATPR. It is not the place of this inquiry to question that policy approach and it follows that the additional impacts caused by the anticipated growth of air transport will be felt somewhere. The SERAS exercise which I have described took this and many other factors into account.
9.10 The Government was aware of the potential noise effects from maximum use of the existing runway at Stansted through the detailed work undertaken as part of SERAS. Not only did the Government put itself in a position to understand the relative impacts of expanding different airports, it received advice quantifying the potential effects at Stansted. One of many technical reports prepared for SERAS, for instance, was the report undertaken by Halcrow on behalf of the DTLR (now DCLG): *Stage 2: Appraisal Findings Report, April 2002* [CD/235]. Tables 9.21-9.23 of that report set out the estimated impacts, inter alia, by identifying the number of people that would be within the 57 dB contour in 3 scenarios ie (1) at 2000, (2) with 15 mppa at 2015 and (3) with 35 mppa at 2015. The same tables also set out the anticipated footprint of the 57 dB contour in the same scenarios. The tables showed:-

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<th>2000</th>
<th>15 mppa @ 2015</th>
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<td>57 db (sq km)</td>
<td>52.9</td>
<td>37.5</td>
<td>56.6</td>
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<tr>
<td>57 db (population)</td>
<td>6,000</td>
<td>4,000</td>
<td>6,800</td>
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9.11 The assessments were refined further through the SERAS process and the ATWP itself comments specifically on the anticipated noise increase, as follows:-

"11.24....However, more terminal capacity would allow passenger numbers to continue to grow without additional runway capacity, up to about 35 mppa.

11.25...Day time noise impacts would not be greatly worse as a result of an increase to 35 mppa: forecasts suggest that the area within the 57 dBA noise contour in 2015 with maximum use of the runway would be about 43 sq km – the same as the contour limit set as a condition of the recent planning permission for development to 25 mppa."

9.12 In other words, at the time that the Government announced its support for the maximum use of the existing runway, it was specifically informed of the likely noise consequences of expansion to 35 mppa.
9.13 These were estimated to be greater than has in fact turned out to be the case. The figures now calculated for 35 mppa at 2015 are 33.9 sq km and 3,550 people (ES Volume 2 table 5). The impact is therefore less than that considered acceptable in the ATWP.

ii. The effect of other restrictions

9.14 Jeff Charles sets out in his evidence at Section 8 the full range of current mitigation and control measures which operate at the airport. These are extensive and comprehensive. From a planning perspective there are perhaps two significant characteristics of the restrictions which are particularly relevant:-

- The control regime has substantially been developed with the agreement of the District Council, particularly through the conditions and obligations imposed on the grant of planning consent in 2003.

- Powers are available to the Secretary of State under the Civil Aviation Act 1982 to enable the establishment and enforcement of aircraft noise emission standards, operational controls and restrictions to ensure an acceptable noise climate from the airport's activities. Under Section 80 of the Act, the Secretary of State has assumed control of, and responsibility for, airborne aircraft noise at Stansted Airport.

9.15 Jeff Charles explains those restrictions which have been imposed by the Secretary of State. One important example relates to the fact that the Government has recently considered the acceptability of night time flying at Stansted.

9.16 In June 2006 the Secretary of State for Transport announced decisions on the night flying restrictions to apply at Heathrow, Gatwick and Stansted airports. His decision followed consultation which was carried out in two stages commencing in July 2004. The consultation included local communities as well as airport and aviation businesses; a 21 page submission was made by SSE. The DFT's publication Night Flying Restrictions at Heathrow, Gatwick and Stansted [CD/118.1] explains that it has sought to implement the policy described in the ATWP “to bear down on night noise” and to achieve "a fair balance between the protection of local communities from excessive aircraft noise levels at night and the provision of air services at night where they are of benefit to the national, regional or local economy."
9.17 Jeff Charles explains the restrictions and confirms that the G1 application would operate within those restrictions which, for instance, set limits on flight numbers and detailed controls on matters relating to the QC system, shoulder periods etc and many of the other issues which are referred to in Uttlesford's committee report and in a number of representations from local residents.

9.18 As Jeff Charles explains, there is no evidence that the Secretary of State considers it necessary to impose additional restrictions at Stansted and this is perhaps not surprising given the recent nature of the night time restrictions and the apparent satisfaction of the ATWP with the noise effects of the increased use of the runway.

9.19 Similarly, the G1 proposals require no alteration to the conditions and obligations relating to noise set out in the 2003 planning consent. In particular, condition AN1 provides that the area enclosed by the 57 dB contour shall not exceed 43.6 sq km. That condition defines the boundary of acceptability considered appropriate by the District Council in 2003 and it is agreed that the effects of the increased activity represented by the appeal proposals would in fact be a smaller noise footprint.

iii. Population Numbers

9.20 As Jeff Charles explains, the number of people affected by increased flying activity at Stansted is significantly less than the number that would be affected by potential growth at a number of other airports. Indeed, the number of additional people affected by noise levels above 57 dB in proposals endorsed by the ATWP is substantially greater elsewhere than it is at Stansted (Jeff Charles Table 9).

9.21 One consequence of the relative sparsity of population is that much of the noise footprint of Stansted Airport coincides with open countryside, rather than built up areas. A particular point made by many objectors relates to the tranquility of the countryside which, it is suggested, may be more sensitive to aircraft noise than urban areas. Again, however, this is not a new point. SSE in its representations to the DFT Consultation Document in June 2003 drew specific attention to this point and to the tranquility of the area (SSE response pages 22-25).
In principle, however, I can understand a policy approach which places greater weight on the impact of air noise on areas where large numbers of people live permanently, rather than a relatively sparsely populated area which, almost by definition, will be open and therefore more tranquil. This appears to be the principal approach of the SERAS assessment which particularly identified and compared the head count of population resident within different noise contours for various existing and potential airport locations.

I am also aware that the Government has published guidance to the effect that the avoidance of heavily populated areas is to be achieved where possible, for instance, in the making of air space changes. The document "Guidance to the Civil Aviation Authority on Environmental Objectives relating to the Exercise of its Air Navigation Functions" [CD/194] was published by DTLR in January 2002 and provides the following advice:-

"28...Most noise impacts from air traffic occur in the vicinity of airports where aircraft operate in closest proximity to people's homes, schools, hospitals and other noise sensitive receptors. It is widely recognised to be one of the most objectionable impacts of airport development and an important environmental issue for those living close to airports as well as further afield under the main arrival and departure tracks.

30...It therefore makes sense to arrange for these routes to avoid densely populated areas as far as possible.

31...Government policy on the design of departure routes is informed by the work of two Noise Advisory Council (NAC) working groups in the 1960s and 1970s. In examining the fundamental question of concentration versus dispersal, from both an ethical and practical perspective, the NAC concluded that the best environmental outcome was to concentrate departures on the least practical number of routes which were designed specifically to minimise the number of people over flown."

I am aware that similar issues were discussed at the Manchester Airport second runway inquiry and that the Inspector reached a similar conclusion:-
"26.17.11 MBC argues that the introduction of loud noise sources into quiet rural areas would be more disturbing than if introduced into urban areas..., however, there is no suggestion that the Government resiles from its stance, in the White Paper, on Noise Preferential Routes designed to "over fly" the smallest number of people. The logical effect of MBC's position on rural areas would be to direct aircraft towards areas of population."

9.25 This is not to suggest that noise impacts on countryside areas are unimportant, indeed, I am aware that PPG24 makes that very point, particularly for designated areas such as SSSI, National Parks and AONB. Nevertheless, the greatest concern attaches to areas of resident population. In my judgement, it is entirely understandable that the Government should have been influenced by the relatively low numbers of people affected by aircraft noise at Stansted.

iv. Scale of Effects

9.26 Jeff Charles' evidence identifies the scale of air noise impacts arising from the G1 proposals. A number of conclusions are of particular significance including:-

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.

9.27 Against this background, it is perhaps unsurprising that the noise objections are cast in subjective terms, but Jeff Charles’s evidence explains that the form of objective analysis undertaken directly accords with relevant guidance which itself takes into account subjective reactions.
9.28 Specific concerns are expressed in relation to the effect on cognitive learning in schools and the effects on culture and leisure activities. Impacts under these specific headings are also considered by Jeff Charles. The agreed position with the District Council is that there is no evidence of a material effect on the cognitive development of primary school children due to the G1 proposals.

9.29 By reference to (outdoor) culture and leisure activities, the conclusions of the noise assessment apply equally to outdoor areas as they do to built up areas, i.e. there is no significant incremental air noise impact arising from the G1 proposals. The noise footprint at the airport is no greater than that already considered acceptable by the District Council in 2003.

9.30 The noise climate, for instance, at Hatfield Forest would not be materially different in the 35 mppa case compared with the 25 mppa case. Hatfield Forest is not directly over-flown, although planes above Great Hallingbury are visible from parts of the Forest and are readily audible. There would be, of course, a greater frequency of take offs or landings visible from the forest but in my judgement the overall character of the flying activity apparent from the Forest would not be significantly changed.

9.31 Tables A1.13 and A1.14 set out in Volume 16 of the Environmental Statement [CD/19] estimate the likely change in hourly frequency of departures and landings between the 25 mppa and the 35 mppa case. The effect of the G1 proposals is that there would be no significant increase in the peak hour activity but there would tend to be a spreading of the peak towards the middle of the day.

9.32 Picking the worst case example, departures would increase from 14 per hour to 25 per hour in the period 3pm-4pm, ie a change from a take off every 4.3 minutes to a take off every 2.4 minutes. Clearly, this represents an increase in activity but it does not in my judgement change the overall character of the activity or its likely effect on surrounding areas. Those enjoying the countryside in the vicinity of the airport are already affected by the sight and sound of aircraft and it is my judgement that the character of their experience would not be significantly changed by the G1 proposals.
9.33 I do not doubt that many local residents find the existing level of activity unacceptable. For the reasons set out in this section of my evidence, however, the increased noise activity that would be brought about by the G1 proposals clearly falls within levels accepted by planning guidance and could not properly amount to a reason for rejecting the G1 proposals.
SECTION 10: QUALITY OF LIFE
(REASON FOR REFUSAL NO. 3)

10.1 The third reason for refusal reads as follows:

"The absence of a Quality of Life assessment means that inadequate consideration has been given to the impact of air noise on the culture and leisure activities of nearby communities, although evidence from consultees suggest these impacts are significant. As a result, the effect of the development on local communities is uncertain, and no proportionate mitigation measures can be put forward, to the detriment of amenity and contrary to policies BIW9 of the Essex and Southend on Sea Structure Plan and GEN2 of the Uttlesford Local Plan."

a) Approach

10.2 As a matter of principle, the absence of a Quality of Life Assessment (QOL) could not, in itself, be a reason for refusing a planning application. There is no statutory or policy requirement on an applicant to undertake a QOL assessment. Significantly, the Countryside Agency made detailed representations to the ODPM in December 2003 on draft PPS7, to the effect that it would be appropriate to incorporate reference to QOL assessments within the PPS. These representations were not accepted and there is no requirement in PPS7, other PPSs or in the guidance on the preparation of Environmental Impact Assessments to the effect that QOL assessments should be undertaken.

10.3 The documentation submitted with the planning application is comprehensive and conforms to all relevant statutory requirements. It includes a full Environmental Statement, a Sustainability Appraisal and a Health Impact Assessment, enabling a comprehensive picture of the effects of the expanded use of the airport to be identified and taken into account.

10.4 Again, the reason for refusal does not assert that the development is unacceptable but does appear to be concerned about generalised effects, rather than the breaching of any defined level of acceptable impact.
10.5 The District Council's position in relation to the 2002 planning application is of some relevance here. In June 2002, officers of the District Council produced a report recommending approval of the application to expand Stansted Airport from 15 to 25 mppa [CD/27]. The report summarised a series of heads of terms which had been agreed as part of a comprehensive mitigation package between officers and STAL. These included a financial contribution from STAL to establish a generalised Community Fund which would be used:

"• Solely for the promotion, enhancement, improvement, protection and conservation of the social / educational / environmental / economic well being of the wider community". (Committee report page 91)

10.6 In fact, members deferred consideration of the application to enable further discussion on the package of mitigation measures and an improved package was presented to members on 12th September 2002. This included a figure of £700,000 over 7 years as part of the Community Fund (together with income from fines on aircraft operators). In the report of September 2002, officers advised:

"Officers consider that the following measures, while contributing towards the mitigation of the adverse implications of the application and therefore lawful to accept, are examples of those which are not crucial to the determination of the application, ie they could not be relied upon as a reason to refuse the application if considered insufficient or inadequate:

.....

A community fund of up to £700,000".
10.7 Whilst in relation to the appealed application the District Council has not identified what type of mitigation measures it does consider appropriate to address this reason for refusal, I consider that the advice given to members in 2002 remains relevant today. In other words, the reason for refusal is not concerned with matters which would justify the refusal of planning consent. It is not open to the District Council, for instance, to use the heading of Quality of Life to lower the thresholds which planning policy sets for the acceptability of development. Neither is it appropriate to refuse planning consent in an attempt to seek mitigation measures which go beyond those which are fairly and reasonably related to the scale of identified adverse effects.

10.8 In its letter to the District Council of 9th November 2006 [CD/55], STAL made clear its willingness to bring up to date its existing obligations in respect of the Community Fund; this appears to me to be an appropriate response to the generalised concerns about impact on the community which lies behind the Quality of Life reasons for refusal.

10.9 Against this background, I have attempted to consider the component parts of the reason for refusal, in order to try to identify the scale of harm under each heading so that this harm can be set against the relevant policy context.

10.10 Before I do so, it may be helpful to indicate that I have studied very carefully the representations made against the proposals under this heading, including the report “Erosion of the Community” [CD/205] prepared inter alia by residents of Broxted and other villages. It is no part of my evidence to doubt in any way the genuineness of the concerns that have been expressed. It is appropriate, however, to consider those concerns within the matrix of planning policies for the airport.

10.11 The UDC committee report of 29 November 2006 [CD/33] relies almost exclusively on representations received from local residents to justify reason for refusal no. 3 (committee report paras 206 – 214). Those representations are, perhaps, most effectively summarised in the report Erosion of the Community, as follows:-

• Blight from the uncertainty relating to the expansion proposals;
• The breakdown of the social fabric of the community with the sudden influx of rental tenants who play no part in the ongoing life or upkeep of the community, or in maintaining its fabric in terms of social interaction;

• Increased evidence of neglect by BAA of homes which have been bought under its “buy and bulldoze” Home Value Guarantee Scheme, either because they are empty or rented to disinterested or financially stretched tenants;

• The worry created by the mass of houses on the market under the Home Owner Support Scheme which has created uncertainty and worry for those who are both within and outside the scheme;

• House price devaluation and the failure of BAA to pay compensation arising from previous expansion;

• Falling school numbers and fewer volunteers for community activities because of the rapid changes in the population profile, not least an increase in the number of multi occupancy rental properties amongst which there are relatively few families.”

10.12 Other representations are concerned about the influx of migrant workers – either from outside the region or outside the country. All of these factors are said to cumulatively amount to an erosion of local communities. There are, therefore, a number of components which contribute to the overall complaint and I shall try and deal with at least some of them – again within the framework of planning policy.

10.13 I deal with each of the principal components in turn using the following headings:-

i. Property ownership of BAA.

ii. Migrant workers.

iii. Houses in multiple occupation.

iv. School rolls.

v. House prices.
i. **Property ownership of BAA**

10.14 One area of concern relates to property ownership of BAA. Details of the company’s ownership in the vicinity of the airport are set out in Appendix 3. The property ownership falls into two broad categories, the first of which relates to properties which have been owned long term by BAA, the circumstances of which are as follows:-

i) As a result of the Airports Policy White Paper in 1985, BAA was instructed to draw up a safeguarding area for a second terminal in order that the then assumed 25 mppa capacity of the single runway could be utilised at a later date. This resulted in the publication of the *Town and Country Planning (Safeguarding of land for Stansted Airport) Direction 1986* [CD/343] by the Government which identified an area of land outside the airport boundary at Molehill Green in order to protect the potential for the development of a second airport terminal. The safeguarding remains formally in place and requires BAA to be consulted on applications for development within the safeguarded area. Policies in relation to the safeguarding were included in the previously adopted Uttlesford Local Plan but do not appear in the 2005 Local Plan because the Council is aware that there is no longer an intention to construct a second terminal to serve the existing runway.

ii) As a result of the safeguarding and the expectation that a second terminal would be built to the north of the airport, BAA purchased a number of properties in and around Molehill Green during the 1970s and 1980s. That portfolio amounts to 64 properties of which 5 are in business use, one is vacant and all of the remainder are let generally on 12 month tenancies with 6 month break clauses.

iii) The tenancy agreements preclude multiple occupation, require the properties to be permanently occupied and obligations are imposed both on BAA and on the tenants to keep the properties in good repair and decoration;

iv) A large majority of the tenants have occupied their properties for a number of years. Those running the estate on behalf of BAA estimate that more than 75% stay longer than 5 years.
10.15 The ATWP was concerned to avoid the implications of blight arising from the publication of its policies, including the identification of an expanded airport boundary. Consequently, paragraph 11.41 of the ATWP requests that BAA establish a system to minimise the impact of generalised blight, whilst paras 12.13 – 12.17 set out details of how such a system can be set up, including through the use of public consultation.

10.16 BAA has introduced 2 voluntary initiatives in order to offer support to those who may be worst affected by the future of the proposed new runway. These schemes are:-

- **The Home Value Guarantee Scheme** (HVGS) [CD/344] was introduced in January 2004 and applies to properties within the airport boundary shown in the ATWP. The scheme applies to 107 residential properties and 8 business properties and comprises an offer from BAA to purchase the properties at an agreed June 2002 value (before the White Paper), indexed in relation to the average value of Essex properties with additional payments for relocation and an additional 10% payment when planning consent is granted for the second runway.

- **The Home Owner Support Scheme** (HOSS) [CD/345] was introduced in September 2004 and applies to properties within the 2030 forecast 66 Leq noise contour for the ATWP second runway. HOSS protects the value of properties in this wider area and can oblige BAA to purchase properties. The scheme applies to approximately 520 residential properties and the boundary for the scheme was extended in January 2007 as a result of BAA's announcement of its preferred runway alignment.

10.17 So far, there has been a strong take up of both schemes. 57 properties are owned by BAA under the HGVS scheme and 44 under the HOSS scheme, although some are being disposed of now as they are not directly affected by the G2 proposals, as they have now been defined in the January 2007 announcement.

10.18 In total BAA own 170 properties of which 36 are for sale. In total there are 36 vacancies, a number of which reflect recent purchases or impending sales.
10.19 The more recent estate is managed with and in the same way as the more long standing estate and agents Strutt and Parker are instructed to deal with the properties on behalf of BAA, although they work with a significant support team within BAA. A number of the properties have been leased back to their vendors and others are let on 12 month tenancies with 6 month break clauses. BAA maintain a team of preferred contractors for repairs and maintenance. Properties are visited weekly by BAA or their agents.

10.20 There is a strong market for the properties and Strutt and Parker do not normally experience vacancies of more than 4-8 weeks. The properties are not reserved for airport staff and, in fact, only 4 are known to be occupied by workers at the airport. There is significant interest from local investors seeking to bulk buy properties but BAA has never sold to such an investor.

10.21 The number of properties on the market reflects the fact that BAA has no need or intention of holding on to properties which fall outside the now proposed G2 airport boundary.

10.22 The key point to make about the BAA ownership is that it results directly from the application of Government policy. BAA has been requested to establish the schemes for the purchase of property in order to address the problem of generalised blight resulting from runway proposals. The fact that so much property is owned by BAA demonstrates that it has sought to implement Government policy and could not amount to or even contribute to a legitimate reason for refusing planning permission. It also has nothing to do with the G1 proposals.

10.23 BAA’s ownership of local properties is not the only factor referred to in concerns about community cohesion but it is a significant contributor. In the committee report of 27 September 2006 [CD/33] in which officers sought to set out a Position Statement on the G1 planning application, officers advised:-
“Representations suggest that the growth of the airport is already causing changes in the local housing market......This, it is suggested in material received, is undermining social cohesion and eroding the community in areas like Takeley, Broxted and parts of Great Easton. From the statements of local residents, however, it would seem that these effects, although depressing, mainly relate to the operation of BAA’s HOSS and HVGS schemes. There are no reports of such changes in Thaxted, Great Hallingbury, Little Hallingbury and Burton End.”

(Development Control Committee, 27 September 2006, page 27) (my emphasis)

10.24 Interestingly, the sentence which I have highlighted was not included when the (otherwise) same paragraph was presented to committee as part of the 29th November 2006 report. The September report was written with the benefit of the Erosion of the Community report which was dated August 2006 and is, I believe a fair representation of the position.

ii. Migrant workers

10.25 Next, I have considered the question of migrant workers. Detailed information is elusive, although some research was undertaken by EEDA in 2005 and set out in its project report Migrant Workers in the East of England, June 2005.

10.26 That research suggests that there has been a steady increase in the number of migrant workers coming to the East of England from all over the world. Compared to 2.8 million people economically active in the East of England, EEDA estimate that there could be somewhere between 50,000-80,000, migrant workers in the East of England – a small but significant contributor to the overall workforce. The EEDA report suggests that:-

- migrant workers “make an essential contribution to the region’s ongoing success” (page 5); and

- generate revenue gains somewhere in the region of £360 million per year.
10.27 EEDA estimates the number of migrant workers by employment sector, as:-

<table>
<thead>
<tr>
<th>Employment Sector</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural/horticulture</td>
<td>25,000</td>
</tr>
<tr>
<td>Food processing</td>
<td>20,000 – 30,000</td>
</tr>
<tr>
<td>Health care</td>
<td>2,000 – 5,000</td>
</tr>
<tr>
<td>Construction</td>
<td>10,000</td>
</tr>
<tr>
<td>Supermarkets</td>
<td>Unknown</td>
</tr>
<tr>
<td>Hotels</td>
<td>1,000</td>
</tr>
<tr>
<td>Restaurants</td>
<td>500 – 1,000</td>
</tr>
<tr>
<td>Other, including highly skilled</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

10.28 The report does suggest that between 5 and 10 migrant workers may work at each of 6 hotels at Stansted (page 105) and that 50 migrant workers may be employed in food outlets at Stansted Airport (page 106). It is not unreasonable, however, to draw the following conclusions:-

- Stansted Airport is far from unique in attracting migrant workers.
- The numbers and proportions of migrant workers employed at Stansted are very low compared to the significant contributions made by migrant workers to other employment sectors in the region.

10.29 An influx of migrant workers does raise challenges for the local community. This has been recognised recently in the report *Crossing Borders: Responding to the Local Challenges of Migrant Workers*, published by the Audit Commission in January 2007. In its summary, however, the Audit Commission identifies that migration for work has been welcomed by the Government, the CBI and the TUC, as well as by local employers. The report identifies that it is the responsibility of local authorities to take a leading role in coordinating local responses to ensure that the needs of migrant workers are addressed.
10.30 The report confirms that foreign nationals now make up 6% of the workforce of the UK compared to 3.5% in 1996. The report also confirms the benefit to the economy which migrant workers can bring and its conclusions relate to areas in which public agencies can coordinate their response to ensure that the needs of migrant workers are met. The phenomenon is a national one. Even if the proportion of migrant workers at Stansted were to increase substantially, therefore, it is very difficult to see how this would amount to a proper planning objection. Nobody would suggest, for instance, preventing growth of the Health Service or our country’s ports because they both attract significant proportions of migrant workers.

iii. **Houses in Multiple Occupation**

10.31 Similar issues arise in relation to concern about Houses in Multiple Occupation (HMOs). Again, hard data is scarce. The 2001 Census reveals:

<table>
<thead>
<tr>
<th></th>
<th>All Dwellings</th>
<th>Households in a Shared Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Herts</td>
<td>53,316</td>
<td>67</td>
</tr>
<tr>
<td>Uttlesford</td>
<td>28,531</td>
<td>64</td>
</tr>
<tr>
<td>Essex</td>
<td>560,045</td>
<td>1,292</td>
</tr>
</tbody>
</table>

10.32 It is likely that these figures have increased. BAA does keep postcode and address data for all airport workers at Stansted and can analyse that data for research purposes. BAA has undertaken an analysis to identify properties with 3 or more different named airport employees. In the CM postcode area (covering much of Uttlesford and parts of East Herts, including Bishops Stortford), the analysis revealed 77 proprieties which might be described as being in multiple occupation. Even if the figure is 2 or 3 times higher, this would not be a high number, given the fact that there are 11,000 registered airport workers.
10.33 Some of the representations suggest that houses in multiple occupation can cause difficulties not only through an alleged lack of commitment to the community but also through antisocial behaviour, late night parties are cited. Even if all of this were true and a direct result of airport expansion, however, it does not amount a reason for refusing planning permission. The responsibility for antisocial behaviour lies with the District Councils and, particularly, Environmental Health Officers. This much is clear from the recent DCLG publication *Dealing with Problem Private Rented Housing*, 2006. When such controls are available through other legislation, it would be entirely inappropriate to suggest that Stansted, or any other major economic driver of the economy, should be prevented from expansion.

iv. School Rolls

10.34 I have also considered the evidence relating to the alleged drop in school rolls. In this case, there is good quality information available which helps to put local concerns into a wider context. Again, the phenomenon is widespread, rather than specific to the airport.

10.35 *The Essex School Organisation Plan 2006 – 2011* was published in 2006 and confirms that, across the county, school rolls have fallen since 2002 in most of the districts of Essex, although not in Uttlesford. Overall, the County saw a decline of 0.9%, whilst the District saw an increase of 2.0% (Table 3). Projecting into the future, the document advises:-

“For Essex's primary schools, the forecasts suggest that on the basis of births, information and historical trends, pupil numbers will fall over the next 5 years. However, this is not the case right across the county when potential additional pupils from new housing are included in the forecasts: primary numbers are forecast to increase in Colchester, Harlow and Uttlesford for instance.

Numbers of secondary school pupils across the county are forecast to remain fairly stable over the next 5 years.....again there are local variations; secondary numbers are forecast to increase slightly in Colchester and Uttlesford”. (page 31).
10.36 Forecasts are provided for individual schools. In respect of Takeley Primary School, for instance, the forecast demonstrates that the school would have a significant surplus of capacity relative to demand if it were not for forecast additional new housing, the effect of which is to bring the school into very close balance between demand and capacity in 2011.

v. Housing Market

10.37 In general terms, I do not believe there to be any suggestion from the District Council or objectors that the impacts on the housing market from the G1 proposals cannot be accommodated within the housing allocations that are proposed through the RSS. Indeed, the draft RSS itself (para 4.9) confirmed that the housing allocations of the draft RSS had allowed even for the effects of an additional runway. This is consistent with the development of strategic policies since at least the mid 1980s. In the Airport’s Policy White Paper of 1985, the Government set in place an approach to the phased development of the airport up to 15 mppa and required local planning authorities to phase the associated development of housing and other facilities as the need arises. As a result, housing allocations were subsequently made in the respective Hertfordshire and Essex Structure Plans and translated into the relevant Local Plans for Braintree, Uttlesford, East Herts and Harlow.

10.38 One concern expressed now in relation to the housing market is that Stansted Airport and its growth is responsible for house price devaluation. Again, hard data is helpful and the analysis undertaken by Tribal on behalf of BAA (Housing Market Overview, October 2006) [CD/341]. In brief it shows:

- The latest information available about tenure mix (2001) showed that the structure of the Uttlesford housing market was broadly comparable to that of the region, with slightly higher percentages of owner occupation and private rented property and slightly lower percentages of local authority and RSL properties (Table 1.1).

- The rate of change in the number of properties transactions in Uttlesford over the period 1996-2005 is almost identical to the regional average.
• Property values in Uttlesford grew by 12.2% per annum on average over the period 1996-2005, compared with 12.1% per annum in the region as a whole. (Table 1.3).

• Average private rental values in Uttlesford have grown in almost identical proportion to the regional growth over the period 1994-2005 (Figure 1.5).

10.39 Similarly, the presence of the airport does not appear to have reduced demand from house builders. In recent years, for instance, significant planning permissions have been granted for residential development in Takeley at Morrells Green (100 units) and at Priors Green (685 units). Development has progressed successfully.

c) Other Considerations

10.40 I do not doubt that there are disadvantages involved in living close to a major international airport. The analysis set out above, however, indicates that many of the concerns affecting local residents are national or regional phenomena, and either not unique to the area around the airport or not borne out by the available evidence.

10.41 It is also fair to recognise that the airport brings significant benefit to the area. This point is hopefully self evident but I touch briefly on three characteristics of the airport below. These operate in addition to the most obvious benefit of having easy access to a high quality international airport for business and leisure trips.

10.42 The airport is a major employer. The latest estimates are that the airport supports 11,643 employees in direct on-airport employment and approximately 14,800 jobs in total if indirect employment of the airport is taken into account (ES Volume 6 para 8.3.2 and Table 15). It is agreed with the District Council that the effect of moving from 25 mppa to 35 mppa would be an increase of approximately 2,450 on airport jobs or an overall increase of 3,800 jobs, generating an additional income from salaries in the area of £77.1 million per annum (ES Volume 6 Tables 17 and 22).
10.43 The analysis in Section 6 of my evidence confirms that the fulfilment of the job forecasts from the growth of Stansted is an important component of the Regional Economic Strategy. In fact, without the expansion of Stansted, the job forecasts on which the RES and RSS are based would not be fulfilled. One element of the RSS strategy is to seek a better balance between employment and housing in the region; growth at Stansted is necessary not least to balance the housing allocations set out in the RSS particularly for Uttlesford, East Herts and Harlow. Work undertaken for EERA in relation to the RSS identified a significant misalignment in the southern part of the region between jobs and housing. Evidence of this is provided at Volume 6 of the ES (para 8.2.9 onwards) which confirms that the Stansted Airport employment study area is a significant net exporter of labour, ie in 2001, out commuters exceeded in commuters by over 28,600. This issue was touched on in the committee report of 29th November, 2006 in the following terms:-

"97...The value of the additional employment in terms of salaries and wages for the local community must be limited in the context of the opportunities in the wider labour market. Whilst acknowledging that forecasts suggest that by 2015 we will be moving towards a labour surplus or demand : supply balance in the sub-region, the London economy will still provide alternative employment, albeit with commuting implications."

10.44 With respect that is not the correct approach. The provision of jobs close to housing is a fundamental objective of planning policy (both generally and specifically in this region).

10.45 It is not reasonable for the planning authority on the one hand to allege that the airport is bringing people to the area who are disinterested in its welfare, whilst on the other hand advocating a strategy of failing to meet its own employment requirements and fostering yet greater reliance on out-commuting from the area.
10.46 The airport is also a focus for public transport; indeed it is identified as a Regional Transport Node in the RSS and it brings with it not only express train services, stopping at either Harlow or Bishops Stortford but also an intensive network of bus services which not only serve the airport but connect many local communities en-route. In 2005, 290 coaches arrived and departed from Stansted every day. Approximately 170 connected with Central and East London. There were services also connecting Stansted with other major towns and cities including Norwich, Cambridge, Birmingham, Coventry, Leicester, Luton etc. In addition, 16 local bus services provide comprehensive public transport links between the airport and the immediate surrounding area.

10.47 Additionally, Stansted Airport makes a number of other positive contributions to local communities. Details are included in the SOCG and many are captured in the Section 106 Agreement of May 2003 [CD/31]. These include:-

- a Community Fund of at least £700,000 over 7 years;
- a commitment of £350,000 to support training and employment initiatives;
- a capital contribution and a contribution to running costs of a Materials Reclamation Facility of £300,000;
- a visitor centre and an archaeological resource; and
- a contribution of up to £2.2 million towards the Stansted Area Housing Partnership.

10.48 The Community Fund is independently administered and considers applications from a wide range of local organisations for financial support. The Trustees tend to exclude applications from statutory funded organisations such as schools, although that is not a stipulation of the Trust Deed. Since 2003, the Fund has assisted more than 200 local organisations from local charities to football clubs, Brownies, disabled clubs, youth clubs etc. Its contribution to the quality of life should not be underestimated.
10.49 There are many other initiatives detailed in the SOCG and, for instance, in the Corporate Responsibility Reports published annually by STAL from which it is clear that the airport actively strives to be a prominent and responsible contributor to local community initiatives.

d) Conclusions

10.50 It is difficult to understand how the District Council can have considered these issues to represent a sound reason for refusing planning permission, particularly for a development which is so strongly supported by national policy.

10.51 The officers of the District Council did not appear to have produced any proper evidence, or analysis of evidence, to justify the reason for refusal which principally gave effect to generalised concerns expressed by a number of local residents. Allying these concerns to the criticism that there was no Quality of Life assessment does not legitimise those concerns as sufficient planning considerations to warrant a refusal of permission.

10.52 Analysis shows that many of the concerns arise simply because Stansted is a strong and important economic force in the region, although no materially adverse effects can be discerned. The fact that BAA has been obliged to become an owner of a significant amount of residential property locally demonstrates no more than the fact that the company has responded properly to the request from Government that it should seek to minimise any effects of generalised blight caused by the Government's support for a second runway.

10.53 In fact, the evidence indicates that the company is a responsible and important contributor to the economic health of the local community and that it plays its full part in community life. There is no valid reason for refusal under this heading.
SECTION 11:  AIR QUALITY EFFECTS  
(REASON FOR REFUSAL NO. 4)

11.1 Reason for refusal no. 4 asserts:-

"Increased pollution arising from the consequences of the proposed development could give rise to an increased risk of vegetation damage in Hatfield Forest and East End Wood. Insufficient real data is available to ensure an accurate assessment. As a consequence, inadequate contingency measures for mitigation and/or compensation measures have been made, to the detriment of bio diversity and contrary to policies NR5, NR6, NR7 and BIW 9 of the Essex and Southend on Sea Structure Plan and ENV7 of the Uttlesford Local Plan."

11.2 Again, the scope of the reason for refusal is relatively narrow. No actual harm is alleged to either Hatfield Forest or East End Wood; rather, the reason for refusal suggests that the G1 proposals "could give rise to an increased risk of vegetation damage" (my emphasis). No unacceptable air quality effects are alleged.

11.3 My evidence relies upon the expert evidence of Malcolm Pratt and seeks to draw conclusions related to the reason for refusal within the context of planning policy.

a) Planning Policy

11.4 East End Wood and Hatfield Forest are both ancient woodlands and both are designated SSSI. This designation gives them a specific status within the terms of the Wildlife and Countryside Act 1981 and PPS9 [CD/94]; a status which is explained in Circular 06/2005 [CD/96]. In particular, the 1981 Act imposes an important general duty on a range of authorities including the Secretary of State and the Local Planning Authority to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the features for which sites are of special interest.
11.5 In addition, the 1981 Act imposes a specific obligation on planning authorities where they propose to authorise operations "likely to damage" the special interest features of SSSIs. These provisions ensure that English Nature (now Natural England) is able to provide full advice and information about the effects of an operation or authorisation on a SSSI so that the decision maker can make an informed decision about whether or not to grant an authorisation and, if so, on what terms.

11.6 It is notable in this case that the District Council does not allege that the appeal proposals would be likely to damage the special interests of either SSSI.

11.7 RSS policies are not referred to in the reason for refusal but are plainly relevant. Policy ENV3 set out in the Modified Text of the RSS incorporating the Proposed Changes includes the following relevant guidance:-

"Biodiversity and Earth Heritage.

In their plans, policies, programmes and proposals, planning authorities and other agencies should ensure that internationally and nationally designated sites in the region are given the strongest level of protection and that development does not have adverse effects on the integrity of sites of European or international importance for nature conservation."

11.8 Three Structure Plan policies are relied upon (NR5, NR6 and NR7), although none may survive the final approval of the RSS. The full text of the policies is set out in Appendix 2 but it is relevant to note the following:-

i. Policy NR5 is concerned principally with development which takes place within sites identified as having important historic landscape features, which is not the case with the G1 proposals;

ii. Policy NR6 provides that development which would have an adverse effect on a SSSI will not be permitted unless the need for the development clearly outweighs the national nature conservation importance of the site.
iii. Policy NR6 also states that, if there is a risk of damage to a designated site, local authorities may seek to enter into a planning obligation with developers to secure future site management or to make compensatory provision elsewhere for any losses.

iv. Policy NR7 is more general and advises that local planning authorities will work in partnership with others to increase the number, size, quality and diversity of natural habitats. This policy does not provide a basis for rejecting the appeal proposals.

11.9 Local Plan Policy ENV7 states that proposals that adversely affect areas such as SSSIs will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of the site.

11.10 From these policies, I draw the conclusions that it is necessary first to consider whether the appeal proposals would have an adverse effect on either of the woodlands; second, to consider whether that effect could be addressed through mitigation; and third to consider (if a residual adverse effect is still likely) whether the need for the development outweighs any such residual effect, having regard to the importance of the SSSIs. I consider that this is the approach which the District Council should have taken.

b) Assessment

11.11 The relationship of the airport to Hatfield Forest and East End Wood is not a new issue. It was, for instance, closely examined in the 2002 proposals, approval of which permitted the increase in throughput at the airport to 25 mppa.

11.12 The officer’s report of 24th June 2002 [CD/27] recognised that English Nature and the National Trust were particularly concerned about peak pollution concentrations. The report drew the following conclusion:-
"76 The National Trust requested that the air quality modelling study area be extended to include the whole of Hatfield Forest to calculate how the 30 \( \mu \text{g m}^{-3} \) contour for annual mean concentrations of nitrogen dioxides related to the Forest. The results show that the air quality in terms of nitrogen oxides may reasonably be expected to improve in the Forest between 2002 and 2010, but not as much if airport throughput rises to 25 mppa rather than stopping at about 15 mppa. This is because of predicted improvements to road vehicle emissions over the period."

11.13 No comparable advice is contained in the G1 committee report of November 2006.

11.14 No adverse conclusion was drawn in 2002 and planning permission was recommended and granted subject to planning obligations which included specific terms to monitor, assess and mitigate any advance effects in Hatfield Forest, East End Wood and the Fen site. I summarise those terms as follows:-

i. Within 12 months of the grant of permission, to submit to UDC a proposal for a base line study of the current flora and fauna within the three areas.

ii. Within 12 months of the terminal extension at the airport, to submit to UDC a proposal for a study of the effects of noise, air and light pollution on flora and fauna within the sites.

iii. To provide funds not exceeding £75,000 to undertake or contribute to the studies referred to above.

iv. To submit to UDC for approval schemes of appropriate and proportionate measures to mitigate any significant effects of the development on flora and fauna in Hatfield Forest, East End Wood or the Fen within 12 months of the results of the studies becoming available.

v. To use all reasonable endeavours to implement the schemes referred to as soon as is reasonably practicable.
11.15 Proposals for the baseline study were drawn up by BAA’s consultant ecologist and agreed by UDC, the National Trust and English Nature in 2004. Collection of baseline survey data was subsequently undertaken and reported in a baseline study report in September 2006 (The Baseline Report on the Current Condition of a variety of Habitats – a report in fulfilment of Section 1.3 of a Section 106 Agreement related to a planning permission for the 25 mppa scheme at Stansted Airport) [CD/137]. The further Study which seeks to identify any effects of noise, air and light pollution (see above) is underway and will be reported before the end of 2007.

11.16 The September 2006 report included a specific chapter on Nitrogen Assessments in the Woodland sites. This reported the assessment undertaken in Hatfield Forest, East End Wood and also in Hales Wood, 15 km to the north of Stansted Airport. The conclusions included the following:

"7.22 There was no indication of any real difference in levels between the woodlands at either sampling date (2004 and 2005), suggesting that nitrogen deposition to these woodlands is similar at all sites, with no specific impact of the airport.

7.26...Levels of all nutrients were high in all the mosses sampled, with no consistent differences between woodlands, species or sampling time.

7.27 The supply of these nutrients would appear to be adequate to prevent the development of any marked nutrient imbalances, resulting from the high nitrogen inputs.

7.30 Mosses have been widely used as markers of metal pollution and this range of contents would be in line with "rural background" levels of lead deposition, with no indication of high levels of traffic related pollution, or any specific effect of the airport.

7.32 Bark pH values for samples showed...no clear effect of airport related nitrogen pollution.

7.33 Comparisons with other studies suggest that the values obtained in this study, are in line for those for southern England generally...

7.49...It is not possible to identify any specific additional impact of the airport on any of the parameters measured in this study."
11.17 The numerical modelling and analysis is set out in the evidence of Malcolm Pratt. His evidence focuses on the issue of principal concern to Natural England, the National Trust and SSE, namely nitrogen deposition in Hatfield Forest and East End Wood. From a planning perspective, there are certain matters which can usefully be drawn from the analysis including the following:-

1. Concerns have been expressed that the level of nitrogen deposition in Hatfield Forest exceeds the recommended critical load for deciduous forests of 10 to 15 kgN/ha/year. The evidence identifies, however, that such exceedances exist across woodlands throughout the region and much of the country.

2. No party has identified directly adverse consequences arising from nitrogen deposition in Hatfield Forest or East End Wood.

3. Levels of nitrogen deposition in Hatfield Forest and East End Wood are currently estimated at 36.5 and 38.8 kgN/ha/y respectively.

4. At the same time, however, general rates of nitrogen deposition are likely to reduce by 2% per annum due to national and international commitments to reduce emissions of nitrogen (and other) compounds from transport combustion etc. The overall effect, therefore, is that there is projected to be a significant improvement (lowering) of levels of nitrogen deposition at both Hatfield Forest and East End Wood to levels of approximately 26.3 and 27.9 kg/N/ha/y respectively in 2014.

5. The contribution to these levels by the operation of Stansted Airport at 25 mppa is 1.1 kg/N/ha/y, i.e. approximately 4% of the total in 2014 at Hatfield Forest. The equivalent contribution at East End Wood is 1.2 kg/N/ha/y, i.e. again approximately 4% of the total.

6. The proposed increase from 25 mppa to 35 mppa in 2014 would cause the airport contribution to increase by 0.2 and 0.3 kg/N/ha/y to an estimated 1.3 and 1.5 kg/N/ha/y in Hatfield Forest and East End Wood respectively.
11.18 The incremental impact of the G1 proposals, therefore, is extremely small on both Hatfield Forest and East End Wood and would be substantially outweighed by the forecast general reduction in nitrogen deposition levels so that the position at 2014/15 is that both woodlands would be experiencing significantly lower levels of nitrogen deposition even with the G1 proposals.

11.19 This analysis is comparable to that undertaken by the planning officer in the consideration of the 15+ proposals and there is no logical reason why the same approach should not be taken in this case, and a comparable conclusion drawn.

c) Mitigation and Compensation

11.20 It had not been BAA's intention to roll forward the mitigation package set out in the 15+ planning consent given the very small levels of effect identified in the analysis of the G1 proposals. Nevertheless, UDC officers have requested that the package is rolled forward to require a further assessment of the condition of flora and fauna in Hatfield Forest, East End Wood and the Fen site to be undertaken before 2014 for comparison of conditions with the 2006 baseline report. A similar obligation to the existing is also requested, that is that a scheme for the mitigation of any significant effects attributable to the airport is submitted to and approved by UDC for implementation. I am advised that BAA has no objection to this request.

11.21 This is an outcome which the District Council could have imposed when it considered the G1 proposals in November 2006.
SECTION 12: WATER CONSERVATION
(REASON FOR REFUSAL NO. 5)

12.1 The 5th reason for refusal asserts:-

"Inadequate provision is made for increased efficiency in the use of water, to the detriment of water conservation strategies and contrary to policies NR12 and EG4 of the Essex and Southend on Sea Structure Plan and GEN1 of the Uttlesford Local Plan."

12.2 Since the refusal of planning consent, significant progress has been made in discussion with UDC and the Environment Agency to the effect that agreement has been reached that this matter can be addressed through the addition of conditions to any G1 permission which principally require that BAA must submit to and have approved details of water efficiency measures that shall be incorporated into the consented development.

12.3 Whilst the G1 proposals seek only the variation of conditions relating to the use of the runway, the effect of the Section 73 application is to apply for the physical facilities in the 15+ consent over again. A condition such as this, therefore, would be relevant to each element of the consented development which has not yet been undertaken.

12.4 BAA has confirmed that it has no objection to this condition and I confirm my view that this appears to be a reasonable approach.
SECTION 13: SURFACE ACCESS – ROAD AND RAIL (REASONS FOR REFUSAL NOS. 6 AND 7)

13.1 Reasons for refusal nos 6 and 7 provide:-

"6. With the exception of the requirements of the Highways Agency the proposed obligations and conditions do not satisfy the requirements of the highway authorities. Without additional mitigation measures there could be congestion on the local highway network to the detriment of the free flow of traffic and highway safety, contrary to policies T1 of the Essex and Southend on Sea Structure Plan and GEN1 of the Uttlesford Local Plan.

7. The mechanisms and measures proposed for rail access improvements are insufficiently clear to enable the local planning authority to have reasonable certainty that they will take place in a proportionate and timely manner, and as a result there could be increased reliance on the private car to the detriment of national and local transport policies and the principles of sustainable development, contrary to policies T1 of the Essex and Southend on Sea Structure Plan and GEN 1 of the Uttlesford Local Plan."

13.2 Issues relating to surface access are dealt with comprehensively 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.

13.3 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 14: CLIMATE CHANGE
(REASON FOR REFUSAL NO. 8)

14.1 UDC's resolved reason for refusal in November 2006 was as follows:-

"In the light of the Stern Review, the proposed Climate Change Bill put forward in the Queens Speech and the increasing evidence of the adverse effects of climate change, it would be premature to grant planning permission in advance of clarification by the Government as to whether its response to the Stern Review and other recent research would include direct implications for the aviation industry beyond the provisions of the Air Transport White Paper."

14.2 On 4th April 2007, the District Council reconsidered its approach to this issue and resolved that it wished to substitute new text for the reason for refusal, as follows:-

"It would be premature to grant planning permission in advance of the Government carrying out an Emissions Cost Assessment. An Assessment is required to ensure that this major decision on airport capacity takes account (of) the wider context of aviation's climate impact as well as local environmental effects. This is in accordance with the Government's policy as set out in the Future of Air Transport Progress Report, December 2006."

a) Approach

14.3 Through its consultation on the G1 planning application, UDC received extensive representations objecting to increased flying at Stansted because of deeply felt concerns about the impact of aviation on climate change. Some representations went as far as seeking to calculate the carbon impact of moving from 25 mppa to 35 mppa; others alleged an inconsistency in national policy between airports policy and the Government's broader approach to climate change and sustainability.

14.4 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.
14.5 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.

14.6 In view of the Government’s policy position, however, the District Council's reason for refusal was limited in its scope to a suggestion that it would be premature to grant planning permission in advance of clarification by the Government as to whether its response to the Stern Review and other recent research will cause the Government to withdraw or amend its ATWP (UDC committee report 29 November 2006 para 270). Subsequently, in recognition of the fact that the ATPR has reaffirmed the policy approach in the ATWP in the light of the Stern Review, the reason for refusal has been changed to allege a new prematurity: that being prematurity in advance of the Government carrying out an Emissions Cost Assessment.

14.7 There are three principal reasons why this issue could not properly justify a refusal of planning permission for the G1 proposals. I consider these reasons below under the following headings:-

i. No significant effects.

ii. Climate change issues are addressed by other means.

iii. There is in fact no prematurity.

b) No significant effects

14.8 In reaching its decision in November 2006, the District Council was provided with a specific, separate officer's report on Climate Change which it considered immediately prior to its determination of the G1 planning application [CD/33]. That report took at face value the estimated carbon impact of the G1 development calculated by SSE. Even using that information, the report advised the Council as follows:-

"18...In isolation, however, the impact on climate change of increasing the number of movements will not be significant in a national or global context.

…the link would be too indirect to be a sound basis for concluding that the impact from the current proposals would be cumulatively unacceptable."

"19...It cannot be demonstrated that 5 million tonnes of additional CO₂ from aircraft using Stansted (including the radiative forcing effects) would result in any climate change effect."

"22...It is acknowledged that no climate change effect directly linked to additional movements on the runway could be demonstrated."

14.9 This approach is comparable to that taken by Essex County Council, Herts County Council and East Herts District Council. The Essex County Council Committee Report of 19th September 2006 [CD/346] advised:-

"Essex County Council and its residents are rightly concerned over the impact of climate change. However, it is considered that it is not a justifiable reason for refusal, partly because of the Government's policy stance in the ATWP and partly because of the limited level of growth being proposed at Stansted."

14.10 I do respectfully suggest that these are the correct conclusions to draw. Whilst climate change is a major issue facing the world today, it is not an issue readily addressed through the consideration of individual planning applications. Even if the estimate of carbon dioxide referred to in the officer’s report were correct, it would be extremely difficult for the Inspector to know what to do with that information, particularly when it could not in itself be demonstrated to have any likely significant effects on local, national or global temperatures. It is for this reason, for instance, that the carbon change effects of development are not appropriately included within an environmental impact assessment, i.e. because the incremental effects on the global climate (even if they could be calculated) would not be likely to be significant or even measurable.
c) **Addressed by other means**

14.11 Globally, there is evidence that carbon dioxide emissions are affecting the climate. For this reason the Government's policy is to recognise that this is an issue which must be addressed. In the case of aviation, it is the Government's policy to ensure that increased aviation pays the external costs that its activities impose (ATWP para 2.18) and that the best way of ensuring that aviation contributes towards the goal of climate stabilisation would be through a well designed emissions trading regime (ATWP para 3.39). In pursuit of this approach, the Government launched a Consultation on *Aviation and Emissions Trading* on 30th March, 2007 [CD/347]. Consistent with that approach, *Climate Change the UK Programme 2006* [CD/156] published by the Government confirms the Government's belief that the best way of ensuring that aviation contributes towards climate stabilisation is through a well designed emissions trading regime because “it allows a specific emissions target to be set and achieves that limit in the most cost effective way”.

14.12 Issues relating to climate change were extensively taken into account in the work which led to the ATWP. The SERAS technical studies included estimated quantifications of carbon impacts. The Air Transport Consultation Document *The Future of Aviation* [CD/112] invited views on the Government's approach which was to develop the use of economic instruments to reduce the environmental effects of emissions from aviation, in line with the polluter pays principle (paragraphs 125-133). Similarly, the national consultation on SERAS (*The Future Development of Air Transport in the UK: South East Consultation Document, February 2003*) [CD/113] sets out in detail the Government's understanding of the climate change issue and its relevance to the aviation sector. The ATWP itself addresses climate change (page 9, paras 215, 218, 3.3, 3.9 and 3.35 onwards). The ATWP sets out a quantification of aviation's forecast carbon emissions (page 25) and explains in detail the Government's approach to emissions trading (Annex B), as well as the effect of economic instruments such as a permit trading scheme on future demand (Annex A para 11). National Policy, therefore, was forged in full knowledge of these issues.
14.13 Whilst the issues are not new to Government, it is fair to reflect that their public profile has increased significantly since the publication of the ATWP, informed by a number of reports including the Government commissioned *Stern Review*. It appears to be this increasing profile that has caused the District Council to refuse planning permission, inter alia, for reason for refusal no. 8. As I have explained, the terms of the reason for refusal did not assert that the G1 application should be refused because of its effects on climate change. Instead, the original reason for refusal effectively asks the question whether or not it might be premature to grant consent in advance of any clarification from Government as to whether it wishes to reconsider policies in the ATWP in the light of more recent publications.

14.14 It is clear from the officer's report that the Council may have had some belief that the publication of the *Stern Review* and other research would cause a reconsideration of elements of the ATWP. As the committee report advised:-

"270...The Council needs certainty from the Government as to what level of demand it expects should be accommodated at Stansted under national policy given the growing consensus that the growth of aviation must be curtailed if the UK is to make its fair contribution to reduction of total global greenhouse gas emissions."

14.15 That question is decisively answered by the *Future of Air Transport Progress Report, December 2006*. The ATPR makes clear that it has taken account of the global challenge of climate change which it describes as "the biggest single issue that we face" and sets out that the Government is committed to responding effectively to the threats and challenges that climate change poses (paras 2.1 and 2.2). The ATPR directly recognises the terms of recent research including the *Stern Review* but emphasises that the importance of aviation to the economy is rising and makes clear that:-

"1.2...The Government remains committed to the strategy set out in the White Paper: it strikes the right balance between economic, social and environmental goals."
14.16 The ATPR discusses progress with efforts to develop international carbon emissions trading and the Government's intention to consult on a new Emissions Cost Assessment to enable Ministers to consider whether the aviation sector is meeting its external climate change costs. Consistently with the approach of the ATWP, the air passenger forecasts set out in Annex C of the ATPR take account of an assumption that passengers begin to pay their climate change costs from 2010 and confirm that "the updated forecasts remain in line with the forecasts produced for the White Paper." The policy in relation to Stansted and the expansion of other airports set out in the ATWP is something to which the Government remains committed.

d)  **No Prematurity**

14.17 In my judgement, the District Council's reliance on the Stern Review or on the new Emissions Cost Assessment (ECA) for its prematurity objection is not well founded.

14.18 First, I consider it was inappropriate for the District Council to promote this reason for refusal in the first place. It is not for the local planning authority to disregard Government policy or to presume any intention to withdraw it which has not been signalled by the Government itself. Government policy remains in place until it is changed. As my evidence has demonstrated, the Government went to considerable lengths to develop and publish its policies on air transport in order to create certainty in decision making. It is to be regretted that the District Council has sought to undermine that careful policy approach on the first occasion that it has been called upon to be applied.

14.19 Secondly, in my judgement, the revised reason for refusal is just as inappropriate for the following reasons:-

1. The ATPR is completely clear about the Government's approach. It sets out (para 1.1) that the Government remains committed to the strategy set out in the White Paper, which is said to strike the right balance between economic, social and environmental goals. Within this context, the first priority remains to make the most of the UK's existing airports (para 1.12) and the policy approach to Stansted is unchanged (paras 5.6-5.15).

2. It is not the role of the District Council to re-write Government Policy.
3. There is no suggestion in the ATPR (or elsewhere) that the potential introduction of the ECA should create a pause in the determination of airport applications which conform with the policies of the ATWP. Indeed, the ATWP expresses an urgency about the need to make progress and confirms that there is "an urgent need for additional runway capacity in the South East" (page 13). The revised reason for refusal represents an attempt to frustrate the clear intentions of national policy.

4. The ATPR explains (para 2.34) that the ECA "would consider whether the aviation sector is meeting its external climate change costs". It is not addressed to the land use planning merits of applications for planning permission for airport expansion.

14.20 For these reasons, neither the original nor the revised reason for refusal represent a sound basis for withholding planning permission.
SECTION 15: ECONOMIC BENEFITS  
(REASON FOR REFUSAL NO. 9)

15.1 The last reason for refusal (no. 9) states:-

"The forecast economic benefit of the proposed development, particularly in the light of the costing of economic consequences of climate change set out in the Stern Review report, have not been demonstrated strongly enough for them to be so over riding as to outweigh all other factors, with or without mitigation, to the detriment of the principles of sustainable development and contrary to policy BIW9 of the Essex and Southend on Sea Structure Plan."

(my emphasis – see below)

15.2 It was plain from the words I have underlined above that this reason for refusal was largely reliant on the publication of the Stern Review, and UDC’s belief that this called into question the balance between costs and benefits that had been struck by the Government in the ATWP. Following the publication of the ATPR (which, as I have explained, made plain the Government’s judgment that having regard to the Stern Review, amongst other things, the balance it had struck in the ATWP remained the right one) BAA wrote to the District Council to ask whether it wished to reconsider this reason for refusal. At its committee meeting on 4th April, 2007, the District Council resolved to amend the reason for refusal, but only by omitting the words underlined above.

15.3 The committee report of 4th April explains that the reference to the economic consequences of climate change are to be addressed through the ECA and should no longer form part of the reason for refusal.

a) Approach

15.4 I believe that this (revised) reason for refusal is inappropriate for reasons which need only be briefly set out. My evidence in this respect is structured under the following headings:-

1. The District Council’s approach.
2. The nature of the balance to be drawn.

b) The District Council's position

15.5 Neither version of the reason for refusal asserts that the economic benefits of the proposed development are insufficient to outweigh the impacts. The assertion instead is that the economic benefits have not been “demonstrated strongly enough” so as to over ride the alleged adverse effects of the development. As a matter of approach, I suggest that this position is misconceived for at least the following reasons:-

1. In the light of the ATWP and the ATPR, there is no obligation on the applicant to demonstrate the economic benefits of the development; the obligation falls on the District Council to assess the merits of the application and its impacts, within the context provided by clear national and regional planning policy.

2. The economic benefits of the application are a matter on which the Government has expressed the clearest view – a view which I have recorded in Section 8 of my evidence, supported by my Appendix 1. In an up to date and exhaustively prepared national policy statement (the ATWP and the ATPR) the Government has quantified and emphasised the economic importance of aviation to the national economy.

3. The development plan framework – the RSS, within which the Council is required to formulate its own policies, clearly identifies that the proposed development provides important benefit.

15.6 There is a distinct lack of balance in the District Council's approach to this issue. Both in the committee report of 29th November 2006 (paragraph 97) [CD/33] and in the further report of 4th April 2007 (paragraph 9) [CD/35.1] officers have chosen to emphasise their concern that there would be an imbalance in the balance of tourist expenditure exacerbated by the G1 proposals, whilst dismissing the employment benefits of the development. As my evidence demonstrates, however, the Government does not consider that the economic benefits are limited to these relatively narrow issues. Rather, the Government considers the benefits to be wide ranging and fundamental to the performance of the national economy, an approach which should have been reflected in the committee report.
15.7 The criticisms now made of the economic effects of the G1 proposals (tourism and local employment) are not new issues. SSE, for instance, submitted detailed evidence to the Government that it believed the economic benefits of expanding flying have been significantly over estimated. The SSE representations to the *Future Development of Air Transport in the UK : South East, June 2003*, for instance, set out in detail why it was considered that the SERAS estimates were wrong. In broad terms, I summarise SSE's points as follows:

- there is no clear link between air travel growth and economic growth;
- if money is not spent on air travel it will be spent on other goods and services;
- there is a significance imbalance in tourism, with air travel facilitating more outward expenditure than inward spending;
- aviation does not meet its full costs and, in particular, costs involved in meeting climate change impacts will run into billions of pounds; and
- the full costs of other environmental impacts have not been properly assessed.

15.8 The Government, therefore, was aware of these arguments and took them into account when it formed the judgments encapsulated in the policies of the ATWP, which confirmed its commitment to the expansion, inter alia, of Stansted Airport and its view that increased air travel brings significant net benefits to the UK economy.

15.9 UDC and other objectors now make similar arguments to those made by SSE at that earlier stage. There is some updating of these arguments, for instance, by reference to the *Stern Review* but, of course, the *Stern Review* has been taken into account in the *Air Transport Progress Report*. That Progress Report sets out the Government's up to date position and it confirms:

"1.10...The aviation industry makes an important contribution to the UK economy, supporting around 200,000 jobs directly and many more indirectly. The importance of aviation to the economy is rising as a result of broader economic trends:"
Growing global economic integration, which leads to increasing business travel and greater movement of international freight: about one quarter of the UK’s visible trade by value is carried by air;

Rising disposable incomes in the UK, which enables more people than ever before to travel abroad for leisure;

Increases in the number of foreign visitors and residents travelling to and from the UK;

The UK’s success in acting as a hub for international air travel – 15% of international air passengers are flying to or from a UK airport."

15.10 The Tribal review in my Appendix 1 explains that the Government understood and addressed the issues relied upon by objectors, including the alleged imbalance in tourism expenditure. My evidence already addresses the District Council’s approach to local employment (Section 7). Additionally, I have asked Tribal to produce for me a note on the operation of the Balance of Payments, and this is attached as my Appendix 4. As I have sought to emphasise, however, this inquiry is not a re-run of the matters which the Government has settled through the ATWP. The need for and economic benefits of the appeal proposals are matters on which the Government has set out a clear, up to date position; these should be fundamental material considerations in the determination of the G1 proposals.

c) Relative Balance

15.11 I shall not seek to summarise the totality of the appellants’ evidence here but there are one or two observations that I wish to make about the approach to drawing a balance between the economic benefits of the proposal and its impacts. As the Officer’s report of 29th November 2006 acknowledged at the outset:-

"4…The ‘need’ for the development is established in the Future of Air Transport White Paper as are the ‘economic benefits’."
15.12 It is not clear from the Committee report or the Council's Statement of Case how it arrived at a conclusion that the established need and economic benefits of the development were insufficient, or had not been “demonstrated strongly enough”. The original reason for refusal placed particular emphasis on the economic consequences of climate change but:-

1. my evidence has shown that those economic consequences were fully taken into account by Government in arriving at its clear statement of national policy; and
2. UDC itself has now withdrawn this element of its case, which was the element on which particular emphasis was placed.

15.13 If the balance being drawn by UDC involves either questioning the economic benefits or suggesting that the economic consequences of climate change have not been properly taken into account, its approach is directly contrary to the balance on those issues which has already been drawn by the Government and which should form the starting point for the consideration of this proposal.

15.14 If, however, the "other factors" on which UDC reliance are local factors, I suggest that its case is simply insufficient, not least because my review of those factors identifies that:-

1. the local environmental consequences of making full use of the existing runway were studied in detail as part of the SERAS and ATWP process;
2. UDC, SSE and others made clear to Government their views on these issues as part of the consultation process which led to the ATWP; and
3. an objective review of environmental impacts has been undertaken by the appellants and the evidence demonstrates that there are no substantial adverse effects.

15.15 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 16: OTHER MATTERS RAISED

16.1 There are numerous additional matters raised in the many letters of representation sent in relation to the planning application. I have tried to address the principal issues raised in the preceding sections of my evidence but there are issues which have been raised relating to the development of the airport itself which I address below. In particular, this section addresses five areas of expressed concern:

1. The absence of a formal Airport Masterplan.
2. Issues raised by the Stansted Airline Consultative Committee (the ACC).
3. The assertion that the appellant has under estimated the environmental effects of the G1 development by exaggerating the no development or 25 mppa case;
4. The assertion that it is somehow inappropriate for the appellant to offer a condition limiting the development to about 35 mppa.
5. The assertion that a decision in this case now may be premature.

a) Airport Masterplan

16.2 The ATWP recommends to airport operators that they should maintain a masterplan document detailing their intended development proposals. Airport operators are expected to produce masterplans to take account of the conclusions of the ATWP. Operators were invited to begin this process immediately with a view to producing new or revised masterplans as soon as possible and preferably within 12 months of the ATWP. These should take account of planning policies and, in turn, when local planning policies are revised they should take account of the airport masterplans (ATWP paras 12.7-12.9).

16.3 BAA has proceeded with the development of masterplans for its airports including Stansted. BAA published a draft Interim Masterplan for consultation in July 2005 and a final Interim Masterplan in May 2006 [CD/20]. As the Foreword to the Interim Masterplan explains:-
"Here, we set the strategic direction for Stansted as a single runway airport up to 2015 by which time we expect to be serving some 35 million passengers..."

The Government has allowed us to publish the airport masterplan in two distinct phases. This Interim masterplan deals with growth on our existing single runway; and within the next few months a draft Final masterplan will be published for consultation and this will take account of our plans for a second runway development.”

16.4 BAA has consulted separately on its emerging proposals for a second runway. In December 2005 the company launched a major consultation exercise which set out the 4 locations and the 7 options for the development of a second runway which had been short listed by the company for further examination. In January 2007, the company published the results of that consultation in its Stansted Generation 2 Development Proposal [CD/167] which confirmed the final masterplan which would be taken forward to a planning application.

16.5 The full Airport Masterplan will be published at the time that the G2 planning application is made.

16.6 SSE, the ACC and others have suggested that it may be premature to consider the G1 planning application until the full airport masterplan is complete, although this is not a concern included in UDC’s reasons for refusal. There are 3 reasons why I suggest that these concerns do not amount to a good planning objection, as follows:-

1. The G1 application proposes no additional physical development beyond that already consented.

2. BAA has published its proposals for the full development of the airport up to 2030. These are in the public domain by virtue of the publication of the layout of BAA’s second runway proposals in January 2007, and they demonstrate the consistency of the G1 and G2 proposals.

3. It is in BAA’s interests more than any other party to ensure that its proposals for G1 and G2 are compatible.
16.7 It may be helpful to reflect that airport masterplans are not statutory documents; there is no process for their approval and the terms of the airport masterplan are a matter exclusively for airport operators. BAA has consulted on its draft Interim Masterplan and will consult on its final Masterplan but the eventual terms of the masterplan are a matter exclusively for the company. No statutory process or decision of any separate administrative body, therefore, is prejudiced in relation to the master plan if a decision on G1 is made now.

16.8 In any event, the Development Proposal document of January 2007 sets out (Plan 2) BAA’s intentions for the layout of a two runway airport. That document, its plans and text identify the proposed nature of the airport operation and the location of all principal facilities. If it were necessary and appropriate to do so, the G1 application could be judged in relation to those proposals, just as effectively as if they were set out in a formal masterplan. However, this inquiry is not the appropriate forum for debate as to the appropriate form of any second runway, or the other development associated with it.

16.9 There are, of course, good reasons why the Stansted masterplan is being developed in two stages. It would have been irresponsible of the company to have published a full masterplan sooner because that approach would have prejudiced the detailed environmental and optioneering work which inevitably was necessary to consider all issues relating to the selection of the best option for the second runway. That process of optioneering, and of consulting on the principal options, is not well suited to the more formal airport masterplan process. BAA has been open about its approach throughout and the selection of the proposals for the second runway have been informed by substantial public consultation.

16.10 With or without a formal airport masterplan, the proposals for the second runway are subject to substantial controversy and are likely to be determined through a planning inquiry. It is anticipated that the G2 inquiry will commence at some stage in 2008, by which time the existing 25 mppa limit at the airport will have been reached. A decision on G1, therefore, cannot await absolute clarity on the final form of the airport, which can only be provided by a planning decision on the G2 planning application.
b) The Stansted Airline Consultative Committee (ACC) Objections

16.11 Despite the length of ACC’s representations and its Statement of Case and the vigorous manner in which its case is advanced, it is not clear what land use planning case is being made against the G1 planning application. A principal concern of ACC appears to relate to minimising airport charges for operators. Questions of airport charging, however, are dealt with under separate legislation; they are subject to their own process and should not impact on the planning decision in this case.

16.12 In particular, the airport is regulated by the Civil Aviation Authority (CAA) and the Competition Commission. The CAA regulates the charges paid by airlines at airports designated by the Government under the Airports Act 1986 and deals with complaints about the conduct of airports. Under the Airports Act 1986 the CAA has to set price caps on airport charges at designated airports, generally every 5 years. The CAA is required to make a reference to the Competition Commission unless the Secretary of State directs otherwise, asking the Commission to report on what the maximum limit on airport charges for the following period of 5 years should be. Currently, Stansted Airport (and others) is being reviewed for the next 5 year period, covering the financial years 2008/9 to 2012/13 (known as Q5). This is due to be completed early in 2008.

16.13 As part of the process of regulation, the airport publishes an annual 10 year traffic forecast and Capital Investment Plan (CIP). The ACC is closely engaged in this process and is consulted directly on the CIP and on airport charges; the CAA is obliged to take its views into account.

16.14 The ACC is concerned that the G1 development could prejudice and pre-empt the best options for G2. The ACC has made its case in this respect to BAA in the context of consultations which have taken place for G2. BAA has responded directly and at length in the January 2007 Development Proposal report. The report sets out a detailed explanation of why alternative G2 layouts are not accepted by BAA and will not be taken forward by the company. The ACC can seek to debate the merits of those issues at the G2 inquiry if it wishes to do so.
16.15 The ACC indicates an intention to dispute the forecasts which BAA has made in relation to G1, on the basis that those forecasts are too optimistic. Again, however, it is difficult to see the land use planning consequences which would flow from the ACC's case. The principal consequence of potentially over estimating the growth of passenger traffic at Stansted is either that the environmental assessment and its associated mitigation measures may be considered all the more robust (because it would have adopted a pessimistic approach to certain environmental effects such as air noise) and/or a passenger throughput of 35 mppa could be arrived at slightly later, as Stan Maiden suggests. The ACC agree that the existing mppa limit should be replaced with a higher limit, that is, the section 73 application should be successful to that extent, and planning permission should be granted subject to a revised condition.

16.16 The ACC's Statement of Case confirms its support for the continued growth of Stansted Airport, including the development of a second runway. The ACC appear to be concerned that the G1 facilities may be more than are strictly required to cater for 35 mppa. As those facilities already benefit from planning permission, this is a matter which the ACC should pursue with the CAA as part of the regulatory process.

c) The 25 mppa Case

16.17 The G1 Environmental Statement assesses the difference between the way in which the airport would be expected to develop by 2014/15 if the existing conditions were not lifted (the 25 mppa case) and the way in which the airport would be expected to develop if the conditions were lifted as proposed (the 35 mppa case). Objectors, particularly SSE, have suggested that the 25 mppa case has been exaggerated in order to minimise the apparent incremental effects of the G1 proposals.

16.18 BAA's position is explained in Volume 1 of the ES [CD/4] at paragraphs 1.1.12, 6.3 and 7.2. In my opinion, not unreasonably, the 25 mppa case makes the assumption that the airport operator would seek to maximise commercial opportunities at the airport within the constraints imposed by the existing conditions. Stan Maiden's evidence addresses this issue directly.

16.19 In terms of built facilities, the difference between the two cases is set out on plan reference K/257/P3 (provided in Appendix A4 of G1 ES Volume 1).
16.20 I am not aware that the assumptions made in relation to built facilities are particularly controversial. Indeed, progress has been made towards the development of a number of those facilities already and the document at my Appendix 4 summarises the up to date position.

16.21 More significant are the assumptions made about the nature and extent of flying activity in the 25 mppa case. This issue is addressed directly at para 6.3 of the Environmental Statement.

d) The 35 mppa Condition

16.22 I am aware that SSE and others are concerned by the proposal made on behalf of BAA on 20th March 2007 that BAA will seek to agree with the District Council, and offer to the inquiry, a condition which would control air passenger numbers arising as a consequence of G1 to about 35 mppa.

16.23 Concerns expressed include an assertion that such a condition would fail to make full use of the runway in accordance with the ATWP and that it would represent incremental, piecemeal development of the airport.

16.24 BAA is not alone in considering that it may be appropriate to impose a condition controlling the passenger throughput of the airport. Such a condition has been directly proposed by both Essex and Hertfordshire County Councils. Equally, the report by Hives Planning submitted by SSE (Response on behalf of SSE, Volume 2, 14th July 2006) [CD/202] shared the view that a condition limiting passenger numbers should be retained if planning consent is granted (Hives Planning report para 11). UDC’s planning officers appear to agree as the November committee report advised members:-

"83. Were planning permission to be granted by Members, it would be essential to have a 35 mppa cap. EERA considers that a 35 mppa cap would be essential to ensure consistency with DEEP policies as this would then require a reassessment if higher passenger numbers were possible within the ATM limit."

16.25 There are a number of points which it may be helpful to make in this context:-
1. The G1 ES makes clear that BAA’s forecasts are for about 35 mppa in 2014/15 (ES vol 1 para 6.1). Sensitivities were carried out around that forecast but the Primary Assessment Case has always been a comparison between the 25 mppa case and the 35 mppa case (ES vol 1 para 1.1.14).

2. The forecasts are consistent with the revised ATM condition limiting air transport movements to 264,000.

3. In response to requests from the District Council, BAA wrote to UDC on 14th July 2006 [CD/46] advising that the forecast would mean runway utilisation at 87% of maximum theoretical capacity. The letter explained that, whilst there is theoretically scope for further aircraft movements beyond this level, in practice the figure is considered to represent the maximum effective capacity of the single runway in 2014/2015.

4. The ATWP assessed the full use of the existing runway at 35 mppa and considered its impacts on that basis (ATWP para 11.25).

5. The draft RSS supported increased use of the runway up to 35 mppa (submitted RSS14 para 5.139).

16.26 BAA do not expect activity to exceed 35 mppa at 2014/15 and do not, therefore, need to seek planning consent beyond that level. Instead, BAA has a clear strategy, consistent with the ATWP, to bring forward proposals for the development of a second runway at Stansted. In its published confirmation of its proposals for the second runway development in January 2007, BAA confirmed the 2 runways would operate in segregated mode (one for landings and one for take offs) and forecast the anticipated use of the two runway airport at 68 mppa.

16.27 As the letter of 20th March 2007 recognises, none of this means that 35 mppa necessarily represents the ultimate limit of Stansted’s existing runway capacity, nor does it represent any acceptance that 35 mppa is the highest air passenger throughput which could be environmentally acceptable. Any higher number of passengers, however, would need to form the basis of a fresh planning application to be considered on its own merits.
e) Prematurity

16.28 My evidence has already addressed suggestions that a decision on the G1 proposals might be premature to either the final publication of the Stansted Airport masterplan (Section 16 (a)) or to the further development of the Government's approach to emissions cost assessment (Section 14). I am not aware that any other specific prematurity is alleged.

16.29 Under this heading, however, it is important to record the urgent need for a decision now on the G1 proposals for two principal reasons:-

1. because of the urgency indicated by planning policy; and

2. because of the urgent practical requirements at Stansted Airport.

16.30 In relation to the first point, the ATWP confirms the urgent need for increased runway capacity in the South East and even that the second runway should be brought forward "as soon as possible" (page 13).

16.31 Additionally, the ATWP explains:-

"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...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."

16.32 It is, I believe, common ground that the forecast growth of passenger numbers at Stansted Airport will reach the current 25mppa limit during 2008. In practice, the delay caused by the refusal of planning consent by the District Council is already creating practical difficulties for the airport. In the spring and autumn of each year, take off and landing slots are allocated for the subsequent winter and summer schedules respectively. BAA's desire to observe all of its planning obligations means that the existing mppa limit has already started to impact adversely on the economic performance of the airport as caution is applied to the allocation of slots for the second half of 2007. Even greater caution will need to be applied at the autumn scheduling committee which considers slots for the Summer 2008 season.
16.33 There is an urgent need, therefore, to resolve the future use of the existing runway in order that the economic objectives of the airport and of national policy are not further compromised.
SECTION 17: CONCLUSIONS

17.1 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."

17.2 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.

17.3 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.

17.4 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 over states the adverse effects of the appeal proposals, none of which justify the rejection of planning permission.

17.5 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.

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