



## **SSE Briefing Note on Planning Application UTT/18/0460/FUL**

### **Proposed Sound Insulation Grant Scheme**

#### **1 Introduction**

- 1.1 SSE has been asked to provide an opinion on the proposed Sound Insulation Grant Scheme ('SIGS') put forward by MAG/STAL as part of its proposed s.106 agreement in return for approval of its planning application. SSE would not normally comment on proposed s.106 agreements because to do so is akin to negotiating the terms of surrender.
- 1.2 Based on experience, SSE has a very low regard for s.106 agreements and views them as 'trinkets for the natives'. The experience with regard to UDC-STAL s.106 agreements is not a happy one. Historically, UDC has not paid adequate attention to the arrangements for monitoring to ensure compliance and so enforcement has been lacking.
- 1.3 Furthermore, the legal drafting of s.106 obligations has generally been vague. STAL always appears to have avoided any enforceable, burdensome obligations.
- 1.4 Finally, obligations entered into by STAL have often (initially) been trumpeted by officers as delivering substantial benefits but, in reality, the benefits have proved to be relatively trivial when the fine print is studied. The current MAG/STAL proposals follow that same pattern.

#### **2 Current 43mppa planning application**

- 2.1 In July 2017, SSE was asked at a senior level within UDC: "If the application were to be approved, what would be SSE's priorities for a s.106 Agreement?" SSE listed just two items:
  - A night flights ban for Stansted (as will be introduced at Heathrow in 2026); and
  - A legally binding commitment from MAG/STAL not to seek permission for a second runway at Stansted for at least 40 years (as was agreed by Gatwick Airport with the LPA in 1979 and is only now approaching its end).
- 2.2 Unfortunately it is not within the gift of the Uttlesford Planning Committee to require either of the above two concessions which, we believe, reflect the priorities of the local community. Only if the application were to be considered at national level would there be any prospect of these conditions being applied as part a 43mppa approval 'package'.
- 2.3 In the case of local determination, the scope for meaningful s.106 obligations is extremely limited and we could provide at least three examples of the paltry nature of the s.106 obligations currently being offered by MAG/STAL. However, we have only been asked for advice on one example, namely the so-called 'enhanced SIGS'.

#### **3 SIGS**

- 3.1 With regard to MAG's proposal for the, so-called, 'enhanced SIGS', the officers' report states as follows:

*"The findings of the ES are generally accepted by the Council's Environmental Health Manager and the consultants BAP. This has included consideration of the proposed mitigation scheme which would be a revised and updated version of the current Sound Insulation Grant Scheme (SIGS). It has been confirmed by the applicant that all of the potentially affected population within the 55dB Lnight contour for the 2028 DC operations would be included as per current World Health Organisation night noise guidelines."* [para 9.201] and

*"Currently the applicant operates a Sound Insulation Grant Scheme (SIGS) which covers around 1080 properties. A new, enhanced scheme is proposed in relation to this application which would increase the funding available and around 2000 properties would be eligible for grants."* [para 10.88]

- 3.2 Officers are aware that on 14 June 2018, senior DfT officials provided the Secretary of State for Transport, Chris Grayling, with a confidential briefing on the Stansted Airport planning application. This briefing included a comparison between the sound insulation scheme being offered by MAG and the scheme being offered by Heathrow Airport. The SIGS proposed by MAG falls far short of the Heathrow proposals.
- 3.3 Officers have also overlooked the fact that the WHO published new noise guidelines on 10 October 2018. For aircraft noise, the WHO "strongly recommends" reducing aircraft noise levels below 45dB Lden for daytime exposure and below 40dB Lnight, for night-time exposure. The WHO has arrived at these thresholds in the light of evidence that aircraft noise above these levels has adverse effects on community health. The SIGS proposed by MAG falls far short of the WHO recommendations.
- 3.4 The new WHO guidelines have changed the situation. Hitherto, the Government's view was that airport operators should offer households exposed to levels of noise of  $\geq 69$ dB LAeq.16h, assistance with the costs of moving home. For noise sensitive buildings such as schools and hospitals, acoustic insulation was to be offered if they were exposed to levels of noise of  $\geq 63$ dB LAeq.16h. This will now need to be re-assessed as a result of the lower 54dB LAeq.16h threshold for significant noise annoyance (currently 57dB LAeq.16h) and, even more importantly, the much lower WHO thresholds, particularly for noise sensitive buildings. This is expected to be addressed in the new Aviation White Paper, due around the middle of next year and may well be foreshadowed in the Green Paper expected next month.
- 3.5 In their Scoping Opinion<sup>1</sup> of 22 December 2017, officers stated as follows:

*"In the event that the World Health Organisation ("WHO")'s new evidence on the impacts of aviation noise is published before a determination to grant planning permission, the environmental statement assessment must incorporate this evidence (for example, by way of supplementary assessment)."*<sup>1</sup>

However, there has been no indication to date that officers intend to pursue this matter.

- 3.6 Paragraph 9.201 of the officers' report of 22 October 2018, as quoted above states that "The findings of the ES are generally accepted by the Council's Environmental Health Manager and the consultants BAP." If the Council's Environmental Health Manager is as content as is being suggested, he has clearly travelled a long journey since expressing views earlier in the process (see EHO report of 10 July 2017<sup>2</sup>). Regarding the reference to consultants BAP (Bickerdike Allen Partners), SSE has repeatedly asked officers for sight of the BAP report, or even just a letter from BAP endorsing the claims made by officers in BAP's name. To date, no such evidential paperwork has been provided.

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*Stop Stansted Expansion  
13 November 2018*

<sup>1</sup><https://publicaccess Uttlesford.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=OQWZH TQN01000>.

<sup>2</sup>Ibid.