

1<sup>st</sup> December 2018

The Rt. Hon. James Brokenshire MP  
Secretary of State for Housing, Communities and Local Government  
c/o National Planning Casework Unit  
5 St. Philip's Place, Colmore Row  
BIRMINGHAM B3 2PW

Also sent by email to [pcu@communities.gov.uk](mailto:pcu@communities.gov.uk)

Dear Secretary of State

**RE: UTTLESFORD DISTRICT COUNCIL PLANNING APPLICATION UTT/18/0460/FUL DATED FEBRUARY 22<sup>ND</sup> 2018 FROM STANSTED AIRPORT LIMITED**

We are writing as participants and observers at the determination meeting for the above planning application on November 14<sup>th</sup> 2018 and at the preceding two days of public representations. The final committee meeting followed some thirteen hours of verbal representation by the public. The formal committee meeting lasted less than five hours before a determination for approval. This was decided on the casting vote of the chairman. This letter sets out explanations why we consider the decision-making process to have been flawed and to have lacked rigour.

For these and the following reasons, we are writing to ask you to "call in" the decision of Uttlesford District Council to grant Stansted Airport permission to expand to 43 million passengers per annum (mppa) from its current permitted level of 35 mppa.

The extracts below from the committee's debate are contained within a full transcript of the meeting that is, we believe, being provided to you by the community group Stop Stansted Expansion.

**1. The Decision and the rationale for the Decision**

This is the most significant planning application to be considered by Uttlesford District Council in over ten years. Most of the debate about the very complex and strategic planning application came from three committee members only. Five of the six committee members from the Conservative administration group made limited contributions to the debate.

The chairman of the committee, Cllr Alan Mills, summed up as follows: *“.....there’s been a certain amount of information which may be questionable, but may be correct, and has therefore been tested today, and that’s been one of the issues inasmuch as we haven’t been able perhaps to get to the bottom of some things. And I think that’s put enough, shall we say, doubts in people’s minds as to exactly where we are. So, I’m going to try and simplify it for me. I take the points about the railways, but this application can’t be expected to resolve every single infrastructure problem that we have in this country. What we have to judge is whether the mitigation that is being proposed is sufficient to cover the application that’s in front of us. And that’s a judgement call for all of us, you know. Are they giving enough back for what we’re going to do? Is the application premature? I take your point.”*

We consider the committee’s unwillingness to consider all evidence and, in particular, its neglect of challenges put to the committee, were a failure of due process. Our concern is that the chairman acknowledged that the issues were, naturally, numerous and complex and that many had not been fully explored. Therefore, the decision of the committee, on the chairman’s casting vote, is very likely unsound.

The chairman continued: *“..... I think we’ve got to look again, a bit like Councillor Ryles perhaps, (sic) the broader picture. This country voted on 23 June 2016 to leave the EU. For me it made a decision to stand on its own two feet. It made a decision that we are capable of standing on our own two feet, and I think, with that, we have to be able to support that decision, which means investing in the future, investing in our young people. I’m, like Councillor Ryles, going to look at this bigger (sic), if you like. I know the impact on Uttlesford. I understand that, but I think we’ve also got a duty to everything else going forward, and that’s how I’m coming at it.”*

The chairman attempted to simplify the process in his first significant intervention, which was also his summing up, by brushing aside local matters, such as railway congestion and noise. He concluded that the key issue in determining the application was an unconsidered and undiscussed claim that an approval would benefit the UK economy beyond a yet uncertain future Brexit (leaving the European Union). The matter had not been raised and analysed at all during the meeting or in accompanying supporting evidence. For these reasons we consider the decision to have been flawed and irrational.

## **2. Best use of airport runways; Stansted Airport’s & UDC’s avoidance of strategic evaluation**

Best Use of Stansted Airport is not 43 mppa; it is much higher. The application is tactical. It fails the Government’s definition of Best Use. We consider that the decision to expand Stansted should have been made at a strategic level as part of a thorough analysis of the need for extra capacity planned by all the airports in the South East of England in light of national aviation policy. It should not be determined at a local level in isolation from the wider picture.

Luton Airport is currently implementing expansion plans through the national infrastructure process. The Government and Parliament have granted permission for the third runway at Heathrow. Plans have recently been publicly announced by Gatwick to use its reserve runway for scheduled flights, and by City Airport to increase its flight numbers. Yet these plans were not factored into Stansted Airport Limited’s (STAL) scenario planning for the expansion at Stansted.

The STAL planning application assumed that most of the increase in demand in flights in the South East in the next decade would be met by expansion at Stansted. These forecasts /planning assumptions were not tested or challenged publicly during the Uttlesford planning application decision making process. They were accepted without question.

STAL's approach has been opaque. To get "first mover" advantage in the South East airport network, the application was deliberately pitched at a low level - an increase of 8 mppa only; 2 mppa below the 10 mppa NISP trigger - by slicing a year or two from traffic projections. STAL has attempted to avoid the level of scrutiny that a national infrastructure project would receive. The building of the RET and RAT as part of this application will increase the capability of the runway at Stansted well beyond the 43 mppa level that STAL applied for. The capacity available would actually be comparable with Gatwick's. This misleading approach to the expansion of Stansted Airport has led over many years to the incremental planning and provision of infrastructure without a long-term view. Mitigation measures that address the impact of the airport on the local environment and communities have been piecemeal. There has been no long-term, strategic planning. National scrutiny would have access to best advice, to ensure an optimum decision is made, and should be deployed. Its avoidance would be irresponsible and dishonest.

### **3. The impact on local infrastructure and its uncertain mitigation**

A sum of £800,000 has been offered by the applicant to address local road congestion that will need to be mitigated as a result of a 2/3rds boost in airport passenger throughput from present levels. No attempt was made by the committee to address the implications for towns and villages along the A120 and B1383 corridors. A committee member declared that the committee had no responsibility for road congestion in neighbouring Bishop's Stortford, which is just outside the Uttlesford District in the East Hertfordshire District. This implies that the committee saw its remit as very parochial indeed. £800,000 is a paltry sum whose purposes have neither been identified nor scoped. Challenges to the evidence presented about local and sub-regional railway overcrowding data was neither answered by the applicant at the committee meeting, nor answered by technical advisors present at the meeting. Relevant issues were dismissed by the committee chairman at his summing up as not concluded and not relevant. We consider that these and other matters deserve fuller examination at a nationally-based public examination.

### **4. Noise uncertainties and false assumptions**

The planning committee and the planning officers were working on and promoting a false assertion that the application would not lead to additional aircraft using Stansted Airport. This arose from misleading assumptions made about the last approval for a capacity increase to 35 mppa or 274,000 passenger aviation transport movements (patm). At a limit of 35 mppa, the airport could only use 248,820 patm. Therefore, in reality, the approval would permit an increase of over 10% in permitted flights of larger aircraft than envisaged over ten years ago, and an increase of 44% on the 2017 level of flights.

The committee thus made a decision based on false arguments and misleading official evidence. This will have a significant impact on the quality of life and health of residents under the Stansted flight paths. This lack of understanding has been confirmed in a local newspaper article. Committee chairman Cllr Mills is quoted: *"Fundamentally, this application is about surface access...refusal of this application would not have changed the number of flights...or the noise they are generating...that was never within our remit."* Please examine the Walden Local newspaper of 28<sup>th</sup> November 2018, pp2,4 at this link: <https://bit.ly/2RnCY5B> The public around Stansted was seriously misled by the Airport and the Council. This may have occurred through lack of understanding by Council Officers and Members.

The committee failed to address a challenge to the evidence on grounds that the impact of increased flights on noise contours had been erroneously minimised to the applicant's advantage by their over-optimistic claims that the modernisation of airline fleets would offset higher noise levels. This matter was ignored by the committee and consequently not explored.

Finally, the latest evidence and ruling on the health impact of aircraft noise on people was ignored by the Council and its committee. New and more stringent guidelines have recently been published by the World Health Organisation (WHO) on the impact of aircraft noise on health through sleep disturbance. The committee was informed of the guidance by a medically qualified public speaker at a public session one week before the committee meeting. Council officers had alerted STAL in the Scoping Opinion of the need to incorporate anticipated relevant evidence. Yet, at the decision-making committee meeting, the matter was inexplicably disregarded by planning officers. Subsequent to the meeting, the committee chairman has been on public record as being unaware of the WHO guidance aimed at avoiding damage to human health caused by aircraft noise.

Aircraft numbers, aircraft noise and the health impact of noise were treated lightly by the planning committee at its decision-making meeting, despite some councillors attempting to pursue these issues in debate. Their challenges were ignored. The Council failed to take these fundamental issues seriously.

#### **5. Carbon emissions disregarded**

The Committee was advised that they shouldn't take Government national targets on climate change and their targets for carbon emissions reductions from aviation into account. As you will know, the UK Government has committed to cut greenhouse gas emissions by at least 80% by 2050. The Department for Transport assumes that Stansted's CO<sub>2</sub> emissions will be 1.37Mt in 2028. This compares with the applicant's own estimate of 2.753 Mt, i.e. double the level of the DfT's planning assumptions. Yet this discrepancy was considered by the advisers not to be relevant to the decision-making committee's deliberations and to the decision itself.

The above flaws in, and omissions from the decision-making process at Uttlesford District Council, justify a call-in of the application by you for national determination. The deliberate avoidance of a strategic analysis of the consequences of the Best Use of Stansted Airport's capability, its impact and the mitigations required call for scrutiny by your experts. We respectfully urge you to act.

**Yours faithfully**



**Melvin Caton**  
**Treasurer and Airport Spokesman**  
**The Uttlesford Liberal Democrat Local Party**



**Cllr Alan Dean**  
**Leader of the Liberal Democrat Group**  
**Uttlesford District Council**