



Appeal Decision

Inquiry held over 30 days between 12 January 2021 and 12 March 2021

Site visits made on 17 December 2020 and 10 March 2021

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Panel of Inspectors appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/C1570/W/20/3256619 London Stansted Airport, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stansted Airport Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/18/0460/FUL, dated 22 February 2018, was refused by notice dated 29 January 2020.
 - The development proposed is airfield works comprising two new taxiway links to the existing runway (a Rapid Access Taxiway and a Rapid Exit Taxiway), six additional remote aircraft stands (adjacent Yankee taxiway); and three additional aircraft stands (extension of the Echo Apron) to enable combined airfield operations of 274,000 aircraft movements (of which not more than 16,000 movements would be Cargo Air Transport Movements) and a throughput of 43 million terminal passengers, in a 12-month calendar period.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 26 May 2021. It amends the appearances list only.

Decision

1. The appeal is allowed and planning permission is granted for airfield works comprising two new taxiway links to the existing runway (a Rapid Access Taxiway and a Rapid Exit Taxiway), six additional remote aircraft stands (adjacent Yankee taxiway); and three additional aircraft stands (extension of the Echo Apron) to enable combined airfield operations of 274,000 aircraft movements (of which not more than 16,000 movements would be Cargo Air Transport Movements) and a throughput of 43 million terminal passengers, in a 12-month calendar period at London Stansted Airport, Essex in accordance with the terms of the application, Ref UTT/18/0460/FUL, dated 22 February 2018, subject to the conditions contained in the attached Schedule.

Application for Costs

2. At the Inquiry an application for costs was made by Stansted Airport Limited against Uttlesford District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Inquiry was held as a wholly virtual event (using videoconferencing) in light of the ongoing pandemic. The Panel undertook an accompanied site visit to the airport on 10 March 2021 and an unaccompanied visit around the surrounding area on the same day. An unaccompanied visit to the publicly accessible parts of the airport and surrounding area also took place on 17 December 2020.
4. On 18 May 2018, during the course of the planning application, the Council agreed to a request from the appellant to change the description of development to include a restriction on cargo air transport movements. This is the basis upon which the Council subsequently determined the application. The appeal has been considered on the same basis.
5. The Council resolved to grant planning permission for the development on 14 November 2018 but subsequently reconsidered its position before formally refusing planning permission. In light of the Council's reasons for refusal, its subsequent statement of case in this appeal and given the length of time that had passed since the application was made, an Environmental Statement Addendum (October 2020) (ESA) was produced to update the original Environmental Statement (February 2018) (ES). The Council consulted on the ESA so that all parties had an opportunity to consider its content. As such, the Panel is satisfied that no party is prejudiced by its submission at the appeal stage.
6. The ES and ESA were prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), including technical appendices and a non-technical summary. They cover a range of relevant topics, informed at the ES stage by a Scoping Opinion from the Council. The Panel is satisfied that the totality of the information provided is sufficient to meet the requirements of Schedule 4 of the EIA Regulations and this information has been taken into account in reaching a decision. Accordingly, while some of the evidence is critical of the ES and ESA, including in respect to their conclusions regarding carbon emissions, there is no significant contradictory evidence that causes the ES or the ESA to be called into question.
7. A local campaign group known as Stop Stansted Expansion (SSE) was granted Rule 6 status and participated as a main party to the Inquiry. However, shortly before the Inquiry opened it elected to rely on its written evidence for several topics so that a witness was not made available for cross-examination on those topics¹. As such, this evidence was untested and has been considered by the Panel on this basis.
8. Rule 6 status was also granted jointly to Highways England and Essex County Council (the Highway Authorities) who initially opposed the proposal on highway grounds. However, these issues were resolved before the exchange of evidence and the Highway Authorities subsequently withdrew from the appeal proceedings, subject to appropriate planning obligations being secured.
9. The Council's fourth reason for refusing planning permission referred to the adequacy of infrastructure and mitigation measures needed to address the

¹ Historical Background, Noise, Health and Well-Being, Air Quality, Surface Access (Rail)

impacts of the development. This reason was partly addressed following agreement with the Highway Authorities about the scope of highways mitigation required, including at Junction 8 of the M11. The adequacy and need for other forms of mitigation are addressed in the body of this decision in relation to relevant topics and/or in relation to the discussion on conditions and planning obligations, such that this is not a main issue in the appeal.

10. Upon exchange of evidence between the parties, it became clear that the Council accepted that planning permission should be granted for the development, subject to conditions and obligations. However, there remained significant divergence between the parties as to the form and extent of any conditions and much time was spent discussing this matter over the course of the Inquiry.
11. On 20 April 2021, the Government announced that it would set a new climate change target to cut emissions by 78% by 2035 compared to 1990 levels and that the sixth Carbon Budget will incorporate the UK's share of international aviation and shipping emissions. The parties were invited to make comment and their responses have been taken into account in reaching a decision².

Main Issues

12. The main issues are the effect of the development on aircraft noise, air quality and carbon/climate change.
13. However, it is first necessary to consider national aviation policy and some introductory matters.

Reasons

National Aviation Policy and Introductory Matters

14. The Aviation Policy Framework (March 2013) (APF) sets out the Government's high-level objectives and policy for aviation. It recognises the benefits of aviation, particularly in economic terms, and seeks to ensure that the UK's air links continue to make it one of the best-connected countries in the world. A key priority is to make better use of existing runway capacity at all UK airports. Beyond 2020, it identifies that there will be a capacity challenge at all of the biggest airports in the South East of England.
15. There is also, however, an emphasis on the need to manage the environmental impacts associated with aviation and a recognition that the development of airports can have negative as well as positive local impacts. Climate change is identified as a global issue that requires action at a global level, and this is said to be the Government's focus for tackling international aviation emissions, albeit that national initiatives will also be pursued where necessary.
16. More recently, the Government published the ANPS³ and MBU⁴, on the same day, as early components of the forthcoming Aviation Strategy. The ANPS is primarily concerned with providing a policy basis for a third runway at Heathrow and is relevant in considering other development consent

² Having heard a significant amount of evidence on carbon and climate change during the Inquiry, the matters raised by the announcement did not necessitate reopening the Inquiry. Nor was it necessary for the ES to be further updated, as the announcement does not have a significant bearing on the likely effects of the development

³ Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (June 2018)

⁴ Beyond the horizon, The future of UK aviation, Making best use of existing runways (June 2018)

applications in the South East of England. It is of limited relevance to the current appeal as it is not a Nationally Significant Infrastructure Project (NSIP). Although the ANPS does refer to applications for planning permission, it notes the findings of the Airports Commission on the need for more intensive use of existing infrastructure and accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow.

17. MBU builds upon the APF, again referencing work undertaken by the Airports Commission which recognised the need for an additional runway in the South East by 2030 but also noted that there would be a need for other airports to make more intensive use of their existing infrastructure. On this basis, MBU states that the Government is supportive of airports beyond Heathrow making best use of their existing runways⁵. There is no requirement flowing from national aviation policy for individual planning applications for development at MBU airports, such as Stansted, to demonstrate need⁶ for their proposed development or for associated additional flights and passenger movements. This was not disputed by the Council and whilst SSE took a contrary view, even its witness accepted that there was a need for additional capacity within the London airport network, beyond any new runway at Heathrow⁷.
18. The in-principle support for making best use of existing runways provided by MBU is a recent expression of policy by the Government. It is given in full knowledge of UK commitments to combat climate change, having been published long after the Climate Change Act 2008 (CCA) and after the international Paris Agreement. It thoroughly tests the potential implications of the policy in climate change terms, specifically carbon emissions. To ensure that Government policy is compatible with the UK's climate change commitments the Department for Transport (DfT) aviation model was used to look at the impact of allowing all MBU airports to make best use of their existing runway capacity⁸. This methodology appears to represent a robust approach to the modelling.
19. International aviation emissions are not currently included within UK carbon budgets and are instead accounted for through 'headroom' in the budgets, with a planning assumption for aviation emissions of 37.5Mt of CO₂. Whilst the Government has recently announced that international aviation will expressly form part of the sixth Carbon Budget, its budget value has not yet been defined.
20. Of course, the headroom approach of taking account of emissions from international aviation which has been used to date means that accounting for such carbon emissions as part of the Carbon Budget process is nothing new. What is set to change, however, is the process by which it is taken into account. As of yet, there has been no change to the headroom planning assumption. Nor has there been any indication from the Government that

⁵ There is nothing in MBU which suggests that making best use proposals cannot involve operational development of the type proposed in this case

⁶ Notwithstanding conclusions in relation to Manston Airport, which is not comparable to the current proposal (being a Development Consent Order scheme, involved an unused airfield and was a cargo-led proposal rather than passenger)

⁷ Brian Ross in response to questions from the Inspector

⁸ Emissions from UK airports not included in the model are unlikely to be significant as they are small and offer only short-range services

there will be a need to restrict airport growth to meet the forthcoming budget for international aviation, even if it differs from the current planning assumption. The specific carbon/climate change implications of this appeal are considered in more detail below.

21. MBU sets out a range of scenarios for ensuring the existing planning assumption can be met, again primarily through international agreement and cooperation, considering carbon traded or carbon capped scenarios. It concludes that the MBU policy, even in the maximum uptake scenario tested, would not compromise the planning assumption.
22. Notwithstanding that conclusion, no examples of MBU-type airport development having gained approval since the publication of MBU were brought to the attention of the Inquiry⁹ and whilst numerous other airports have plans to expand, none of those identified appear to have a prospect of receiving approval before this scheme. As such, it can be readily and reasonably concluded that this development would not put the planning assumption at risk.
23. Consistent with the APF, MBU differentiates between the role of local planning and the role of national policy, making it clear that the majority of environmental concerns, such as noise and air quality, are to be taken into account as part of existing local planning application processes. Nonetheless, it adds that some important environmental elements should be considered at a national level, such as carbon emissions, which is specifically considered by MBU. The Council apparently understood this distinction in resolving to grant planning permission in 2018. However, it subsequently changed its position, deciding that carbon is a concern for it as local planning authority despite MBU, and this led, at least in part, to the refusal of planning permission, as well as to its subsequent case as put at the Inquiry.
24. Since publication of MBU, UK statutory obligations under the CCA have been amended to bring all greenhouse gas emissions to net zero by 2050, compared to the previous target of at least 80% reduction from 1990 levels. In addition, the Government has indicated a new climate change target to cut emissions by 78% by 2035 compared to 1990 levels, effectively an interim target on the journey to net zero. Notwithstanding these changes, MBU has remained Government policy. There are any number of mechanisms that the Government might use to ensure that these new obligations are achieved which may or may not involve the planning system and may potentially extend to altering Government policy on aviation matters.
25. These are clearly issues for the Government to consider and address, having regard to all relevant matters (not restricted to aviation). The latest advice from the Committee on Climate Change (CCC) will be one such consideration for the Government but it cannot currently be fully known to what extent any recommendations will be adopted. The Government is clearly alive to such issues and will be well aware of UK obligations¹⁰.

⁹ With the potential exception of the Southampton Airport scheme, which involved a runway extension to accommodate larger aircraft. No detailed evidence in relation to this scheme was provided by the parties, but it would not alter the Panel's conclusions on MBU support even if an increase in capacity resulted from the scheme

¹⁰ Not least from the recent Supreme Court Judgement in respect of the ANPS - R (on the application of Friends of the Earth Ltd and others) v Heathrow Airport Ltd [2020] UKSC 52

26. The ES and ESA contain detailed air traffic forecasts which seek to demonstrate the difference between a 'do minimum' scenario, where the airport makes use of its existing planning permission within its relevant restrictions, and the 'development case' scenario where the appeal development were to proceed. The forecasts are prepared in accordance with industry guidance and practise by a professional in this field working as a Director in the aviation department for a global consulting service.
27. The Council, whilst highlighting the inherent uncertainty in forecasts and projections into the future, did not dispute the appellant's position on forecasting, concluding that the predictions were reasonable and sensible¹¹. SSE made a series of criticisms of the inputs and assumptions used by the appellant, but these were largely based on assertion and often lacked a clear evidential basis. Different opinions about the likely number of passengers per air transport movement, fleet replacement projections, dominance of / reliance on a single airline at Stansted and cargo expectations were all rebutted by the appellant with justification for the inputs and assumptions used. The Panel was not persuaded that the conclusions in the ES and ESA were incorrect or unreliable. Indeed, they are to be preferred over the evidence of SSE on this matter, which was not prepared by a person qualified or experienced in air traffic forecasting. Accordingly, the forecasts contained within the ES and ESA are sufficiently robust and the best available in this case.
28. The appellant's forecasts do not align with those prepared by the Government in 2017 (DfT forecasts) which are used as the basis for conclusions in MBU, as referred to above. However, there is no reason why they should. The DfT makes clear that its forecasts are a long-term strategic look at UK aviation, primarily to inform longer term strategic policy. They do not provide detailed forecasts for each individual airport in the short-term and the DfT acknowledge that they may differ from local airport forecasts, which are prepared for different purposes and may be informed by specific commercial and local information not taken into account by the DfT. As such, the DfT states that its forecasts should not be viewed as a cap on the development of individual airports.
29. On this basis, the Panel does not accept that a divergence between the appellant's and the DfT's forecasts indicate any unreliability in the data contained in the ES and ESA. Nor is there any justification for applying a reduction to the appellant's forecasts¹². Furthermore, SSE's forecasting witness recently challenged the validity and reliability of the DfT forecasts in the High Court while acting for SSE, thereby further calling into question the credibility of their now contradictory evidence to this Inquiry.
30. It remained unclear throughout the Inquiry, despite extensive evidence, why the speed of growth should matter in considering the appeal. If it ultimately takes the airport longer than expected to reach anticipated levels of growth, then the corresponding environmental effects would also take longer to materialise or may reduce due to advances in technology that might occur in the meantime. The likely worst-case scenario assessed in the ES and ESA, and upon which the appeal is being considered, remains just that. Conversely,

¹¹ Proof of Hugh Scanlon, UDC/4/1

¹² This is notwithstanding examples of previous air traffic forecasts for Stansted and other airports that have not been borne out for whatever reason. Any reduction to account for perceived optimism bias would be arbitrary and unlikely to assist the accuracy of the forecasts

securing planning permission now would bring benefits associated with providing airline operators, as well as to other prospective investors, with significantly greater certainty regarding their ability to grow at Stansted, secure long-term growth deals and expand route networks, potentially including long haul routes.

31. SSE argued that the 'do minimum' case had been artificially inflated to minimise the difference from the 'development case'. However, there is no apparent good reason why the airport would not seek to operate to the maximum extent of its current planning restrictions if the appeal were to fail. Indeed, as a commercial operator, there is good reason to believe that it would. The fact that it does not operate in this way already does not mean it cannot or will not in future. In fact, the airport has seen significant growth in passenger numbers in recent years, since Manchester Airports Group took ownership, albeit that these have latterly been affected by the pandemic.
32. As such, there is no good reason to conclude that the air traffic forecasts contained within the ES and ESA are in any way inaccurate or unreliable. Of course, there is a level of uncertainty in any forecasting exercise but those provided are an entirely reasonable basis on which to assess the impacts of the proposed development. The Panel does not accept that there has been any failure to meet the requirements of the EIA Regulations, as concluded above.

Aircraft Noise

33. The overarching requirements of national policy, as set out in the National Planning Policy Framework (the Framework) and the Noise Policy Statement for England (NPSE), are that adverse impacts from noise from new development should be mitigated and reduced to a minimum and that significant adverse impacts on health and quality of life should be avoided. It is a requirement of the NPSE that, where possible, health and quality of life are improved through effective management and control of noise.
34. The APF states that the overall policy is to limit and, where possible, reduce the number of people significantly affected by aircraft noise. The APF expects the aviation industry to continue to reduce and mitigate noise as airport capacity grows and that as noise levels fall with technology improvements the benefits are shared between the industry and local communities.
35. While the APF states that the 57 dB LAeq 16 hour contour should be treated as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance, the 2014 Survey of Noise Attitudes (SoNA) indicates that significant community annoyance is likely to occur at 54 dB LAeq 16 hour. The latter metric has been used by the Civil Aviation Authority in its *Aviation Strategy: Noise Forecast and Analysis – CAP 1731*. It has also been used in the Government's consultation *Aviation 2050, The future of UK aviation*. The Council and the appellant agree that the 54 dB LAeq 16 hour contour should be the basis for future daytime noise restrictions in this case.
36. The NPSE describes the concepts of Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL). The LOAEL is set at 51 dB LAeq 16 hour in the DfT's Air Navigation Guidance and is the level above which adverse effects on health and quality of life can be detected. These levels apply to daytime hours. The corresponding levels at night are

a LOAEL of 45 dB LAeq 8 hour and onset of significant annoyance at 48dB LAeq 8 hour.

37. The World Health Organisation's (WHO) Environmental Noise Guidelines 2018 (ENG) recommend lower noise levels than those used in response to SoNA. The Government has stated in *Aviation 2050* that it agrees with the ambition to reduce noise and to minimise adverse health effects, but it wants policy to be underpinned by the most robust evidence on these effects, including the total cost of action and recent UK specific evidence which the WHO did not assess. These factors limit the weight that can be given to the lower noise levels recommended in the ENG.
38. Aircraft modernisation is reducing aircraft noise over time. It has been demonstrated that the daytime 57 dB and 54 dB noise contours will decrease in extent over the period to 2032, both with and without the development, albeit that the 54 dB contour would be slightly larger in the development case (DC) compared to the do minimum (DM) scenario. The 51 dB LOAEL contour is however predicted to increase slightly in extent compared to the 2019 baseline.
39. The night-time 48 dB contour is also predicted to decrease in extent and this reduction would be greater in the DC than in the DM scenario. This is based upon there being a greater amount of fleet modernisation, including fewer of the noisier cargo flights.
40. The ESA compares the DC with the DM scenario at 2032, which is when the maximum passenger throughput is predicted to be reached, and at 2027 which is identified as the transition year. In 2032 there would be an increase in air noise levels during the daytime of between 0.4 and 0.6 dB which is assessed as a negligible effect. There would be a beneficial reduction in night-time noise of between 0.3 and 0.8 dB in the DC compared to DM, but this is also assessed as negligible.
41. Saved Policy ENV11 of the Uttlesford Local Plan 2005 (ULP) resists noise generating development if this would be liable to adversely affect the reasonable occupation of existing or proposed noise sensitive development nearby. The ESA demonstrates that this would not be the case.
42. It is necessary to ensure that the benefits in terms of the reduction in noise contours over time arising from fleet modernisation, and the reduction in night noise are secured in order that these are shared with the community in accordance with national policy in the APF. The Council's position is that the development is acceptable in terms of aircraft noise, subject to suitable mitigation measures. Condition 7 defines the maximum areas to be enclosed by 54 dB LAeq 16hour, and 48 dB LAeq 8 hour noise contours and requires that the area enclosed by each of those contours is reduced as passenger throughput is increased, in accordance with the findings of the ESA.
43. There is no control of the night-time noise contour under the existing permission. This is instead subject to control under the Government's night flight restrictions which impose a Quota Count. It is noted that the Secretaries of State in granting the last planning permission considered that there was no need for such a condition because of the existing controls.
44. However, the night flight restrictions do not cover the full 8 hour period used in the LAeq assessment. Consequently, if only the night flight restrictions were to

- be relied upon, there would be no control of aircraft noise between 23:00 and 23:30 hours and between 06:00 and 07:00 hours. The ESA has demonstrated that the reductions in night noise would be beneficial to health. For these reasons, inclusion of the L_{Aeq} 8hour restriction in condition 7 would be necessary. In coming to this view, the Panel has taken into account the dual restrictions that would apply. However, the night noise contour requirement in condition 7 would be necessary to secure the benefit and it has not been demonstrated that the night noise restrictions would be sufficient in this respect.
45. The Panel has considered SSE's submissions concerning the methodology used in the ES and ESA. The use of L_{Aeq} levels in the assessment is in accordance with Government policy and reflects the conclusions of SoNA, but the ES and ESA also include assessments of the number of flights exceeding 60 and 65 dB(A) and maximum single event noise levels. The assessments of aircraft noise are comprehensive, and the methodology used is justified and widely accepted as best practice, including by the Government and industry. The Council considers that the methodology used is robust. The Panel has also considered the evidence on air traffic forecasts and, for the reasons given elsewhere in this decision, is satisfied that the assumptions regarding fleet replacements are robust.
 46. SSE has referred to the number of complaints about noise increasing in recent years. However, it is also relevant to consider the number of complainants which has significantly decreased. These factors have been taken into account in the ES and ESA.
 47. The existing sound insulation grant scheme (SIGS) provides for financial assistance to homeowners and other noise-sensitive occupiers, to be used to fund sound insulation measures. This uses a contour which is based on 63 dB L_{Aeq} 16 hour for daytime and the aggregate 90 dBA SEL footprint of the noisiest aircraft operating at night.
 48. The submitted Unilateral Undertaking (UU) provides for an enhanced SIGS whereby a 57 dB daytime contour is used, thereby increasing its extent and the number of properties covered. This is consistent with the evolving perceptions of the level of significant adverse effects and exceeds the levels recommended for such measures as stated in the APF. The use of this contour together with the 90 dBA SEL footprint as qualifying criteria would provide mitigation against both daytime and night-time noise. The latter criterion recognises that sleep disturbance is more likely to arise from single events than average noise levels over the night-time period.
 49. The UU also applies to specific identified noise-sensitive properties including schools, community and health facilities and places of worship. An assessment of these properties has been undertaken using the daytime 57 dB contour used for residential properties, the number of flights above 65 dB and the maximum sound levels of aircraft flying over properties. Inclusion of properties in the list in Schedule 2 Part 1 of the UU means that bespoke measures may be discussed between the property owner and the airport operator and that further noise surveys may be undertaken. Thaxted Primary School does not qualify for inclusion in the list under the criteria used. However, submissions were made to the Inquiry that the school should be included. It has provisionally been included in the list subject to the Panel's decision.

50. Thaxted Primary School is outside, but adjacent to the boundary identified for the SIGS. This is represented by the 57 dB LAeq 16 hour and 200 daily flights above 65 dB (N65 200). The school is well outside the 63 and 60 dB contours, the former being the level that Government policy recognises, in the APF, as requiring acoustic insulation to noise-sensitive buildings and the latter the level to which this may potentially be reduced.
51. Departing aircraft predominantly take off towards the south-west, away from the school. Those that do take off towards the north-east turn onto standard routes away from the school before reaching it. The school is, however exposed to noise from arriving aircraft.
52. Standards for internal noise levels in schools are set out in *Building Bulletin 93 – Acoustic design of schools: performance standards* (BB93). These use LAeq 30mins as a metric because school pupils experience noise over limited periods and not over the full daytime period. No assessment has been undertaken using this metric. It is, however, possible to determine the effect of the proposal having regard to the maximum sound levels of aircraft flying over the property in question.
53. It has been demonstrated that the school would not be exposed to LAmax flyover levels of 72 dB or more. The Council agrees that this maximum level would ensure that internal noise levels would not exceed 60 dB, with windows open. This provides a good degree of certainty that noise levels would be in accordance with BB93 which states that indoor ambient noise levels should not exceed 60 dB LA1, 30 mins.
54. No representations have been made either by the school or the education authority with regard to inclusion of Thaxted Primary School in the list. It has not been demonstrated that the school should be included in the list in terms of any specific need for mitigation. For these reasons the inclusion of Thaxted Primary School in the list of properties in Schedule 2 Part 1 of the UU would not be necessary and on this basis this provision would not meet the tests in the Community Infrastructure Levy Regulations 2010 (the CIL Regulations).
55. The noise assessments in the ES and ESA take into account ground noise from aircraft. The Council's reason for refusal concerns only aircraft noise and not noise from ground plant and equipment or surface access. The Panel has considered the evidence provided by SSE in respect of the latter, but these do not alter its conclusions on this main issue.
56. It has been demonstrated beyond doubt that the development would not result in unacceptable adverse aircraft noise and that, overall, the effect on noise would be beneficial. Subject to the mitigation provided by the UU and the restrictions imposed by condition 7, the development would accord with Policy ENV11 of the ULP and with the Framework.

Air Quality

57. Although air pollution levels around the airport are for the most part well within adopted air quality standards, an area around the Hockerill junction in Bishop's Stortford has nitrogen dioxide levels that are above those standards. This is designated an Air Quality Management Area (AQMA). The development would increase emissions from aircraft, other airport sources and from road vehicles,

- but this would be against a trend of reduction in air pollution as a result, amongst other things, of increasing control of vehicle emissions.
58. The pollutants which are assessed are oxides of nitrogen (NO_x), particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}). Ultrafine particulates (UFP) are recognised as forming a subset of PM_{2.5} and they are likely to affect health. However, there is no recognised methodology for assessing UFP and the most that can be done is a qualitative, rather than quantitative assessment.
 59. Policy ENV13 of the ULP resists development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level. The Policy identifies zones on either side of the M11 and the A120 as particular areas to which the Policy applies.
 60. Paragraph 170 of the Framework states that development should, wherever possible, help to improve local environmental conditions such as air quality. Paragraph 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified.
 61. Emissions of NO_x, PM₁₀ and PM_{2.5} would increase slightly in the DC compared to the DM scenario. They would also increase in comparison to the 2019 baseline. However, pollutant levels resulting from other sources, notably road traffic, are forecast to decline. The ES and ESA demonstrate that there would be no exceedance of air quality standards at human receptors and that air quality impacts would be negligible. The overall effect of the development in terms of air quality would be in accordance with the Framework and with the Clean Air Strategy, which refers to the need to achieve relevant air quality limit values. While the Framework seeks to improve air quality where possible, it recognises that it will not be possible for all development to improve air quality.
 62. While the proposed development would not improve air quality, the UU secures a number of measures to encourage the use of public transport and to reduce private car use, including single occupancy car trips. The airport has a Sustainable Development Plan which, whilst not binding, commits to reducing air pollution. It has already achieved significant increases in use of public transport, thereby limiting emissions and these initiatives would be continued. The measures would have other objectives such as reducing carbon emissions, which would not necessarily benefit air quality but nonetheless the provisions of the UU would overall be likely to secure improvements in air quality.
 63. Although it has raised a number of issues concerning the methodology used and the robustness of the assessments during the appeal process, the Council made no request for further information under the EIA Regulations.
 64. SSE has commented on a number of aspects of the air quality assessments, including the transport data used, the receptors assessed and modelling. The appellant has provided clarification of the aspects that have been queried by SSE and has justified the approach taken and the assumptions made. The appellant's responses provide sufficient reassurance that the assessments are soundly based and that they are conservative.

65. The air quality assessment depends on the assessment of road traffic in terms of vehicle emissions. Surface access is dealt with elsewhere in this decision, but the transport modelling forms a robust assessment which has been accepted by the Highway Authorities. Consequently, this forms a sound basis for the air quality assessment.
66. The Clean Air Strategy includes a commitment to significantly tighten the current air quality objective for fine particulates, but no numerical standard has yet been set. The current objective for PM_{2.5} is 25µg/m³. The 2008 WHO guidelines recommend an ultimate goal for annual mean concentrations of PM_{2.5} of 10µg/m³. The Clean Air Strategy commits to examine the action that would be necessary to meet this limit but no timescale for this has been set.
67. The ESA assesses the largest concentration of PM_{2.5} in 2032 to be 11.6µg/m³ in the DC. This is well below the current objective but slightly above the more ambitious WHO guideline. The great majority of the modelled concentrations would be below that guideline value. The assessment also shows that the effect of the development by comparison to the DM scenario would be negligible. The proposal would not unacceptably compromise the Clean Air Strategy in reducing concentrations of PM_{2.5} and accords with the current objective.
68. The Bishop's Stortford AQMA is within East Hertfordshire District Council's (EHDC) administrative area. Policy EQ4 of the East Hertfordshire Local Plan 2018 requires minimisation of impacts on local air quality. That Policy also requires, as part of the assessment, a calculation of damage costs to determine mitigation measures. The ES and ESA demonstrate that there would be negligible effects for which the UU secures mitigation measures. EHDC has consequently raised no objection to the proposal.
69. The AQMA is centred around a traffic signal-controlled road junction which is enclosed by buildings on all sides. The A1250 is at a gradient on both sides of the junction. It is likely that the high monitored levels of pollutants here result from emissions from queuing traffic and the enclosing effect of the buildings. Nitrogen dioxide (NO₂) levels have been declining here in recent years, with a reduction in levels between 2012 and 2019. However, NO₂ levels remain above the air quality standard for 3 of the 4 locations monitored and significantly above the standard for 2 of those locations.
70. An adjustment factor has been used to compensate for the difference between modelled and measured concentrations of NO₂ in the AQMA. Uttlesford District Council is concerned that this factor is unusually high, but it has been undertaken in accordance with Defra's Local Air Quality Management Technical Guidance TG16 and on this basis, is not considered unreasonable. This guidance was used together with the Emission Factor Toolkit and Defra's background pollutant concentrations maps in predicting future improvements in air quality. Sensitivity tests using less optimistic assumptions regarding future improvements in air quality were incorporated in the ES and ESA. While there is acknowledged uncertainty in predicting future levels, a rigorous approach has been used in the assessment.
71. It is not disputed that airport activities contribute less than 1% to NO_x concentrations in Bishop's Stortford. The appellant's transport modelling demonstrates that any increase in traffic along the A1250 and through the Hockerill junction would, at worst be 1.3% of current traffic flow in the DC

- compared to DM. This extra traffic would not necessarily be evenly distributed throughout the day. Queuing traffic would tend to increase emissions and the adjacent buildings would have an enclosing effect. Nonetheless, this level of additional traffic would be unlikely to appreciably affect pollution levels in the AQMA.
72. It is common ground that UFPs result from combustion sources including burning of aviation fuel, which contains higher levels of sulphur than fuel used for road vehicles. It is also agreed that there is no reliable methodology for assessing the quantity of UFPs that would result from the development. It is the quantity of these particulates, rather than their mass, that is particularly relevant in terms of implications for human health.
73. Although the development would result in increases in PM_{2.5}, the ES and ESA demonstrate that those increases would be negligible compared to the DM scenario. It is also the case that ambient levels of PM_{2.5} are predicted to reduce over time. The assessment considers the mass of PM_{2.5}. While assumptions can be made about the mass of UFPs as a subset of PM_{2.5} reducing over time, it is not possible to conclude on the number of UFPs in the absence of any recognised assessment methodology. That said, the Health Impact Assessment considered epidemiological research, which includes the existing health effects of PM_{2.5} and thus UFPs as a subset. This concluded that there would be no measurable adverse health outcomes per annum.
74. The Aviation 2050 Green Paper proposes improving the monitoring of air pollution, including UFP. While the significance of UFP as a contributor to the toxicity of airborne particulate matter is recognised, footnote 83 of the Green Paper notes that the magnitude of their contribution is currently unclear.
75. The Council, while raising concern over UFPs, is nonetheless content that permission could be granted subject to conditions requiring monitoring of air quality. The UU secures such monitoring, and condition 10 requires implementation of an air quality strategy, which is to be approved by the Council.
76. The nearby sites of Hatfield Forest and Elsenham Woods are Sites of Special Scientific Interest (SSSI). Policy ENV7 of the ULP seeks to protect designated habitats.
77. The ES and ESA assessments were undertaken in accordance with Environment Agency¹³ and Institute of Air Quality Management (IAQM)¹⁴ guidance. The ESA demonstrates that the development would result in long-term critical loads for NO_x concentrations at the designated sites being increased by less than 1%.
78. Previous monitoring has shown that 24-hour mean NO_x concentrations can greatly exceed annual mean concentrations. Condition 10 requires a strategy to minimise emissions from airport operations and surface access. A condition has also been suggested which would require assessment of 24-hour mean NO_x concentrations at the designated sites and provision of any necessary mitigation. The IAQM guidance states that the annual mean concentration of NO_x is most relevant for its impacts on vegetation as effects are additive. The 24-hour mean concentration is only relevant where there are elevated concentrations of sulphur dioxide and ozone which is not the case in this

¹³ Environment Agency H1 guidance

¹⁴ Institute of Air Quality Management: Land-Use Planning & Development Control: Planning for Air Quality (2017)

country. Natural England has accepted the assessment and has not requested use of the 24-hour mean concentration.

79. The UU includes obligations to monitor air quality, and to discuss with the Council the need for any measures to compensate for any adverse effect on vegetation within the designated sites. Because monitoring of air quality and necessary mitigation in respect of the SSSIs would be secured by the UU, the suggested condition to assess 24-hour mean NOx concentrations would not be necessary.
80. The ES concluded that there would be no significant effect at ecological receptors. The Council considers that the development would be acceptable in air quality terms subject to imposition of suitable conditions to limit the air quality effects and to secure mitigation measures.
81. For the reasons given, it has been demonstrated that the development would not have an unacceptable effect on air quality and that it accords with Policies ENV7 and ENV13 of the ULP.

Carbon and Climate Change

82. There is broad agreement between the parties regarding the extremely serious risks associated with climate change. These risks are acknowledged and reflected in Government policy. Indeed, in this regard, the Framework states, amongst other things, that the environmental objective of sustainable development embraces *mitigating and adapting to climate change, including moving to a low carbon economy*. It adds that *the planning system should support the transition to a low carbon future in a changing climate ... and ... should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions*.
83. Nonetheless, in spite of that general accord there remains much disagreement between the main parties to the Inquiry over how the effects of the development on climate change should be assessed, quantified, monitored and managed, including into the future.
84. The Government has recently made it clear that it will target a reduction in carbon emissions by 78% by 2035 compared to 1990 levels and that the sixth Carbon Budget, scheduled to be introduced before the end of June 2021, will directly incorporate international aviation emissions rather than by using the headroom / planning assumption approach of the previous budgets. The first of these measures will introduce a target for reducing emissions prior to the net zero target of 2050, acting as an intermediate target, and is set to be enshrined in law.
85. The latter measure will alter the way in which such emissions are accounted for. The Government intends to set the sixth Carbon Budget at the 965 MtCO_{2e} level recommended by the CCC. As outlined above, carbon emissions from international aviation have always been accounted for in past carbon budgeting. There is no good reason to assume that the coming change in how they are accounted for will significantly alter Government policy in this regard or that the Government intends to move away from its MBU policy.
86. Indeed, the Government's press release expressly states, amongst other things, that *following the CCC's recommended budget level does not mean we are following their policy recommendations*. Moreover, it also says that *the*

Government will 'look to meet' this reduction through investing and capitalising on new green technologies and innovation, whilst maintaining people's freedom of choice, including on their diet. For that reason, the 6CB will be based on its own analysis, and 'does not follow each of the Climate Change Committee's specific policy recommendations.'

87. As outlined in the *National Aviation Policy and Introductory Matters* subsection, there is in-principle Government policy support for making best use of existing runways at airports such as Stansted, and MBU thoroughly tests the potential implications of the policy in terms of carbon emissions. International aviation carbon emissions are not currently included within UK carbon budgets, but rather are accounted for via an annual 'planning assumption' of 37.5MtCO₂. MBU policy establishes that, even in the maximum uptake scenario tested, this carbon emissions planning assumption figure would not be compromised.
88. The contents of the ES and ESA, which - unlike MBU - specifically assess the potential impacts of the appeal development, support the conclusions of MBU in this regard. Indeed, they indicate that the proposed development would take up only an extremely small proportion of the current 'planning assumption'. For instance, the ESA shows in 2050 that the additional annual carbon emissions from all flights resulting from the development are likely to be in the region of 0.09MtCO₂, which would equate to only 0.24% of the 37.5MtCO₂ planning assumption¹⁵.
89. This assessment assumes that the airport would not seek to use its permitted total of 274,000 ATMs in the event that the appeal were to be dismissed. Yet, in practice, it seems more likely that it would, as a commercial operator, seek to maximise flights. Consequently, the relative increase in carbon emissions resulting from the development would be likely to be less than as predicted in the ESA compared to what might happen if the proposed development were not to proceed.
90. In light of the CCC's recommendations and the Government's 20 April 2021 announcement, the 37.5MtCO₂ planning assumption, as a component of the planned total 965 MtCO_{2e} budget, may well change. Even if it were to be reduced as low as 23MtCO₂, as is suggested might happen by the Council's carbon/climate change witness with reference to the advice of the CCC on the sixth Carbon Budget, an increase in emissions of 0.09MtCO₂ resulting from the appeal development in 2050 would be only some 0.39% of this potential, reduced figure.
91. Unsurprisingly, the carbon emission figures in the ESA vary across the years modelled to 2050 and over the three scenarios employed from 2032 ('Pessimistic', 'Central' and 'Best practice'). For instance, the predicted additional annual carbon emissions from flights increases steadily from the base-year of 2019 over the years to 2032 leading to a predicted increase of some 0.14MtCO₂ in 2032¹⁶, which equates to 0.38% of the planning assumption. Notwithstanding these variations, in each case the annual values for all years and scenarios would, nonetheless, remain only a very small

¹⁵ 0.09MtCO₂ is the difference between the 'Annual Development Case Central' and the 'Annual Do Minimal Central' scenarios of the ESA

¹⁶ 0.14MtCO₂ is the difference between the 'Development Case Pessimistic' and the 'Do Minimum Pessimistic' scenarios of the ESA

- proportion of both the Government's established planning assumption and a potentially reduced assumption of 23MtCO₂.
92. Of course, these are annual emissions figures and, as such, they need to be summed in order to give the full, cumulative amount of predicted additional carbon emissions resulting from flights associated with the appeal development for any year on year period, such as the 2019 to 2050 period used in the ESA. Consequently, the cumulative additional emissions predicted in the ESA for the entire 2019-2050 period or for the 2032-2050 period are far greater than the 0.09MtCO₂ forecast for the year 2050. However, the Government's planning assumption of 37.5MtCO₂ is also an annual figure, as is the figure of 23MtCO₂, such that the relative cumulative amounts of carbon emissions would remain proportionately small.
93. Notwithstanding reference to a range of planned airport development as part of the appeal process, the fact that no examples of MBU-type development having been approved since the publication of MBU were brought to the attention of the Inquiry lends further support to the conclusion that this development alone would not put the planning assumption at risk¹⁷.
94. Although UK statutory obligations under the CCA have been amended since the publication of MBU to bring all greenhouse gas emissions to net zero by 2050, with an additional target of a 78% reduction in carbon emissions by 2035 set to be introduced, MBU remains Government policy. Given all of the foregoing and bearing in mind that there are a range of wider options that the Government might employ to meet these new obligations and that aviation is just one sector contributing to greenhouse gas emissions to be considered, there is also good reason to conclude that the proposed development would not jeopardise UK obligations to reach net zero by 2050 or to achieve the planned 2035 intermediate target. On this basis, given the very small additional emissions forecast in relative terms, there is also no reason to expect that the Council's climate emergency resolution should be significantly undermined.
95. The aviation emissions assessments of the ES and ESA are reported as CO₂ only rather than in the wider terms of carbon dioxide equivalent emissions (CO₂e), which also includes nitrous oxide (N₂O) and methane (CH₄), and which the Government has adopted for its sixth Carbon Budget. While it may have been beneficial to have used CO₂e in preference to CO₂ in the ES and ESA, this was not a matter raised by the Council during scoping, nor at any other stage prior to the exchange of evidence. The approach of the ES and ESA, in this regard, is also consistent with the DfT's 2017 Forecasts and with the MBU policy. Consequently, the approach adopted in the ES and ESA is not flawed or incorrect as such. In any event, the evidence indicates that were N₂O and CH₄ to have been included in the ES and ESA assessments, the results would not change significantly on the basis that N₂O and CH₄ account for in the region of only 0.8 to 1.0% of total international aviation CO₂e emissions.
96. In addition to carbon and carbon dioxide equivalent emissions, other non-carbon sources have the potential to effect climate change. Nonetheless, they are not yet fully understood, with significant uncertainties remaining over their effects and how they should be accounted for and mitigated. There is currently no specific Government policy regarding how they should be dealt

¹⁷ Subject to footnote 9 above

with and uncertainty remains over what any future policy response might be. Moreover, no evidence was put to the Inquiry which clearly and reliably establishes the extent of any such effects.

97. The nature of non-carbon effects resulting from aviation has parallels with carbon effects in that they are complex and challenging, perhaps even more so than carbon effects given the associated greater uncertainties, and that they largely transcend national boundaries. Consequently, in the context of MBU development, it is reasonable to conclude that they are matters for national Government, rather than for individual local planning authorities, to address. It is also noteworthy that the current advice on this matter from the CCC to the Government appears largely unchanged compared to its previous advice.
98. In this context, therefore, the potential effects on climate change from non-carbon sources are not a reasonable basis to resist the proposed development, particularly bearing in mind the Government's established policy objective of making the best use of MBU airports. Moreover, if a precautionary approach were to be taken on this matter, it would be likely to have the effect of placing an embargo on all airport capacity-changing development, including at MBU airports, which seems far removed from the Government's intention.
99. The reason for refusal relating to carbon emissions and climate change refers only to the proposed development's effects resulting from additional emissions of international flights. Nonetheless, the evidence put forward as part of the appeal process also refers to wider potential effects on climate change, including carbon emissions from sources other than international flights.
100. Discussion and testing of the evidence during the Inquiry process revealed no good reasons to conclude that any such effects would have any significant bearing on climate change. Indeed, the Statement of Common Ground on Carbon between the appellant and Council states that *the emissions from all construction and ground operation effects (i.e. all sources of carbon other than flight emissions) are not significant*. It adds that *Stansted Airport has achieved Level 3+ (carbon neutrality) Airport Carbon Accreditation awarded by the Airport Council International*.
101. Given the conclusions outlined above regarding the potential effects of the appeal development arising from international flights, the evidence does not suggest that the combined climate change effects of the development would be contrary to planning policy on such matters, including the Framework, or that it would significantly affect the Government's statutory responsibilities in this regard. Furthermore, no breach of the development plan associated with carbon/climate change is cited in the relevant reason for refusal and none has been established as part of the appeal process.
102. Accordingly, for all of the foregoing reasons, having due regard to current national aviation policy and wider planning policy, including the development plan and the Framework, the proposed development would not have a significant or unacceptable effect on carbon/climate change.

Other Matters

103. Other topic areas considered during the Inquiry that are not expressly assessed above included Local Context, Health & Well Being, Ecology, Socio-Economic Impacts, and Surface Access (Road & Rail). Before assessing the

planning balance, these are considered in turn, followed by any remaining matters raised by interested parties during both the planning application stage and the appeal process.

Local Context

104. The airport is located in a pleasant rural context. Hamlets, villages and small towns, many of which have conservation areas and listed buildings, are dispersed amongst countryside. Nonetheless, the operational development proposed in this case would all be well contained within the airport boundaries.
105. The only material effect apparent in the wider area would be from increased passenger flights over time. Other types of flight are not expected to increase to their current caps as a result, given that the overall limit on annual air transport movements would not change. The main consequences of this for local people are discussed above. Given the Panel's conclusions on these matters, it is not expected that the proposed development would alter the airport's rural context or affect nearby heritage assets in any way bearing in mind the current permitted use of the airport and its likely future use were the appeal to be dismissed.

Health & Well Being

106. The Health Impact Assessment (HIA) considers health impacts arising from noise and air quality both from airport operations and from surface access, and socio-economic factors. The ES and ESA conclude that health effects in terms of air quality would be negligible and that there would be a minor beneficial effect from a reduction in the number of people exposed to night-time air noise. The ES and ESA further conclude that the development would have a major beneficial effect on public health and wellbeing through generation of employment and training opportunities and provision for leisure travel.
107. Research underpinning the WHO ENG guidelines was considered as part of the HIA, and the ES and ESA have taken a more precautionary approach than those guidelines. Whilst criticisms are made by other parties, no alternative detailed assessment has been put forward that would cast doubt on the findings of the ES and ESA or indicate that the likely effects would differ from those assessed. The conclusions of the ES and ESA are considered reliable.

Ecology

108. Given the conclusions of the Air Quality sub-section, in light of the wider evidence, including the findings of the ES and ESA, and subject to the identified suite of mitigation to be secured via the UU and conditions, there is no good reason to believe that the appeal development would have any effects on biodiversity and ecology that would warrant the refusal of planning permission.

Socio-Economic Impacts

109. The ES and ESA demonstrate that the proposal would be of social and economic benefit by enabling increased business and leisure travel. Leisure travellers would benefit from increased accessibility to foreign destinations. Businesses would benefit through increased inward investment. The economy would benefit through increased levels of employment and expenditure. Associated with employment growth, training facilities would be supported. Representatives of business, including local and regional business

organisations, transport operators, and the Stansted Airport College expressed their support for the proposal at the Inquiry. The social and economic benefits of the proposal are not disputed by the Council.

110. SSE and interested parties have questioned several of the assumptions made in the ES and ESA, including those regarding the level of job creation, the suitability of those jobs for local people and the effect of the proposal on the trade balance. The appellant has demonstrated, however, that the assumptions made in the ES and ESA are appropriate and robust. The evidence base that has been used and the modelling undertaken are also questioned but these are sufficient to demonstrate the benefits. Furthermore, even if some of the assumptions made by SSE and interested parties proved to be correct, such as a lower level of job creation than expected, a considerable number of beneficial jobs would still be created.
111. It is likely that increased economic prosperity in the south-east and east of England would not be at the expense of growth elsewhere in the country but would rather assist the growth of the UK economy as a whole. There is no reason to believe that the development would divert investment from other parts of the country that need investment or prejudice the Government's 'levelling-up' agenda, particularly as the development seeks to meet an established need for airport expansion in the south-east of England.

Surface Access

112. As outlined above, both Highways England and Essex County Council withdrew from the appeal proceedings following the identification of a mechanism to secure the delivery of a suite of highways related mitigation. No objections have been made to the appeal scheme by Network Rail or by the rail operators that serve Stansted. Indeed, there is broad support from those quarters. There are, nonetheless, remaining concerns expressed by other parties, including SSE, regarding surface access.
113. Notwithstanding that criticism is made of the methodology, assumptions and evidence that has led the statutory highway authorities and rail operators to their respective current positions, they appear to be well founded, based on a good understanding of the operation of the airport and the surrounding surface access infrastructure, both rail and highway, including capacity and modal share. This includes in respect to dealing with two-way car trips and the likely effects of the development on the highway network through Stansted Mountfitchet and Takeley, which were the subject of considerable discussion at the Inquiry. No alternative traffic counts, surveys, modelling or comprehensive assessment of the potential effects of the development in respect to surface access have been put to the Panel.
114. The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence put to the Inquiry falls far short of demonstrating that this would be the case.
115. Subject to securing and delivering the range of proposed mitigation, which includes improvements to Junction 8 of the M11 and the Prior Wood Junction, as well as to the local road network and to public transport, the development would have no significant effects in terms of surface access. Moreover,

Stansted Airport is and would continue to be well served by the strategic highway network and wide ranging public transport services, including its integrated rail, bus and coach stations.

Other Considerations

116. There was much discussion during the Inquiry and in written evidence about previous expansion at the airport and the conclusions of decision makers at that time. The last planning permission to increase the capacity of the airport was granted in 2008. Putting aside that previous applications did not involve the form of development sought here, planning policy and other considerations have changed significantly since that time and it is not possible to draw any meaningful parallels with the consideration of this appeal.
117. Public engagement occurred in advance of the planning application, as set out in the Statement of Community Involvement (February 2018), the results of which informed the development now under consideration. Further extensive consultation took place at both the planning application and appeal stages and a significant number of responses have been received, both supporting and opposing the scheme, covering a range of topics. The Panel is satisfied that all statutory requirements have been met in these regards and that interested parties have had good opportunity to comment and engage with the planning application and appeal processes.
118. The planning application and appeal have progressed in accordance with normal process and procedure and there is no evidence before the Inquiry that suggests otherwise. It was necessary to hold the Inquiry using a virtual format in accordance with the Planning Inspectorate's Interim Operating Model and in light of restrictions in place as a result of the pandemic. This allowed the appeal to progress in an efficient and expedient way, whilst upholding the opportunity for interested parties to engage with the process. Indeed, many local people and organisations spoke at the Inquiry over several days. It would not have been appropriate to unnecessarily delay the appeal pending potential changes in Government or local policy. Appeals must be determined in accordance with the circumstances at the time of the decision.
119. The respective Secretaries of State were asked several times to recover the appeal for their own determination but declined to do so, determining that the issues involved are of no more than local significance. There is no requirement for appeals to be recovered and the Panel has properly considered the proposals on behalf of the Secretary of State, having had regard to all the evidence, including the case made by the Council and comments from local people. There is a statutory right to appeal planning decisions which is vital to the operation of the planning system and the public costs involved are not a material consideration.
120. In addition to the foregoing matters, concern has been expressed by a range of interested parties, including by Parish Councils. These cover a range of topics, including: local infrastructure, services and facilities, and their potential cost to the public sector; vibration; malodour; rat-running; public safety and risk; water resources, sewerage and flooding; wider pollution issues, including littering and from light; effects on agriculture; parking, including 'fly parking' and the cost of drop-off at the airport; demand for more housing, including affordable housing; the combined effects of planned airport development elsewhere; the 'monopoly' held by the appellant at the airport; the local

economy being said to be over-reliant on the airport; current and potential future flight paths; the effects of stacking aircraft; the physical works proposed are said not to be needed to support the proposed changes to flight and passenger numbers; the existing quality of the airport, including security, management and size; a new airport should be developed in the Thames Estuary instead of the appeal scheme; damage to the highway network, including erosion, and to property; stress for residents and businesses associated with uncertainty over development and activity at the airport; and alleged aviation fuel dumping.

121. These matters are largely identified and considered within the Council officer's reports on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry and are largely addressed in its evidence and in the various statements of common ground. The Council did not conclude that they would amount to reasons to justify withholding planning permission. The Panel has been provided with no substantiated evidence which would prompt us to disagree with the Council's conclusions in these respects subject to the UU and the imposition of planning conditions.
122. Some of the submissions from interested parties refer to potential interference with human rights. Given the foregoing conclusions, particularly in terms of the appeal process and the main issues, any interference with human rights that might result from the appeal being allowed would not be sufficient to give rise to a violation of rights under Article 1 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998.
123. Interested parties have also referred to a number of matters which are either not planning matters or not relevant to the appeal. These include property values, compensation claims, and the conduct and motives of the appellant and of Council members and officers. Any potential future development or further increase in capacity at the airport would require a further planning application which would be subject to the Council's consideration. The lawfulness or otherwise of past development at the airport is a matter for the Council, as local planning authority.

Planning Obligations

124. Planning obligations made under S106 of the Town and Country Planning Act 1990 as a Unilateral Undertaking, dated 26 March 2021 (the UU), were completed after the Inquiry closed in line with an agreed timetable. In the event that planning permission were to be granted and implemented it would be subject to the obligations of the UU, which would include the securing of:
- Noise Mitigation - a new enhanced sound insulation grant scheme for a defined area in the vicinity of the airport to replace existing measures. This would include a greater number of properties than the existing scheme through use of a lower noise contour;
 - Transport
 - Mechanisms and funding to secure improvements to Junction 8 of the M11 and to the Priory Wood Junction, local road network improvements and monitoring, and local bus service improvements;
 - The airport operator shall join the Smarter Travel for Essex Network;

- Expanded Sustainable Transport Levy (to replace the existing Public Transport Levy) to be used to promote the use of sustainable transport by passengers and airport staff;
 - Enhanced rail users discount scheme, with higher rate of discount and revised eligibility;
 - Revised targets for mode share (applying 'reasonable endeavours' to achieve those targets) – non-transfer passenger mode share of 50% by public transport, of 20% (by 39mppa) and 12% (by 43mppa) by 'kiss and fly', and 55% (by 39mppa) of staff access by single occupancy private car; updated working arrangements for the airport's Transport Forum, Airport Surface Access Strategy and Travel Plan; and a study of and pursuant improvements to the on-site bus and coach station;
- Skills, education and employment – continuance of the Stansted Airport Employment Forum and Combined Local Benefits, including the on-site education centre for local children and schools, the on-site airport Employment Academy, Stansted Airport College, and local supply chain support;
 - Community - a new, replacement Community Trust Fund to help mitigate any adverse health and / or quality of life effects arising from the development as a result of increased noise levels and a reduction in the amenity of local green spaces;
 - Air Quality and Ecology – protection and enhancement of environmentally sensitive sites, including air quality and ecological monitoring at the airport, Eastend Wood and Hatfield Forest, and pursuant compensation;
 - Water quality – retention of the requirement to monitor local watercourses; and
 - Monitoring – payments to support the Council's costs associated with monitoring the UU's planning obligations.
125. The Council has submitted detailed statements (the CIL Statements), which address the application of statutory requirements to the planning obligations within the UU and also set out the relevant planning policy support / justification. Having considered the UU in light of Regulation 122 of the CIL Regulations and Government policy and guidance on the use of planning obligations, we are satisfied that most of the obligations therein would be required by and accord with the policies set out in the CIL Statements.
126. The exception to this is the inclusion of Thaxted Primary School within the SIGS in Schedule 2 Part 1 of the UU, for the reasons outlined in the *Noise* section above. For those reasons, its inclusion is not necessary and as such does not accord with the CIL Regulations. Subject to this exception, the SIGS is necessary to ensure the development accords with national and local policy requirements to minimise and mitigate adverse noise impact and to avoid significant adverse impact.
127. Subject to the above noted exception, the Panel is satisfied that the remainder of the obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms. Furthermore, the UU and its terminology are sufficiently precise and enforceable.

Conditions

128. Conditions were suggested by all three main parties to the appeal in the event that planning permission were to be granted, and these have been taken into account in formulating the conditions imposed.
129. A five year period for the commencement of development has been imposed rather than the standard three year period promoted by the Council, to allow greater flexibility in light of the anticipated impact of the pandemic on the airport and wider aviation industry. Although not suggested by any party, it is also considered necessary in the interests of certainty to specify the plans approved and with which the development must accord.
130. A scheme of water resource efficiency measures is secured to minimise water consumption in accordance with Policy GEN2 of the ULP. It is also considered necessary to secure a surface water drainage scheme in order to avoid flooding as a result of the development.
131. A Construction Environmental Management Plan is needed to minimise the impact of the works on neighbouring occupants and to ensure that acceptable living conditions are maintained in accordance with Policy GEN4 of the ULP.
132. A Biodiversity Management Strategy is necessary in light of findings contained within the submitted ecological surveys. There is a need to conserve and enhance protected and priority species in accordance with statutory obligations and Policy GEN7 of the ULP.
133. For the same reason, the mitigation and enhancement measures and/or works identified in the Preliminary Ecological Appraisal (Feb 2018), Preliminary Ecological Appraisal Update (October 2020) and Ecology Mitigation Strategy (February 2018), are necessary. The Preliminary Ecological Appraisal Update is referenced as the most up to date appraisal, which includes measures beyond those contained in the Ecological Mitigation Strategy, in particular, provisions for the protection of ground nesting birds. A licence will also be required from Natural England, who do not object to the appeal proposal, for the translocation of protected species.
134. Condition 7 restricts noise emanating from aircraft in line with that permissible under the extant planning permission up to 35 million passengers per annum. After that, a progressive improvement in noise conditions is secured over time in line with the ES/ESA predictions to protect the living conditions of neighbouring occupants in accordance with Policy ENV11 of the ULP, and consistent with the APF's objective to share the benefit of improvements to technology with local communities.
135. There are currently no noise restrictions imposed by planning condition for night flights and Stansted, as a designated airport, is controlled by separate night flight operating restrictions imposed by the DfT. These operate on a Quota Count system over a 6.5 hour night-time period, meaning that there is a 1.5 hour period that remains uncontrolled, beyond the 16 hour daytime period imposed by condition 7. In order to ensure certainty that the noise impacts of the development will be as anticipated in the ES/ESA, and to avoid harm to the living conditions of local residents, it is considered necessary to impose a night-time restriction by condition in this case, alongside the daytime restrictions and notwithstanding some existing DfT control.

136. In order to clarify the terms of the planning permission and to ensure that the development and associated effects do not exceed those assessed, conditions are attached which restrict the total number of aircraft movements, the number of cargo air transport movements and passenger throughput during any 12 month period.
137. There is dispute between the parties regarding whether and to what extent it is necessary to control the effects of noise, air quality and carbon arising from the development.
138. Condition 7, discussed above, satisfactorily secures a betterment in noise conditions over time so as to make the development acceptable, such that there is no need or justification for imposing further measures in respect to noise.
139. The effect of the development on local air quality is expected to be very small and would not put nationally prescribed air quality standards or limits at risk in the area. Nevertheless, the appellant proposes a condition to secure an Airport Air Quality Strategy that would be updated over time in a continued effort to minimise emissions and contribute to compliance with relevant limit values or national objectives for pollutants. The provision of electric vehicle charging points can also be secured by separate condition as a measure necessary to minimise air pollution associated with the development. This is considered sufficient to make the development acceptable in planning terms, in accordance with Policy ENV13 of the ULP and the objectives of the Framework.
140. International aviation emissions are not currently directly included in UK carbon budgets and Government policy is clear that there is sufficient headroom for MBU development at all airports, including Stansted. Carbon emissions associated with the development from sources other than international aviation are expected to be relatively small and would not themselves materially impact upon carbon budgets, including the planned sixth Carbon Budget which will directly include international aviation emissions, or otherwise conflict with the objectives of the Framework. As such, a condition limiting carbon is not necessary.
141. The appeal proposal accords with current policy and guidance and there is no evidence that it would compromise the ability of future generations to meet their own needs. The conditions discussed above are sufficient to make the development acceptable in planning terms.
142. The Council proposes alternative conditions to deal with noise, air quality and carbon. Its primary case involves a condition, referred to during the Inquiry as 'condition 15', which would impose restrictions based upon the impacts assessed in the ES/ESA, along with future more stringent restrictions (using some interpolated data from the ES/ESA) and a process that would require the Council's reassessment and approval periodically as the airport grows under the planning permission, allowing for a reconsideration against new, as yet unknown, policy and guidance. In light of the Panel's conclusions on these matters, there is no policy basis for seeking to reassess noise, air quality or carbon emissions in light of any potential change of policy that might occur in the future. Furthermore, it would be likely to seriously undermine the certainty that a planning permission should provide that the development could be fully implemented. This appeal must be determined now on the basis of

- current circumstances and the proposed 'condition 15' is not necessary or reasonable.
143. As an alternative to 'condition 15', two other conditions (dealing with air quality and carbon) are suggested by the Council. These would also impose future restrictions defined by the Council. Again, it follows from our conclusions on the main issues that these are not necessary to make the development acceptable in planning terms, so these have not been imposed.
144. It is also unnecessary to require an assessment of impacts of the full proposed airport expansion on 24-hour mean NO_x concentrations at Elsenham Woods SSSI and Hatfield Forest SSSI given that this has not been requested by Natural England and the ES/ESA indicates that the development would not be significant in ecology terms.
145. SSE suggested a separate set of conditions, though many were broadly in line with those agreed between the Council and the appellant as considered above. No additional trigger for the commencement of development is needed as this permission must necessarily have been implemented for passenger numbers to exceed 35 million in any 12-month period. Noise restrictions beyond that imposed by condition 7 are suggested by SSE but these seek arbitrary limits with no certainty that they would be achievable. They are not necessary or reasonable in light of the Panel's findings as outlined above. Similarly, no evidence was put to the Inquiry which would justify imposing specific restrictions on helicopter movements. Publication of passenger throughput figures on the airport's website is not necessary to make the development acceptable, as conceded by SSE during the Inquiry.
146. SSE also sought a requirement for the provision of a taxi holding area close to the terminal to minimise unnecessary empty running, whereby taxis drop off at the airport but do not pick-up a return fare. A taxi company is already based at the airport and the appellant explained that it has recently provided a holding area within the mid-stay car park that might assist with such concerns. Regardless, extensive sustainable transport measures are secured by planning obligations so that a specific requirement of this type is unnecessary.
147. Additional air quality and carbon requirements to those sought by the Council were suggested by SSE but given the Panel's conclusions on these matters, these are not reasonable or necessary. Finally, SSE sought restrictions on future applications for development at the airport in terms of passenger numbers or a second runway, though recognised the difficulties of complying with the tests for conditions. Such restrictions are not relevant to the development being sought and would not be necessary or reasonable.
148. The wording of conditions has been amended as necessary to improve their precision and otherwise ensure compliance with the tests for conditions contained in the Framework. So far as the conditions require the submission of information prior to the commencement of development, the appellant has provided written confirmation that they are content with the wording and reasons for being pre-commencement requirements.

Planning Balance

149. The development plan, so far as it is relevant to this appeal, is the ULP. Although dated, it contains a number of policies¹⁸ relevant to this proposal which are not materially inconsistent with the objectives of the Framework and continue to provide a reasonable basis upon which to determine the appeal, alongside other material considerations.
150. Policy S4 of the ULP provides for development directly related to or associated with Stansted Airport to be located within the boundaries of the airport.
151. Policy ENV11 of the ULP seeks to avoid harm to noise sensitive uses. The evidence indicates that the overall effect of the proposal on aircraft noise would be beneficial. Even at their peak, noise levels would not exceed that permissible under the existing planning permission. After that, it is expected that noise would reduce as a result of factors such as fleet mix and advances in technology. This improvement in noise conditions over time can be secured by condition in line with Government policy to share the benefits of airport expansion with local communities. As such, there would be no conflict with Policy ENV11 or the similar objectives of the Framework to protect living conditions.
152. Not all development can have the effect of improving air quality and by its very nature, there would inevitably be some additional air pollution from the proposed development which must weigh against the proposal. However, the ES/ESA assesses the impacts as being negligible at all human receptors and no exceedances of the air quality standards are predicted for any of the pollutants at human receptors in the study area. NO_x concentrations at all ecological receptors are predicted to be below the critical level/air quality standard of 30µg/m³ for all scenarios tested. The predicted changes in nitrogen deposition at the Hatfield Forest SSSI and NNR and Elsenham Woods SSSI remain less than 1% of the sites' lower critical loads. Ongoing monitoring of air quality within the SSSIs is provided for within the submitted Unilateral Undertaking. Overall, there would be no material change in air quality as a result of the development. As such, there would be no conflict with Policy ENV13 of the ULP, which seeks to avoid people being exposed on an extended long-term basis to poor air quality; or the similar objectives of the Framework.
153. Carbon emissions are predominantly a matter for national Government and the effects of airport expansion have been considered, tested and found to be acceptable in MBU. It is clear that UK climate change obligations would not be put at risk by the development, including in light of the Government's 20 April 2021 announcement. Carbon emissions from other sources associated with the development, such as the operation of airport infrastructure, on site ground based vehicles and from people travelling to and from the site are relatively small and would be subject to extensive sustainable transport measures secured by conditions and obligations that would minimise impacts as far as possible. Therefore, this matter weighs against the proposal only to a limited extent and could not be said to compromise the ability of future generations to meet their needs, or otherwise conflict with the objectives of the Framework taken as a whole.

¹⁸ Relevant ULP policies were reviewed by the Council and the appellant for the purposes of the appeal

154. The Highway Authorities are satisfied that the development would not unacceptably affect highway safety or capacity and the Panel agrees. All infrastructure and mitigation measures required to make the development acceptable in planning terms can be secured by conditions or planning obligations. On this basis, there would be no conflict with ULP Policies GEN1, GEN6, GEN7, ENV7, ENV11 or ENV13 so far as they require infrastructure delivery or mitigation.
155. The Council and the appellant agree that the proposed development accords with the development plan, taken as a whole. It is further agreed that the Framework's presumption in favour of sustainable development should apply as a result of the proposals' accordance with an up-to-date development plan¹⁹. In these circumstances the Framework states that development should be approved without delay.
156. In addition, the scheme receives very strong support from national aviation policy. Taken together, these factors weigh very strongly in favour of the grant of planning permission. Furthermore, the development would deliver significant additional employment and economic benefits, as well as some improvement in overall noise and health conditions.
157. The Council has recently withdrawn its emerging Local Plan such that it has no prospect of becoming part of the development plan and attracts no weight in the determination of this appeal. There are a number of made Neighbourhood Plans in the local area, but none contain policies that have a bearing on the outcome of the appeal.
158. Overall, the balance falls overwhelmingly in favour of the grant of planning permission. Whilst there would be a limited degree of harm arising in respect of air quality and carbon emissions, these matters are far outweighed by the benefits of the proposal and do not come close to indicating a decision other than in accordance with the development plan. No other material considerations have been identified that would materially alter this balance.

Conclusion

159. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR

G D Jones

INSPECTOR

Nick Palmer

INSPECTOR

¹⁹ Framework paragraph 11(c)

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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and Asitha Ranatunga, of Counsel

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They called

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DipTP (UC) MRTPI

Head of Planning Services, MAG

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Wald, both of Queens Counsel

Instructed by Brian Ross, Deputy Chairman
of Stop Stansted Expansion (SSE)

They called²⁰

Ken McDonald FCA

Founder, Secretary and Trustee of The
Hundred Parishes Society and SSE Executive
Committee Member

Brian Ross²¹ BCom(Hons)
MBA FRSA MSPE

Deputy Chairman of SSE

Peter Lockley MA

Barrister

Michael Young BA(Hons)
FCA

SSE Executive Committee Member

Bruce Bamber BSc MA MSc
MCIHT

Director of Railton TPC Ltd

INTERESTED PERSONS:

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The Three Horseshoes Public House, Duton
Hill

Vere Isham

Broxted Parish Council

Dr Graham Mott

Elsenham Parish Council

Cllr Jenny Jewell

Great Canfield Parish Council

Neville Nicholson

Helions Bumpstead Parish Council

Dr Zoe Rutterford

Henham Parish Council & Chickney Parish
Meeting

Cllr Neil Reeve

High Easter Parish Council

Julia Milovanovic

Moreton Bobbingworth & The Lavers Parish
Council

Peter Jones

Stansted Mountfitchet Parish Council

Cllr Barrett

Stebbing Parish Council

Cllr Geoff Bagnell

Takeley Parish Council

Cllr Duncan McDonald

Much Hadham Parish Council

Richard Haynes JLL

Thaxted Parish Council

John Devoti

Howe Green and Great Hallingbury Residents

Alex Daar

Chairman of East Hertfordshire Green Party

Tim Johnson

The Aviation Environment Federation

Alex Chapman

New Economics Foundation

Jonathan Fox

Local Resident

Michael Belcher

Local Resident

Maggie Sutton

Local Resident

²⁰ Although other proofs of evidence were submitted in support of SSE's case, including those of Peter Sanders CBE MA DPhil, Prof Jangu Banatvala CBE MA MD(Cantab) FRCP FRCPath FMedSci DPH, Martin Peachey MA(Cantab), John Rhodes MA(Oxon), Dr Claire Holman and Colin Arnott BA MPhil MRTPI, only the five witnesses listed were called to give evidence at the Inquiry

²¹ Mr Ross gave evidence in respect to the Inquiry topics of 'air traffic forecasting and predictions', 'socio-economic impacts' and 'planning matters'. For the latter of these topics he adopted the proof of evidence of Mr Arnott

| | |
|-------------------|--|
| Simon Havers | Local Resident |
| Irene Jones | Local Resident |
| Mark Johnson | Local Resident |
| Edward Gildea | Uttlesford Green Party |
| Raymond Woodcock | Local Resident |
| Cliff Evans | Local Resident |
| George Marriage | Local Resident |
| Quintus Benziger | Local Resident |
| Jonathan Richards | Local Resident |
| Vincent Thompson | Local Resident |
| Peter Franklin | Local Resident |
| Roger Clark | Local Resident |
| Martin Berkeley | Local Resident |
| Suzanne Walker | Local Resident |
| David Burch | Director of Policy, Essex Chamber of Commerce |
| Andy Walker | Director of Policy, Suffolk Chamber of Commerce |
| Freddie Hopkinson | CBI East |
| Harriet Fear MBE | Chair, Cambridge Ahead |
| Pete Waters | Executive Director, Visit East of England |
| Dr Andy Williams | UK VP Strategy, AstraZeneca |
| Martyn Scarf | UK Director, World Duty Free |
| Chris Hardy | Managing Director, National Express |
| Jonathan Denby | Director of Corporate Affairs, Greater Anglia |
| Karen Spencer MBE | Principal, Stansted Airport College |
| Robert Beer | The Easter and Rodings Action Group |

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/C1570/W/20/3256619:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.
2. Prior to reaching 35mppa, a scheme for the provision and implementation of water resource efficiency measures during the operational phases of the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include the identification of locations for sufficient additional water meters to inform and identify specific measures in the strategy. The locations shall reflect the passenger, commercial and operational patterns of water use across the airport. The scheme shall also include a clear timetable for the implementation of the measures in relation to the operation of the development. The approved scheme shall be implemented, and the measures provided and made available for use in accordance with the approved timetable.
3. Prior to the commencement of construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The construction works shall subsequently be carried out strictly in accordance with the approved CEMP, unless otherwise approved in writing by the local planning authority.

The CEMP shall incorporate the findings and recommendations of the Environmental Statement and shall incorporate the following plans and programmes:

- (a) External Communications Plan
 - (i) External communications programme
 - (ii) External complaints procedure
- (b) Pollution Incident Prevention and Control Plan
 - (i) Identification of potential pollution source, pathway and receptors
 - (ii) Control measures to prevent pollution release to water, ground and air (including details of the surface/ground water management plan)
 - (iii) Control measures for encountering contaminated land
 - (iv) Monitoring regime
 - (v) Emergency environmental incident response plan
 - (vi) Incident investigation and reporting
 - (vii) Review/change management and stakeholder consultation
- (c) Site Waste Management Plan
 - (i) Management of excavated materials and other waste arising
 - (ii) Waste minimisation
 - (iii) Material re-use
- (d) Nuisance Management Plan (Noise, Dust, Air Pollution, Lighting)
 - (i) Roles and responsibilities
 - (ii) Specific risk assessment – identification of sensitive receptors and predicted impacts
 - (iii) Standards and codes of practice
 - (iv) Specific control and mitigation measures
 - (v) Monitoring regime for noise

- (e) Management of Construction Vehicles
- (i) Parking of vehicles of site operatives
 - (ii) Routes for construction traffic

The CEMP shall include as a minimum all measures identified as "Highly Recommended" or "Desirable" in IAQM "Guidance on the assessment of dust from demolition and construction," Version 1.1 2014 commensurate with the level of risk evaluated in accordance with the IAQM guidance, for construction activities which are within the relevant distance criteria from sensitive locations set out in Box 1 and Tables 2, 3 and 4 of the IAQM guidance.

The CEMP shall provide for all heavy goods vehicles used in the construction programme to be compliant with EURO VI emissions standards, and for all Non Road Mobile Machinery to be compliant with Stage V emissions controls as specified in EU Regulation 2016/1628, where such heavy goods vehicles and Non Road Mobile Machinery are reasonably available. Where such vehicles or machinery are not available, the highest available standard of alternative vehicles and machinery shall be used.

4. Prior to commencement of the development, a detailed surface water drainage scheme for the airfield works hereby approved based on the calculated required attenuation volume of 256m³, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before any of the aircraft stands and taxiway links hereby approved are brought into use. The scheme shall be implemented in accordance with the approved details as part of the development, and shall include but not be limited to:
- Detailed engineering drawings of the new or altered components of the drainage scheme;
 - A final drainage plan, which details exceedance and conveyance routes, and the location and sizing of any drainage features; and
 - A written report summarising the scheme as built and highlighting any minor changes to the approved strategy.
5. A Biodiversity Management Strategy (BMS) in respect of the translocation site at Monks Farm shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of construction works. The BMS shall include:
- Description and evaluation of features to be managed;
 - Ecological trends and constraints on site that might influence management;
 - Aims and objectives of management;
 - Appropriate management options for achieving aims and objectives;
 - Prescriptions for management actions;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
 - Details of the body or organisation responsible for implementation of the Strategy; and
 - Ongoing monitoring and remedial measures.

The Strategy shall also set out (where the results from monitoring show that conservation aims and objectives of the BMS are not being met) how

contingencies and/or remedial action shall be identified, approved by the local planning authority and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The BMS shall be implemented in accordance with the approved details.

6. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Stansted – Ecology Mitigation Strategy (RPS, February 2018) forming part of Appendix 16.1 and 16.2 of the Environmental Statement and in the Conclusions and Recommendations of the Preliminary Ecological Appraisal Update (RPS, 5 October 2020), Appendix 16.A of the Environmental Statement Addendum.
7. The area enclosed by the 57dB(a) Leq, 16h (0700-2300) contour shall not exceed 33.9 sq km for daytime noise.

By the end of the first calendar year that annual passenger throughput exceeds 35million, the area enclosed by the following contours shall not exceed the limits in Table 1:

| | |
|------------------------------|----------------------|
| 54 dB L _{Aeq, 16hr} | 57.4 km ² |
| 48 dB L _{Aeq, 8hr} | 74.0 km ² |

By the end of 2032 or by the end of the first calendar year that annual passenger throughput reaches 43million (whichever is sooner), Stansted Airport Limited, or any successor or airport operator, shall reduce the areas enclosed by the noise contours as set out in Table 2. Thereafter the areas enclosed by the contours as set out in Table 2, shall not be exceeded.

| | |
|------------------------------|----------------------|
| 54 dB L _{Aeq, 16hr} | 51.9 km ² |
| 48 dB L _{Aeq, 8hr} | 73.6 km ² |

For the purposes of this condition, the noise contour shall be calculated by the Civil Aviation Authority's Environmental Research and Consultancy Department (ERCD) Aircraft Noise Contour model (current version 2.4), (or as may be updated or amended) or, following approval by the local planning authority, any other noise calculation tool such as the Federal Aviation Administration Aviation Environmental Design Tool (current version 3.0c) providing that the calculations comply with European Civil Aviation Conference Doc 29 4th Edition (or as may be updated or amended) and that the modelling is undertaken in line with the requirements of CAA publication CAP2091 (CAA Policy on Minimum Standards for Noise Modelling). All noise contours shall be produced using the standardised average mode.

To allow for the monitoring of aircraft noise, the airport operator shall make noise contour mapping available to the local planning authority annually as part of demonstrating compliance with this condition. Contours should be provided in 3dB increments from 51 dB L_{Aeq, 16hr} and 45 dB L_{Aeq, 8hr}.

8. The passenger throughput at Stansted Airport shall not exceed 43 million passengers in any 12 calendar month period. From the date of this permission, the airport operator shall report the monthly and moving annual total numbers of passengers in writing to the local planning authority no later than 28 days after the end of the calendar month to which the data relate.

9. There shall be a limit on the number of occasions on which aircraft may take-off or land at the site of 274,000 Aircraft Movements during any 12 calendar month period, of which no more than 16,000 shall be Cargo Air Transport Movements (CATMs). From the date of the granting of planning permission, the developer shall report the monthly and moving annual total numbers of Aircraft Movements, Passenger Air Transport Movements and CATMs in writing to the local planning authority no later than 28 days after the end of the calendar month to which the data relate.

The limit shall not apply to aircraft taking off or landing in any of the following circumstances:

- a) The aircraft is required to land at the airport because of an emergency, a divert or any other circumstance beyond the control of the operator and commander of the aircraft; or
 - b) The aircraft is engaged on the Head of State's flight, or on a flight operated primarily for the purposes of the transport of Government Ministers or visiting Heads of State or dignitaries from abroad.
10. Prior to the airport first handling 35mppa, an Airport Air Quality Strategy (AAQS) shall be submitted to and approved in writing by the local planning authority. The AAQS shall set out how the airport operator shall take proportionate action to contribute to compliance with relevant limit values or national objectives for pollutants through:
- a) Measures to minimise emissions to air from its own operational sources;
 - b) Measures to influence actions to be undertaken to improve air quality from third party operational sources; and
 - c) Measures that reduce emissions through the Airport Surface Access Strategy (ASAS), the Sustainable Transport Levy and the Local Bus Network Development Fund.

Thereafter, the AAQS shall be reviewed at the same time as the ASAS reviews (at least every 5 years or when a new or revised air quality standard is placed into legislation) and submitted to and be approved in writing by the local planning authority. At all times the AAQS shall be implemented as approved, unless otherwise approved in writing by the local planning authority.

11. Within 6 months of the date of this planning permission a scheme for the installation of rapid electric vehicle charging points at the airport shall be submitted to and approved in writing by the local planning authority. The scheme shall indicate the number and locations of the charging points and timetable for their installation. The approved scheme shall be fully implemented in accordance with the approved timetable and retained thereafter.
12. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan: NK017817 – SK309; Site Plan: 001-001 Rev 01; Mike Romeo RET: 001-002 Rev 01; Yankee Remote Stands: 001-003 Rev 01; Runway Tango: 001-004 Rev 01 and Echo Stands: 001-005 Rev 01.