

Planning application S62A/2023/0022 (UDC reference UTT/23/1970/PINS)
Comments by Stansted Airport Limited (STAL) on the conditions proposed by consultees
(without prejudice)

Updated 13 October 2023 – amendments to original 22 September version are in yellow

Summary

Uttlesford District Council (note: there is no condition 3)

- Agree with conditions 1, 4-11 and 13-22
- Agree, with minor amendments, with conditions 2 and 12
- Disagree with condition 8 – propose that the MAG Safeguarding equivalent condition is used instead.
- Disagree with conditions 23 and 24 – propose that the LLFA conditions 1 and 2 are used instead.

Essex CC - Lead Local Flood Authority

Agree with conditions 1-3

Environment Agency - contamination

Agree with all 5 conditions – already included as UDC conditions 17-22

Thames Water - foul drainage

Disagree

Essex CC – Highways

Agree in principle – but we propose that ECC's requirements are instead incorporated into an amended UDC proposed condition 12.

Essex CC – Skills

Agree

Essex CC – Climate Change

Disagree with all five conditions for reasons stated

MAG Safeguarding

Agree with all conditions subject to a minor amendment to the proposed Construction Environment Management Plan. We propose that UDC condition 8 (lighting above the horizontal) is used rather than the proposed safeguarding condition put forward on this issue.

Takeley Parish Council

Disagree with four conditions for reasons stated.

Stansted Airport Watch

Disagree

APPENDIX

Uttlesford District Council

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Agree

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out ~~below~~ in the Schedule.

- STN.XX.00.XX-PAW-A-GA-BLDSTR-2010 Application Boundary Plan
- STN.XX.00.XX-PAW-A-GA-BLDSTR-2004 Architectural Plans 1- L00 and L05- Existing
- STN.XX.00.XX-PAW-A-GA-BLDSTR-2005 Architectural Plans 2- L10 and Roof- Existing
- STN.XX.00.XX-PAW-A-GA-BLDSTR-2013 Architectural Plans 3- L00 and L05- Proposed
- STN.XX.00.XX-PAW-A-GA-BLDSTR-2014 Architectural Plans 3- L10- Proposed
- STN.XX.00.XX-PAW-A-GA-BLDSTR-2015 Architectural Plans- Roof- Proposed
- STN.XX.00.XX-PAW-A-GA-BLDSTR-2901 Architectural Site Plan- Existing
- STN.XX.00.XX-PAW-A-GA-BLDSTR-2910 Architectural Site Plan- Proposed
- STN.XX.00.XX-PAW-A-DM-BLDSTR-2902 Architectural Site Plan- Demolition- Existing
- STN.XX.00.XX-PAW-A-EL-BLDSTR-2501 Architectural Elevations 1- Existing
- STN.XX.00.XX-PAW-A-EL-BLDSTR-2502 Architectural Elevations 2- Existing
- STN.XX.00.XX-PAW-A-EL-BLDSTR-2511 Architectural Elevations 1- Proposed
- STN.XX.00.XX-PAW-A-EL-BLDSTR-2512 Architectural Elevations 2- Proposed
- STN.XX.00.XX-PAW-A-EL-BLDSTR-2514 Architectural Elevations 4- Proposed
- STN.XX.00.XX-PAW-A-SK-BLDSTR-2002 Site Photographs 1- Existing
- STN.XX.00.XX-PAW-A-SK-BLDSTR-2003 Site Photographs 2- Existing
- STN.XX.00.XX-PAW-A-XX-BLDSTR-2016 Plant Enclosure- Proposed
- STN.XX.00.XX-PAW-A-XX-BLDSTR-2911 Baggage Handling Building- Proposed

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

Agree subject to inclusion of the plan references above

Note: There is no condition 3

4. Prior to commencement of the development hereby approved, water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning

authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV13 and GEN2, of the Uttlesford District Council Local Plan as Adopted (2005), the National Planning Policy Guidance, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

Agree

5. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Agree

6. Prior to the commencement of the development hereby permitted, a written statement providing details of waste recycling measures for the development shall be submitted to and approved in writing by the local planning authority. Subsequently, the waste recycling measures shall be implemented as approved.

REASON: In the interests of the promotion of sustainable forms of development and construction in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

Agree

7. Prior to the commencement of the development hereby permitted a Bird Hazard Management Plan for the construction of the development shall be submitted to and approved in writing by the local planning authority, in consultation with the Safeguarding Authority for Stansted Airport. The submitted plan shall include, as a minimum, details of the monitoring of any standing water within the site, temporary or permanent.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in place during the construction phase of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority, in consultation with the Safeguarding Authority for Stansted Airport.

REASON: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

Agree

8. Prior to the commencement of the development hereby permitted, a scheme for the prevention of light pollution and light spill from the terminal building shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures to cut-off light spill

above the horizontal plane. Subsequently, the development shall be implemented in accordance with the approved details.

REASON: A scheme to prevent light pollution is required in order to control light spillage, in accordance with Uttlesford Local Plan Policy GEN5 (adopted 2005).

Disagree – no external lighting is proposed by the scheme. The need for control is however accepted and the fourth condition proposed by MAG Safeguarding would secure this and be more reasonable.

9. Plant noise

For the development hereby approved, prior to the installation of any external plant, machinery or equipment the details of such shall be submitted to and approved in writing by the Local Planning Authority.

A noise impact assessment must also accompany the submission and include noise emissions from the equipment and any mitigation measures to be incorporated. The sound levels shall be assessed in accordance with BS4142:2014+A1 2019 (Or latest equivalent version). The sound emitted must be measured (or calculated if measurement is not possible) at 1.0m from the facade of all residential premises to demonstrate that the sound emitted by the cumulative operation of all external building services plant and equipment hereby permitted does not exceed 5db below the background noise level at any time when the plant is operating. The noise survey must include reference to measured background noise level at monitoring locations and times agreed by the Local Planning Authority. Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.

Any scheme of mitigation shall be implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures have been implemented.

The plant and equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

Agree

10. Prior to development commencing for the Electricity Sub Station hereby approved a noise impact assessment must be conducted by a competent person to assess the potential noise impact of the substation on noise sensitive receptors (e.g. hotel, residential, nursery). Noise from the substation shall be assessed in accordance with BS4142:2014+A1 2019 and any other relevant published procedure or assessment method (subject to local authority approval). Particular attention shall be given to directional and low frequency impact at times of low background levels.

If required, a mitigation scheme to control noise from the substation shall be submitted for written approval. The works shall be carried out in accordance with the approved report shall be retained as such thereafter.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

Agree

11. Odours

Prior to installation, details of any equipment required for the extraction of fumes and/or odours shall be submitted to and approved by the local planning authority in writing prior to installation. The details submitted shall include specifications of all fans, odour control and outlet height and location, acoustic performance, and a maintenance schedule. Thereafter the equipment shall be implemented in accordance with the approved details.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

Agree

12. Construction impacts

Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a. The construction programme and phasing
- b. Hours of operation, delivery and storage of materials
- c. Details of any highway works necessary to enable construction to take place
- d. Parking and loading arrangements **including staff operatives and visitors**
- e. Details of hoarding
- f. **Construction vehicle routing and** management of traffic to reduce congestion
- g. Control of dust and dirt on the public highway (wheel **and underbody** washing **facilities** and dust suppression measures
- h. Details of consultation and complaint management with local businesses and neighbours
- i. Waste management proposals
- j. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k. Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l. management of surface water during construction

The CEMP shall be consistent with the best practicable means as set out in the Uttlesford Environmental Code of Development Practice.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005)

Agree – with minor changes proposed to remove the need for a separate Construction Management Plan condition proposed by Essex CC Highways (see further below).

13. External Lighting

Details of any future installation of lighting details of the lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the lights. Only the details thereby approved shall be implemented.

The lighting scheme shall conform to The Institution of Lighting Engineers Guidance for the Reduction of Obtrusive Light – Table 1 criteria and any other suitable lighting standards.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

Agree

14. All mitigation measures and/or works shall be carried out in accordance with the details contained in paragraph 4.3 of the Preliminary Ecological Appraisal (Mott MacDonald, July 2023).

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Agree

15. No development shall commence unless and until a Biodiversity Net Gain Management and Monitoring Plan to ensure that there is a measurable biodiversity net gain within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Government's Metric as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Net Gain Management and Monitoring Plan should include the following:

- a. Proposals for the on-site biodiversity net gain;
- b. A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain Management and Monitoring Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

Agree

16. Prior to commencement of any works a Biodiversity Enhancement Layout for bespoke biodiversity enhancement contained in paragraph 4.4 of the Preliminary Ecological Appraisal (Mott MacDonald, July 2023) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a. detailed designs or product descriptions for bespoke biodiversity enhancements; and
- b. locations, orientations and heights for bespoke biodiversity enhancements by appropriate maps and plans.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

Agree

17. Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at, Unacceptable risk from adversely affected unacceptable levels of water pollution in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework and in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

The information provided within the Contamination Desk Study goes some way to satisfy (1) of the above condition, and we note provided recommendations with respect to further geo-environmental investigation and assessment are carried through as detailed within Section 6.2.2 of the report we feel (2) would be partly satisfied. However, it must be noted the intention of the above condition is to enable the applicant to develop a robust remediation strategy for pre-existing contamination should it be present, and the current recommendations do not include this.

Agree

18. Investigative Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

REASON: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Agree

19. Monitoring

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

REASON: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Agree

20. Verification Report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the

effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Agree

21. Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Agree

22. Piling

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection. There is some uncertainty around land contamination and waste deposited at the site, so there is concern piling or other penetrative construction methods/installations could disturb underlying contamination resulting in the pollution of the underlying aquifers. A foundation works risk assessment will be required prepared with reference to the guidance presented in 'Piling into Contaminated Sites (Environment Agency, 2002)' available at the following website: [ARCHIVED CONTENT] (nationalarchives.gov.uk). This is in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Agree

23. No works shall take place until a detailed surface water drainage scheme for the development, demonstrating how it will relate to the existing airport wide drainage system, has been submitted to and approved in writing by the local planning authority. The scheme should be based on sustainable drainage principles and include but not be limited to:

- Agreement of the development's discharge rates in line with existing drainage infrastructure already in place for Stansted Airport
- Ensuring that the airports existing drainage system has sufficient available storage to ensure that the development does not lead to off airport flooding during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for the relevant areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the development site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of the relevant components of the drainage scheme.
- A final drainage plan for the development site which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the principles of the scheme and to the drainage of terminal building.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

We can agree to this condition, however, it does not exactly replicate the LLFA's position set out in LLFA Condition 1 below. We propose that the LLFA's Condition 1 (which reflects their position in the ECC letter dated 21 September 2023) is used instead.

24. No works shall take place until a Maintenance Plan detailing the maintenance arrangements and activities/frequencies for the development, has been submitted to and agreed in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the Maintenance Plan.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Disagree – we proposed that the LLFA Condition 2 further below is used. The LLFA's condition is very similar in scope but has a pre-occupation trigger rather than a pre-commencement trigger.

Environment Agency - contamination

The EA's six proposed conditions are directly replicated in UDC's proposed list of conditions (numbers 17-22) – which we agree to.

Thames Water - Foul Drainage

No development shall be occupied until confirmation has been provided that either:-

Foul water Capacity exists off site to serve the development, or

A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or

All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

REASON - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

~~Disagree - the responsibility to provide foul drainage capacity, including any required infrastructure upgrades is with Thames Water and not with the applicant. The third criteria of the proposed policy is not capable of discharge by the applicant and therefore the condition is not reasonable.~~

~~The additional foul drainage flows arising from the increase in passengers to the 43 mppa limit, of which the proposed terminal extension seeks to accommodate, was considered in the Environmental Statement accompanying the 43 mppa planning application and Thames Water were a consultee. No planning condition was subsequently attached to the permission in respect of foul drainage nor was an obligation included in the Section 106 Agreement.~~

~~Thames Water are obligated to accept the foul flows from a development with the benefit of planning consent and have to take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Inspectorate grant planning permission. A contribution to the cost of any infrastructure upgrades, as well as charges for the treatment of foul drainage via existing infrastructure, is recharged through rates charged by Thames Water to the applicant, under the Water Industry Act 1991 (as stated in paragraph 6.3.6 of the submitted Flood Risk Assessment and Drainage Strategy). Accordingly, the matter of foul drainage capacity is not a relevant matter for the planning system to consider and the proposed condition is not necessary.~~

Further to TW's consultation response dated 30 August 2023, we provided the data that they had requested on the forecast foul drainage flows arising from the proposed development.

This has resulted in Thames Water writing to the applicant's drainage consultants WSP on 29 September 2023 (forwarded to the Inspectorate by email on 5 October 2023) confirming that there will be sufficient sewerage capacity in the nearby foul water sewer network to serve the proposed development.

The applicant did ask that Thames Water write directly to PINS with this updated position, however, they stated in an email dated 3 October (passed to the Inspectorate on 5 October) 'The letter issued 29/09/2023 constitutes our formal response to your application. You may use this letter to support your planning application'.

Thames Water had originally (30 August 2023 response) proposed a condition on the basis that they did not know at that time whether sufficient sewerage capacity existed. However, as TW's position stated in the 29 September letter states that sufficient capacity does exist to serve the site, there is no need for their proposed condition, as the first criteria of their proposed condition has now been satisfied.

Essex CC – Lead Local Flood Authority (LLFA)

LLFA Condition 1 (amended version within ECC letter dated 21 September 2023):

No works except demolition shall take place until a detailed surface water drainage scheme for the application site, demonstrating how it will relate to the existing airport-wide drainage system, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- No increase in surface water peak discharge rates from the airport drainage network as a result of the approved terminal development.
- Provide sufficient storage to ensure that no off-airport flooding occurs as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can either half empty within 24 hours after a 1 in 30-year storm critical storm event or have the capacity to store a subsequent 1 in 10-year storm event after a 1 in 30-year storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the airport's drainage network, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment.

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Agree

LLFA Condition 2:

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Agree – we propose that this condition is used rather than UDC condition 24

LLFA Condition 3:

The applicant or any successor in title must maintain yearly logs of maintenance which should be conducted in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason:

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Agree

Essex CC – Highways

Construction Traffic Management Plan:

No development shall take place, including any ground works or demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. construction vehicle routing
- b. the parking of vehicles of site operatives and visitors
- c. wheel and underbody washing facilities.

Reason:

To ensure that parking by operatives does not occur on the highway, to manage access for construction traffic via the most appropriate routes and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Agree in principle – but we propose that ECC's requirements are instead incorporated into an amended UDC proposed condition 12. See suggested amendments to UDC proposed condition 12 above.

Essex CC – Skills (contained within ECC letter dated 21 September 2023):

Prior to the commencement of development, an Employment and Skills Plan that aims to maximise the opportunities for local residents to access employment offered by the construction phase of the development should be submitted to and approved by the Local Planning Authority, in consultation with Essex County Council. The approved Plan shall be implemented in accordance with a timetable set out in the Plan.

Reason: In recognition of the employment opportunities offered by the construction phase of the development.

Agree

Essex CC – Climate Change / Design

Condition 1 – Climate Mitigation and Adaptation Strategy, incorporating Energy Statement:

The Climate Change Mitigation and Adaptation Strategy must be submitted for approval prior to the commencement of the development. The Strategy should set out the approach being taken towards climate mitigation and adaptation and measures should cover a range of sustainability matters, including, but not limited to, water (use efficiency, rainwater harvesting, water recycling), energy (use efficiency and generation), low carbon design (passive active measures, materiality, Whole Life Carbon Assessment (GWP inc.), waste / circular economy). As part of the strategy, an Energy Statement shall be provided which demonstrates how the scheme will achieve the following targets:

- An annual space heating and space cooling demand no greater than 15kWh/m² GIA
- An annual Energy Use Intensity (EUI) no greater than:
 - o 70kWh/m² for offices
 - o 35kWh/m² for industrial
 - o All other building types are to report on their EUI, be fossil fuel free and meet the space heating/cooling demand targets.
- An annual yield from on-site renewable energy generation which is equal to or greater than the total annual Energy Use Intensity.
- The development is fossil fuel free.

EUI's listed above use gross internal floor areas (GIA) and include regulated and unregulated energy loads. EV charging is not included in the EUI, but should be sub-metered. Renewable energy should not be included within the EUI calculation.

Calculations for all figures should be conducted using a predictive energy modelling methodology, such as CIBSE TM54 or equivalent.

The on-site renewable energy generation output should be calculated including the impact of shading and included within the Energy Statement.

Reason:

To demonstrate how the scheme will align with the objectives of the NPPF (2021), contribute to national targets in the Climate Change Act 2008 (as amended), the emerging Essex Net Zero Policy – Technical Evidence Base 2023 and with the local climate targets. This contributes to achieving the Essex Climate Action Commission target of Net Zero by 2050 as endorsed by Essex County Council and Uttlesford Council's target of the district being Net Zero by 2030. To meet the commitment outlined in MAG CSR Strategy (2020) where: "All new and replacement airport infrastructure will run on renewable energy by 2025" as well as facilitating the target of "All airport infrastructure to operate on renewable energy by 2030."

Condition 2 – In-use Monitoring:

Prior to commencement of development, an in-use Energy Performance Monitoring Strategy should be submitted for approval, outlining the principles to be implemented through the proposed BEMS, ensuring comparisons between actual performance with predicted, to inform any necessary actions required to eliminate any performance gap, including how data will be collected and reported.

Reason:

To demonstrate how the scheme will align with the objectives of the Essex Net Zero Policy – Technical Evidence Base 2023 (including the targets set out in Condition 1).

Condition 3 - As built performance confirmation:

Prior to occupation the as-built performance information should be submitted. This should include results from performance modelling demonstrating space heating/cooling demand, energy use intensity and installed solar PV output has been met.

Reason:

To demonstrate how the scheme will align with the objectives of the Essex Net Zero Policy – Technical Evidence Base 2023 (including the targets set out in Condition 1).

Condition 4 - BREEAM – prior to commencement:

Prior to commencement of the development, evidence in the form of a Pre-assessment Estimate shall be provided to show that the development is capable of achieving a minimum BREEAM rating of 'Excellent.'

The Pre-assessment Estimate shall be provided by a qualified and registered BREEAM assessor. The appropriate BREEAM Assessment method based on the 2018 methodology (or current methodology if superseded) shall be selected by the assessor based on the typology of the building being assessed.

Reason:

To provide assurance that the development is capable of achieving BREEAM 'Excellent' in accordance with the targets set out in the application proposals.

Condition 5 - BREEAM – post construction:

Within 3 months of practical completion, a Post Construction Certificate shall be provided for the development, showing that it has achieved a minimum BREEAM 2018 (or later) rating of 'Excellent'.

The assessment and certificate shall be provided by a qualified and registered BREEAM Assessor.

Reason:

To demonstrate that the development after Post Construction Review achieves BREEAM 'Excellent' in accordance with the targets set out in the application proposals.

We disagree with all 5 proposed conditions.

Paragraph 5 of page 19 of ECC's letter dated 8 September 2023 acknowledges that there is not a 'required standard' to meet BREEAM 'Excellent'. The Sustainability and Planning Statements submitted with the application also acknowledge that there is no required BREEAM or other sustainability / climate change standard within adopted planning policy at national, county or local levels.

Notwithstanding, the Sustainability Statement 'targets' a BREEAM Excellent standard on a voluntary basis in order to address the Council's Interim Climate Change Policy's objectives, reflect the applicant's 2020 Corporate Social Responsibility strategy's commitment on this matter, contribute to its wider corporate commitment to achieve net zero airport operations by 2038 and contribute to the Government's zero emissions from airport operations target of 2040. This is set out in paragraphs 7.17-7.23 of the Planning Statement.

The proposed ECC conditions are more stringent and go beyond the measures put forward by the applicant but are not supported by an adopted planning policy basis. The *Essex Net Zero Policy Study* and the *Net Zero Policy – Technical Evidence Base* (both July 2023) cited in the 'reason' for the condition are not adopted planning policy and are instead reports that have been published. The County Council's webpage (<https://www.essexdesignguide.co.uk/climate-change/essex-net-zero-policy-study/>) states that these reports are a '*recommended policy approach*' (our emphasis) and intended to '*inform each Essex LPAs local plan viability study*'. Given the report acknowledges that the 'recommended policy' would add costs of 2 - 12% above the requirements of current Building Regulations (Part L, 2021) for non-residential buildings (office, school and industrial), it is important for each local authority to undertake their own viability study of the consequences of the recommended policy approach in their area.

Moreover, the Policy Study only considers residential, office, school and industrial building typologies – it does not consider airport terminals. It is silent on its applicability to extensions to existing buildings such as the terminal extension development subject of the current application.

The Study and its 'recommended policy' has yet to be considered by or integrated into either an emerging or adopted Uttlesford Local Plan. The Council's current planning policy instead comprises the adopted Uttlesford Local Plan 2005, the Uttlesford Energy Efficiency and Renewable Energy SPD 2007 and the Interim Climate Change Policy 2021. None of these policy documents incorporate the metrics or standards that the ECC proposed conditions require and therefore we consider that the ECC conditions are not necessary or reasonable and not in accordance with the tests set out in paragraph 56 of the NPPF.

If the Inspector considers a condition to secure the sustainability measures set out in the Sustainability Statement is necessary, then the following condition would be appropriate:

The development should be carried out in accordance with the measures contained in the Sustainability Statement (Mott MacDonald, July 2023).

Reason: To ensure the development is sustainable and to comply with Policy GEN2 of the Uttlesford District Council Local Plan as Adopted (2005), the Uttlesford Energy Efficiency SPD (2007) and the Uttlesford District Council's Interim Climate Change Policy (2021).

MAG Safeguarding

The existing management plan for the terminal roof should be extended to cover the new roof and that the development should be designed to avoid accessible ledges, holes and crannies that may be used by Feral Pigeons. The increase in capacity of pond C should be managed to prevent or control any increased attraction for hazardous birds.

Reason: Flight safety - Birdstrike Avoidance.

Agree

In the interests of aviation safety, a **Safeguarding** construction environment management plan (SCEMP) must be submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- Details of the area(s) subject to construction activity and the storage of materials and equipment
- Details of cranes and other tall construction equipment (including the details of obstacle lighting)
- Control of activities likely to produce dust and smoke etc
- Details of temporary lighting
- Height of storage areas for materials or equipment
- Control and disposal of putrescible waste to prevent attraction of birds
- Site restoration.
- Control of FOD including airborne FOD when close to the aerodrome.
- Dust & Smoke
- Frequency emitting equipment
- Drone usage
- Gas purging / venting

The approved strategy (or any variation approved in writing by the Local Planning Authority shall be implemented for the duration of the construction period.

Reason: Flight safety - To ensure that construction work and construction equipment on the site and adjoining land does not breach the safeguarded surfaces surrounding Stansted Airport and endanger aircraft movements and the safe operation of the aerodrome.

And,

Reason: Flight safety - To ensure the development does not endanger the safe movement of aircraft or the operation of Stansted Airport through interference with communication, navigational aids and surveillance equipment.

And,

Reason: Flight safety – To ensure that site activity does not endanger the safe movement of aircraft or the operation of Stansted Airport by creating: a dust or smoke hazard; a Birdstrike hazard; a security hazard; a glint/glare hazard.

Agree but recommend amending the required document (as shown above) to explicitly refer to safeguarding to make it distinct from the Construction Environment Management Plan subject of UDC condition 12.

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials (including solar PV) other than clear or obscure glass shall be added to the building without the express consent of the local planning authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

Reason: In the interests of flight safety and to prevent distraction and ocular damage to pilots using Stansted Airport.

Agree

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

Agree

No construction shall commence on site until a full aviation impact assessment has been submitted and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport. The assessment should explore the impact upon the following both during construction and in perpetuity: • Instrument Flight Procedures (IFPs)

- Obstacle Limitation Surfaces (OLS)
- Communication, Navigation & Surveillance Equipment
- Windshear

Reason: In the interests of aircraft safety and the operations of Stansted Airport and NATS PLC.

Agree

National Highways

No conditions are proposed to be attached to the current planning application. Instead, NH state that they have no objection provided the conditions within permission UTT/18/0460/FUL are complied with. In fact, their requirements were ultimately included in that permission as part of the Section 106 Agreement and as they are 'obligations', they will be complied with.

Takeley Parish Council

1. Construction Management Plan - To prohibit construction traffic using roads through the Takeley Four Ashes junction as the junction is already over-capacity and there are congestion and highways safety issues along the route, particularly in Parsonage Road.

Disagree – a Construction Environment Management Plan is proposed by UDC (condition 12) and we propose that this is used. As requested by Essex County Council Highways, we have proposed an amendment to include reference to construction traffic routing. This condition will enable the District Council to determine which construction routes are acceptable.

2. Skylink Walkways – Inclusive access arrangements should be provided and sufficient capacity of an alternate mode of transport for those who cannot use the moving walkways. Along with the increased capacity for passengers, there needs to be support available for an increased in passengers requiring assistance.

We wish to highlight the specific additional needs of members of the public with assistance dogs, who will not be able to use the walkways. There is also a need for 'spending spaces' for the use of assistance dogs, and for them to be conveniently located in public areas.

Disagree – the 'skylink walkways' proposed as part of the application are multi-functional routes from the extended terminal to the three satellites. They have been designed to allow pedestrian, mobility assistance vehicles (buggies) and mechanical 'travelator' routes within the same space to provide a range of means of travel. They will not be exclusively a space occupied by travelators so the needs of all users will be accommodated. They have been designed to meet current Building Regulations including the needs of the mobility impaired including those using assistance dogs. We do not consider a specific condition on this matter is required.

3. Passenger drop-off/collection facilities – Improved drop-off facilities and lower priced short-stay car parking should be situated adjacent to the terminal. Changes are urgently needed and should be included in the plans to extend the terminal. The expensive drop-off in front of the terminal building is unacceptable and the time limits cause major stress to all users, particularly at peak times when all users are worried that they will be timed out and be subject to even higher costs for every minute extra. The mid-stay drop-off facility is an inconvenient bus-ride away from the terminal. This situation results in road users driving erratically in the vicinity of the airport and causes taxis to wait in residential streets and lay-bys for prolonged periods, with no access to public conveniences.

Disagree – the proposed terminal extension does not propose to increase the passenger capacity of the airport (which is restricted by existing and extant planning permissions). The consequences of a larger passenger terminal for surface access to and from the airport (including short stay parking and drop-off facilities referenced by the Parish Council) were considered as part of the recent planning permission to increase passenger limits to 43 mppa and the Section 106 Agreement accompanying that permission sets out agreed mitigation measures.

The airport operates a comprehensive surface access strategy encompassing the needs of all passengers, staff and local residents using the airport including its public transport interchange. This strategy incorporates a parking strategy, including drop off facilities, and balances the need

for access to the airport for those unable to use public transport with the need to promote sustainable means of travel using bus, coach, rail and cycling. To reduce the pricing of car parking and drop off facilities suggested by the Parish Council will both deter the use of public transport and will create a demand for enlarged drop off facilities and for more short stay car parking. For these reasons we do not consider a condition is required regarding the issues raised by the Parish Council.

4. Sustainability/Net-Zero measures – The mitigation to make the scheme carbon neutral seems very small if it is limited to enhancing a grassed area within the grounds. There is reliance on installing a solar farm on agricultural land in Takeley close to the terminal access road. Instead, there should be solar panels on terminal buildings and offices and solar car ports should be placed throughout the airport's car parks. These measures are used successfully elsewhere, for example Montpellier airport, which boasts a 4.5MWp solar carport, providing weather protection for its users and generating 6.2 million KWh per year; a substantial percentage of the airport's total electricity requirements.

Disagree – The submitted Sustainability Statement sets out a comprehensive range of targets for the operational building and the construction project to meet. This includes the use of the airport's solar farm to generate renewable energy, building design principles, materials, efficient energy use, Biodiversity Net Gain, drainage and methods of construction. The roof of the terminal is a tensile structure which cannot support PV panels and given the proximity to the active airfield, could cause undue risk of increased glint and glare.

A condition requiring development in accordance with the Sustainability Statement has been proposed above (see Essex County Council – Climate Change section) if the Inspector considers it appropriate.

Stansted Airport Watch

'We do however consider it reasonable and appropriate to seek confirmation from the Applicant that the permission under application reference S62A/2023/0022, if granted, would be in lieu of the earlier approval for a dedicated arrivals building under application reference UTT/16/3566/FUL. In the Planning Statement, the Applicant clearly presents S62A/2023/0022 as an alternative to UTT/16/3566/FUL. We merely ask that this is formally incorporated in any approval decision.'

Disagree – the Arrivals Building permission has been implemented and remains extant.

It is not necessary or reasonable for a planning condition to be imposed.