



Statement of Reasons & Decision Notice

Site visit made on: 17 October 2023

Section 62A Hearing held on: Tuesday 17 October 2023

By Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

a person appointed by the Secretary of State

Decision date: 31 October 2023

Application Reference: s62A/2023/0022

London Stansted Airport, Bassingbourn Road, Stansted, Essex CM24 1QW

- The application was made under Section 62A of the Town and Country Planning Act 1990 (TCPA) by Stansted Airport Limited (STAL).
 - The site is located within the local planning authority area of Uttlesford District Council.
 - The application was dated 27 July 2023, with a valid date of 7 August 2023.
 - Consultation took place between 7 August 2023 and 22 September 2023.
 - The development proposed is described as '*Partial demolition of the existing Track Transit System and full demolition of 2 no. skylink walkways and the bus-gate building. Construction of a 3-bay extension to the existing passenger building, baggage handling building, plant enclosure and 3 no. skylink walkways and associated hardstanding.*'
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Statement of Reasons

Summary of decision

1. Planning permission is **GRANTED** subject to conditions.¹

Procedural Matters

2. The application was submitted under s62A of the *Town and Country Planning Act 1990*, as amended (TCPA). This allows for applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. Uttlesford District Council (UDC) have been designated for major applications since February 2022. The SoS has appointed a person under section 76D of the TCPA 1990 to determine the application instead of the SoS.
3. The application was screened under *The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017*, (as amended) by the SoS. On 8 August 2023, the Secretary of State considered the Application in accordance with Regulation 12(1) of the *Environmental Impact Assessment Regulations 2017 (SI 571/2017)*. They directed that this development is not Environmental Impact Assessment (EIA) development.
4. Following the closure of the representation period, Article 22 of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* requires the SoS (or appointed person) to consider the application either by hearing or on the basis of representations in writing.

¹ See decision notice to the end of this document for further details.

5. Taking into account Section 319A of the TCPA and the *Procedural guidance for Section 62A Authorities in Special Measures*² published by the SoS (including Paragraph 5.1.1), as the appointed person I considered that the issues raised in this case required a hearing.
6. A hearing under s62A was held on Thursday 17 October 2023, in the Council Chamber at Saffron Walden. The Chairman of the group known as Stansted Airport Watch was the only person attending who wished to speak. In addition, the designated authority was represented by two officers. The Applicant was represented by six individuals. All parties in attendance were given an opportunity, and exercised it, to make oral representations to myself as the appointed person. I have taken account of all written and oral representations in reaching my decision.
7. I also acknowledge the representation from the designated planning authority dated 20 September 2023 including suggested planning conditions.
8. An accompanied site visit was carried out on the afternoon of 17 October 2023: after the hearing had closed. The inspection included viewing the site and the surrounding area from both landside and airside vantage points. I was accompanied by a representative from the designated authority and the Applicant.

Background and recent planning history

9. The application seeks the partial demolition of the existing Track Transit System (TTS) and full demolition of two skylink walkways and the bus-gate building. Construction of a 3-bay extension to the existing passenger building, baggage handling building, plant enclosure and three skylink walkways and associated hardstanding. This would create around 52,445m² of new floorspace.
10. There is also an area to the west of the airport off Bury Lodge Lane, indicated on the site plan, where Biodiversity Net Gain will be delivered.
11. The proposed changes are sought in order to improve the currently constrained passenger processing capacity and retail provision of the airport. This is related to the aim of the airport operator to increase the terminal capacity up to 43 million passengers per annum (mppa) and improving the visitor experience.
12. The principle of increasing the number of passengers per annum and associated aircraft movements including some works to facilitate this, was established by planning permission granted following an appeal heard by Inquiry ref APP/C1570/W/20/3256619 on 26 May 2021. The planning application seeks to extend the existing terminal building with an increased footprint of around 16,500 m² with the 'rear' extension proposed around 306metres by 54 metres³. Roof eaves and profile would be aligned to match existing, and this would also be replicated in the facade with the continued use of glass and solid cladding. There would also be the erection of skylink walkways and baggage handling building.

² [Procedural guidance for Section 62A Authorities in Special Measures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/procedural-guidance-for-section-62a-authorities-in-special-measures)

³ See Design and Access Statement, page numbered 27

13. In 2017, the local planning authority granted permission under reference UTT/16/3566/FUL for, amongst other works, an arrivals building. It is understood that the Council considers that this remains extant.⁴ This was discussed at the hearing.

Planning Policy and guidance

14. The adopted development plan for this part of the Uttlesford District is the *Uttlesford District Local Plan* (adopted 2005). The following policies are of particular note in this instance:

S4 – Stansted Airport Boundary

AIR1 – Development in the Terminal Support Area

GEN1 – Access GEN2 – Design GEN3 – Flood Protection

GEN5 – Light Pollution GEN7 – Nature Conservation

E3 – Access to Workplaces LC2 – Access to Leisure and Culture Facilities

15. Also of relevance is the *Uttlesford Interim Climate Change Policy* (2021).

16. The *National Planning Policy Framework 2023* (the Framework), the national Planning Practice Guidance, and the Aviation Policy Framework (March 2013) are important material considerations.

17. Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended, requires that '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*'

Main Issues

18. In the *Issues Report and Outline Agenda* document, and also at the start of the Hearing, I set out that the main issues, in my opinion, were:

- i) The effect of the proposal on any heritage assets;
- ii) Whether or not the proposal seeks an increase in passenger numbers that would result in any potential significant effects; and,
- iii) The benefits of the proposal, compliance with the development plan, and the overall planning balance.

Statutory Parties or Interested Persons

19. A number of representations have been made by public body consultees. Where relevant⁵, I have provided my reasoning or observations in considering the comments made here. Full details of the comments can be found on the application website at [Section 62A Planning Application: S62A/2023/0022 - London Stansted Airport, Bassingbourn Road, Stansted CM24 1QW - GOV.UK \(www.gov.uk\)](https://www.gov.uk/planning-application/s62a/2023/0022-london-stansted-airport-bassingbourn-road-stansted-cm24-1qw)

⁴ Officers Report to Planning Committee, page 55, paragraph 3.9

⁵ For example Active Travel England provided no comment, so further reasoning from the decision maker is necessary.

Cadent Gas Ltd

20. Informative suggested. This has been added as informative numbered iv on the decision notice.

Historic England

21. Historic England are the government's advisor on the historic environment. They detail a brief history of the Stansted terminal building, being a Norman Foster design from 1991, and which have influenced other international airports. In particular, the TTS and how visitors to the airport move from both air and land side into the terminal building. Historic England sought a detailed assessment of the significance of the building, and ideally that a listing request should be submitted. Their submission indicates that they have concerns regarding the application on heritage grounds.
22. It is for the *Department of Media, Culture and Sport (DCMS)* and its Secretary of State to determine whether a building should be listed or not on advisement from Historic England. The building is not, therefore, subject to listing at the time of this decision and neither s16(2) nor s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, are applicable to this proposal.
23. To address the concerns raised by Historic England, the Applicant submitted a Heritage Statement, dated September 2023, undertaken by heritage professionals. This report sets out the significance of the building as a non-designated heritage asset. The report concluded that the proposal would result in minor harms to significance, but that these would be outweighed by the benefits of the proposal.
24. The views of Historic England were subsequently sought and they were notified of the hearing date, time and location. Historic England notified the Inspectorate that they did not intend to speak nor attend the hearing.
25. I note that on 13 October 2023, Historic England informed the Inspectorate that they have received a listing application for Stansted Airport from an unspecified source. Whilst noted, this does not alter the above facts or manner in which I have considered the application here.

East Herts District Council

26. Comments submitted are broadly supportive of the proposal, including the design proposed and its efficient use of space being better than that approved in 2017.

Environmental Health, Uttlesford District Council

27. The Environmental Health team suggest a number of conditions in relation to land contamination, noise, odours, construction impacts, and external lighting. I find these conditions are reasonable and related to the development proposed and have imposed them. Two informatives relating to asbestos and sewage discharges are suggested; these are numbered v and vi respectively.

Essex Police – Designing Out Crime Office (DOCO)

28. Essex Police have indicated that they wish to positively influence the design to reduce the opportunity for acts of crime or terrorism. Consequently, they are

keen to understand further matters such as passenger movements on ground floor, general crime prevention detail regarding retail security, and how CCTV would align with existing systems.

29. In the main, these are operational matters which are beyond the scope of consideration of the planning merits of the proposal. Moreover, I am unconvinced that the imposition of a condition to secure the details of these is reasonable. Instead, an informative is a pragmatic way forward to deal with such details in this instance.

Ecology - Place Services

30. Recommend approval subject to conditions. Places Services Ecology set out that *'We have reviewed the Preliminary Ecological Appraisal (Mott MacDonald, July 2023) and Biodiversity Net Gain Report (Mott MacDonald, July 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.*
31. *We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can/will be delivered within the timescale promised and to meet any mandatory BNG requirements at the time of submission. We are satisfied that there is sufficient ecological information available for determination of this application.'*
32. I see no reason not to concur with this assessment. Furthermore I find the conditions suggested are reasonable and proportionate to the proposed scheme, including requiring the further submission of information relating to the Biodiversity Net Gain (BNG) element.

Environment Agency

33. The Environment Agency (EA) have raised concerns relating to water pollution, which they consider could be mitigated or addressed through the imposition of planning conditions. Accordingly, I have imposed the conditions suggested by the EA, which are reasonable and precise. I have also added an informative relating to Great Hallingbury Brook, a water course within the site, that has been suggested by the EA.

Essex County Council

34. Essex County Council have suggested two conditions in their submission dated 21 September 2023– one relating to the submission of a skills plans, and one relating to flood and water management. A condition requiring the submission and agreement of an Employment and Skills Plan is not necessary or reasonable given that no planning policy basis for its submission has been provided by the County Council. I note the reference to the s106 or legal agreement in relation to the earlier appeal decision. However, I do not consider that a planning condition would be reasonable in this instance.
35. In terms of Essex County Council's position as the Local Lead Flood Authority (LLFA) a condition requiring detailed surface water drainage scheme is reasonable in order to minimise the risks to human health and/or the local water environment.

MAG Safeguarding Authority

36. No objection raised subject to the imposition of suggested conditions. The conditions suggested relate to matters such as feral pigeons and light orientation and the removal of permitted development rights, so as to reduce the risk to flight and/or pilots. The conditions suggested are pragmatic and reasonable and directly relate to the development proposed. As such their imposition is reasonable in this case. Two informatives have been suggested which I have added in that section of the decision notice as one informative.

Natural England

37. Natural England originally wrote to the Inspectorate on 22 September 2023, indicating that the application could have potential significant effects on designated sites. Following this, the Applicant clarified further their position in respect of this matter. The details of which were passed on to Natural England for consideration.
38. On 3 October 2023, Natural England wrote to the Inspectorate indicating that; *'In accordance with s63 of the Conservation of Habitats and Species Regulations 2017 (as amended) the competent authority must, prior to granting any consent or permission consider whether there will be a likely significant effect on any designated habitat site. This is the first stage of Habitats Regulations Assessment. If your authority is satisfied that the proposal will not increase or enable the increase in passenger numbers or aircraft movements then Natural England advises that your authority will be able to screen out a likely significant effect.'*
39. The proposal here would not increase passenger numbers beyond that already approved in May 2021.

National Highways

40. National Highways (NH) raise no objection to the proposal subject to the imposition of conditions similar to those imposed in the appeal decision ref 3256619 (LPA reference UTT/18/10460/FULL specific to increasing capacity on the M11 J8 and local links). It is unclear to which of the 12 conditions imposed on that permission NH are referring to. Nonetheless, the reasons for the imposition of planning conditions in this case are clear, and there is nothing before me to indicate that those imposed on other permissions are no longer extant and/or enforceable. I am satisfied that the proposal would not have an adverse effect on the nearby parts of the national highway network.

National Air Traffic Service (NATS) - Safeguarding

41. No objection to the proposal.

Parish Councils

42. Great Hallingbury Parish Council raised no objections, though did have some concerns relating to working dogs using moving walkways. No objection from Stansted Mountfitchet Parish Council.
43. Takeley Parish Council raised no objection in principle to the proposal, but made observations in respect of the submission of a construction management plan, the skylink walkways, passenger drop off and collection points and sustainability/net zero measures.

Thames Water

44. Thames Water has been unable to determine the foul water infrastructure needs of the application. To that end, they recommend the imposition of a condition to secure and agree such details. I concur and find that such a condition is reasonable. I have therefore imposed this condition.

Twentieth Century Society

45. The Twentieth Century Society objects to the application as it considers the application building is a significant one that merits listing at a high grade. They consider that this building should be identified as a non-designated heritage asset on account of its clear national architectural significance and considered in these terms for this application.

Uttlesford District Council

46. The Council's planning committee met on 13 September 2023 to consider the report of the Council's professional officers and the submitted scheme. Subsequently, the Council submitted its representation to the Planning Inspectorate on 20 September 2023. The Council notes that there has not been a significant amount of public interest from local residents.
47. Observations about passenger safety during construction have been made. Whilst noting these, I consider that they can be addressed through suitably worded conditions.
48. I note the observations made in respect of outstanding previous s106 compensation claims under Part 1 of the 1973 Act⁶ and that the works could trigger more claims. Nonetheless, the Applicant is now aware of these and, should they need to be, are resolvable under the relevant Acts or processes.
49. The Council recommends that approval to the proposal is given subject to conditions. To that end a list of 24 suggested conditions have been provided (some of which replicate those suggested by other parties). I have considered their imposition and the reasons for it in the decision notice where imposed.

Reasons

Heritage

50. As suggested by the Applicant's Heritage Statement and the Twentieth Century Society, I consider that the Stansted Terminal Building should be considered a non-designated heritage asset (NDHA).
51. Its significance as a NDHA derived from the fact that the Terminal represents a seminal piece of aviation architecture, designed by Norman Foster, a pioneer of the High-Tech style of architecture. The building has an innovative design, with a single level passenger concourse and complex services concealed below within the undercroft. There is a crucial balance between aesthetics and functionality, as seen with the structural 'trees' and lightweight domed roofing. Although a number of the early design concepts have been lost, the core principle of the building's design—its modular nature and the repeatable effective components—have allowed for the flexibility and adaptability of this

⁶ It is unclear which Act is referred to. Presumably the Land Compensation Act 1973.

important building, whilst retaining its crucial philosophy of simplicity and openness⁷.

52. Through the changes proposed, which would deviate from the original design, I find that the proposal would result in some minimal harm to significance of the NDHA. In accordance with Paragraph 203 of the Framework, the effect of an application on the significance of a NDHA should be taken into account in determining the application. In this case, as set out later in this statement of reasons, I find that the benefits substantially outweigh the minimal harm to the significance of the NDHA.

Potential significant effects

53. At the hearing the Applicant and the designated planning authority confirmed that the principal of increasing passenger numbers and flights, including relevant environmental information, was established by the planning permission granted by appeal under ref APP/C1570/W/20/3256619.
54. Accordingly, I am satisfied that the proposal will not increase or enable the increase in passenger numbers or aircraft movements which would result in likely significant effects. Furthermore, there would be no additional vehicular movements, beyond those associated with construction traffic, and as such there is no pathway for air quality impacts on any Sites of Special Scientific Interest. As such, no additional monitoring is required. This reflects the comments provided by Natural England.

Benefits

55. The applicant has put forward a number of benefits⁸ which they consider weigh in favour of the proposal. These include:
- significantly improving customer service standards for passengers and airlines;
 - maximising the best use of existing airport capacity;
 - wider economic benefits; and,
 - amenity improvements.
56. The Framework sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt, that significant weight should be placed on the need to support economic growth and productivity, and planning policies and decisions should recognise and address the specific locational requirements of different sectors⁹.
57. These factors are recognised and significant weight is placed upon the need to support economic growth. Given the above factors indicated by the Applicant and within the context of the wider local economy, the proposal would result in very significant economic benefits which weigh in favour of the proposal accordingly.

⁷ Applicant's Heritage Statement viewable at [Stansted Airport Heritage Statement FINAL.pdf](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115444/Stansted_Airport_Heritage_Statement_FINAL.pdf) (publishing.service.gov.uk)

⁸ See Applicant's *Planning Statement*, dated 5th April 2023, Pages 36 to 37

⁹ The Framework, Paragraphs 81 and 83

Conditions

58. The designated planning authority has provided a list of suggested conditions which were considered by its planning committee. Furthermore, conditions have also been suggested by statutory or interested parties. In addition to all the information before me, I have taken these suggested conditions and the comments relating to them into account in reaching my decision. This includes the document *STAL response to consultees proposed conditions UPDATED 13-10-23*¹⁰ which was referred to at the hearing.
59. Article 24 (1) (a) of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* (SI 2013 No. 2140) sets out that where planning permission is granted subject to conditions, (as is the case here) the notice must state clearly and precisely the full reasons for each condition imposed. This has been provided here under each condition imposed within the decision notice section of this document. In considering the conditions to impose I have taken into account Paragraphs 55 and 56 of the Framework and the guidance set out in the national Planning Practice Guidance and the use of planning conditions.
60. In accordance with Section 100ZA of the TCPA, the Applicant confirmed in writing on 17 October 2023 their agreement to the use of pre-commencement conditions where these meet the tests of Paragraph 56 of the Framework.

Planning balance and Conclusions

61. There is no identified conflict with the adopted development plan when considered as a whole, and there are no material considerations that indicate a decision otherwise than in accordance with it. Furthermore, the proposal would align with national policies set out in the Framework.
62. The proposal would clearly result in wider benefits including those set out in the 'Benefits' section. I afford these benefits very significant weight in favour of the proposal.
63. Correspondingly, I conclude that planning permission should be granted subject to conditions; the reasons for which are clearly and precisely set out under each condition imposed in the decision notice.

C Parker

INSPECTOR (appointed person for the purposes of s62A and s76D TCPA)

¹⁰ [STAL response to consultees proposed conditions UPDATED 13-10-23 checked.pdf](https://publishing.service.gov.uk/_documents/STAL_response_to_consultees_proposed_conditions_UPDATED_13-10-23_checked.pdf)
(publishing.service.gov.uk)

Decision Notice

Reference: s62A/2023/2022

Planning permission is **GRANTED** for the Partial demolition of the existing Track Transit System and full demolition of 2 no. skylink walkways and the bus-gate building. Construction of a 3-bay extension to the existing passenger building, baggage handling building, plant enclosure and 3 no. skylink walkways and associated hardstanding at London Stansted Airport, Bassingbourn Road, Stansted, Essex CM24 1QW in accordance with the terms of the application, Ref s62A/2023/0022, dated 27 July 2023, subject to the following conditions:

- 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.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans as set out below:

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 impact on the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 3 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.

- 4 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).

- 5 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).

- 6 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.

- 7 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 buildings in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 8 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 (such as hotels). 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 Planning 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 buildings in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 9 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 buildings in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 10 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 (including wheel washing 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; and,
- 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 the surrounding locality in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 11 Prior to 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 buildings in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 12 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 Local Planning Authority 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).

- 13 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; and,
- 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 the Local Planning Authority to discharge

its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

- 14 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 Local Planning Authority to discharge its duties under the planning policy and s40 of the NERC Act 2006 (Priority habitats & species).

- 15 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 approval 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 2023 and in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 16 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).

- 17 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 2023 and in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 18 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 2023 and in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 19 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 2023 in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 20 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).

- 21 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.

- 22 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.

- 23 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 made 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.

- 24 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.

Any increase in capacity of pond C should be managed to prevent or control any increased attraction for hazardous birds.

Reason: Flight safety – in order promote Birdstrike Avoidance and the safe operation of the airport.

- 25 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; and,
- 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. 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. 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.

- 26 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.

- 27 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.

- 28 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.

***** END OF CONDITIONS *****

Informatives:

- i. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so, no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.*
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ('the Act') is final. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made promptly within 6 weeks of the date of the decision.*
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court> .*
- iv. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

*Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.**
- v. Under the Control of Asbestos Regulations, a refurbishment and demolition survey is required before the demolition of any buildings which may contain asbestos, and any asbestos found must be safely removed by a trained contractor before work commences. All asbestos removed in relation to this development shall be done in full consultation with the Health & Safety Executive using a licenced contractor. Contractor details and asbestos disposal records (waste transfer notes) should be submitted to the council upon completion to prevent the asbestos from being buried on site during construction.*
- vi. Sewage Plants: All small sewage discharges must either meet the Environment Agency's general binding rules or have an Environmental Permit. The rules may be found at <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>*
- vii. The Applicant is strongly encouraged to engage with Essex Police in order to ensure that the design and operation of the proposal would reduce the opportunity for potential acts of crime and/or terrorism.*
- viii. The Environment Agency indicate that as Great Hallingbury Brook runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not*

limited to) the maintenance of the river at this location including the riverbank. Further information on this can be found here:

<https://www.gov.uk/guidance/owning-a-watercourse>

- ix. *The Applicant's attention is drawn to the procedures for crane and tall equipment notifications and that no lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk should be implemented to ensure flight safety and to prevent distraction or confusion to pilots using Stansted Airport.*

***** END OF INFORMATIVES *****