

CONFIDENTIAL

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DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

Andrew Turnbull Esq
Private Secretary
10 Downing Street
LONDON
SW1

5 June 1985

Dear Andrew,

AIRPORTS POLICY: DECISION LETTERS AND WHITE PAPER

/ I enclose copies of the White Paper
/ on Airports Policy, and of the decision
letters on the Heathrow and Stansted
planning applications, which are being
published this afternoon.

I am sending copies of this letter
and of the enclosures to the Private
Secretaries to all members of the Cabinet,
to the Private Secretaries to the Attorney
General, the Chief Whip, the Paymaster
General, the Financial Secretary, the
Minister for Housing and Construction*
and the Parliamentary Under Secretary
of State for the Armed Forces* and to
Richard Hatfield.

Yours, Richard.

R A ALLAN
Private Secretary

* without enc.

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Your reference

RAJ/KLD/82200
Our reference

APP/4950/3
Date

5 June 1985

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 35
APPLICATIONS BY UTTLESFORD DISTRICT COUNCIL FOR PERMISSION TO CONSTRUCT A FIFTH
TERMINAL AT HEATHROW AIRPORT

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr Graham Eyre QC, who held a public local inquiry into the two applications which your clients, Uttlesford District Council, made respectively to the London Borough of Hillingdon and Spelthorne Borough Council for outline planning permission for the extension of Heathrow Airport to provide a new passenger terminal complex (approximate annual capacity 15 million passengers) and associated facilities and works, on land east of Stanwell Moor Road, Perry Oaks, including some airport land and land at Perry Oaks Sludge Disposal Works and Burrows Hill Close Estate. The Secretary of State for the Environment directed in pursuance of section 35 of the Town and Country Planning Act 1971 that the applications be referred to him for decision instead of being dealt with by the local planning authorities.

2. The Secretary of State in a statement issued under Rule 6(1) of the Town and Country Planning (Inquiries Procedure) Rules 1974 identified the following points as likely to be relevant to his consideration of these applications (the Heathrow applications):

- a. the need for the new terminal and associated developments; the necessity for these to be at Perry Oaks as opposed to any alternative location which may be put before the inquiry;
- b. the implications of the development for the existing facilities at Heathrow;
- c. the implications of the development for:
 - (i) employment
 - (ii) housing and associated development and services
 - (iii) road traffic and public transport, particularly in the West London traffic corridor
 - (iv) safety;
- d. the effects of additional noise and pollution arising from construction work and from the use of the terminal and associated developments;

- e. the effect of the proposal on the Green Belt and existing land uses;
- f. the visual impact of the development;
- g. the possibility that further development may be proposed in the longer term.

3. The Heathrow applications were considered at the second stage of The Airports Inquiries 1981 - 83, held between 11 January and 5 July 1983 at the Crest Hotel, Heathrow. The first stage of The Airports Inquiries was held between 29 September 1981 and 28 October 1982 at Quendon Hall, Quendon, Essex. This was concerned with various applications and orders submitted in pursuance of proposals by the British Airports Authority for the expansion of Stansted Airport. The Stansted applications and orders are the subject of a separate decision letter which is being issued at the same time as this decision.

4. A copy of the Inspector's Report was sent on 10 December 1984 to you and to every person who was a party at the inquiry. This was accompanied by a document which comprised extracts from the Report, including the Inspector's conclusions, and all of his recommendations.

5. Careful consideration has been given to all the arguments put forward on behalf of the applicants, the local planning authority and other parties and to the Inspector's conclusions and recommendations on each of the applications dealt with in this letter. Since the inquiries closed, the Secretary of State has received a large number of representations relating to the proposal for a fifth terminal at Heathrow and there have been two Parliamentary debates. All the representations, and the Hansard reports of the debates, have been considered. Nothing in them appears to the Secretary of State to constitute new evidence, or to raise a new issue which needs to be referred to the parties, before he proceeds to a decision. Nor does anything in them dispose the Secretary of State to take a view on the matters before him different from that which he would otherwise have taken.

INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

6. Whilst acknowledging the difficulty of compressing the 62 Chapters of the Report into a short summary, the Inspector provided a Summary of Overall Conclusions in the Introduction to the Report. This summary is reproduced in full at pages 9 - 13 in the extracts from the Report which were circulated to the parties.

7. In Chapter 47 of the Report the Inspector addressed himself to the points listed in the Rule 6(1) statement referred to in paragraph 2 above. These are in the main still relevant to consideration of the Heathrow applications. The Inspector also commented in the same Chapter on certain other matters which were not covered by the points identified in the Rule 6(1) statement, but which emerged during the Heathrow stage of the inquiries.

8. Although the Inspector did not refer in Chapter 47 of the Report to the implications that the development of a fifth terminal at Heathrow would have for regional strategy, Chapter 3 of the Report dealt at length with the issue of 'Regional Planning and Policy in the South East'. He concluded, inter alia, in paragraphs 5.5 and 5.6 of Chapter 3 that the development of a fifth terminal at Heathrow would have no significant implications for regional strategy and the relevant important elements of policy would and should remain intact, and that there was no justification for the rejection of the development of a fifth terminal on regional planning grounds.

9. In paragraph 6.6 in Chapter 39 of the Report the Inspector questioned whether the proposed site could provide a wholly satisfactory passenger terminal in terms of layout and access. In paragraphs 4.9 and 4.10 of Chapter 49 the Inspector contrasted these disadvantages with the potential advantages of wider territorial expansion on the western side of Heathrow.

10. The Inspector examined and analysed the individual elements of air traffic demand and airport capacities in Chapters 4-8 of the Report. In Chapter 52 in Part VI of the Report he set out his broad judgements in respect of demand and capacity in the London airports system. In Part VI of the Report the Inspector also set out his views on a coherent long term strategy for the provision of airport capacity in the South East and on the most appropriate future development of Heathrow in that context. The Inspector made the following formal recommendations on the Heathrow applications in Chapter 62:

"I recommend that the two applications made by UDC for outline planning permission for the extension of Heathrow Airport to provide a new passenger terminal complex (approximate annual capacity of 15 million passengers) and associated facilities and works on land at Heathrow Airport, Perry Oaks Sludge Disposal Works and Burrows Hill Estate be refused.

I further recommend that immediate Government and other action be taken to ensure that the Perry Oaks sludge treatment works is removed and that the site of the works together with other necessary land, including land to the west of the A3044 up to the boundary of the M25, be taken into Heathrow Airport with the objective of providing a fifth passenger terminal complex and other important airport development with direct access to the motorway as soon as possible."

11. The Inspector also made recommendations as to additional measures: those in relation to Heathrow are contained in Chapter 58 of his Report, and those of a general nature contained in Chapter 59. Many of these recommendations, together with the Inspector's conclusions and formal recommendations in relation to the Heathrow applications, are considered in the next section of this letter under the headings of items set out in the Rule 6(1) statement. In the Secretary of State's opinion, however, some of the Inspector's formal recommendations and most of those in Chapters 58 and 59 raise issues that go beyond the Heathrow applications and cannot be dealt with satisfactorily in that context. The Secretary of State for Transport will take these into account in his consideration of airports policy generally.

CONSIDERATION OF THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

The need for the new terminal and associated developments; the necessity for these to be at the Perry Oaks site (Chapter 37, Conclusions paragraphs 6.3 - 6.8; Chapter 47, paragraphs 2.1 and 3.4-3.6; Chapter 52, Conclusions paragraphs 6.1 - 6.5; Chapter 58, paragraphs 2.1-2.3).

12. In relation to demand and capacity in the London airports system, the Inspector concluded in paragraphs 6.1-6.5 of Chapter 52 that:

- "6.1 It would be prudent to ensure that additional passenger terminal capacity should be available no later than 1990/1991.
- 6.2 There should be a capability for an additional capacity of at least 10 mppa by the mid 1990s.

- 6.3 There should be a further capability for capacity which would ensure a total addition of at least 20 mppa by the end of the century.
- 6.4 To ensure that demand could, if necessary, be met well into the 21st century, there should be a further capability of another 20 mppa capacity.
- 6.5 A long term strategy for the London area airports should be based on the requirement for a capability to accommodate an addition to existing and planned passenger capacity of some 40 mppa in order that need could be met before and after the year 2000 as, when and if it arises."

The Secretary of State accepts the validity of conclusions 6.1 and 6.2. He also appreciates the value of the Inspector's effort to set out a long term strategy for the London airports system area, in order to create as much certainty for the future as possible. The Secretary of State considers that it is not possible to view demand forecasts beyond the mid 1990s with the same degree of certainty as those for 1990/95, and the Inspector's conclusions 6.3, 6.4 and 6.5 must therefore be more conjectural. He agrees, however, that the evidence that has been submitted to the Inspector on the issues of passenger demand and terminal and runway capacity does point to the conclusion that there will be a need for additional airport capacity in the south east beyond the mid 1990s. It is the Secretary of State's view that this is a need which ought to be met, but that other important considerations must be given full weight. The Inspector envisaged complementary roles for Stansted and Heathrow in meeting the need, with development taking place at Stansted in the first instance, so as to provide additional terminal capacity in 1990 or shortly thereafter, to be followed by a fifth terminal at Heathrow to provide further capacity by the second half of the next decade. The Secretary of State agrees with the Inspector that the only scope for expansion in the very constricted environs of Heathrow would be on the western side of the airport where the Perry Oaks sludge works are at present located; and there is no assurance that further terminal capacity could be provided there by 1990 or shortly thereafter. It is noted that the Inspector considered that the Perry Oaks site alone - as proposed in the applications - could not provide sufficient additional land for development and that land to the west up to the M25 should also be taken within the airport's boundaries. The Secretary of State is satisfied that a study should be undertaken of the possible ways in which the Perry Oaks site might be made available for airport use.

Implications for the existing facilities at Heathrow (Chapter 39, Conclusions paragraphs 6.4-6.6 and 6.12; Chapter 47, paragraph 2.2).

13. In Chapter 39 and in paragraph 2.2 of Chapter 47 of the Report the Inspector considered the operational implications of Uttlesford District Council's proposal on the existing airport facilities. The Secretary of State agrees with the Inspector's conclusions in paragraphs 6.4-6.6 and 6.12 of Chapter 39; and he is satisfied that the findings in paragraph 2.2 of Chapter 47 are supported by the evidence that was before the Inspector. Although he recognises that the development applied for would give rise to the layout difficulties referred to in paragraph 5.19 of Chapter 39, the Secretary of State is of the opinion that a fifth terminal at Perry Oaks ought not to have adverse consequences for any existing facilities at the airport but should rather reduce pressure upon them.

Implications for employment and for housing and associated development and services (Chapter 44, Conclusions paragraphs 7.1 - 7.3; Chapter 45, Conclusion paragraph 5.1; Chapter 47, paragraphs 2.3 and 2.4).

14. It is noted that in his commentary in Chapter 44 of the Report, which deals with the employment implications of providing a fifth terminal at Heathrow, the Inspector stated that the parties readily acknowledged the difficulties in making long-term predictions involving such unknown, but fundamentally influential, factors as the future composition and handling of air traffic. It is agreed that the employment forecasts presented at the Heathrow stage of the Inquiries provide no more than a general indication of future employment levels and ought therefore to be treated with caution. The approach adopted by the Inspector in analysing these forecasts is accepted and the conclusions he reached are agreed. In the view of the Secretary of State the balance of the evidence suggests that the employment consequences, in relation to the available labour supply, of a fifth terminal at Heathrow would be slight.

15. There was a marked reluctance by the parties at the inquiry to attempt quantification of the extent of urban growth likely to result from a fifth terminal at Heathrow. The Inspector in his commentary on the subject, in Chapter 45 of the Report, expressed the belief that he could make a judgement on the basis of material before him as to the scale of the additional requirement for dwelling houses. He arrived at a figure of 5,200 dwellings likely to be required as a result of the provision of a fifth terminal. The Secretary of State sees no reason to question the Inspector's approach on this matter, nor would he dispute his figures. He accepts the Inspector's view that a requirement of some 5,000 dwellings was small when considered in the context of the area within which it was assumed most of the airport workers would live, which would have a dwelling stock of the order of some 800,000 dwellings in the mid 1990s. However, housing would not be the only factor having a bearing on urban growth. Any further major development at Heathrow would give rise to other commercial buildings, offices and hotels in the surrounding area. There would also be road traffic and public transport implications, which are considered in paragraphs 16 and 17 below. The Inspector's conclusion that the urban growth associated with a fifth terminal would be very small and easily accommodated without deleterious consequences of any kind may therefore understate the planning problems in the area.

Implications for road traffic and public transport particularly in the West London traffic corridor (Chapter 38, paragraphs 10.23-10.39 and Conclusions paragraphs 11.1 - 11.13; Chapter 47, paragraphs 2.5-2.10; Chapter 58, paragraphs 2.4-2.9).

16. At the Heathrow stage of the Inquiries much time was spent on the problems of surface access to the airport. A great deal of written evidence was submitted to him on the matter. The Inspector analysed the question of surface access to Heathrow in considerable detail in Chapter 38 of the Report. In doing so he drew upon the work of the Heathrow Surface Access Group (HSAG) on which the main parties were represented. In his commentary in section 10 of Chapter 38 the Inspector stated that he was primarily concerned to address the following questions:

- (i) if a fifth terminal were developed at Heathrow would the transportation implications in terms of the highway network and public transport be so adverse that a proposal to expand the airport beyond four terminals should be rejected on grounds relating to surface access?

- (ii) in the event of the development of a fifth terminal what steps could and should be taken in the context of a proper provision of surface access?
- (iii) in relation to the applications to develop a fifth terminal at Heathrow currently before the Inquiries are the proposals for direct access to the development satisfactory?

The Inspector concluded that the answer to question (i) was 'No' (paragraph 10.23, Chapter 38). He considered, however, that this answer was not an end of the matter but was linked to the answer to question (ii). In answering question (ii) (paragraphs 10.24-10.38, Chapter 38) the Inspector put forward a number of suggestions including highway improvements which he considered to be essential, the extension of the Piccadilly underground line, the provision of a rail link and the setting up of a working party by the Department of Transport to investigate these matters. In answer to question (iii) (paragraph 10.39, Chapter 38) the Inspector recommended that even if Uttlesford District Council's applications were to be considered acceptable in all other respects, planning permission should not be granted because it had not yet been demonstrated that satisfactory access could be gained to the proposed new terminal.

17. The Secretary of State notes the Inspector's conclusions about traffic conditions on the highway network in the Heathrow area and along the M4/A4 corridor. The Secretary of State accepts that improvements are desirable. He also accepts that the means of direct access suggested in Uttlesford District Council's proposal for a fifth terminal is unsatisfactory, and this alone would justify rejecting Uttlesford's applications. The Secretary of State notes the Inspector's recommendation in paragraph 2.7 of Chapter 58 that a Working Party should be set up by the Department of Transport with the aim of examining possible improvements to the highway network and identifying and exploring other courses of action for the mitigation of any unsatisfactory conditions, whether or not a fifth terminal is built. The Inspector also made recommendations about improvements in rail access. These matters are under consideration by the Secretary of State for Transport.

Air Traffic Services and the Implications for Safety and Defence Interests
(Chapter 40, Conclusions paragraphs 7.1 - 7.4; Chapter 41, Conclusions paragraphs 3.1 and 3.2; Chapter 47, paragraphs 2.11 and 3.7; Chapter 58, paragraphs 2.10 and 2.12; Chapter 59, paragraphs 2.16 and 2.17).

18. In Chapter 40 of the Report the Inspector concluded that the provision of a fifth terminal at Heathrow would present few, if any, problems in relation to air traffic services (ATS) and he stated that overall he did not believe that aircraft accident risk was a significant factor. The Secretary of State agrees that provision of a fifth terminal would not give rise to significant ATS problems and he accepts that its operation would not increase accident hazards to any material extent. The Secretary of State notes the Inspector's comments in paragraph 6.6 of Chapter 40 about minimising the number of people in those parts of the public safety zones (PSZs) close to the runway ends. Government policy already seeks to achieve this. However, decisions on development in PSZs are, in the first instance, for the local planning authorities, who are obliged to take advice from the CAA. The procedure is set out in DOE Circular 39/81, "Safeguarding of Aerodromes, Technical Sites, and Explosives Storage Areas - Town and Country Planning (Aerodromes) Direction 1981". The Inspector also expressed concern about the risk of injury from falling tiles coming from damage to the roofs of buildings in the areas under the immediate approaches to

Heathrow, caused by aircraft vortices; and he recommended the extension of the areas covered by the British Airport Authority's vortex damage insurance scheme, an examination of the practicability of securing loose tiles, and further research into the whole problem of vortices. The Secretary of State notes what the Inspector said. The matter is one for consideration by the British Airports Authority in the first instance. As regards defence, the Inspector concluded in Chapter 41 of the Report that the expansion of Heathrow by the development and operation of a fifth terminal would have no effect on defence interests. It is noted that the Inspector based this conclusion on advice received from the Ministry of Defence.

Air Noise (Chapter 42, Conclusions paragraphs 10.1-10.5; Chapter 47, paragraphs 2.13-2.15 and 3.3; Chapter 58, paragraphs 2.11, 2.13-2.16 and 2.18; Chapter 59, paragraphs 2.1-2.14).

19. The Inspector considered questions of air noise in Chapter 42 of the Report. The Inspector stated in paragraph 1.2 of Chapter 42 that in assessing the air noise implications of a fifth terminal at Heathrow, he was concerned to answer three questions, namely:

- (a) would a fifth terminal add to the noise burden?
- (b) would a fifth terminal delay the expected improvement in the noise climate at Heathrow?
- (c) if (a) and/or (b) were answered affirmatively, would such increase and/or delay be acceptable?

The Inspector heard evidence on the noise certification of aircraft, the noise and number index (NNI), NNI contours at Heathrow, the impact of noise, the effect on noise sensitive buildings, the comparative noise impacts of on the one hand the construction of a fifth terminal at Heathrow and on the other the development of Stansted, and ameliorative measures. Some of the general air noise matters raised at the Heathrow stage of the inquiries were also raised at the Stansted stage. Having examined all the matters put to him, the Inspector expressed himself wholly satisfied that the development and operation of a fifth terminal would not have a perceptible effect on the noise climate in the Heathrow area, nor would it delay the improvement that is already taking place in any way that would be discernible to those affected by air noise from Heathrow. The Inspector concluded that it would be unjustifiable and unwarranted to reject the development of a fifth terminal on grounds relating to noise. The Secretary of State agrees with these conclusions. On the question of the earlier proposal to impose a limit of 275,000 atms at Heathrow, the Inspector concluded that it would have no perceptible effect on the noise climate but would limit the valuable resource of runway capacity for no significant environmental or social gain. This question is, however, one which falls to the Secretary of State for Transport to consider within the context of airports policy generally. Nevertheless, the Inspector concluded that the present noise climate in some areas around Heathrow was worse than people should be required to accept and that means of mitigating the consequences of air noise must be vigorously pursued whether or not a fifth terminal was developed. To this end the Inspector made a number of recommendations, most of which are concerned in one way or another with airport operations, and are thus for the Secretary of State for Transport to take into consideration. Two of the recommendations in Chapter 59 are, however, for the Secretary of State for the Environment to consider: 2.9 (Clarification of advice in Department of Environment Circular 10/73) and 2.14 (Reconstitution of the Noise Advisory Council). On the first, Circular 10/73 is already being revised; on the second, the Secretary of State has indicated by way of a Written Parliamentary Answer (Hansard 4 April 1984, Col.552) that he does not intend to reconstitute the Noise Advisory Council.

20. The Secretary of State accepts the Inspector's view in paragraph 9.19 of Chapter 42 that when all relevant factors are taken into account the effect of a fifth terminal at Heathrow compared with a four terminal airport would be to increase NNI values by approximately one NNI unit in some areas. This would have a minimal effect on the future improvement of the noise climate. As to the numbers of people likely to be affected by the development, the Secretary of State shares the Inspector's caution about trying to estimate this with undue precision and agrees with him both that the numbers of people within the 35 and 55 NNI contours would fall substantially whether or not a fifth terminal were built and that the differential effect of a fifth terminal would be very small when compared with the numbers suffering such noise levels now.

Ground Noise (Chapter 43, Conclusion paragraph 10.1; Chapter 47, paragraph 2.16; Chapter 58, paragraph 2.17).

21. Although air noise will always be dominant as regards the overall noise climate at Heathrow, ground noise will also continue to be important. In Chapter 43 of the Report the Inspector agreed with the conclusion reached by three of the main parties who submitted evidence on the subject, that with the segregated mode of runway operation, the ground noise impact of a fifth terminal sited at Perry Oaks would be barely perceptible even at the sites most affected. The Secretary of State accepts that the applications site is well located from the point of view of minimising ground noise although protection measures would still be necessary. The Inspector made recommendations regarding the supply of electrical power and air to points on the terminal aprons; penalties and/or restrictions on the operators of aircraft using auxiliary power units; the prohibition of unattenuated running of engines at full power at a fifth terminal; and the need for acoustic protective screens and banks and for protection measures to mitigate construction noise. These recommendations are mainly concerned with the operation of the airport and are consequently matters for the Secretary of State for Transport to consider.

Pollution (Chapter 46, Conclusion paragraph 7.1; Chapter 47, paragraph 2.17; Chapter 59, paragraph 2.18).

22. In Chapter 46 of the Report the Inspector indicated that at the Heathrow stage of the Inquiries he received no technical evidence on the subject of pollution. He observed that the sole issue before him on this subject was whether a five terminal airport at Heathrow would give rise to significantly higher levels of atmospheric pollution than an airport with four terminals. In the Secretary of State's opinion the Inspector is correct in his belief that this would not be the case. The operation of a fifth terminal would not add significantly to the smell of unburnt or partially burnt kerosene in the vicinity of the airport. Moreover, as the Inspector pointed out, when new standards for aircraft engine emissions, which have been formulated by ICAO and USFAA, are implemented there should be an improvement. The Secretary of State agrees with the Inspector's recommendation that efforts should be made to mitigate the nuisance of fuel odours which affect people living and working in the vicinity of airports, and notes that the Secretary of State for Transport intends to introduce legislation on aircraft fuel venting and smoke in line with the recommendations made by the ICAO Committee on Aircraft Engine Emissions.

Effect of the proposal on the Green Belt and existing land uses (Chapter 46, Conclusions paragraphs 7.1 - 7.3; Chapter 3, Conclusions paragraphs 5.1, 5.5 and 5.6; Chapter 47, paragraphs 2.18 and 2.19; Chapter 58, paragraph 2.20).

23. In his conclusions in Chapter 46 of the Report, the Inspector said that the development of a fifth terminal on the applications site would be of little consequence so far as Green Belt and existing land uses were concerned, and that the site formed part of an area that was particularly suitable for airport development. The Inspector concluded in Chapter 3 of the Report that the development of a fifth terminal would not have significant implications for regional planning. The Secretary of State notes these views. He also notes that the Inspector recommended in paragraph 2.20 of Chapter 58 that in the event of a decision being made in principle that there should be future expansion of Heathrow Airport the Secretary of State for the Environment should consider the making of a statement to the effect that the decision should not be construed as implying any weakness of support for Green Belt or other approved restraint policies as they apply to land elsewhere in the Heathrow area.

Visual Impact of the Development (Chapter 46, paragraph 6.4 and Conclusion paragraph 7.1; Chapter 47, paragraphs 2.21 and 2.22; Chapter 49, paragraph 4.9).

24. The Secretary of State agrees with the Inspector's conclusions about the visual implications of the construction of a fifth terminal on the applications site. He also agrees that comprehensive landscaping could be carried out only if land to the west of the A3044 were incorporated within the airport boundaries, which is not provided for by the present applications.

The possibility that further development may be proposed in the longer term (Chapter 39, Conclusions paragraphs 6.7-6.16; Chapter 47, paragraph 2.23; Chapter 49, paragraphs 6.1 and 11.1-11.6).

25. It is apparent from his Report that the Inspector believed that a fifth terminal was necessary, that the demand for it had been demonstrated and that such adverse effects as there would be were outweighed by other factors. The Inspector had in mind two different views of the fifth terminal development, the applications as put forward by your clients and his own judgement of the most appropriate size and extent of development needed to meet certain criteria for the future of Heathrow as a whole. The Inspector made clear that, in his view, Heathrow's restricted site had given rise to serious operational shortcomings at the airport and had had an unsatisfactory effect on conditions in the surrounding area; that because of this, Heathrow compared unfavourably with its European competitors; and that Heathrow's position as the world's foremost international airport could seriously deteriorate in the future if its shortcomings were not remedied. There were therefore, in his view, overwhelming advantages in some territorial expansion and the provision of a fifth passenger terminal would be a major justification for the expenditure required to make land available at the Perry Oaks sludge works. The Inspector believed that the requisite decisions ought to be made now and a limit placed upon the expansion of the airport. However, he had reservations as to how far the planning applications before him met Heathrow's future requirements. The Secretary of State notes these views but any decision on the development of Heathrow in the longer term is not for this decision letter. These are matters for the Secretary of State for Transport in considering airports policy.

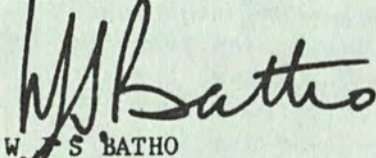
DECISION OF THE SECRETARY OF STATE

26. Although the Inspector considered the possibilities of further expansion at Heathrow both in relation to your clients' proposal, and in relation to a more extensive development over a larger area, it is only your clients' proposal that is before the Secretary of State for determination. The Secretary of State considers that this proposal must be refused on the grounds that (as stated in paragraph 17 of this letter) the direct access to the terminal proposed in the

applications would be inadequate. The Secretary of State also considers that your clients' proposal is unacceptable because of the difficulties (referred to in paragraphs 13 and 24) of providing a suitable layout and adequate landscaping on the site identified in the applications. The Secretary of State takes the view that until such time as a clear indication has emerged of how the problems of making land available at Perry Oaks are to be resolved, it is not appropriate to give consideration to the provision of a fifth terminal at Heathrow.

27. For the reasons given above the Secretary of State hereby refuses outline planning permission for the expansion of Heathrow Airport by the provision of a new passenger terminal complex and associated facilities and works on land east of Stanwell Moor Road, Perry Oaks, as proposed in the applications by Uttlesford District Council.

I am Gentlemen
Your obedient Servant



W. S. BATHO
Under Secretary, Regional Director



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APP/4926/3

Date

5th June 1985

Gentlemen

PROPOSED DEVELOPMENT AT STANSTED AIRPORT

INTRODUCTION

1. We are directed by the Secretaries of State for the Environment and for Transport to say that consideration has been given to the report of the Inspector Mr Graham Eyre QC who held public inquiries into the following applications by the British Airports Authority (BAA):

- I an application dated 25 July 1980 under Section 25 of the Town and Country Planning Act 1971 for outline planning permission for the expansion of Stansted Airport by the provision of a new passenger terminal complex with a capacity of about 15 million passengers per annum east of the existing runway, cargo handling and general aviation facilities, hotel accommodation, taxiways (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities (including infrastructure for aircraft maintenance and other tenants' developments) and related road access; ("the main Stansted application")
- II an application dated 24 June 1981 under Section 25 of the Town and Country Planning Act 1971 for outline planning permission for erection of three dwelling houses on a site at Burton End; ("the Burton End application")
- III an application dated 31 March 1981 for planning permission for use of a site on land south of the former railway line and east of the B183, Takeley, as a mobile home park; ("the mobile homes application")
- IV an application dated 18 February 1981 under Section 25 of the Town and Country Planning Act 1971 for planning permission for construction of connections from the airport roads to the A120 and M11, the airport distributional junction and a section of the primary airport road; ("the airport roads application").

The above listed applications were referred to the Secretary of State for the Environment for determination in accordance with a direction issued under Section 35 of the Town and Country Planning Act 1971. The decisions on the applications referred to at I and IV above have been taken jointly by the Secretaries of State for the Environment and for Transport as the proposals involve development of operational land for which the Secretary of State for Transport is the appropriate Minister within the meaning of Section 225 of the Act. The decisions on the applications referred to at II and III above have been taken by the Secretary of State for the Environment.

V applications dated 25 July 1980 under Section 55 of the Town and Country Planning Act 1971 for listed building consent to demolish seven buildings -

- i. Little Cooper's Cottage;
- ii. Blunts;
- iii. Great Cooper's Farmhouse;
- iv. Barn to east of Great Cooper's Farmhouse;
- v. Little Cooper's Farmhouse;
- vi. Barns to west of Little Cooper's Farmhouse;
- vii. L-plan range of byres and stabling to northwest of Little Cooper's Farmhouse

These applications were referred to the Secretary of State for the Environment for determination in pursuance of directions issued under paragraph 4 of Schedule 11 to the Town and Country Planning Act 1971 and have been decided by him ("the listed building consent applications");

VI an application dated 25 November 1981 for scheduled monument consent for ground works associated with the application I above which would result in the destruction of or damage to a scheduled monument on land at Bassingbourn Hall, Stansted Airport; the application is for decision by the Secretary of State for the Environment ("the scheduled monument consent application"); and

VII The Stansted Airport - London Compulsory Purchase (No 1) Order 1980 published by BAA on 31 July 1980 under Section 17 of the Airports Authority Act 1975 and in accordance with the Acquisition of Land (Authorisation Procedure) Act 1946 and submitted to the Secretary of State for Trade on 5 December 1980 for confirmation; the Order is for decision by the Secretary of State for Transport.

2. The following matters, into which inquiries were held concurrently with those into the matters listed above, are also dealt with in this letter;

VIII Highway Proposals made by the Department of Transport

- a. the A120 Birchanger Interchange Trunk Road Order 19 published by the Secretary of State for Transport on 19 February 1981 and proposed to be made by him under Section 10 of the Highways Act 1980;
- b. the A 120 Birchanger Interchange (Side Roads) Order 19 published by the Secretary of State for Transport on 19 February 1981 and proposed to be made by him under Section 14 of the Highways Act 1980;
- c. the M11 London to Cambridge Motorway (Stansted Airport Spur Roads and Connecting Roads at Birchanger) Scheme 19 published by the Secretary of State for Transport on 19 February 1981 and proposed to be made by him under Section 16 of the Highways Act 1980;

- d. the A120 Birchanger Interchange Compulsory Purchase Order (no CE 19) published by the Secretary of State for Transport on 12 March 1981 and proposed to be made by him under Sections 239 and 240 of the Highways Act 1980 and under Section 1 of the Acquisition of Land (Authorisation Procedure) Act 1946;

These matters are for decision by the Secretaries of State.

- IX the Stopping-up and Diversion of Highways (County of Essex) (No) Order 198 , published by the Secretary of State for Transport on 2 July 1981 and proposed to be made by him under Section 209 of the Town and Country Planning Act 1971 to authorise the stopping-up and diversion of highways described in the Order and to require the provision of two new footpaths and a bridleway;

This matter is for decision by the Secretary of State for Transport.

The above matters are dealt with below in sections I-IX of this letter.

3. Also before the inquiries were two applications made by Uttlesford District Council for outline planning permission for the extension of Heathrow Airport. The decision of the Secretary of State for the Environment on those applications is the subject of a separate letter. Two other applications which were also before the inquiries have been withdrawn:

- a. an application dated 26 March 1981 made by the Town and Country Planning Association under Section 25 of the Town and Country Planning Act 1971 for outline planning permission for reclamation of foreshore for the development of an international airport at Maplin Sands, Essex, capable of handling 15 million passengers per annum;
- b. an application dated 31 March 1981 by BAA for planning permission for use of a site on land at Burylodge Lane, Stansted as a mobile home park.

4. A copy of the Inspector's report was sent on 10 December 1984 to you and to every person who was a party at the inquiry. This was accompanied by a document which comprised extracts from the report, including the Inspector's conclusions, and all of his recommendations.

5. Careful consideration has been given to all the arguments put forward on behalf of the applicants, the local planning authority and other parties and to the Inspector's conclusions and recommendations on each of the applications dealt with in this letter. Since the inquiries closed, the Secretaries of State have received a large number of representations relating to the proposed expansion of Stansted Airport and there have been two Parliamentary debates. All of the representations, and the Hansard reports of the debates, have been considered. Nothing in them appears to the Secretaries of State to constitute new evidence, or to raise a new issue, which need to be referred to the parties before they proceed to a decision. Nor does anything in them dispose the Secretaries of State to take a view on the matters before them different from that which they would otherwise have taken.

SUMMARY OF THE DECISIONS OF THE SECRETARIES OF STATE

6. The Secretaries of State have decided to grant planning permission on the main application for expansion of Stansted Airport subject to conditions. The reasons which led to the decision are summarised in paragraphs 54-56, and the decision is stated in full in paragraph 98. The Secretary of State for the Environment and the Secretary of State for Transport have also made decisions on the related matters, II, III, IV, V, VII, VIII and IX listed in paragraphs 1 and 2 of this letter. The reasons for the decisions are explained under the relevant headings in that part of the letter from paragraphs 62-97. For the reasons explained in paragraphs 82-83, the Secretary of State for the Environment has deferred a decision on the application for scheduled monument consent referred to at VI in paragraph 1.

I THE MAIN STANSTED APPLICATION

The Rule 6 Statement

7. The Secretary of State for the Environment in a statement issued under Rule 6(1) of the Town and Country Planning (Inquiries Procedure) Rules 1974 identified the following points as likely to be relevant to consideration of the application:

- a. the need for the new terminal and associated developments and their proposed location at Stansted as opposed to any alternative location which may be put before the inquiry;
- b. the implications of the development for:
 - i. employment;
 - ii. housing, associated development and services;
 - iii. road traffic and public transport;
 - iv. safety
- c. the effects of additional noise and pollution arising from constructionwork and the use of the development;
- d. the effect of the proposal on the Green Belt, existing land uses including agriculture, and the character of local towns, villages and the countryside;
- e. the visual impact of the development;
- f. the possibility that further development may be proposed in the longer term.

The Inspector's Conclusions and Recommendations

8. The Inspector's conclusions that are relevant to the main Stansted application are identified and discussed in paragraphs 12-53 below under the broad headings of the items in the Rule 6 statement as quoted in paragraph 7 above.

9. The Inspector's formal recommendation on the application was in the following terms (Chapter 60 of his report):

"1.1 that the application made by BAA for outline planning permission for the expansion of Stansted Airport by the provision of a new passenger terminal complex with a capacity of about 15 million passengers per annum east of the existing runway, cargo handling and general aviation facilities, hotel accommodation, taxiways (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities (including infrastructure for aircraft maintenance and other tenants' developments) and related road access be permitted subject to:

the conditions which have been agreed between BAA and the lpa [local planning authority] and to such other conditions I have earlier indicated as being appropriate.

1.2 By virtue of matters of great significance which I have earlier discussed, the recommendation contained in paragraph 1.1 above is wholly contingent upon Government making an unequivocal declaration of intention either prior to or contemporaneously with the grant of any planning permission that a second main runway will not be constructed at Stansted Airport in the future.

1.3 In the absence of such a declaration or other mechanism designed to demonstrate and ensure that a second runway at Stansted Airport will not be constructed I would recommend that the application referred to in paragraph 1.1 above be refused."

10. The conditions referred to in the Inspector's recommendation are contained in Chapter 55 of his report.

11. The Inspector also made recommendations as to additional measures: those in relation to Stansted are contained in Chapter 56 of his report, and those of a general nature are contained in Chapter 59. Most of the recommendations in Chapter 56 are considered in the following paragraphs, together with the Inspector's conclusions and main recommendations. In the opinion of the Secretaries of State, however, some of the recommendations in Chapter 56 and all of those in Chapter 59 raise issues which go beyond the Stansted application and which cannot be dealt with satisfactorily in that context. The Secretary of State for Transport will take these recommendations into account in his consideration of airports policy generally.

CONSIDERATION OF THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

A. THE NEED FOR THE NEW TERMINAL AND ASSOCIATED DEVELOPMENTS AND THEIR PROPOSED LOCATION AT STANSTED AS OPPOSED TO ANY ALTERNATIVE LOCATION.

12. The relevant conclusions of the Inspector are to be found in the following chapters of the report:

Chapter 4 (Forecasting of Passenger Demand), paragraph 6.1

Chapter 6 (Passenger Terminal Capacities), paragraphs 8.1-8.4

- Chapter 7 (Air Traffic Movements and Air Transport Movement Capacities), paragraphs 8.1-8.4
- Chapter 8 (Should The Demand Be Met?), paragraphs 4.1-4.2
- Chapter 9 (The Potential Solutions) paragraph 2.1
- Chapter 10 (The Regions and their Airports), paragraphs 7.1-7.8
- Chapter 11 (Maplin), paragraphs 9.1-9.2
- Chapter 12 (Yardley Chase), paragraph 6.1
- Chapter 13 (Sevenside), paragraph 6.1
- Chapter 27 (Operational and Financial Implications of Expansion at Stansted) paragraphs 7.1-7.5
- Chapter 28 (Position in relation to the Main Application), paragraph 2.1
- Chapter 37 (The Problem of Perry Oaks), paragraph 6.6
- Chapter 50 (The Potential for Stansted Airport), paragraphs 9.1-9.2
- Chapter 53 (Strategy : Formulation, Operation and Testing), paragraphs 10.1-10.11.

13. The Inspector approached the question of need by considering first the level of demand for which it would be prudent to plan provision and the capacity likely to be available at existing airports. He then considered whether the demand should be met and if so the options for providing capacity to meet it: whether at one or more of the existing London area airports, regional airports, or at a new airport on a greenfield site. Finally he drew conclusions about where and when additional capacity would need to be provided in the London airports system.

14. Demand (Chapter 4) The Inspector examined forecasts of air passenger demand in considerable detail, looking at demand for the London area and for the regional airports, and introduced the concept of demand planning values (DPVs) to represent the level of demand for which it would be prudent to plan provision. He concluded that air passenger demand would continue to increase and that provision should be made for 61 million passengers per annum (mppa) by 1990 in the London area, 75 mppa by 1995 and 89 mppa by 2000. These figures were similar to the Department of Trade 1983 forecast values towards the upper end of the narrowed range. The Secretaries of State agree that on the evidence available the Inspector's figures reflect the level of likely future demand up to the mid 1990s. Since the end of the inquiries the 1984 Department of Transport forecasts have become available. These forecasts which were published in July 1984 are consistent with the Inspector's conclusions. His DPV figures fall between the corresponding high and low case figures for each of the years 1990, 1995 and 2000 given in the 1984 forecasts. The Secretaries of State take the view that the Inspector's DPVs are soundly based and should be used as a guide for the demand for capacity to the mid 1990s. There must, however, be more uncertainty about forecasts for the later years, and the Secretaries of State attach correspondingly less weight to them.

15. Capacity (Chapters 6 and 7) The Secretaries of State share the Inspector's caution (Chapter 6 paragraph 8.1) about the use of figures for annual terminal capacity. They agree with him that such figures should not be "treated as having any definitive or precise quality", but that they may, nevertheless, be

"used circumspectly in making judgements and, ultimately, the decisions that necessarily have to be taken". On this basis, they consider reasonable his assessment, (Chapter 6, paragraph 8.4) that for planning purposes the existing planned and committed capacity of the London airports system should be taken as 63.5 mppa in 1990 and between 66.5 and 72.5 mppa in 1995. They further agree with the Inspector's view (Chapter 52, paragraphs 5.9-5.12) that some margin of capacity needs to be available to cater for such factors as airport mismatch.

16. Meeting demand (Chapter 8) The Secretaries of State agree with the Inspector's conclusion that meeting demand for additional airport capacity in the right place, by the right means and at the right time is clearly in the national interest. They further accept his view that capacity to do this cannot be provided "willy-nilly and at any price, but that due regard must be had to important environmental and other questions which are examined in [his] Report."

17. The Regions and their airports (Chapter 10) The Secretaries of State are aware of the case put forward at the inquiries for developing Britain's regional airports as an alternative to providing further capacity in the London airports system. They note the Inspector's assumptions (in Chapter 6 of his report) about the growth of traffic at the regional airports and his conclusions in Chapter 10 of his report. While accepting the importance of these airports for the economy of the regions they serve, the Secretaries of State agree with the Inspector's conclusion that they cannot make so large a contribution towards satisfying future demand as to remove or greatly reduce the need for further capacity in the South East. Other aspects of the Government's policy towards the regional airports are not within the scope of this letter, and will be dealt with by the Secretary of State for Transport in his consideration of airports policy generally.

18. Maplin, Yardley Chase, Severnside and other options The Secretaries of State are in agreement with the Inspector that none of the alternative sites of Maplin, Severnside and Yardley Chase provides an acceptable solution to meet further demand. In the light of the very extensive examination which has taken place, both at the inquiries into the Stansted and Heathrow Terminal 5 applications and in the earlier investigations to which the Inspector refers in Chapter 2 of his report, the Secretaries of State are satisfied that there is no location which offers a practicable solution to the provision of airport capacity in the South East other than the existing airports in the London system.

19. Provision of Additional Capacity The Inspector examined and analysed the individual elements of air traffic demand and capacities in Chapters 4 - 8 of the Report. In Chapter 52 he set out the following conclusions in respect of demand and capacity in the London airports system:

- 6.1 It would be prudent to ensure that additional passenger terminal capacity should be available no later than 1990/1991.
- 6.2 There should be a capability for an additional capacity of at least 10 mppa by the mid 1990s.
- 6.3 There should be a further capability for capacity which would ensure a total addition of at least 20 mppa by the end of the century.
- 6.4 To ensure that demand could, if necessary, be met well into the 21st century, there should be a further capability of another 20 mppa capacity.

- 6.5 A long term strategy for the London area airports should be based on the requirement for a capability to accommodate an addition to existing and planned passenger capacity of some 40 mppa in order that need could be met before and after the year 2000 as, when and if it arises.

Views of the Secretaries of State on Need and Location

20. The Secretaries of State accept the validity of conclusions 6.1 and 6.2 above. They also appreciate the value of the Inspector's effort to set out a long term strategy for the London airport's system area, in order to create as much certainty for the future as possible. The Secretaries of State consider that it is not possible to view demand forecasts for beyond the mid 1990s with the same degree of certainty as those for 1990/95, and the Inspector's conclusions 6.3, 6.4 and 6.5 must therefore be more conjectural. They agree, however, that the evidence that has been submitted to the Inspector on the issues of passenger demand and terminal and runway capacity does point to the conclusion that there will be a need for additional airport capacity in the South East in the early and mid 1990s. It is the view of the Secretaries of State that this is a need which ought to be met.

21. Taking runway considerations into account, usable capacity at London airports is sufficient only to 1990/1, and then only with the most efficient distribution of traffic between airports and terminals. If a decision were taken to provide new terminal capacity at Heathrow there could be no assurance that this could be made available until after 1991, because of the need to re-locate the Perry Oaks works which occupies the only site at Heathrow suitable for a new major terminal facility. They note the Inspector's conclusion that additional terminal accommodation cannot be assumed to be available at Heathrow prior to 1995/96 at the earliest. In any event, this could only increase the usable capacity of the airport if runway considerations allowed an increase in terminal capacity to be effectively used. Gatwick offers no solution to the problem because there are strong reasons against the provision of a second runway there. At Stansted, however, there exists substantial unused runway capacity, and there is the possibility of providing additional terminal capacity by the required date. In the view of the Secretaries of State, if this potential were not used air traffic growth would be suppressed as the other London airports would be unable to meet the demand.

22. The Secretaries of State consider that the recent CAA study of runway capacity in the London airports system does nothing to alter the Inspector's conclusion that only Stansted can provide additional capacity to meet demand in the early to mid 1990s. Having carefully weighed and evaluated all the evidence presented to the Inspector and considered all other relevant matters, the Secretaries of State are of the view that there is a need for terminal capacity to be provided at Stansted airport in order to meet the anticipated increases in air passenger traffic from 1990/91 onwards, and that the expansion of the airport to a capacity of 15 mppa as proposed by BAA represents the best practicable way of providing that capacity.

Phasing of the Development

23. The Secretaries of State are satisfied on the evidence that there will in due course be a need for a capacity of 15 mppa to be provided at Stansted but they consider that the inherent uncertainty in forecasting the rate of growth in passenger traffic makes it prudent to allow for flexibility in provision of the capacity. They therefore believe that it would be desirable to phase the development, as acknowledged by the Inspector. This would also help to mitigate some of the environmental and planning implications of the airport's

expansion. The evidence as to the rate of growth of demand in the period up to the early 1990s indicates in their view that the first phase should provide capacity of 5-6 mppa in addition to the 2 mppa capacity of the existing terminal at Stansted, which will no longer be available for passenger traffic after the new facilities are commissioned. The first phase of the new terminal should therefore have a capacity of 7-8 mppa. Evidence was given at the inquiry on behalf of BAA as to the extent of floorspace which would be required for various levels of passenger throughput. On the basis of this evidence, the Secretaries of State consider that for a throughput of 7-8 mppa a usable floorspace of 50,000 sq metres would be appropriate.

24. The Secretary of State for Transport is announcing in a White Paper that he intends to put before Parliament proposals for legislation which would give him power to make orders imposing limits on the number of air transport movements at airports. Such orders would be subject to Parliamentary approval, and thus Parliament would have final control over the maximum amount of traffic permitted at an airport in respect of which the Secretary of State has made an order. In the view of the Secretaries of State the existence of such control would be compatible with their decision to grant planning permission for a phased development to a capacity of 15 mppa at Stansted. They consider this decision is appropriate whether or not Parliament enacts such legislation.

B. IMPLICATIONS FOR EMPLOYMENT, HOUSING, ASSOCIATED DEVELOPMENT AND SERVICES; ROAD TRAFFIC AND PUBLIC TRANSPORT AND SAFETY.

The relevant conclusions of the Inspector are to be found in the following chapters of the report:

- Chapter 3 (Regional Planning and Policy in the South East)
- Chapter 22 (Employment)
- Chapter 23 (Urban Growth)
- Chapter 16 (Surface Access)
- Chapter 17 (Air Traffic Services and Safety)

25. Regional Planning and Policy in the South East (Chapter 3, Conclusions in paragraphs 5.1-5.4 and 5.6) Chapter 3 of the Inspector's report discussed various statements of policy which have been made from 1964 onwards. The Secretaries of State agree generally with the Inspector's conclusions about the implications within the South East region of the expansion of Stansted. Inevitably the expansion of Stansted to 15 mppa entails some adjustment to regional policies which have evolved without regard to such proposals. The Secretaries of State agree with the Inspector, however, that the development, and the associated urban growth, can be accommodated without undue damage to strategic planning policies that have evolved in the South East. In particular, the development would be consistent with the priorities in land use policy identified in the letter of 7 August 1980 from the Secretary of State for the Environment to the Chairman of the Standing Conference on London and South East Regional Planning, namely: improvement and utilisation of existing buildings and infrastructure, and support for industrial and commercial development.

26. Employment (Chapter 22, Conclusions in paragraphs 8.1-8.4) The Inspector considered the amount of employment likely to be generated by the proposed development primarily from the point of view of its implications for migration, housing provision and urban growth. The Secretaries of State consider that the

Inspector was right to treat with caution the various estimates put before him of the employment likely to be generated. They accept his conclusion (paragraph 8.3 of Chapter 22) that the local labour market would adjust over the time during which the airport developed. They note the possibility that local shortages of certain types of skills could occur, but consider that such problems should be limited in extent and duration. The Secretaries of State agree with the Inspector's conclusion that the overall economy of the local area and of surrounding areas would benefit from the development, and that the benefits could spread as far as north-east London and north Kent.

27. It is not possible to be certain about the geographical spread of employment generated by airport expansion at Stansted. To a considerable extent this will be influenced by the policies adopted, particularly those adopted by local planning authorities, and by the availability of transport links between the airport and areas with a supply of labour such as north east London. The Secretaries of State consider that the proposed development presents important opportunities for employment creation and economic-development in places within the region where they are needed.

28. Urban Growth (Chapter 23, Conclusions in paragraphs 4.1, 4.2, 7.1 and 13.1-13.9) The Inspector sought to test the consequences of the development of Stansted for urban development on the assumption of the need for 17,000 additional dwellings. He considered, however, that this substantially over-estimated the requirements likely to flow from an expansion to 15 mppa, and made an overall judgement that the additional dwelling requirement attributable to such an expansion would not exceed 10,000. Having considered the evidence, the Secretaries of State see no reason to dispute the Inspector's conclusions on this matter. The Secretaries of State also agree with the Inspector's conclusion that, at the scale of urbanisation tested, Harlow, Bishop's Stortford and the Stansted, Elsenham and Birchanger area could accommodate the order of development he identified as associated with the expansion of Stansted to 15 mppa without unacceptable implications or consequences. They further accept his conclusions that the balance of urban growth can be accommodated by relatively modest increments to existing towns and settlements, without unduly affecting the character of the area or its settlement pattern, and that the villages will not be required to accommodate airport-associated development on any significant scale. The effect of the development on the Green Belt is discussed in paragraphs 47-48 below.

29. The extent of the development needed and its precise location are not, however, matters for decision in this letter. They should be settled through the normal statutory planning process. It will be for Essex County Council and Hertfordshire County Council in the first instance to bring forward appropriate proposals for alterations to their structure plans. These will be considered under the relevant procedures. The Secretaries of State note the Inspector's view that releases of land should take place on a phased basis and in accord with some broad strategic framework. They consider that the relevant structure plans should provide an appropriate framework and they therefore expect the planning authorities to pursue urgently all necessary work, whilst taking account of advice in circulars issued by the Department of the Environment.

30. Surface Access (Chapter 16, Conclusions in paragraphs 10.1-10.4) The Secretaries of State agree with the Inspector that it is important that an expanded Stansted airport should have adequate access to and from the London area. In particular, if it is to play its proper part in the London airports system, it is desirable that Stansted should have access arrangements to compare

with the other two existing major components of that system: Heathrow and Gatwick. They do not disagree with the Inspector's view on the adequacy of the strategic road network to deal with the anticipated traffic from the airport. The Secretaries of State also note the views expressed on behalf of the Greater London Council that airport related traffic could be accommodated if expansion were to 15 mppa only.

31. With regard to local roads, the Secretaries of State note the closeness of the estimates of the British Airports Authority and those of the Hertfordshire and Essex Consortium on estimated weekday traffic flows. They note also the co-operation between these parties in assessing necessary road improvements, and the differences of view on how far the need for these would result from the airport expansion. In the event, the Inspector found that only two improvements (both to the A120) would be required. Proposals for a link from the M11 to north east Harlow, for an interchange on the M11 near Quendon, for the integration of the Takeley by-pass with the airport's internal road system, and for any improvements to the A120, are matters for the local highway authorities, and the Secretary of State for Transport would expect them to bring forward the necessary proposals. The Secretary of State for Transport agrees with the Inspector that Government planning decisions of themselves cannot justify special financial arrangements for local roads, but these projects would be considered sympathetically under the then existing systems for grant aiding local highway expenditure.

32. Having considered all the evidence available to him on the options for a rail link to the airport, the Inspector recommended the provision of a high quality rail link. The Secretaries of State, having carefully noted the Inspector's findings on this matter, consider there is insufficient material available on which to base a decision, and that the various options should be further appraised taking account, inter alia, of the consequences of phasing of the airport development. The Secretary of State for Transport recognises the need to reach a decision on this important issue as soon as possible. With regard to the Inspector's recommendation on the provision of a coach service, the Secretaries of State consider that there should be scope for this even if a rail link is provided. If, however, there is no rail link, then coaches would assume correspondingly greater importance in travel to and from the airport. It is appropriate, therefore, that the part coaches might play should be considered in conjunction with the appraisal of a rail link. They note that plans for the airport include a bus station; no doubt provision would also be made for taxis.

33. Air Traffic Services and Safety (Chapter 17, Conclusions in paragraphs 7.1-7.5) The Inspector was concerned to examine the capacity of the Air Traffic Services (ATS) system to deal safely with the increased air traffic movements that would result from the proposed expansion of Stansted. To this end he examined evidence on plans for the use of airspace around the airport and in the London Terminal Control Area (LTMA) to allow for the proposed expansion, the operational organisation of ATS, the potential traffic demand on LTMA airspace and its capacity, and aviation safety. On the basis of the evidence before him, the Inspector concluded that the proposed expansion of Stansted would not cause insuperable problems for ATS. He considered that the airspace control arrangements proposed for the expansion of the airport were satisfactory and that the resulting restrictions on other airspace users were regrettable but unavoidable. He further considered that changes in the ATS organisation were necessary and should be put in hand. The Inspector concluded that "If the LTMA traffic demand of Stansted significantly exceeded the potential of one runway, there would be a risk that either Luton would have to close or the volume of

traffic generated by Luton and/or Stansted would have to be restricted. Even if Luton closed, there would be a high risk that only a fraction of the capacity of Stansted's second runway could be utilised. If Luton remained open that fraction would be lower and could be very low." Having carefully considered all the evidence before them, the Secretaries of State are broadly in agreement with the Inspector's conclusions on air traffic services and safety. However, as no second main runway is to be provided (see paragraph 53 below) such problems will not in practice arise. The Department of Transport will keep in close touch with National Air Traffic Services to ensure that the necessary steps are taken in good time.

C. THE EFFECTS OF ADDITIONAL NOISE AND POLLUTION ARISING FROM CONSTRUCTION WORK AND THE USE OF THE DEVELOPMENT

The relevant conclusions of the Inspector are to be found in the following chapters of the report:

Chapter 20 (Stansted: Air Noise)

Chapter 21 (Stansted: Ground Noise)

34. Air Noise (Chapter 20, Conclusions in paragraphs 10.1-10.4) The Inspector examined the impact of the proposed development on the noise climate around Stansted in the context of the present and predicted noise levels, the prospects for palliative measures, and the numbers of people who might be adversely affected. The Inspector also assessed the problem of measuring the annoyance caused by aircraft noise. He noted that the Secretary of State for Transport is reviewing the Noise and Number Index (NNI) and considered that there might be some justification for a move toward the Leq (Equivalent Continuous Sound Level) method. However, in the meantime, the Inspector believed the NNI to be the most appropriate index and the Secretaries of State have considered his comments on that basis.

35. The Inspector concluded that the proposed development would inevitably lead to an increase in aircraft noise and consequently to an increase in the area and the numbers of people affected. He also concluded that in relative terms, the number of people significantly affected would be small by comparison with those now affected by such airports as Heathrow, Gatwick and Birmingham. Furthermore, he was optimistic that various ameliorative measures, notably the ban on non-noise certificated aircraft, would have a beneficial effect on likely noise levels. However, the Inspector considered that additional measures should be implemented in order to minimise the extent to which serious disturbance will occur. He therefore recommended, in Chapter 56, operational measures to ensure that Continuous Descent Approach (CDA) procedures could be followed; studies into approach paths which minimise noise at surrounding towns and villages; and the introduction of a noise insulation grant scheme once traffic at the airport reaches 2 mppa.

36. The Secretaries of State appreciate that aircraft noise can constitute a serious problem and that all practicable steps should be taken to minimise possible adverse effects. They acknowledge the value of procedures such as CDA in minimising aircraft noise and the Secretary of State for Transport will continue to encourage the use of such procedures, subject always to the overriding requirements of air safety. Aircraft approach paths are primarily a

matter for the CAA, and the Secretaries of State expect that the authority will bear in mind the Inspector's views on measures that might be taken to minimise the extent to which populated areas are exposed to noise. As to the areas that would still be affected significantly, the Secretaries of State agree with the Inspector that a noise insulation grant (NIG) scheme should be introduced when the airport throughput reaches 2 mppa. The Secretary of State for Transport intends that the scheme should be on the lines of those implemented at Heathrow and Gatwick and take account of the results of the current review into the effectiveness of the latest schemes. The Secretary of State for Transport, under the powers conferred by S78 of the Civil Aviation Act 1982, also intends to supplement the measures already in existence to ensure that aircraft noise is limited as far as practicable and monitored effectively. The Secretaries of State agree with the Inspector that, while any increase in the number of people affected by aircraft noise is regrettable, the consequences of air noise from the proposed development would not be so serious that permission should be refused on that account.

37. In Chapter 55, and again in Chapter 59 the Inspector made several recommendations on additional measures on air noise. In the opinion of the Secretaries of State these go beyond the implications of the Stansted application alone. Two of the recommendations in Chapter 59 are for the Secretary of State for the Environment to consider: 2.9 (Clarification of advice in Department of the Environment Circular 10/73) and 2.14 (Reconstitution of the Noise Advisory Council). On the first, Circular 10/73 is already being revised; on the second, the Secretary of State has indicated by way of written Parliamentary Answer (Hansard 4 April 1984, Col.552) that he does not intend to reconstitute the Noise Advisory Council. The remaining recommendations, including one for a ban on night movements at BAA's London airports, the Secretary of State for Transport will take into account in his consideration of airports policy generally.

38. Ground Noise (Chapter 21, Conclusions in paragraphs 11.1-11.9) The Inspector considered the different methods used by the parties (BAA and the Hertfordshire and Essex Consortium) in assessing ground noise. The Secretaries of State note that it was not possible to resolve the differences in the results of these assessments. They also note the Inspector's conclusion that attempts should be made to agree standard methods and means for the assessment of airport ground noise. Because of the complexities of this subject the Secretaries of State see no early prospect of such an agreed approach. Ground noise covers noise from a variety of different sources, including engine testing and aircraft taxiing, auxiliary power units (APUs) and other plant, and surface traffic within, and to and from, the airport. It also includes noise caused by the work of constructing the airport.

39. The Secretaries of State accept the Inspector's general conclusions that air noise, including take off roll (TOR), would continue to dominate the noise climate, and that overall ground noise would not result in any appreciable additional annoyance. Nevertheless, there are steps that can be taken in the design of the airport, the provision of attenuation measures and in the construction and operation of the airport, which would reduce the level of ground noise or ameliorate its effects. The Secretaries of State consider that such steps should be taken wherever reasonably practicable. Some of these are appropriate matters for planning conditions while others are more susceptible of control through airport operational procedures. These matters are discussed when dealing with the Inspector's recommendations about planning conditions at paragraphs 57-61 below. The recommendation that penalties be imposed on operators of aircraft equipped with plug-in facilities who use APUs is a matter that the Secretary of State for Transport will take into account in his consideration of airports policy generally.

D. THE EFFECT OF THE PROPOSAL ON THE GREEN BELT, EXISTING LAND USES INCLUDING AGRICULTURE, AND THE CHARACTER OF LOCAL TOWNS AND VILLAGES AND THE COUNTRYSIDE.

The relevant conclusions of the Inspector are to be found in the following chapters of the report:

Chapter 18 (Lord's Bridge Observatory)

Chapter 19 (Defence Implications)

Chapter 24 (Agriculture)

Chapter 26 (Further Environmental Implications)

40. Lord's Bridge Observatory (Chapter 18, Conclusion in paragraph 6.1) The Secretaries of State recognise the value of the work done at the Lord's Bridge Observatory in radio astronomy. It is important that operation of its equipment should be subject to as little interference as possible. Expert evidence was given at the inquiry on work at the Observatory, and on the types of interference to which it was vulnerable, especially from aircraft. The Inspector noted that there was already much air traffic in the Cambridge area, some possibly within the Observatory's area of coverage, and he noted that the expansion of Stansted Airport would almost certainly result in alterations to the amount and distribution of air traffic. He concluded that some of the aircraft might well be larger than those now flying, and carry more avionic equipment, but would more likely fly to fixed and predictable patterns. The Inspector suggested that it should be a simple matter for the National Air Traffic Services (NATS) to provide the Observatory with digitised Secondary Surveillance radar (SSR) data giving the positions, identities and levels of aircraft. This, he thought, "could help to identify [interference] and, in some cases, to eliminate it from the plots." The Secretaries of State hope that NATS will take up this constructive suggestion. In the circumstances, they consider that the consequences for the Observatory should not be so serious as to justify withholding permission for the airport expansion.

41. Defence Implications (Chapter 19, Conclusion in paragraph 6.1) The Secretaries of State note that no party considered defence interests to constitute a ground of objection to developing Stansted to a capacity of 15 mppa. In particular, they note that both the Ministry of Defence and NATS are satisfied with the arrangements agreed for traffic from Wattisham, the airfield that would be most affected.

42. Agriculture (Chapter 24, Conclusions in paragraphs 8.1-8.5) Some 570 ha (60%) of the application site is farm land, agricultural land other than woodland and land occupied by agricultural buildings. Fifteen farms are wholly or partly within the site. On the basis of the evidence adduced, the Secretaries of State accept the Inspector's view that the land is of high quality, efficiently farmed with a high versatility. This assessment has, however, to be considered in the light of other factors noted by the Inspector. The quality of land, on the basis of the Agricultural Land Classification (ALC) of the Ministry of Agriculture, Fisheries and Food (MAFF), is comparable with agricultural land generally in Essex, Hertfordshire and Cambridgeshire. The site is also typical of the wider Hertfordshire and Essex Study Area, which is acknowledged for its importance in the production of cereal, potatoes and other crops. These facts indicate that the loss of farmland within the application site, together with the disturbance to farmers, whether they own, lease or occupy the land which they farm, must weigh heavily against the proposed development. Nevertheless, there is no reason to suppose that the loss

would have a serious effect on agricultural production when measured in regional or in national terms. The Inspector concluded that "it is axiomatic that the provision of additional airport capacity in the South-East will almost inevitably involve loss of agricultural land". If the capacity that it is proposed to provide by expansion at Stansted were to be provided instead by building an entirely new airport, the loss of farmland would most probably be far greater. MAFF did not object to the expansion of the Airport, and found no reason to think that more land would be taken than is reasonably necessary. The implications for agriculture of the urban development associated with the Airport have been taken into account in reaching the views expressed in paragraphs 28-29 above. The Secretaries of State therefore accept the Inspector's conclusion that "In the circumstances, the loss of agricultural land to airport and related urban development does not justify a rejection of the expansion proposal."

43. Further Environmental Implications (Chapter 26, Conclusions in paragraphs 13.1 & 13.2) The Secretaries of State understand the concern expressed by many people over the effects of the proposed development on the characters of towns and villages, on nature conservation, on recreation and tourism, and also on the supply of aggregates for construction work. The Inspector has covered these very fully in Chapter 26 of his report. The Secretaries of State endorse his view that the rural character of the area and the present pattern of settlement are likely to be less disturbed if there is a strategic framework within which development takes place. They therefore emphasise the importance for the County and District Councils as local planning authorities to ensure that appropriate structure and local plan work is put in hand.

44. Much evidence was given at the inquiry on the ecological implications of the airport development. BAA commissioned a study of the wildlife habitats within the application site and within the safeguarded area. There is no designated Site of Special Scientific Interest (SSSI) within the application site, but features of unusual ecological interest include a number of hedges and five ponds. BAA had, at the time of the inquiry, appointed an ecological adviser and were implementing plans for certain of the semi-natural habitats. The Secretaries of State are pleased to note the importance which BAA attach to this aspect of planning the airport development, and also the constructive role of the Nature Conservancy Council (NCC). The latter put forward a valuable summary of recommendations and proposals which the Secretaries of State commend to the attention of the parties. They also endorse the relevant additional measures recommended by the Inspector in Chapter 56 of his report: 2.5 (early planting), 2.6 (airside planting) and 2.15 (ecological implications). They realise, however, that the effects of the airport development on the balance of nature would extend beyond the airport itself. This wider area includes Hatfield Forest, and a large number of designated SSSIs and other sites of high conservation value. Nevertheless, the Secretaries of State consider that the conscientious application of national policies for nature conservation, of similar policies in County Structure Plans, and the maintenance of the efforts already demonstrated by BAA and NCC should keep adverse effects to a minimum.

45. So far as the supply of aggregates for construction work is concerned, the Secretaries of State note the estimates by BAA and by the Hertfordshire and Essex Consortium of the amount of aggregate that would be needed for expansion of the airport to a capacity of 15 mppa, and for the related urban growth. The amount of 5.6m tonnes represents only about 1.5% of outstanding permitted reserves in the region in 1979, and the Secretaries of State see no ground to

doubt the Inspector's assessment that there should be no major problem in making this provision. As the Inspector has commented, any similar development would require a comparable amount of aggregate, and more in the case of a wholly green field development. They do, however, support his additional recommendation in paragraph 2.18 of Chapter 56 on the production of an informal non-statutory strategy directed at meeting aggregate requirements.

46. Evidence was also given on the consequences of transporting aggregate to the Stansted area. The Inspector has commented that designated lorry routes connect the area with what appeared to him to be the main sources of supply. The Secretaries of State concur in the Inspector's view that traffic carrying aggregates should not unduly exacerbate conditions on these routes. Nevertheless, they consider that it would be useful to explore further the possibility of providing a rail head to reduce the need to transport aggregates by road, and possibly also to facilitate use of more distant sources of supply. It should also help if access roads into the airport were provided at an early stage, so that use of existing roads could be avoided where possible. Where use of minor roads is unavoidable, the Secretaries of State look to those concerned to take appropriate measures to ease the effect of this traffic.

Green Belt

47. Stansted Airport is not within the area of the green belt which is indicated generally by Policy S6 of the approved Essex Structure Plan. The Secretaries of State have considered the implications for the green belt of urban growth associated with the airport development in the light of Chapter 23 of the Inspector's report. They note that of the main locations for urban growth discussed at the inquiry, the Stansted, Elsenham and Birchanger area is not within the green belt, and that at Bishops Stortford the green belt adjoins the southern part of the town only. Harlow is surrounded by green belt.

48. The Secretaries of State note the view of the Inspector, in paragraph 2.19 of Chapter 28 of his report, that some adjustment of the green belt boundaries is likely to be required for longer-term development at Harlow, whether or not there is expansion at Stansted Airport, and that elsewhere there will be no serious consequences for the green belt. They make no judgement now about what alterations to green belt boundaries might be proposed, either at Harlow or elsewhere, to accommodate urban development associated with the expansion of Stansted. It is right that these matters should be dealt with through the normal planning process, in particular through proposals for alterations to structure plans and, where appropriate, local plans. The Secretaries of State see no reason why, given the proper operation of the planning system, the expansion of Stansted should lead to any indiscriminate sprawl of urban development in the surrounding countryside.

E. THE VISUAL IMPACT OF THE DEVELOPMENT

The relevant conclusions of the Inspector are to be found in Chapter 25 of the report (The Environment, Visual Impact and Landscaping), paragraphs 7.1-7.8.

49. The Secretaries of State agree with the Inspector that the country around Stansted is pleasant and open with some substantial woodlands, several small settlements and a number of attractive houses, farmhouses and cottages. Within this setting the existing airport has limited impact, mainly because of local topography, the low profile of the buildings and the tree cover which exists. The BAA application is for outline planning permission, so the details of the proposed development are not now before the Secretaries of State for decision.

Much illustrative material was, however, available to the Inspector to enable the likely impact of the development to be assessed. In order to help him in making these judgements, balloons were flown to indicate the height and bulk of some of the main buildings. The proposals for landscaping which have been put forward are similarly a statement of the basic principles to be followed, and will be worked more fully as the detailed plans for the development itself evolve. The Secretaries of State agree with the overall objective of BAA's master landscaping plan: that the visual impact of the airport should be as little as possible; and that an important factor in the landscape framework should be the existing pattern of woodlands and hedgerows.

50. On the basis of the illustrative material, the Secretaries of State do not dispute the Inspector's opinion that such tall buildings as the hangars, cargo block and passenger terminal would appear at close distances as alien and prominent features in the natural landscape. It was generally agreed at the inquiry that the hangars and terminal would be seen from the south by many people who live along the A120 between Takeley and Priory Wood. Other places would be affected in varying degrees. To the west of the M11, the future outlook from Duck End and Birchanger would be over the extensive new roadworks involved in the flyover junction with the motorway. Permission had at the time of the inquiry already been given for a new hangar for Aviation Traders (Engineering) Ltd (ATEL) on the west side of the airport. The Secretaries of State note that the Inspector finds that Molehill Green would be the settlement most affected, and they recognise that the earth bund required to be constructed for noise attenuation would be an incongruous and overpowering visual feature, even if landscaped. The Secretaries of State note that the airport buildings would not be seen from further away, except at a few places, and that from only one of these - on the road from Bamber's Green to Smith's Green - would they be seen to any material extent.

51. The Secretaries of State accept the Inspector's comment that although it would not be possible to eradicate the very material visual disadvantages, there would be scope to mitigate the adverse impact to a substantial degree. Such ancillary features as airport and car park lighting, for instance, can be designed so as to be as unobtrusive as possible. Even though planting and other landscaping measures may not always conceal the airport they should, nevertheless, help to soften its appearance. The Secretaries of State welcome the initiative of the Nature Conservancy Council in offering further advice on landscaping to BAA. They hope that an early start might be made with planting, especially in the perimeter zones. Whilst opportunities for landscaping on the airside of the airport may be restricted by operational requirements, the Inspector's views on this part of the overall design are commended to BAA. The Secretaries of State consider also that planting off-site might well reduce the impact of the airport development, and note that at the time of the inquiry negotiations with landowners were already in progress. Special procedures would apply for the approval of any rail link to the airport, and in this context the Secretaries of State direct the attention of those concerned to the relevant section of the Inspector's commentary (Chapter 25, paragraphs 6.23-6.24).

F. THE POSSIBILITY THAT FURTHER DEVELOPMENT MAY BE PROPOSED IN THE LONGER TERM

The relevant conclusions of the Inspector are to be found in the following chapters of the report:

Chapter 16 (Surface Access), Paragraphs 11.1-11.6

Chapter 20 (Air Noise), Paragraphs 11.1-11.6

Chapter 21 (Ground Noise), Paragraphs 12.1-12.4

Chapter 23 (Urban Growth), Paragraphs 15.1-15.3

Chapter 24 (Agriculture), Paragraphs 9.1-9.3

Chapter 25 (The Environment, Visual Impact and Landscaping),
Paragraphs 13.1-13.3

Chapter 26 (Further Environmental Implications), Paragraphs 14.1-14.3

Chapter 50 (The Potential for Stansted Airport), Paragraphs 9.3-9.7

52. In Chapter 50 of his report and in paragraph 10 of his overall conclusions, the Inspector stated that there was no justification for limiting the development of Stansted to 15 mppa, and that it should be planned from the outset to be capable of providing a capacity equivalent to that which could be accommodated on the airport's single runway - approximately 25 mppa. In various other places in the report he considered in some depth the implications of expansion to this level. As indicated in paragraph 20 above, the Secretaries of State consider that forecasts for beyond the mid-1990s cannot be viewed with sufficient certainty to say whether such further capacity will need to be provided at Stansted. While the Inspector's consideration of the possibility of development to 25 mppa might prove to be of value in considering any future proposals for development to that level, the Secretaries of State do not accept that a decision should be made now on whether such development should be allowed. To do so would be premature, and would prejudge proposals that could come to the Secretaries of State for decision at a later date.

53. Development beyond 25 mppa would involve the construction of a second runway and additional terminal and other facilities. The Inspector concluded that the capacity of the existing runway represented a threshold that could not be breached without serious consequences. For these reasons the Inspector's recommendation to develop Stansted to a capacity of 15 mppa, and eventually to 25 mppa, is expressed as being conditional upon the Government making an unequivocal declaration against the construction of a second runway at any time in the future. The Secretaries of State agree with the Inspector's view that the environmental and other effects of expansion of Stansted beyond 25 mppa would be of quite a different order from the effects of the development currently proposed. They consider, on the evidence before them, that there is no case for the provision of a second main runway at Stansted, and wish to make it clear that they have no intention of pursuing such a course. Accordingly, they agree with the Inspector that safeguarding of land for this purpose is no longer necessary.

SUMMARY OF VIEWS OF THE SECRETARIES OF STATE

54. For the reasons explained in paragraphs 12-24 above, the Secretaries of State accept that there is a need for additional airport capacity in the order of at least 10 mppa to be provided in the South-East from 1990/1 onwards. They also accept the Inspector's conclusions that it would be prudent to plan for forecast need likely to arise in subsequent years, and that present forecasts should be kept under review as circumstances change. The Secretaries of State agree with the Inspector that of the options examined at the inquiry, only Stansted can provide the capacity when it is likely to be needed; and that to do so would make use of runway capacity that is at present under-used. Like the Inspector, they consider that the need for extra terminal capacity should be met, but that other important considerations must be given full weight.

55. It is beyond doubt that airport development on the scale proposed would have a substantial impact on its surroundings in such matters as landscape, loss of agricultural land, noise from aircraft and from airport installations, and traffic. The airport development would also generate employment for people over a wide area, and more housing and services would be needed for an increased population. The Secretaries of State have considered the effects of the proposed airport expansion from all these aspects. Potentially the most serious effects of the development would be the bulk and spread of the new airport buildings, as compared with those now existing, air noise and ground noise, and urban development within the wider Stansted area. In each of these matters, however, measures can be taken which should lessen the impact of the development significantly. Sensitive design and landscaping works should go a long way to soften the appearance of the buildings, if not to conceal them altogether. The construction of noise barriers and the adoption of controls and procedures as discussed at the inquiry should do much to reduce nuisance from this source; and there is the prospect of further relief as quieter aircraft come into operation. Use of the development plan procedures should ensure that necessary urban growth is contained and has the minimum effect on the countryside.

56. Nevertheless, the Secretaries of State recognise that objections remain. They are of the opinion, however, that these are insufficient to justify rejection of the proposal when weighed against the need for additional airport capacity that has been established. Whilst the immediately foreseen need is for a capacity of some 10 mppa, the Secretaries of State consider that to allow for forecast growth in traffic in the late 1990s, and for possible fluctuations in demand, it would be appropriate to grant permission for a capacity of 15 mppa, as stated in the BAA application. However, as indicated in paragraph 23 above, they are providing for the development to be phased, with the first phase limited to a capacity of 7-8 mppa. The Secretary of State for Transport intends to seek powers to limit the amount of air traffic at the airport as explained in paragraph 24.

CONDITIONS

57. The Hertfordshire and Essex Consortium suggested a schedule of 33 conditions that the planning authority would wish to see imposed should a planning permission be granted. They discussed the suggested conditions with BAA during the inquiry. BAA agreed to 9 of the conditions wholly, and to 5 in part, and disagreed on the remaining 19. The text of the suggested conditions, a summary of the comments by the Consortium and by BAA, and the Inspector's commentary are contained in Chapter 55 of the Report.

58. The Secretaries of State have given careful consideration to what is said in Chapter 55, and have examined the suggested conditions against the criteria now set out in Department of the Environment Circular 1/85. They consider that most of the suggested conditions are reasonable and serve a proper planning function. The substance of the suggested conditions numbers 2, 3, 7, 15, 17, 23 and 24, which were agreed between the parties and endorsed by the Inspector, has been incorporated in the planning permission granted by this letter. The Secretaries of State have also decided to incorporate the substance of the following suggested conditions that were partially agreed: numbers 5, 6, 14 and 22; and the substance of those of the following conditions which were not agreed: numbers 12, 18, 19, 20, 21, 25, 29 and 33. In the view of the Secretaries of State suggested conditions numbers 1 and 4 are redundant in the light of the effect of other conditions, and have not therefore been incorporated. They are also imposing two conditions dealing with the matters covered by the suggested conditions numbers 8, 9, 10 and 11.

59. A number of the suggested conditions were concerned with aircraft movements or with other aspects of airport operation. The use of powers in the Civil Aviation Act 1982 and the issuing of relevant airport working instructions could achieve the same objects as suggested conditions numbers 13 (helicopter movements), 26 (noise and pollution monitoring stations), 27 (control of night flights), 28 (test and training movements), 30 (control of ground noise), 31 and 32 (aircraft engine testing). The Secretaries of State accept that strict regulation is necessary to ensure that these aspects of airport operation are monitored and controlled so as to minimise their adverse environmental effects. They take the view, however, that planning conditions are not always the most appropriate or the most effective means of regulation for these matters. The Secretary of State for Transport intends to make appropriate use of his powers in the Civil Aviation Act 1982, and in doing so will take into account the Inspector's report. With regard to suggested condition number 22, the Secretaries of State take the view that adequate means for control by the local authority exist in the provisions of the Control of Pollution Act 1974 and the related code of practice BS 5228: 1984 "Noise Control on construction and open sites", and they consider it unnecessary to duplicate them by imposing a condition.

60. The suggested condition number 16 seeks to withdraw certain permitted development rights. The rights which apply to BAA enable them to carry out development in Class XVIII (certain development required in connection with the provision of services and facilities necessary or desirable for the operation of an aerodrome) and Class XXI (Uses of Aerodrome Buildings) of Schedule 1 to the General Development Order of 1977. The Secretaries of State have had regard to what was said on these rights enjoyed by BAA in paragraph 79 of the 1978 White Paper "Airports Policy" (Cmd 7084). The Government then accepted the logic of the argument that the relevant GDO provisions were framed before the advent of large aircraft and when runways were regarded as a main determinant of airport capacity. The White Paper stated that in the course of a general review of provisions in the General Development Order relating to Statutory Undertakers, modifications would be discussed to bring the provision of major passenger and cargo terminal buildings under normal planning control. This review has not been completed. Whilst the provisions remain in operation, the arrangements whereby BAA consults the local planning authority before exercising its right under the provisions to carry out development, except in the case of urgently necessary minor works, still apply. The planning authority then have an opportunity should they wish to make a direction under Article 4 of the General Development Order to bring the development within planning control. The

Secretaries of State are not aware that operation of these arrangements has given rise to such difficulty that they would be justified in anticipating the outcome of the review of the provisions by imposing a condition on the lines of suggested condition number 16. The right to carry out development for industrial purposes within Class VIII, which the suggested condition seeks also to withdraw, is not specific to BAA, but the Secretaries of State expect notification to be given to the planning authority of any intention to carry out such development, whether by BAA or by other occupiers of the airport. They do not therefore consider that withdrawal of the rights under the GDO permission would be justified.

61. The suggested conditions which are accepted in substance by the Secretaries of State have in most cases been redrafted or amended in the permission. The numbering of those conditions differs from the numbering used by the Inspector in Chapter 55 of his report.

II THE BURTON END APPLICATION

The Rule 6 Statement

62. The Secretary of State for the Environment in a letter dated 4 August 1981 to the Chief Executive, Uttlesford District Council, stated:

"the application relates to proposals which are dependent on the main application. Consequently the points which are relevant to the consideration of this application are those which relate to the main application . . ."

Those points are set out above in paragraph 7 of this letter.

63. This application for permission is related to the applications for listed building consent and for the demolition of 7 listed buildings within the site of the main planning application which is dealt with in Chapter 32 of the report. The application was for planning permission to re-erect 3 of these buildings on a site at Burton End which is owned by BAA. Subsequently, BAA decided that one of the buildings was of insufficient merit to justify re-erection, so in effect the proposal relates to 2 buildings only: the dwellings Little Cooper's Cottage and Blunts.

Inspector's commentary and recommendation

64. The Inspector reached no conclusions but in Chapter 33 of his report provided a commentary (in paragraphs 2.1-2.5) on the proposal and he made a recommendation (in paragraph 3.1) that the application be refused.

Views of the Secretary of State

65. The Secretary of State understands the reasons which led BAA to propose to re-erect these dwellings. Whilst listed building consent may be given for the demolition of the dwellings on their present sites, planning permission for their re-erection at Burton End is a separate issue, that has to be considered on its own merits. For the District Council it was pointed out that the site is outside the area of any village where development would normally be permitted. It is also very close to installations on the airport, and is likely to be exposed to increased noise and disturbance in the event of expansion of the

airport. The Secretary of State sees no reason to doubt the Inspector's judgement that the proposed development would be wholly incongruous in this setting, and that it could not fail to be adversely affected by air and ground noise. He therefore agrees with the Inspector that planning permission should be refused. He notes, however, that at the time of the inquiry further efforts were being made to find a suitable site for the buildings.

III THE MOBILE HOMES APPLICATION

The Rule 6 Statement

66. The Secretary of State for the Environment in a letter dated 18 June 1981 to the Chief Executive, Uttlesford District Council (which also dealt with a second application which has since been withdrawn - see paragraph 3 b above), stated:

"The applications relate to proposals which are dependent on the main application. Consequently the points which are relevant to the consideration of these applications are those which relate to the main application . ." (These points are set out in paragraph 7 of this letter).

Inspector's Commentary, Conclusions and Recommendation

67. The Inspector's commentary and conclusions are stated in paragraphs 3.1-3.9 of Chapter 30 of his report.

68. His recommendation (paragraph 4.1, Chapter 30), which was contingent upon outline planning permission being granted for the expansion of Stansted Airport to which the main application relates, was that planning permission be granted for the Takeley mobile home relocation site, subject to conditions substantially on the lines of those agreed between BAA and Uttlesford District Council.

Views of the Secretary of State

69. The Secretary of State notes that the application is stated to be for use of the land as a mobile home park, but it is apparent from the application form that the proposal involves the erection of ancillary buildings and the carrying out of other ancillary operations. The Secretary of State has therefore considered the application on the basis that it is seeking both permission for a change of use and outline permission for the erection of buildings. As to the 3 mobile homes sites within the main planning application site, he notes that these are long established and at the time of the inquiries accommodated some 270 units. BAA had already bought leases of pitches on land in their ownership when offered. As a result of such acquisitions, the number of occupiers who needed to be re-located had been reduced and ultimately was likely to be fewer than 200. The Secretary of State accepts the Inspector's view that if the airport expansion were to be permitted, then provision would have to be made for re-locating the mobile homes.

70. He also notes that other possible sites had been investigated, but Uttlesford District Council accepted that the Takeley site was the most suitable. The Council, nevertheless, pointed out that there would be objections to the development and that the granting of planning permission would involve overriding normal planning criteria. In particular, the site is on the far side of the old railway line which the Council agreed with local people should be maintained as an absolute boundary to the south of the village. Main drainage was not available. The Council also thought that access onto the B183 would be difficult; and that the additional traffic would cause congestion at the A120/B183 junction, unless the airport road system were to bypass Takeley.

71. The Secretary of State agrees with the Inspector that the fact that the site is outside the clear and well defined limits of the built up part of the village, would in normal circumstances count heavily against a proposal to use it for a mobile home park. This and other objections have, however, to be weighed against the need for the development which is created by the decision to grant permission for the expansion of Stansted Airport. As to the physical characteristics of the site itself, the Secretary of State accepts the Inspector's view that it is large enough to be laid out and landscaped to the highest standard. The landscaping might also incorporate earth moulding to provide acoustic screening if the bypass should follow the route of the former railway line. He agrees with the Inspector's opinion that "vehicles turning into and out of the site through a well engineered access would not create any material danger to general users of the B183." He also agrees that a new pedestrian way to the village should be provided. He strongly urges the developers and the District Council to enter into an agreement for the provision of drainage. He agrees that the granting of permission for the main planning application makes it desirable to grant permission for the establishment of a mobile homes park on the Takeley site. This assessment indicates no general weakening of support for established policies for the control of development in this part of Essex.

72. The Secretary of State has examined the set of six suggested conditions (in Chapter 55, paragraphs 4.2-4.7 of the Inspector's report) which BAA and Uttlesford District Council agreed should be imposed if planning permission were granted. He agrees that these suggested conditions are reasonable and serve a proper planning function, but would prefer the conditions numbers 1, 2, 3, 4 and 5 to follow the form of the relevant model conditions now set out in Appendix A of Department of the Environment Circular 1/85. He has imposed a separate condition dealing with the submission of a layout plan for the site and two conditions dealing with the matters covered by the suggested condition number 6.

IV THE AIRPORT ROADS APPLICATION

The Rule 6 Statement

73. The Secretary of State for the Environment in a letter dated 15 May 1981 to the Chief Executive, Uttlesford District Council, stated:

"The application relates to proposals which are dependent on the main application. Consequently, the points which are relevant to consideration of this application are those which relate to the main application..."

Those points are set out above in paragraph 7 of this letter.

74. The proposal comprises:

- 1) the link between the modified A120 roundabout and the airport (R1)
- 2) the primary airport road (R2)
- 3) the links between the M11 and the airport (R3)
- 4) the grade separation (R4) of the airport distributional junction (J2)

The road system as proposed is to be constructed in stages.

Inspector's Commentary, Conclusions and Recommendation

75. The Inspector's commentary is to be found in paragraphs 5.1-5.8 and his conclusions are stated in paragraph 8.3 of Chapter 31 of his report. On the

only matter at issue between the parties, namely the design speed of the R3 links, the Inspector considered that BAA's proposals provided for an appropriate speed differential between the main carriageway of the motorway and the spur roads. He concluded that BAA's proposals were necessary and of a satisfactory standard to serve the expanded airport, and that the 3 stages of the proposal are logical and have regard to the build up of airport traffic. He recommended (paragraph 9.1, Chapter 31), contingent on planning permission being granted for the main application, that the application be permitted, subject to conditions:

- a. requiring certain details (stated in paragraph 4.6(iv) of Chapter 31 of the Report) to be submitted "to the highway authority for approval and, in default of approval, to the Secretary of State";
- b. imposing a time limit on the commencement of the development;
- c. requiring "the submission to and approval or agreement, as the case may be, of the local planning authority of the detailed design and construction particulars of the airport roads system or in default of agreement as shall be determined by the Secretaries of State or the Secretary of State for the Environment."

Views of the Secretaries of State

76. The Secretaries of State agree with the substance of the Inspector's recommendation, but consider that a condition in the terms requested by Essex County Council is unnecessary if full details of the design of the roads are to be submitted to the local planning authority for approval.

V THE LISTED BUILDING CONSENT APPLICATIONS

The Rule 6 Statement

77. The Secretary of State for the Environment in a letter dated 14 October 1980 to the Director of Planning, Uttlesford District Council stated that on the information so far available the following points appeared to him likely to be relevant to his consideration of the applications:

- a. the architectural or historic importance of the buildings;
- b. the contribution they make to the surrounding area;
- c. their structural condition and state of repair;
- d. whether the need for the development proposed by the British Airports Authority outweighs the case for the retention of the buildings;
- e. the possibility of any acceptable alternative to demolition as regards particular buildings, including the feasibility of retaining any for use for any purpose together with the likely cost of any renovation or conversion work involved having due regard to economic value when completed;
- f. the feasibility and practicability of dismantling all or any of the buildings for re-erection on another site.

Inspector's Conclusions and Recommendation

78. The Inspector's conclusions are stated in paragraphs 4.1-4.4 of Chapter 32 of his report. His recommendation, contingent upon outline planning permission being granted for the expansion of Stansted Airport to which the main application relates, was that listed building consent be granted in respect of each of the seven applications, subject to a condition which was discussed in his report.

Views of the Secretary of State

79. The Secretary of State for the Environment has given the applications for consent to demolish the seven listed buildings careful consideration, both in terms of their value as buildings of special historic interest, and in relation to the proposed expansion of Stansted airport. He takes the view that the need to expand the airport outweighs the need to preserve these buildings, even though they are of considerable historic importance dating, as some of them do, from the 15th century.

80. The Inspector considered that Blunts and Little Coopers Cottage were of such quality and archaeological value as to be worthy candidates for relocation. The Secretary of State considers it inappropriate in the circumstances of this matter to impose a condition on the grant of listed building consent requiring relocation of these buildings. Nevertheless, the applicants have indicated that they intended to relocate Blunts and Little Coopers Cottage, and the Secretary of State expects them to carry these intentions through.

81. The Inspector also considered that an opportunity should be given for any responsible body or organisation to carry out appropriate archaeological investigation. The Secretary of State commends this view to BAA. He draws to their attention the provisions of section 55(2)(b) of the Town and Country Planning Act 1971 requiring that the Royal Commission on Historical Monuments be given an opportunity to make records. Given the antiquity of the buildings the Commission can be expected to make full use of this opportunity, and BAA are expected to co-operate fully with them and to dismantle the buildings with appropriate care.

VI THE SCHEDULED MONUMENT CONSENT APPLICATION

The Inspector's Commentary, Conclusions and Recommendation

82. The Inspector's Commentary and conclusions are stated in paragraphs 6.1-6.3 of Chapter 34 of his report. His recommendation (in paragraph 7.1), contingent on outline planning permission being granted for the expansion of Stansted Airport to which the main application relates, was that scheduled monument consent be granted.

Views of the Secretary of State

83. The site of Bassingbourn Hall, which is the monument to which the application for scheduled monument consent relates, is on the land of Bassingbourn Farm, lies in the south part of the site to which the main Stansted application relates and is just outside the airport's existing eastern boundary. It is visible only from the air. The Inspector took the view that if planning permission were granted for the expansion of the airport there was virtually no prospect of the monument being saved from destruction. However, as the main Stansted application is for outline planning permission, there are no detailed plans formally before the Secretaries of State from which the exact effect of the proposed development on the site of Bassingbourn Hall could be

assessed. In the view of the Secretary of State for the Environment, it would be inappropriate to deal with the application for scheduled monument consent until it can be considered in relation to firm and detailed plans for the airport. The decision will therefore be deferred.

VII THE STANSTED AIRPORT - LONDON COMPULSORY PURCHASE (No 1) ORDER 1980

84. The grounds of objection, the Inspector's commentary, his conclusion and recommendation are set out in Chapter 29 of his report. His recommendation, contingent upon outline planning permission being granted for the expansion of Stansted airport to which the main application relates, was that the Order be confirmed, subject to modifications which reflect BAA's proposals which were notified to the parties to the Inquiries in Document BAA 430C (paragraph 1.9, Chapter 29).

Views of the Secretary of State

85. The Secretary of State for Transport has considered the objections and the Inspector's report. He accepts the comments and conclusions and recommendations as set out in Chapter 29 and has decided to confirm the order subject to the modifications referred to above.

VIII HIGHWAY PROPOSALS MADE BY THE DEPARTMENT OF TRANSPORT

- A. THE A120 BIRCHANGER INTERCHANGE TRUNK ROAD ORDER 19
- B. THE A120 BIRCHANGER INTERCHANGE (SIDE ROADS) ORDER 19
- C. THE M11 LONDON TO CAMBRIDGE MOTORWAY (STANSTED AIRPORT SPUR ROADS AND CONNECTING ROADS AT BIRCHANGER) SCHEME 19
- D. THE A120 BIRCHANGER INTERCHANGE COMPULSORY PURCHASE ORDER (NO CE) 19

86. The three draft Orders would provide the necessary authority for the enlargement and trunking of the A120 Birchanger roundabout and its connection to a new airport road system. This would form the first stage of a two-stage programme for improving the trunk road system in the vicinity of the airport to cope with its proposed expansion. The draft Scheme would fix the line of two spurs linking the M11 motorway directly with the airport road system. The Scheme would also authorise a realignment of certain of the slip roads at the M11/A120 interchange and this, together with the spurs, would form the second stage of improvements. The work would be carried out when necessary having regard to the build-up of airport traffic, but the intention was to make the scheme from the outset if planning permission were given for the airport expansion, in order to establish the routes involved.

87. Chapter 31 of the Inspector's report deals with these proposals, the objections to them and the Department of Transport's response to those objections, and contains a commentary by the Inspector on the matters at issue. The Inspector's conclusions on the proposals are set out in paragraphs 8.1 and 8.2 of Chapter 31.

Divergence and merging between spur roads and M11

88. The Inspector accepted the view of the Department of Transport that it was wrong at present to commit resources (of £700,000 at January 1981 prices) and to impose the dislocation involved in demolishing and reconstructing the northern Birchanger roundabout bridge to build a system of diverging and merging arrangements the necessity and timing for which was uncertain; and that it would be neither impracticable nor very difficult to adjust these arrangements at some future date. However, he commented that as only the centre lines of the spurs are at issue now, no doubt the question of the arrangements would be examined again when the spurs were being designed in detail.

Hardshoulder

89. The Inspector accepted that there are examples of hardshoulders being tapered. Nevertheless, even though the carriageways of the M11 would be almost four lanes in width at the diverge/merge points, he had reservations about the tapering of the hardshoulder, on the grounds of highway safety. However, on the balance of the evidence put forward at the inquiry, he did not consider it would be justifiable to widen the northern bridge span of the Birchanger roundabout at the outset of the stage II works in order to achieve the normal hardshoulder widths. He commented that this was a matter which no doubt the Department would review as necessary.

Northbound spur road design standard

90. The Inspector accepted (Chapter 31, paragraph 3.15) that there should be a design speed differential between the main carriageway of the motorway and the spur roads and that a design speed of 80 kph would be satisfactory. To achieve any greater design speed and a correspondingly greater sight stopping distance would entail an increase of the radius of the spurs. The northbound diverge spur would encroach further on to farmland west of the M11 and it might even necessitate a junction south of the Birchanger roundabout. In the Inspector's judgement, quite apart from the waste of farmland, unnecessary and unjustifiable harm to the environment and greater detriment to the appearance of the landscape in the vicinity of Duck End would be caused. The Inspector also considered that a higher design speed on the spur roads would necessitate changes in the proposed location and design of the airport interchange and airport primary road, and that the operational consequences and the considerable expenditure involved would be unjustifiable.

General Matters

91. The visual obtrusiveness of the diverging spur road would, in the Inspector's view be mitigated to a degree by the landscaping proposed by the Department of Transport within the highway boundaries. He also expressed the hope that the Department would urgently negotiate with adjoining landowners, and suggested that the cost of an alternative using columns instead of the proposed embankment might be reconsidered.

92. Increases in traffic noise were found by the Inspector to be unlikely to cause any material detriment to the residents of nearby properties or to the public in general. He was satisfied that atmospheric pollution would not be significantly increased. In his view, the amount of additional traffic on the stretch of the A120 immediately eastwards of the Birchanger roundabout would be minimal and he considered that it had been clearly demonstrated that the M11 had adequate spare capacity to accommodate the additional airport related traffic.

Conclusion

93. The Secretaries of State have considered very carefully the Inspector's recommendations about the motorway and trunk road proposals in the light of all the objections and evidence bearing on the detail of those proposals. They agree with the Inspector's conclusions as set out in paragraphs 8.1 and 8.2 of Chapter 31 of the report and are satisfied that the impact of Stage I, the enlargement of Birchanger roundabout, would not be greater than necessary to achieve the necessary improvement to the trunk road system, and that the enlarged roundabout would perform satisfactorily and safely the function for

which it is designed. They do not accept the suggestion that the spur road proposals which comprise stage II should be built from the outset, and agree with the Inspector that the staged approach as proposed is appropriate. The Secretaries of State accept the recommendations in paragraph 9(i), (ii) and (iv) of Chapter 31 of the Inspector's report, and have decided that the orders should be made, with the minor modifications proposed by the Department of Transport and referred to in paragraph 1.4 of Chapter 31 of the Inspector's report.

94. No firm estimate was given of when Stage II would be brought into operation, but it is likely to be some years after the initial phase but before the second phase of development of the airport. Before Stage II could proceed it would be necessary for the Secretary of State for Transport to make provision for the acquisition of the land needed, if necessary by compulsory purchase order. If such an order were required it would be advertised in the usual way and there would be an opportunity to object. The Secretary of State for Transport will during the intervening period look again at all the design matters affecting stage II which were raised by objectors and were the subject of comment by the Inspector, and will bear in mind the need for early approaches to landowners about off-site planting. The Secretaries of State are satisfied that, with that undertaking, it is right to agree in principle to the stage II works and to the routes proposed for them. Accordingly they accept the recommendation in paragraph 9(iii) of Chapter 31 of the Inspector's report, and have decided that the Scheme should be made as published in draft.

IX THE STOPPING UP AND DIVERSION OF HIGHWAYS (COUNTY OF ESSEX) (NO) ORDER 198

95. This draft Order would authorise the closure or diversion of certain public roads, one bridleway and all or part of certain footpaths within the planning application site. The closures would under the draft Order be conditional upon BAA providing lengths of replacement bridleway and footpath. The order, the objections and representations relating to it are considered in Section 6 of Chapter 31 of the Inspector's report, and a commentary by the Inspector is in Section 7 of the same chapter.

96. The Inspector concluded (Chapter 31, paragraph 8.4) that the stopping up and diversion of the the roads, the bridleway and footpaths which are the subject of the draft Order were essential to enable Stansted Airport to be expanded to a capacity of 15 mppa and to provide proper access to the airport and that the Order complies with the provisions of Section 209 of the Town and Country Planning Act 1971. He said (paragraph 8.5) that the proposals contained in the Order for a new bridleway and new footpaths together with an additional bridleway (BW2) and footpath (FP3) (which it was agreed at the Inquiries would be provided by BAA) more than compensate for those which would be lost. He added (paragraph 8.6) that the Western Perimeter Road would provide an adequate substitute route for that part of Bury Lodge Lane which is proposed to be stopped up. He also commented (paragraph 8.7) that whether or not the Order, if made, should be modified to take account of the proposed additional bridleway (BW2) and footpath (FP3) is a matter for the Secretary of State, and he did not make a recommendation on the matter.

97. The Secretary of State for Transport has considered the objections to and representations made about the draft Order in the light of the Inspector's report and his recommendation. He accepts that the various highway closures and the diversion are a necessary consequence of the grant of planning permission and that, subject to the provision made for replacement highways, as proposed to

be added to by BAA, the requirements of section 209(1) of the Town and Country Planning Act 1971 are satisfied. He notes that the additional replacement highways (BW2 and FP3) are the subject of written assurances by BAA. He hopes that they will take up the Inspector's recommendation (Chapter 56, paragraph 2.13) to consult interested societies and other organisations as to the design details of the proposed new bridleways and footpaths. However, in order that the position should be clear on the face of the Order and in the interests of legal certainty, their provision should in his view be a requirement of the Order. Accordingly he has decided to make the Stopping Up and Diversion of Highways (County of Essex) (No) Order 198 as drafted, subject to appropriate modifications to this effect.

DECISIONS OF THE SECRETARIES OF STATE

I. THE MAIN STANSTED APPLICATION

98. For the reasons explained in paragraphs 12-56 of this letter, the Secretaries of State for the Environment and for Transport hereby grant planning permission for the expansion of Stansted Airport by the provision of a new passenger terminal complex with a capacity of about 15 million passengers per annum east of the existing runway, cargo handling and general aviation facilities, hotel accommodation, taxiways (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities (including infrastructure for aircraft maintenance and other tenants' developments) and related road access in accordance with planning application No. UTT/1150/80 dated 25 July 1980, subject to the following conditions:

1. The buildings and structures referred to in Condition 6(1)(a) and (b) shall be designed so that they can be constructed in phases; and shall be so constructed.
2. The phasing of the construction of the buildings and structures referred to in condition 6(1)(a) and (b) (including the size of each phase and the time at which its construction is to be begun) shall be as may be agreed from time to time with the local planning authority: provided that in the first phase of construction of the terminal building, its net floor area (excluding any plant rooms, piers and satellites, airside coach station, tracked transit station and other ancillary buildings) shall not exceed 50,000 sq metres.
3. When all phases of the development are completed, the total net floor area of the terminal building (excluding any plant rooms, piers and satellites, airside coach station, tracked transit station and other ancillary buildings) shall not exceed 90,000 sq metres.
4. At no time shall the total net office floorspace contained in the terminal building and in the terminal support area exceed 25,000 sq metres; and except with the written agreement of the local planning authority not more than 5,000 sq metres of such floorspace shall be contained in the terminal support area.
5. Notwithstanding the requirements of any other condition of this permission no development authorised by this permission shall be begun until a scheme of construction work in relation to preliminary site works has been submitted to the local planning authority and approved; and any such scheme shall indicate:-

- (i) means of access to the site for the carrying out of preliminary site works;
- (ii) the siting of all construction camps on and off site;
- (iii) the overall phasing of preliminary site works;
- (iv) trees and hedges to be cleared;
- (v) temporary noise protection measures.

6. Before any work on the site is commenced, other than such preliminary site works as may be approved under Condition 5, general layout plans of the development shall be submitted to the local planning authority and approved; such plans shall be in general accordance with the plan submitted at the inquiry and known as Inquiry Document No. BAA 130C and shall indicate:-

(1) the location of -

- (a) the terminal building, including piers;
- (b) aprons associated with the terminal building; such aprons being located so as not to extend north of a line connecting national grid co-ordinate points 556200E/224350N and 555870E/224635N, nor east of a line joining co-ordinate points 555145E/223140N and 556200E/224350N;
- (c) noise attenuation works including a noise attenuation bund within the north-east boundary of the site;
- (d) provision for car parking (indicating the number of spaces to be provided and the proposed allocation between passenger and staff parking);
- (e) the main internal vehicular and pedestrian circulation system, the means of access to and from the public roads system, and road improvements and road junction improvements;
- (f) the main taxiway system within the site, including a taxiway capable of being used as an emergency runway in the event of the main runway becoming unserviceable for any reason;
- (g) the areas for cargo-handling and associated aprons;
- (h) the areas for the development of aircraft maintenance facilities and associated aprons;
- (i) hotels within the site;
- (j) surface water balancing ponds;
- (k) the aviation fuel pipeline required by Condition 13.

(2) Provision for public transport facilities including a British Rail link, railway station and bus station.

7. Before any phase of the development (other than preliminary site-works approved under Condition 5) is commenced details of the following matters, to the extent that those matters are relevant to such phase of the development, shall be submitted to the local planning authority and approved: the details being consistent with the overall plans referred to in Condition 6:-

(a) full elevations and sections, including height and massing of buildings, structures and apparatus and the materials and colour schemes to be used for external surfaces;

(b) the siting, height and construction of banks, acoustic screens, baffles and other permanent or temporary noise protection works whether on the application site or on other land owned by the airports authority outside the application site;

(c) main roads and junctions and means of access to and from any existing highway;

(d) public and staff car parking facilities;

(e) any transit link to and from the terminal, the piers or any other part of the airport;

(f) foul and surface water drainage works, including foul drainage connections to the trunk sewerage system, together with any necessary pumping station, any surface drainage balancing ponds and any means of pollution prevention to be employed.

8. Application for approval of the details of the first phase of the development shall be made (under Condition 7) before the expiration of the period of five years from the date of this permission; and application for approval of the details of later phases of the development shall be made before the expiration of the period of twenty years from the date of this permission.

9. The first phase of the development hereby permitted must be commenced before whichever is the later of the following dates:-

(a) the expiration of five years from the date of this permission, or

(b) the expiration of two years from the date of the final approval of details relating to that phase which shall have been submitted in accordance with Condition 7 above, or in the case of approval on different dates, the date of the final approval of the last such detail to be approved.

10. Lighting shall, so far as is consistent with airport operational requirements, be so designed as to minimise the emission of light to the area surrounding the airport.

11. No development (other than preliminary site works approved under Condition 5) shall take place until there have been submitted to the local planning authority and approved:-

(a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any of them to be retained, together with measures to be taken for their protection in the course of development;

(b) a scheme for the implementation of the landscaping, phased according to the progress of the development.

12. All planting, seeding or turfing comprised in the landscaping scheme as approved under Condition 11 (a) shall be carried out in accordance with the implementation scheme approved under Condition 11 (b) and any trees or plants which, within a period of 5 years from planting, die, are removed or become seriously damaged shall be replaced in the next planting season with others of similar size and species unless the local planning authority otherwise agrees in writing.

13. Before the first phase of the terminal building is brought into operation, a pipeline for the supply of aviation fuel shall be constructed from the site boundary to the airport fuel farm; and such pipeline shall be brought into use as the principal means of supply of aviation fuel to the airport at the earliest practicable date.

14. Except with the written agreement of the local planning authority the heights above finished ground level of buildings, works or structures of the following descriptions shall not exceed the relevant heights indicated in the list below:

Hangar for aircraft maintenance	35m
Terminal building	15m above finished ground level of the landside forecourt
Cargo building	11m
Car park	ground level
Hotel (terminal area)	5 storeys
Hotel (not terminal area)	3 storeys
Offices (outside the main terminal building)	3 storeys

15. Before each phase of the development is first brought into operation, or within such period thereafter as may be agreed in writing with the local planning authority, the car parking facilities for that phase as approved in accordance with Condition 7 shall be laid out.

16. The first phase of the terminal building shall not be brought into operation until the following works have been completed:-

(a) a road link connecting the Birchanger Interchange and the terminal building in accordance with the layout plan approved under Condition 6, such link to include -

(i) the surface-level roundabout at the Primary Airport Junction shown as J2 on the plan submitted at the inquiry and known as Inquiry Document No BAA130C;

(ii) the primary airport road R2 (between J2 and J3) including earthworks that will be necessary when the road is a dual two-lane carriageway;

(b) junction J3 as shown on the plan submitted at the inquiry and known as Inquiry Document No BAA130C including approach roads to car parks;

(c) a covered public bus station and stands and appropriate means of access thereto from the terminal.

17. No development (other than preliminary site works approved under Condition 5) shall be begun until a roadway suitable for the use of construction traffic has been constructed between the Birchanger roundabout and a point east of Burylodge Lane, in accordance with plans submitted to the local planning authority and approved.

18. All practicable steps shall be taken to secure that:

(a) upon completion of the roadway referred to in Condition 17 all construction traffic shall enter and leave the site at the Birchanger roundabout except at any time when such access is prevented by works being undertaken at the Birchanger roundabout; and

(b) prior to the completion of the said roadway and at any time that access to the site for construction traffic from the Birchanger roundabout is prevented by works being undertaken at the roundabout, construction traffic shall enter or leave the site only by way of Burylodge Lane and shall be routed via the A120.

19. Following completion of the roadworks referred to in Condition 16 (a), (b) and (c) the means of access to the site for construction traffic by way of the A120 and Burylodge Lane shall be closed in such manner as may be agreed with the local planning authority.

20. Before any construction works (other than preliminary site works approved under Condition 5) are commenced on the site and at all times during the carrying out of such construction works, temporary noise protection measures shall be provided in accordance with a scheme previously agreed with the local planning authority, and the practices set out in such a scheme shall be observed.

21. The routes to be used by contractors' vehicles moving to and from the site shall be agreed in writing with the local planning authority prior to the commencement of any works pursuant to this permission.

22. No soil resulting from excavation shall be removed from the site except with the prior written agreement of the local planning authority.

23. No part of the buildings or structures resulting from the development shall be brought into operation until the noise attenuation bund within the north east boundary of the site, referred to in Condition 6(i)(c), has been constructed.

24. Other noise protection works shall be constructed in accordance with a scheme to be submitted to the local planning authority and approved.

25. The airport authority shall take all reasonably practicable measures to minimise the need to use Auxiliary Power Units (APUs), Ground Power Units (GPUs) and air start machines and, in particular, shall before the first phase of the terminal building is brought into operation provide a supply of electric power at such places and in such manner as may be agreed with the local planning authority.

26. Where the local planning authority have notified the airport authority in writing that any part of the site (specified in their notice) is of archaeological importance, no works authorised by this permission shall be carried out in that part of the site unless prior notice in writing of the intention to carry out such works has been given to the local planning authority, such notice to be given at least 2 clear calendar months before commencement of the works; and full access to the land on which the works are to be carried out shall be afforded, to such persons or bodies as may be designated by the local planning authority, for archaeological excavation and recording both before and during the carrying out of the works.

II THE BURTON END APPLICATION

99. For the reasons explained in paragraph 65 of this letter the Secretary of State for the Environment hereby refuses planning permission for the erection of three dwelling houses on a site at Burton End.

III THE MOBILE HOMES APPLICATION

100. For the reasons explained in paragraphs 69-72 of this letter the Secretary of State for the Environment hereby grants planning permission for use of a site on land south of the former railway line and east of the B183, Takeley, as a mobile home park, including the construction of buildings ancillary to such use and the formation of access to the highway, in accordance with planning application No. UTT/541/81 dated 31 March 1981 subject to the following conditions;

1. Approval of the details of the siting design and external appearance of the buildings hereby permitted and the means of access to the site, which shall include a pedestrian access at the north-east of the site, (hereinafter called "the reserved matters") shall be obtained from the local planning authority.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Before the development is begun, a plan showing the layout of the site (which shall include an amenity area) shall be submitted to the local planning authority and approved.
5. The use hereby permitted shall not be begun until there has been submitted to the local planning authority and approved a scheme of landscaping, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of the use hereby permitted, and any trees or plants which within a period of 5 years from the commencement of the said use die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

7. The site shall initially be used only to accommodate mobile homes relocated from the existing Mount, Connought and Hall sites, and the number of such relocated mobile homes shall not at any time exceed 250.
8. When a mobile home relocated from the Mount site, the Connought site or the Hall site is removed from this site, no mobile home shall be allowed onto the site in its place unless the total number of mobile homes on the site at the time is below 125; and at no time after the first occasion on which the number of mobile homes on the site is reduced to 125 or less shall the number present on the site at any one time exceed that figure.

IV THE AIRPORT ROADS APPLICATION

101. For the reasons explained in paragraph 76 of this letter, the Secretaries of State for the Environment and for Transport hereby grant planning permission for construction of connections to the A120 and M11, the airport distributional junction and a section of the primary airport road, in accordance with planning application No UTT/168/81 dated 18 February 1981 subject to the following conditions:

1. Approval of the details of the design of the roads shall be obtained from the local planning authority.
2. Application for approval of details under Condition 1 shall be made before the expiration of five years from the date of this permission.
3. The development hereby permitted shall be begun on or before whichever is the later of the following dates
 - (a) the expiration of seven years from the date of this permission; or
 - (b) the expiration of two years from the final approval of the matters referred to in Condition 1 above or in the case of approval on different dates the final approval of the last such matter to be approved.

V. THE LISTED BUILDING CONSENT APPLICATIONS

102. The Secretary of State for the Environment, for the reasons explained in paragraphs 79-81 of this letter, hereby grants listed building consent for demolition of:

Blunts, in accordance with application No. LB/UTT/902/80;

Little Coopers Cottage, in accordance with application No. LB/UTT/903/80;

Great Coopers Farmhouse, in accordance with application No. LB/UTT/907/80;

Barn to the east of Great Coopers Farmhouse, in accordance with application No. LB/UTT/908/80;

L- plan range of byres and stabling to north west of Little Coopers Farmhouse in accordance with application No. LB/UTT/906/80,

Little Coopers Farmhouse, in accordance with application No. LB/UTT/904/80;

Barns to west of Little Coopers Farmhouse in accordance with application No. LB/UTT/905/80;

all at Coopers End, Takeley, Essex, subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of the period of seven years from the date of this letter; and
2. No demolition shall be begun before a contract for the carrying out of works of redevelopment of the site has been made.

103. Attention is drawn to section 55(2)(b) of the Town and Country Planning Act 1971, the effect of which is that demolition of the listed buildings may not be undertaken (despite the terms of the consent) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Savile Row, London W1X 1AB, and the Commission subsequently have either been given reasonable access to the buildings, the subject of the consent, or have stated that they have completed their record or that they do not wish to record them.

VI THE SCHEDULED MONUMENT CONSENT APPLICATION

104. For the reasons explained in paragraph 83 above, the decision on this application is deferred.

VII THE STANSTED AIRPORT-LONDON COMPULSORY PURCHASE (NO 1) ORDER 1980

105. For the reasons explained in paragraph 85 above, the Secretary of State for Transport has decided to confirm the order subject to modifications.

VIII HIGHWAY PROPOSALS MADE BY THE DEPARTMENT OF TRANSPORT

106. For the reasons explained in paragraphs 86-94 above, the Secretaries of State have decided that the orders and scheme should be made.

IX THE STOPPING UP AND DIVERSION OF HIGHWAYS (COUNTY OF ESSEX) (NO) ORDER 198

107. For the reasons explained in paragraphs 95-97 the Secretary of State for Transport has decided that the order should be made.

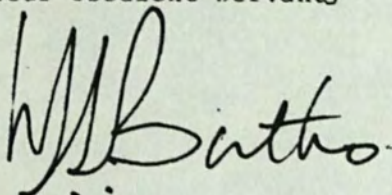
108. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of the planning permissions granted by this letter has statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period. Attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

109. A separate note is attached to this letter setting out the circumstances in which the validity of the Secretary of States' decisions on the applications for planning permission and for listed building consent may be challenged by the making of an application to the High Court.

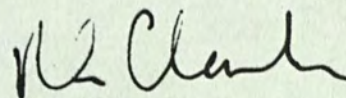
110. This letter does not convey any approval or consent required under any enactment, bye-law, Order or Regulation other than sections 23, 55 and 56 of the Town and Country Planning Act 1971.

111. Copies of this letter have been sent to Uttlesford District Council and to each party who was heard at the inquiry.

We are Gentlemen
Your obedient Servants



W J S BATHO
Under Secretary, Regional Director



R E CLARKE
Under Secretary, Civil
Aviation Policy