

WITHOUT PREJUDICE

Suggested conditions (from Statement of Common Ground) - Panel comments and questions

Panel comments in red provided to assist with round table conditions and obligations sessions; the comments are not exhaustive.

(01) Phase 1 of the development shall be carried out in accordance with the Phasing Scheme approved on 23 April 2015 (ref: 15/00159/DOC) and Phases 2 and 3 shall be carried out in accordance with the Phasing Scheme approved on 28 October 2016 (ref: 16/01484/DOC). Otherwise no development of any phases shall take place until a scheme for the Phasing of Development shall be submitted to the Local Planning Authority. The scheme as submitted shall include the timescales for commencement of each of the phases. The scheme as approved shall be implemented in full and in accordance with the agreed timescales.

(Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(02) The landscaping scheme shall be carried out in accordance with details approved on 21 May 2015 (ref: 15/00449/DOC). Within one month of the completion of the landscaping scheme written confirmation of the completion date shall be submitted to the Local Planning Authority. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be replanted in the same location or as otherwise detailed in the scheme. The scheme as approved shall be implemented in full within the first planting season following completion of each of the agreed phases within Condition 1.

(Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).

Is this still necessary? Has five years elapsed since planting? If not is a revised condition necessary covering tree and shrub replacement?

Suggestion:

Any trees or shrubs planted as part of the details of landscaping approved on 21 May 2015 (ref: 15/00449/DOC) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

(03) The buildings shall be constructed in accordance with the details and samples approved on 12 November 2015 (ref: 15/00160/DOC).

(Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(04) Phase 1 of the development shall be carried out in accordance with the details contained in the Protected Species Management Plan approved on 28 January 2015 (ref: 14/01471/DOC) and Phases 2 and 3 shall be carried out in accordance with the details contained in the Protected Species Management Plan approved on 8 May 2017 (ref: 17/00459/DOC).

(Reason: To safeguard any populations of these protected species on the application site).

Is this still necessary? Is there still a requirement to adhere to the PSMP or was that just necessary for construction phase? Assuming the operational development has been implemented, suggest do not impose.

(05) Lighting associated with Phases 1 and 2 of the development shall be carried out in accordance with the details approved on 25 September 2019 (ref: 19/00954/DOC) No external lighting shall be installed within any subsequent phase of the development, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented in full and shall be subject to review in accordance with such agreed scheme.

(Reason: In the interests of amenity, aircraft and public safety).

Is this still necessary? Assuming the lighting has been implemented for all phases, suggest do not impose. Or is there a requirement to control any additional lighting?

Suggestion:

No external lighting shall be installed unless a scheme has first been submitted to, and approved in writing by, the local planning authority. The lighting shall be implemented in accordance with the approved scheme and subsequently maintained and reviewed in accordance with the approved scheme. Any external lighting previously installed in accordance with the details approved on 25 September 2019 (ref: 19/00954/DOC) shall be maintained and reviewed in accordance with that approved scheme.

(06) Phase 1 of the development shall be carried out in accordance with the Construction Environmental Management Plan approved on 14 August 2015 (ref: 15/00452/DOC) and Phases 2 and 3 shall be carried out in accordance with the Construction Environmental Management Plan approved on 8 May 2017 (ref: 17/00460/DOC).

(Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(07) The development shall be carried out in accordance with the archaeological Written Scheme of Investigation approved on 24 December 2014 (ref: 14/01496/DOC).

(Reason: To ensure that the development allows for the recording of potential archaeological information).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(08) At no time shall the commercial passenger throughput of the airport exceed 19 million passengers in any twelve month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of

passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.

(Reason: To enable the Local Planning Authority to exercise proper control over the development, in the interests of securing a satisfactory operation of the development and to safeguard the amenities of the surrounding area).

(09) Within three months of the date of this permission the Noise Control Scheme approved on 2 March 2015 (ref: 14/01519/DOC) shall be amended and submitted to the Local Planning Authority for approval in writing. The revised scheme shall be implemented and maintained. For the avoidance of doubt, the controls within that scheme include:

- i) Measures with the purpose of phasing out of night time (2300 to 0700) operations by aircraft with a QC value of greater than 1 on either departure or arrival.
- ii) Monitoring and review of the scheme not later than the 1st and 4th year after its introduction and every subsequent five years.
- iii) Limits during the night time period (2330 to 0600) of: a) Total annual movements by aircraft (per 12 month period) of no more than 9,650 movements; and b) Total annual noise quota movements of no more than 3,500 which, using all reasonable endeavours, shall be reduced at each review until it reaches a point where it does not exceed 2,800 by 2028.
- iv) Limits for the Early Morning Shoulder Period (0600 to 0700) of not more than 7,000 movements in any 12 month period.
- v) Reporting of the actual and forecast total number of aircraft movements for the preceding and next 12 months to the Local Planning Authority every three months.
- vi) Within six months of the commencement of the development, a progressive reduction in the night time (2300- 0700) maximum Noise Violation Limits (NVL) by the noisiest aircraft shall be implemented, as follows:
 - 80dB(A) the date hereof
 - 79dB(A) from 1st January 2020
 - 77dB(A) from 1st January 2028
- vii) Within six months of the commencement of the development, a progressive reduction in the daytime (0700 - 2300) maximum NVL by the noisiest aircraft shall be implemented, as follows:
 - 82 dB(A) the date hereof
 - 80 dB(A) from 1st January 2020.

(Reason: To safeguard residential amenity).

The requirements are for an amended Noise Control Scheme to be submitted after the development commences. Why not prior to commencement of 19mppa? If after, why is there no sanction in the event that the amended Noise Control Scheme is not received, is unsatisfactory or not adhering to the timelines? See suggestion at end of document. Dates would need to be revised.

(10) The area enclosed by the 57dB LAeq(16hr) (0700-2300hrs) contour shall not exceed 21.1 sq.km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 42.1 sq km for night-time noise, when calculated by the Federal Aviation Authority

Integrated Noise Model version 7.0-d (or as may be updated and amended) for the period up to the end of 2027.

Within 12 months of the date of this permission a strategy shall be submitted to the Local Planning Authority for their approval which defines the methods to be used by LLAOL or any successor or airport operator to reduce the area of the noise contours by 2028 for daytime noise to 15.5 sq km for the area exposed to 57dB LAeq(16hr) (0700- 2300hrs) and above and for night-time noise to 35.5 sq km for the area exposed to 48dB LAeq8hr (2300-0700) and above.

Post 31 December 2027 the area enclosed by the 57dB LAeq16hr (0700-2300hrs) contour shall not exceed 15.5 sq km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 35.5 sq km for night-time noise.

Post 31 December 2030 the area enclosed by the 57dB LAeq16hr (0700-2300) contour shall not exceed 15.1 sq km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 31.6 sq km for night-time noise.

A report on the actual and forecast aircraft movements and consequential noise contours (Day, Night and Quota Periods) for the preceding and forthcoming calendar year shall be reported on the 1st December each year to the Local Planning Authority, which shall utilise the standard 92 day summer contour.

(Reason: To safeguard residential amenity).

Why not prior to commencement of 19mppa with a timetable for implementation? If after why is there no sanction in the event that the Noise Contour Reduction Strategy or the annual Aircraft Movement and Consequential Noise Contour report is not received or is unsatisfactory? See suggestion at end of document.

Bearing in mind comments made at the Inquiry would the following be appropriate?

“The area enclosed by the 51dB LAeq(16hr) (0700-2300hrs) contour shall not exceed 21.1 sq.km for daytime noise, and the area enclosed by the 45dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 42.1 sq km for night-time noise...”

Are the suggested dates appropriate or should they be expressed as a number of months/years from the date of any permission?

(11) The development shall be operated in accordance with the Noise Control Monitoring Scheme as approved on 2 March 2015 (ref: 14/01519/DOC). For the avoidance of doubt the controls include:

i) Fixed noise monitoring terminals and track keeping system (vertical and horizontal)

ii) Complaint handling system [and reporting?]

iii) Sanctions to be imposed on infringement by aircraft in respect of track keeping and noise violation limits in accordance with condition 9 (parts vi and vii) of this permission [what are the sanctions?]

iv) Arrangements for the verification of the submitted information.

~~A review shall take place not later than the 1st and 4th year after introduction and every subsequent 5 years.~~

The review clause appears imprecise and unenforceable; should an alternative clause replace it?

[within one year of the implementation of this planning permission a review of the performance of the Noise Control Monitoring Scheme shall be submitted to the local planning authority. Thereafter a review shall be submitted within four years of the implementation of this planning permission and subsequently ever five years thereafter. Measures to address any failures to comply with conditions Nos 9, 10, 11 and 12 shall be implemented in accordance with details and timetables approved in writing by the local planning authority.

Add in sanction clause suggested at end of document]

(Reason: To safeguard residential amenity).

(12) The development shall be operated in accordance with the scheme to control ground noise approved on 2 March 2015 (ref: 14/01519/DOC).

(Reason: To safeguard residential amenity).

(13) The development shall be implemented in accordance with the Comprehensive Surface Water Management Strategy approved on 18 May 2015 (ref: 15/00187/DOC).

(Reason: To prevent surface and groundwater pollution).

Assuming the Strategy contains ongoing actions; retain.

(14) The detailed surface water drainage scheme for Phase 1 shall be carried out in accordance with the details approved on 8 December 2015 (ref: 15/00291/DOC) and the detailed surface water drainage scheme for Phase 2 shall be carried out in accordance with the details approved on 21 January 2019 (ref: 18/01463/DOC). No subsequent phase of development shall begin until a detailed surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be generally in accordance with the Flood Risk Assessment (FRA) prepared by Jacobs, reference B1074100/22.2, issue 3, dated November 2012, (within Technical Appendix J of the Environmental Statement submitted with application 12/01400) and the scheme shall include details of soakaways and a restriction in run-off and surface water storage on site. The scheme as approved shall be implemented in full before completion of the relevant phase.

(Reason: To prevent the increased risk of flooding and to improve and protect water quality, habitat and amenity).

Is this still necessary? Assuming the scheme has been implemented, suggest do not impose. Or are there ongoing management actions in the strategy?

(15) Phase 1 of the development shall be carried out in accordance with the details approved on 24 March 2016 in relation to measures to deal with contamination (ref: 15/00756/DOC) and Phases 2 and 3 shall be carried out in accordance with the Contamination Risk Assessment Report approved on 7 April 2017 (ref: 17/00173/DOC).

(Reason: The site is located in a sensitive groundwater area over a Principal Chalk Aquifer within a source protection zone 3).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(16) No phase of the development shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the

remediation for that phase has first been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

(Reason: To protect groundwater).

Apart from the monitoring and maintenance plan is this still necessary? Replace with requirement to adhere to the approved long-term monitoring and maintenance plan [add document ref and approval date]

(17) If, contamination not previously identified is found to be present at the site during the construction of a phase of development, no further development of the phase shall be carried out until the developer has first submitted a remediation strategy for approval to the Local Planning Authority and that such a strategy shall have been approved in writing. The remediation strategy shall be implemented as approved.

(Reason: Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered during excavation and development).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(18) No infiltration of surface water drainage into the ground shall take place other than with the express written consent of the Local Planning Authority first having been obtained. The development shall be carried out in accordance with the approved details in accordance with an agreed timescale and phasing as applicable.

(Reason: To protect groundwater).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(19) Phase 1 of the development shall be carried out in accordance with the details approved on 18 December 2015 in relation to piling (ref: 15/00756/DOC). No subsequent phase of the development which involves piling or other penetrative methods of forming foundations shall take place other than in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

(Reason: To protect groundwater).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(20) Phase 1 of the development shall be implemented in accordance with the measures to protect existing monitoring boreholes approved on 11 May 2015 (ref: 15/00454/DOC) and phases 2 and 3 shall be carried out in accordance with the Borehole Protection Report approved on 28 March 2017 (17/00176/DOC).

(Reason: To safeguard the existing monitoring arrangements in the interests of the proper planning of the area).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(21) Phase 1 of the development shall be carried out in accordance with the foul drainage details approved on 14 August 2015 (ref: 15/00188/DOC). Before the commencement of each subsequent phase, full details of the proposed means of foul drainage shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to each phase coming into operation.

(Reason: To prevent pollution of the water environment and to ensure a satisfactory form of development).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(22) The car parking areas shall be managed in accordance with details submitted in the Car Parking Management Plan (Appendix B to the Transport Assessment dated December 2020, document reference 41431MP17V2). The scheme as approved shall be implemented in full. The areas within the application site which are shown to be in use for car parking in the application details shall not be used for any other purpose other than the parking of vehicles by passengers, staff and contractors servicing the airport.

Would this requirement be more appropriately covered by the planning obligation including more explicit details of what the CPMP should cover given current coverage of the plan in Appendix B? Bearing in mind evidence from the Inquiry should its scope include measures to assist with modal shift and reduction of GHG?

(Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety and to prevent unacceptable environmental impact on neighbouring residential areas).

(23) The surfacing and drainage of car parking areas shall be carried out in accordance with the details approved on 22 September 2015 (ref: 15/00455/DOC).

(Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).

Is this still necessary? Assuming the operational development has been implemented, suggest do not impose.

(24) The development hereby permitted shall be operated in full accordance with the Travel Plan dated ~~December 2020~~ (document reference ~~41431MP18V2~~ [updated reference and date]) for as long as the development remains in existence.

(Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)

(25) The Highway Improvement Schemes (comprising [i] improvements to the airport access road and [ii] improvements to the Percival Way roundabout) shall be carried out in accordance with the details approved on 8 May 2015 (ref: 15/00456/DOC) or otherwise in accordance with the provisions of the agreement dated 11 November 2015 under Section 278 of the Highways Act 1980 (or any variation to or replacement of such agreement).

(Reason: To seek to reduce single occupancy vehicle trips to the site).

Is this still necessary? Assuming the highway schemes have been implemented, suggest do not impose.

(26) The extensions to the passenger terminal hereby permitted shall not be brought into use for passengers unless and until either the approved highway improvement schemes referred to in Condition 25 have been carried out and completed by the applicant in accordance with the approved details or the applicant's obligations have fallen due under the agreement referred to in Condition 25 have been fully complied with.

(Reason: To seek to reduce single occupancy vehicle trips to the site).

Is this still necessary? Assuming the highway schemes have been implemented, suggest do not impose.

(27) The development shall be carried out in accordance with the Renewable Energy Strategy approved on 23 September 2015 (ref: 15/00734/DOC).

(Reason: In the interests of sustainability and to reduce adverse environmental and energy impacts of the development).

Does the strategy include ongoing management, monitoring, etc. requirements? If so retain.

(28) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out in the schedule of documents and the Environmental Statement contained in the Terence O'Rourke letters dated 30th November and 14th December 2012 submitted with application 12/01400/FUL and with the following documents submitted with application 21/00031/VARCON:

Environmental Impact Assessment. Volume 1: Non-Technical Summary of Environmental Statement Addendum (January 2021. Document Reference: 41431RR19V3).

Environmental Impact Assessment. Volume 2: Environmental Statement Addendum (January 2021. Document Reference: 41431RR20V3).

Environmental Impact Assessment Addendum Volume 3: Figures and Appendices (January 2021. Document Reference: 41431RR20V3).

Chapter 8 of Environmental Statement Addendum (May 2021. Document reference: 41431RR20V3NA).

Transport Assessment [is this a document to adhere to or does it just provide the assessment upon which judgements were made?] (December 2020. Document reference: 41431MP17V2)

Travel Plan (December 2020. Document reference: Doc Ref. ~~41431MP18V2~~ [updated reference]) [as this covered by the obligation should this reference be omitted?]

Car Parking Management Plan (Appendix B of the Transport Assessment, December 2020. Document reference: Doc Ref. 41431MP17V2) [not necessary - covered by condition 22?]

Site Waste Management Plan (September 2020. Document reference: Doc Ref. 41431BN6V3)

Drainage and Water Supply Infrastructure Appraisal (January 2021. Doc ref. 41431JG22V2)

Outline Carbon Reduction Plan (May 2021. Document reference 41431RS28V5) [not necessary - covered by condition 29?]

(Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).

Does this meet the test of precision given it appears very wide ranging? Should the references be more focused on which parts or provisions of the documents need to be adhered to?

(29) Within twelve months of the date of this permission, a Carbon Reduction Strategy shall be submitted to the Local Planning Authority for approval. The Carbon Reduction Strategy and its outcomes will be subject to the following reviews:

- i. Annually: independent verification by the Airports Carbon Accreditation Scheme with the results being made available to the Local Planning Authority.
- ii. Annually: publication as part of the Airport's Annual Monitoring Report, available for review by all stakeholders, including the Local Planning Authority.
- iii. Every three years: independent audit and inspection by the Airports Carbon Accreditation Scheme with the results being made available to the Local Planning Authority.
- iv. Every five years: the airport operator review and update, including consultation with the Local Planning Authority and other stakeholders.

All approved measures in the Carbon Reduction Strategy (and subsequent updates) shall be implemented and complied with.

(Reason: To ensure that the development mitigates, and is resilient to, the effects of climate change and ensure consistency with NPPF paragraph 148 to drive 'radical reductions' in carbon dioxide emissions)

The requirements are for a Carbon Reduction Strategy to be submitted after the development commences. Why not prior to commencement of 19mppa with a timetable for implementation? If after why is there no sanction in the event that the Carbon Reduction Strategy is not received or is unsatisfactory? See suggestion for additional sanction clauses below.

Possible sanction additions for conditions 9, 10, 11 and 29 (using 29 as an example)

If within three months of the date of failure to meet any one of the requirements set out in i) to iv) below, at no time shall the commercial passenger throughput of the airport exceed 18 million passengers in any twelve month period:

- i) Within [X] months of the date of this decision a scheme for [Carbon Reduction Strategy] shall have been submitted for the written approval of the local planning authority and the [Strategy] shall include a timetable for its implementation.
- ii) If within [Y] months of the date of this decision the local planning authority refuse to approve the [Carbon Reduction Strategy] or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted [Carbon Reduction Strategy] shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been implemented in accordance with the approved timetable. Upon implementation of the approved [Carbon Reduction Strategy] specified in this condition, that [Strategy] shall thereafter adhered to.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Other comments

Is there a clear justification for the end dates for all the 'strategies' whether they relate to noise, carbon reduction, surface access or other matters.?

Should they be consistent with one another?

Why have 2031 for some strategies and 2025 or 2028 for others? Those relating to climate change must be long term; should the transport ones consistent with that?

The reasons for imposing the transport conditions would appear to be much more related to carbon reduction than simply highway capacity and safety.

09/11/22