

Explanatory Memorandum

The Stansted Airport Aircraft Movement Limit (Revocation) Order 2004 No. 1946

Laying authority and purpose

1. This explanatory Memorandum is laid before Parliament by Command of Her Majesty. It contains information for the Joint Committee on Statutory Instruments.

Enabling powers and Parliamentary Procedure

2. The Stansted Airport Aircraft Movement Limit (Revocation) Order 2004 has been laid before Parliament in draft. The enabling powers for the draft Order were conferred on the Secretary of State by section 32 of the Airports Act 1986. Section 79(3) of the 1986 Act provides that an Order made under section 32 must be laid in draft and approved by a resolution of each House before it may be made.

Department responsible

3. The draft Order has been prepared by the Department for Transport.

Purpose of the Order

4. The Order would remove the current limit on the number of occasions when passenger aircraft may take-off or land at Stansted Airport each year.

Legislative and Policy Background

5. Stansted is unique amongst UK airports in having a limit on passenger air traffic movements ("PATM's") approved by Parliament and fixed by the Secretary of State under section 32 of the Airports Act 1986. The current limit is 185,000 PATM's per year, which was set in 1999¹. Lower limits had been set in 1987 and 1996².
6. In May 2003 Uttlesford District Council granted the operators of Stansted airport (Stansted Airport Limited, a subsidiary of BAA plc) planning permission for expansion of capacity of the airport to 25 million passengers per annum. The Council imposed as a condition of the planning permission an annual aircraft movement limit of 241,000. This

¹ See the Stansted Airport Aircraft Movement Limit Order 1987, as amended by the Stansted Airport Aircraft Movement Limit (Amendment) Order 1999.

² See the 1987 Order and the Stansted Airport Aircraft Movement Limit (Amendment) Order 1996.

limit was wider in scope than the limit set under the Airports Act 1986, in that it applied to freight aircraft as well as to passenger aircraft.

7. The Government favours the fixing of limits locally by means of planning conditions or planning obligations. It is content that appropriate arrangements have been made by the operators of Stansted airport and the local planning authority under the Town and Country Planning Act 1990. The Government is therefore seeking the revocation of the Orders made under section 32 of the Airports Act 1986. If approved by Parliament and made, the draft Order would revoke the Stansted Airport Aircraft Movement Limit Order 1987, the Stansted Airport Aircraft Movement Limit (Amendment) Order 1996 and the Stansted Airport Aircraft Movement Limit (Amendment) Order 1999.
8. Stansted airport is currently operating at about 160,000 PATM's, close to the current statutory limit of 185,000 per year. The operators of the airport are therefore concerned that action should be taken quickly on this issue before the Summer recess.
9. The Government's proposals with regard to the PATM limit were set out in its recent White Paper, *"The Future of Air Transport"*.³ It was stated on page 113, *"We believe that it is preferable for controls of this kind to be agreed locally and that there is no longer a good case for the use of the statutory limit in respect of Stansted. We intend to ask Parliament to remove it."*
10. On Friday 28 May 2004 we completed six weeks of consultation on this issue with the CAA, the airport operator, operators of aircraft likely to be affected by the order, local authorities affected by operations at the airport and other interested parties. The responses to the consultation were largely in favour of revoking the statutory limit and allowing the airport to be regulated locally, bringing Stansted into line with how other UK airports are regulated.

Extent

11. The Order extends to all parts of the United Kingdom, but will in practice have a significant impact only in the vicinity of Stansted Airport, Essex.

European Convention on Human Rights

12. In my view the provisions of this Instrument are compatible with Convention Rights.

Impact

³ Command Paper 6046, presented to Parliament by the Secretary of State for Transport in December 2003.

13. A regulatory impact assessment has been carried out (see attached).

Contact

14. Any queries on the proposed legislation can be sent to:

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