



www.stopstanstedexpansion.com
info@stopstanstedexpansion.com

PO Box 311
Takeley
Bishops Stortford
Herts CM22 6PY
Tel: 01279 870558
Fax: 01279 870786

1 September 2008
by email and post

Richard Watson Esq
Planning Central Casework Division
Department for Communities and Local Government
Zone 1/J1 Eland House
Bressenden Place
London SW1E 5DU

John Faulkner Esq
International Networks & Environment Division
Department for Transport
1/18 Great Minster House
76 Marsham Street
London SW1P 4DR

Dear Sirs

Town and Country Planning Act 1990 - Section 78: Appeal by BAA Ltd and Stansted Airport Ltd against the decision of Uttlesford District Council; land at Stansted Airport, Stansted, Essex CM24 1QW.

We refer to your letter of 15 August inviting final comments on representations made by various parties on proposed new condition AN2 relating to the control of night noise at Stansted Airport.

We note that you have circulated a number of representations made by organisations who were neither Rule 6 parties at the 2007 Public Inquiry nor on the circulation list of your letter of 17 July which invited representations on this matter, namely:

- on 15 August you circulated representations received from British Airways (BA), the London Chamber of Commerce (LGC) and United Parcel Services (UPS) prior to your closing date of 14 August;
- on 26 August you circulated representations received from the Board of Airline Representatives in the UK (BAR UK) and Airport Co-ordination Limited (ACL) in letters dated 20 and 21 August, respectively;
- on 28 August you circulated representations received from the International Air Transport Association (IATA) via an email sent to you on 26 August.

We further note that all of the representations from the above non Rule 6 parties (none of whom gave evidence at the 2007 Public Inquiry) object to the proposed condition and are written in the same vein. This must inevitably give rise to the belief that there has been a degree of orchestration, and in one case we have reason to believe that the encouragement to make representations to you came from the Appellant. We do not, of course, object to one party encouraging others to make representations as such, but we do regard it as

objectionable in the circumstances of the present case, where it was not made clear that it was open to others to make representations at all.

For our part, we have not sought to play the 'numbers game' partly because we have no wish to further complicate and delay the decision on this Appeal but mainly because we would expect this matter to be decided by the merits of the arguments rather than by the weight of your postbag. (We could quite easily have rallied our members and supporters if we had believed otherwise, particularly if we had realised that the 14 August closing date for comments was not actually to be treated as a closing date at all.)

Regarding the merits of the arguments, we have only two points to add to the representations we made in our letter of 11 August.

1. We recognise that the legal position has always been that the Secretaries of State are responsible for making the final decision(s) but if a condition which is intended to mitigate the impacts of the proposed development and/or alleviate the concerns of local residents, *having been freely agreed by an Applicant at a Public Inquiry*, is subsequently struck out, this will undermine confidence in any condition offered by the Applicant at any future Public Inquiry.
2. The risk of undermining confidence is compounded in this case by BAA's attempt to distance itself from the condition which it offered at the 2007 Public Inquiry. Obviously this would be a far greater risk if BAA had any hand in the orchestration we referred to above.

Yours faithfully

A handwritten signature in cursive script that reads "Peter Sanders". The signature is written in black ink and is positioned to the left of the typed name and title.

Peter Sanders
Chairman