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25 February 2008
by email and post

The Rt Hon Hazel Blears MP
Secretary of State for Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU

Dear Secretary of State

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 wrote to you on 30 January 2008 drawing your attention to the material new evidence on community noise impacts contained in the ANASE study, published by the Department for Transport ('DfT') in November 2007. We are now writing to provide you with our preliminary response to the letter of 18 February 2008 from CMS Cameron McKenna ('CMK') on behalf of BAA Ltd and Stansted Airport Ltd (hereinafter jointly 'BAA') to the Planning Central Casework Division of your Department providing revised assessments of the air quality ('AQ') impacts of the proposed Stansted G1 development.

We view the content of the CMK letter with the utmost seriousness, not only because of the scale and implications of the understatement of NO_x levels which BAA now admits to but also because this admission comes despite repeated denials by BAA at the G1 Public Inquiry that it had understated the AQ impacts of its proposed development, particularly NO_x levels.

It is simply untenable for CMK to suggest that the revised data are of no great consequence. At the outset of the G1 Public Inquiry, the Inspector identified 'The effects of increased air pollution from aircraft and surface traffic on nearby woodlands' as one of the key issues facing the Inquiry. BAA sought to neutralise this issue by providing the Inquiry with AQ projections showing that the 30 µg/m³ annual mean limit value for NO_x would not be exceeded in Hatfield Forest. BAA was dismissive of all suggestions to the contrary at the Public Inquiry, repeatedly denying any understatement and repeatedly claiming that its AQ projections were 'robust', 'conservative' and that they represented a realistic worst case scenario'.

It is now clear that these claims by BAA were false and the AQ debate at the Inquiry would have taken on a very different complexion if the true position had been known at the time.

Contrary to what it now appears to be suggesting, BAA told the Inquiry that the 30 µg/m³ limit value for NO_x was correctly set by the competent authorities and that it was not part of its case to argue that other parties had to prove that harm would occur by the exceedance of this limit value. It was in fact a fundamental part of BAA's case that the 30 µg/m³ annual mean limit value for NO_x would not be exceeded either in Hatfield Forest or Eastend Wood.

Patron: Terry Waite CBE

Stop Stansted Expansion is a working group of the North West Essex Preservation Association

In their letter of 18 February CMK proposes that the other Rule 6 parties should be given an "appropriate period to make additional representations on this matter to the Secretary of State" and that BAA "would then need to be given an opportunity to respond to any representations received". We respectfully suggest that this would not be an adequate procedure for dealing with an error of such magnitude and consequence.

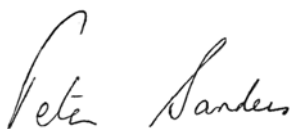
We expect you will aware from the Inspector's report that a key issue which emerged at the G1 Inquiry was **'the level of trust which can be placed in the documents produced by BAA for this Inquiry'**. One of the reasons for this, highly relevant to BAA's AQ predictions, arose from BAA's c. 30% overstatement of vehicle occupancy (leading to a corresponding understatement of road traffic emissions) BAA having initially claimed its vehicle occupancy figures were based on CAA data and the true picture only emerging after very extensive probing by SSE. We are therefore understandably reluctant to accept this new information from BAA at face value.

We are currently seeking counsel's advice on other procedural options which may be more appropriate for dealing with the situation now before us and we would of course also welcome your views as to how the radically different AQ evidence now provided by BAA can best be dealt with on a basis which is fair and equitable to all of the Rule 6 parties and which ensures that the new evidence and implications thereof can be properly tested.

Whichever procedure is adopted for dealing with the revised AQ data, we require additional information from BAA so that we are in a position to consider the matter fully. Accordingly we have today written to BAA via CMK seeking additional AQ data and answers to a number of questions arising from the revised AQ assessments. A copy of our letter to CMK is attached.

We will write to you again after we have received the requested information from BAA and had a reasonable opportunity to consider. In the meantime, we would be grateful to receive your confirmation that no decision will be made on the Stansted G1 Appeal until such time as we, and the other Rule 6 Parties, have had a proper opportunity to test and comment upon the new AQ evidence provided by BAA. Also, as stated above, we would welcome your views on the appropriate procedure to be followed for dealing with this matter.

Yours sincerely



Peter Sanders
Chairman

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