

Uttlesford District Council

Planning application UTT/0717/06/FUL  
Applicant: BAA plc and Stansted Airport Ltd

Response on behalf of  
**Stop Stansted Expansion**

2 November 2006

Volume 3

In response to additional information from BAA further to UDC Regulation 19  
Notice and other UDC requests made on 15 September 2006



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## GLOSSARY OF TERMS AND ABBREVIATIONS

ANCON	Air Noise Contour Model used by CAA/ERCD (see below)
Applicant	BAA
ATM	Air Transport Movement
ATWP	'The Future of Air Transport' White Paper 2003
BV	Bureau Veritas (environmental consultants)
CATM	Cargo Air Transport Movement
CAA	Civil Aviation Authority
CDA	Continuous Descent Approach
CO <sub>2</sub>	Carbon dioxide
dB	Decibel units used to indicate sound level or changes of sound level
dBA	Decibel units measured on an A-weighted scale (which is designed to more nearly approximate to sounds as perceived by the human ear)
DEFRA	Department for the Environment, Food and Rural Affairs
DfT	Department for Transport
EIA	Environmental Impact Assessment
ERCD	Environmental Research and Consultancy Department – a division of the CAA
ES	Environmental Statement
FEU	Flight Evaluation Unit (a department within BAA Stansted)
Generation 1	BAA terminology for this planning application
HIA	Health Impact Assessment
HMT	H M Treasury
HOSS	BAA Home Owner Support Scheme
HVGS	BAA Home Value Guarantee Scheme
INM	Integrated Noise Model (Federal Aviation Authority software for producing noise contours)
LA <sub>eq</sub>	As Leq (see below), but using the A-weighted scale (see also dBA)
LA <sub>max</sub>	The maximum A-weighted sound pressure level of an aircraft noise event (see also dBA)
Lden	As Leq, but with additional weightings for evening and night time events
Leq	Equivalent sound level of aircraft noise in decibels, often called equivalent continuous sound level – used to depict the total impact of aircraft noise over a period of time
Leq <sub>16</sub>	An Leq measurement relating to a 16 hour period
IPCC	Intergovernmental Panel on Climate Change
ITWP	Integrated Transport White Paper – the 1998 White Paper on the Future of Transport entitled 'A New Deal for Transport: Better for Everyone'
MLD	Million litres per day (used as a measure of water consumption)
mppa	Million passenger movements per annum
NO <sub>2</sub>	Nitrogen dioxide
NO <sub>x</sub>	Nitrogen oxides
NPR	Noise Preferential Route
NQP	Night Quota Period (2330 hours – 0600 hours)
ONS	Office of National Statistics
PATM	Passenger Air Transport Movement
PM <sub>10</sub>	Fine particles
PM <sub>2.5</sub>	Ultra-fine particles
PPG	Planning Policy Guidance Note – relating to Government planning policy
PPS	Planning Policy Statement – term given to more recent versions of above
PSDH	Project for the Sustainable Development of Heathrow
QoLA	Quality of Life Assessment
RFI	Radiative Forcing Index

SA	Sustainability Appraisal
SSE	Stop Stansted Expansion
SSSI	Site of Special Scientific Interest (designation applied to Hatfield Forest)
STAL	Stansted Airport Limited, a wholly owned subsidiary of BAA
UDC	Uttlesford District Council
WHO	World Health Organisation

# 1 INTRODUCTION

## 1.1 Background

- 1.1.1 On 26 April 2006 Stansted Airport Ltd ('STAL') and BAA plc (hereinafter referred to as 'BAA' or 'the Applicant') submitted a planning application to Uttlesford District Council ('UDC' or 'the Council') which, if approved, would allow substantial expansion of Stansted Airport. Concurrently, the Applicant submitted an Environmental Statement (ES) in support of its application. On 23 May 2006, the Applicant submitted a Sustainability Appraisal and on 6 June 2006, a Health Impact Assessment ('HIA'), relating to its proposed development.
- 1.1.2 Stop Stansted Expansion ('SSE') provided UDC with a detailed (two-volume) response to BAA's planning application and ES on 14 July 2006 and provided a separate response to the Applicant's HIA on 9 August 2006.
- 1.1.3 On 15 September 2006 UDC requested additional information from BAA. The Council's information request was set out in three schedules as follows:
- Schedule A – Further information required under Regulation 19
  - Schedule B – Additional substantive outstanding matters previously raised in the Scoping Opinion
  - Schedule C – Matters of clarification, explanation and detail
- 1.1.4 BAA responded to the above on 27 September 2006 and its response was made publicly available on 6 October 2006. SSE has carefully considered the additional information provided by BAA and our comments are set out in this report.

## 1.2 General comments

- 1.2.1 It is important that we again put on record our strongly held view that the Council's request for additional information from BAA (as above) omitted many important items. We expressed our concern about this and other matters in a letter to the Council dated 25 September 2006 and followed this up with a more detailed letter on 25 October 2006 containing extensive evidence in four annexes. Both letters are appended to this report for ease of reference.
- 1.2.2 In the introduction to its 27 September response, BAA states (para 1.1.3):
- 'On 15 September 2006, UDC formally responded with regard to the ES and under Regulation 19 of the EIA Regulations requested further information to be submitted **for the ES to constitute a full ES** for the purposes of the EIA Regulations.'* [our emphasis]
- 1.2.3 Upon checking the Council's request for additional information we note that UDC did not use the phrase which we have emphasised in the above. The Council is, of course, at liberty to issue a further Regulation 19 Notice if it sees fit to do so and our views on this are made expressly clear in the correspondence referred to above and appended to this report.
- 1.2.4 We now turn to our comments on BAA's response to the points raised by the Council in Schedules A, B and C of its letter of 15 September 2006.

## 2 SCHEDULE A – FURTHER INFORMATION REQUIRED UNDER REGULATION 19

### 2.1 **UDC Requirement 1: 'Base line study of current condition of flora and fauna within Hatfield Forest, East End Wood and fen site and study of the effects of noise air and light pollution on these sites.'**

- 2.1.1 BAA states in its response that the report should be available 'in the next few weeks'. The requirement for this study was formalised over three years ago in the May 2003 Section 106 agreement and the results of the study should have been reported either before or concurrent with the current planning application. The fact that the report it is still not available suggests that BAA is not treating this issue with the importance it deserves.
- 2.1.2 Hatfield Forest, as an SSSI, is of national importance and the evidence of excess nitrogen deposition on the vegetation that has already been detected demands a full report and assessment before any consideration can be given to further expansion. This is even more important now that the Government has proposed that NO<sub>x</sub> objectives should be achieved at 99% of SSSIs by 2010 even if they are in existing statutory exclusion areas.
- 2.1.3 We take it from BAA's response (para 2.1.2) that the National Trust now finally has a draft copy of the report. We have not even seen a draft. However, we look forward to receiving the completed version of this important report at which time we will be in a position to review the results and comment.

### 2.2 **UDC Requirement 2: 'Quality of Life Assessment compliant with Countryside Agency advice.'**

- 2.2.1 BAA is still refusing to provide a Quality of Life Assessment ('QoLA'). BAA claims (paras 2.2.6 and 2.2.10) that the information required under the QoLA been provided in other forms. This either demonstrates a failure by BAA to understand the nature of a QoLA or is a deliberate attempt to mislead.
- 2.2.2 As Levett-Therivel pointed out in their June 2006 report on this application<sup>1</sup>
- QoLA focuses on the benefits and services provided by an area (e.g. tranquillity, informal outdoor recreation, carbon fixing). Benefits 'look' different from the impacts assessed in EIA: they are related to how people value their neighbourhood, not the things that are in the neighbourhood.*
- As its name suggests, QoLA assesses the potential impact of a development on the quality of life of the people potentially affected by it. What benefits matter, and therefore what indicators may be appropriate to measure them, are identified during the process. You therefore can't say what indicators might be relevant to a QoLA assessment of a particular project until you have done the process.*
- 2.2.3 It is now almost two years since UDC, in its Scoping Opinion, asked BAA to provide a QoLA in relation to this planning application. BAA's reasons for failing to

<sup>1</sup> 'Environmental Statement for Stansted Generation 1: Analysis of Strategic Issues', Levett-Therivel, June 2006, Section 5, pages 17-18. Note that this report was provided to UDC in Volume 2 of SSE's July response to planning application UTT/0717/06/FUL.

comply with this request do not stand up to scrutiny and we believe the real reason for BAA's failure to carry out a QoLA is a realisation that this would help demonstrate the scale of the adverse impacts which its proposed development would have upon the quality of life for the local community. It cannot be acceptable for BAA to continue to defy the wishes of the Council on this point especially now that BAA's defiance is in relation to a formal Regulation 19 Notice.

**2.3 UDC Requirement 3: 'Information on the average mode noise exposure at all schools affected by noise levels from airport operations of between 40 dB(A) (LAeq,16) and 54 dB(A) (LAeq,16h) for the current and two main future situations (revised 25mppa and 35mppa cases).'**

- 2.3.1 All the points made in para 2.3.1 of BAA's response are perfectly true but it is disingenuous for BAA to imply that because of the variability of particular factors it is not feasible to produce the requested contours. The whole premise of Leq noise contours is that the variabilities are taken care of by the 'averaging' process – especially when, as in this case, the contours would relate to a 92 day period.
- 2.3.2 The citing of difficulties relating to 'the collection of reliable noise data from aircraft operating at significant altitudes'<sup>2</sup> (para 2.3.2 of BAA's response) is a red herring. The noise contours are calculated using noise data provided by manufacturers. They are not produced using **physical** noise measurements from operating aircraft 'at significant altitudes'. The data used by ERCD's ANCON software<sup>3</sup> includes noise/power/distance tables (the source data for the noise contour calculations) for operations up to 25,000 feet (approx 4.7 miles) from the listener. Although we have not carried out specific checks, SSE estimates that this height should certainly be sufficient to cover calculations for areas extending well beyond (i.e. at contours lower than) the 54 dBA Leq contours currently provided by BAA.
- 2.3.3 The arguments advanced by BAA in paras 2.3.1 and 2.3.2 of its response are further undermined by being based on the oversimplified assumption that the only way low dBA Leq contours can occur is through aircraft operating at significant heights and therefore not causing much noise at ground level. Not for the first time, BAA is ignoring the fact that Leq contours are determined by a combination of two factors: the noise of the aircraft and the number of operations over the relevant time period. So, for example, it would be perfectly possible for a low contour of say 45 dBA Leq to be produced by comparatively few operations of exceedingly noisy, **low flying** aircraft; and the noise calculations producing these 'quieter' Leq contours would, according to BAA's criterion, be perfectly correct because they related to a low altitude and were therefore a 'validated' part of the ANCON process.
- 2.3.4 BAA claims (in para 2.3.3 of its response) that its reasons for not complying with this UDC request is that 'to produce this modelled information would be misleading about the noise effects at these low levels' (i.e. below 54 dBA Leq). Not only is this disingenuous for the reasons discussed above, it is quite simply not true: Figures 7-9 in the BAA response document show Leq contours for the night period down to 48 dBA. Or are we to assume that these are 'misleading'?

<sup>2</sup> Para 2.3.2 of BAA's response mentions that ANCON is not 'validated at low noise levels'. We presume this is a reference to the fact that the figures in the noise/power/distance tables used by the ANCON software are, implicitly, periodically calibrated by ERCD to sample measurements taken in the actual operating environments round the three London airports. This would therefore also, implicitly, include the figures for operations at 25,000 feet from the listener.

<sup>3</sup> A copy of this data was provided to SSE by ERCD (via the DfT) at the time of the SERAS consultation.

- 2.3.5 As well as being requested in the Regulation 19 Notice, this information was also requested in the UDC Scoping Opinion two years ago. BAA has still not provided this information and, without it, the Council's ability to assess all the relevant environmental impacts of the proposed development is significantly impaired.

**2.4 UDC Requirement 4: *'Worst mode 16 hour contours for 2004, the 25mppa and 35mppa cases – i.e. contours showing a typical westerly day (with 100% of movements operating in that mode) and a typical easterly day. In addition to graphical contours, the data should include the area enclosed by the contours, the population and the households enclosed.'***

- 2.4.1 The only contours which SSE has prepared on a modal split basis are for 35mppa and our findings<sup>4</sup> broadly accord with BAA's Figures 5 and 6 and with the land area data in Tables 6 and 7. BAA is correct in pointing out (in para 2.3.4) that the modal split scenarios cannot necessarily be considered a 'worst case' basis.
- 2.4.2 Although para 2.3.11 of BAA's response is at first sight baffling it starts to make some sort of sense if the references to Figures 1 and 2 (in sentence 3) are transposed. However, even with this adjustment, it appears that all that this paragraph manages to say, amidst its complicated references to Sawbridgeworth and Thaxted contours in three different Figures, is that modal split contours do not give a very good **overall** picture of the average noise disturbance. This rather misses the point that the whole purpose of requesting separate modal split contours was not to show the overall average impact but, rather, to break down the component parts of this average in order to illustrate the actual impacts on the areas concerned **on the days when they are actually being overflowed**.
- 2.4.3 Ultimately therefore, the opening statement of para 2.3.11 of BAA's response, which states that direct comparison of any two modal matching component maps is 'misleading', is itself misleading. The direct comparison possible (and indeed useful) is of the noise effects on the days when the two relevant areas are being disturbed, even although, of course, the numbers of days of disturbance per year may be different in the two cases.

**2.5 UDC Requirement 5: *'L<sub>night</sub> contours for 2004, the revised 25mppa and 35mppa cases starting at 48dB(A) in 3dB(A) steps. Graphical plots should be supplied with associated area, population and household information, with this information presented in cumulative form rather than by band.'***

- 2.5.1 Referring to para 2.3.12 of BAA's response, the Council's Regulation 19 Notice sought baseline L<sub>night</sub> details for 2004. The tables and contour maps provided by BAA relate to 2003, although no explanation is given.

**2.6 UDC Requirement 6: *'A similar LA<sub>max</sub> set of results to those published in Vol 2 section A4.3 but for the two worst mode days (i.e. all day westerly and all day easterly) rather than the average mode day presented in the environmental statement.'***

- 2.6.1 We agree with the point made by BAA in para 2.3.15 of its response. UDC was under a misapprehension about the basis of the calculations in Figures 25-30 of ES Volume 2. This point can therefore be considered to be fully dealt with.

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<sup>4</sup> Using INM rather than ANCON.

## 2.7 UDC Requirement 7: 'Downwind predictions for ground noise for the various cases studied.'

- 2.7.1 The BAA response does not provide the information requested. Firstly the response incorrectly states (in para 2.4.1) that

*... sound levels downwind tend to be marginally higher than under neutral conditions.*

and BAA then uses only a +3dB adjustment. Secondly, the response introduces upwind and sidewind conditions which were not required and then uses these conditions as a basis for the revised predictions at the various sites. This then introduces a false premise on which to base the information provided.

- 2.7.2 The evidence provided to UDC by Bureau Veritas ('BV') clearly stated that the downwind adjustment should be +10DB and showed that the impact of noise levels in the downwind direction by BAA Stansted in the ES was understated. The degree to which this was understated at the various sites was illustrated by the following tables produced by BV. The tables show the impacts in neutral conditions originally stated by BAA Stansted in its ES and highlighted in colour by BV to show where the impact had worsened in downwind conditions. The yellow highlighting shows where the impact has changed to moderate and the purple highlighting shows where the impact has changed to major.

### Westerly Operations: +10 dB(A)

	Day	Evening	Night
Farm Cottages, Tye Green	Moderate	No impact	No impact
Appletree House, Fullers End	No impact	No impact	No impact
Motts Hall, Gaunts End	Moderate	Moderate	No impact
The Forge, Molehill Green	No impact	No impact	Moderate
Coopers Villas, Takeley	No impact	No impact	No impact
Bury Villas, Bambers Green	No impact	No impact	No impact
15 Garnets, Takeley	No impact	No impact	No impact
Glenmore, Takeley Street	No impact	No impact	No impact
351a Birchanger Lane	No impact	No impact	No impact
1 Chestnut Cottages, Burton End	No impact	No impact	No impact

### Easterly Operations: +10 dB(A)

	Day	Evening	Night
Farm Cottages, Tye Green	No impact	No impact	No impact
Appletree House, Fullers End	No impact	No impact	No impact
Motts Hall, Gaunts End	No impact	No impact	No impact
The Forge, Molehill Green	Minor	Minor	Moderate
Coopers Villas, Takeley	No impact	No impact	No impact
Bury Villas, Bambers Green	No impact	No impact	No impact
15 Garnets, Takeley	No impact	No impact	No impact
Glenmore, Takeley Street	No impact	No impact	No impact
351a Birchanger Lane	No impact	No impact	No impact
1 Chestnut Cottages, Burton End	No impact	No impact	No impact

- 2.7.3 Furthermore, and although not requested by UDC, the predictions still exclude the impact of tonal quality. BS 4142 states that a +5dB penalty should be added to adjust figures for tonality. This point was also made by BV in their evidence.
- 2.7.4 The conclusion in para 2.4.16 of the BAA response that

*... the sensitivity test... has not shown any major differences as compared to the original assessment in ES Volume 6*

is completely at variance with the information given by BV and considerably underestimates the adverse impact.

2.7.5 It is also important to note that the terms 'no impact', 'minor impact' and 'moderate impact' are **qualitative** judgements by BAA and relate not to the absolute noise level but to the difference above baseline background levels. Very significant increases in ground noise impacts are understated by BAA using these subjective descriptors. For example, in the 35mppa case and under neutral wind conditions, an increase in 21.7dBA<sub>Leq</sub> at Molehill Green is given the descriptor 'moderate impact'.<sup>5</sup> Considering that an increase of 21 dBA is equivalent to more than one hundred fold in the sound pressure level, BAA's qualitative assessment can be characterised as the use of soft language to disguise the seriousness of the impacts which would affect many local residents who live near the airport.

2.7.6 Finally, it should be noted that, in its Scoping Opinion, UDC asked that

*Ground noise contours be prepared for airport activity, increased surface access movements, and for a combination of both sources.*

This request is consistent with the requirement under Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 for the applicant to provide an assessment of the

*... direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects, resulting from the existence of the development.*

However, the predictions provided by BAA still exclude noise produced by engine testing, auxiliary power units and surface access transport associated with the proposed expansion.

## **2.8 UDC Requirement 8: 'Total increase in road vehicle mileage resulting from the development by mode.'**

2.8.1 BAA has not answered the question despite its relative simplicity. The road mode comprises car journeys (including hire car and taxis) and bus/coach journeys to and from the airport for air passengers, airport employees and other airport users. BAA should have provided a road vehicle mileage estimate for each of these mode shares for 2005 and projections for the 2014 'baseline' at 25mppa, for 2014 at 35mppa and also for the higher mppa throughputs which can reasonably be anticipated in 2021 and 2030. BAA has provided information only for the 'busy day' scenario and only to 2014.

2.8.2 BAA attempts to claim that there is a 'saving' in road vehicle mileage but can only make this claim by comparing what would happen if 35mppa were permitted and there were no 'transport interventions' and what would happen if 35mppa were permitted and there **were** 'transport interventions', i.e. under the enhanced 35mppa case.

2.8.3 The first point to make here is that the claimed 'saving' is not only hypothetical but also relative, i.e. the difference between two projected 35mppa scenarios.

2.8.4 The second point to make is that the transport interventions as described appear to be of a relatively minor nature, mostly 'soft' measures. Hard measures such as

<sup>5</sup> ES Vol 8:Table 6, p20 relating to Runway 05 operations.

park and ride, restricting on-site car parking provision for airport users and investment in rail infrastructure are either explicitly rejected or not considered. It is difficult to understand how significant reductions in car use can be anticipated on the basis of 'soft' measures alone.

- 2.8.5 The third and perhaps most important point is that there is no reason why the transport interventions that are proposed for the 35mppa 'enhanced' case should not also be applied to the 25mppa baseline for 2014. Indeed, as BAA points out, Government policy is to reduce car use and the policy states that airport operators are meant to play a full part in achieving this.<sup>6</sup> This is true regardless of whether the airport is to be handling 25mppa or 35mppa in 2014.
- 2.8.6 We refer to SSE's 2004 publication, 'Towards a Lo-Car Strategy for Stansted Airport'<sup>7</sup>, Appendix 3 in particular, for a review of Government policy aimed at reducing car use generally and the role that airport operators are expected to play. This publication was included in Volume 2 of our July response to UDC.
- 2.8.7 In short, all of the transport interventions that are proposed by BAA for the 35mppa 'enhanced' case, should already be part of BAA's plans for 25mppa (if not, why not?) and any comparison between the two should be on a like-for-like basis.
- 2.8.8 Turning to more detailed points, in para 2.5.7 of its response BAA refers to 'about 400,000' being the increase from row 3 to row 4 in Table 14. The increase is actually 478,200 (2,813,400 less 2,335,200)
- 2.8.9 In para 2.5.8 of its response, on the basis of the flawed analysis referred to above, BAA makes the spurious claim that
- This demonstrates that the proposed public transport improvements (rail, bus and coach) would deliver a 31% reduction in the potential growth in vehicle-km travelled as a result of growth between the 25mppa and 35mppa cases. This reduction demonstrates that the approach adopted accords with Government policy to promote more sustainable transport choices as set out in ATWP, ITWP and PPG13.*
- Not only is the 31% mathematically incorrect (131,200 is 27% of 478,200), but the whole basis for claiming a reduction is highly questionable. This is examined in further detail below.
- 2.8.10 Using the figures provided by BAA in Table 4.1 of ES Vol 11, car journeys accounted for 60.4% mode share for departing passengers at Stansted in 2005 and bus/coach accounted for 13.9%. Rail accounted for 25.3%. (It should be noted that BAA's figures are slightly different from the official figures published by the CAA, which is BAA's claimed source: 60.3%, 14.3% and 25.0%, respectively.)
- 2.8.11 For 25mppa in 2014, BAA projects (Table 8.1 in ES Vol 11) that car journeys will account for 58.9% mode share for departing passengers at Stansted, i.e. a slight reduction on the current 60.4% figure (or 60.3% if the CAA data is used). Public transport is expected to account for 41.1% mode share at 25mppa in 2014, a slight improvement on today's figure. BAA does not provide a breakdown between rail and bus/coach and we suspect that this may be because it would show a continuing reduction in rail mode share in favour of road-based public transport, i.e. bus and coach. Stansted's rail mode share has declined from 27.2% in 2000 to 25.3% in 2005 (or to 25.0% if the actual CAA figures are used).

<sup>6</sup> 1998 Transport White Paper: 'A New Deal for Transport: Better for Everyone', Chapter 3, p71.

<sup>7</sup> Available on SSE website at [http://www.stopstanstedexpansion.com/documents/Stansted\\_Surface\\_Access\\_Strategy.doc](http://www.stopstanstedexpansion.com/documents/Stansted_Surface_Access_Strategy.doc)

- 2.8.12 For 35mppa in 2014, BAA projects (Table 8.1 in ES Vol 11) a **decreased** public transport mode share with car journeys accounting for 60.1% of departing passengers at Stansted and public transport for 39.9%. Again, BAA does not provide a breakdown between rail and bus/coach.
- 2.8.13 BAA shows a higher public transport mode share under the 'enhanced' 35mppa case (43.2%) (also in Table 8.1) although the justification for this is not explained and again no breakdown is provided between road-based public transport and rail.
- 2.8.14 With regard to employee travel, the figures provided by BAA (Table 8.6 of ES Vol 11) show that in 2005 car drivers accounted for 76.6% mode share. The car drivers' mode share is forecast to worsen to 79.0% by 2014 for the 25mppa baseline and then improve to 77.9% under the 35mppa scenario and to 75.9% (0.7% less than today's figure) under the 'enhanced' 35mppa scenario.
- 2.8.15 The key yardstick which BAA applies everywhere else in its ES is to compare its theoretical 25mppa baseline in 2014 with its projections for 35mppa in 2014. On this basis, it is clear that the projected change in mode share for both passengers and employees combined would be adverse. The numbers point to a **lower** public transport mode share in 2014 for airport passengers under the 35mppa scenario as compared to the 25mppa scenario. It is invalid to compare the 'enhanced' 35mppa scenario with the non-enhanced 25mppa scenario. This is to compare apples with oranges.
- 2.8.16 BAA claims (in para 2.5.8 of its response) that its approach to the surface access issue in relation to its proposed development 'accords with Government Policy' and BAA specifically cites the ITWP (the 1998 [Integrated] Transport White Paper, 'A New Deal for Transport: Better for Everyone'). However, the very first paragraph of the ITWP states
- There is now a consensus for radical change in transport policy. The previous Government's green paper paved the way with recognition that we needed to improve public transport and reduce dependence on the car.*
- It is fair to say that there is no sign of any 'radical change in transport policy' or attempt to 'reduce dependence on the car' if one looks at the mode share projections provided by BAA in Tables 4.1, 4.6, 8.1 and 8.6 of ES Vol 11.
- 2.8.17 BAA's claim of a '31% reduction in the potential growth in vehicle-km travelled as a result of growth between the 25mppa and 35mppa cases' is based on such a flimsy and flawed construct that it should simply be ignored. In addition to the failure to compare like with like, described above (our para 2.8.7), BAA has manipulated the transfer passenger projections, passenger origin and destination assumptions and other key input data. BAA's surface access projections and conclusions should therefore be viewed with considerable suspicion until or unless BAA provides convincing evidence to support its assertions.
- 2.8.18 As an example, BAA projections assume that the proportion of airport passengers who are transferring to other flights (and thus making no demand on road and rail services) reduces from 12.5% in 2004 to 10.0% in 2014 at 25mppa. However, the proportion then increases to 16.6% under the 35mppa scenario for 2014. These assumptions are not supported by evidence to explain why transfer passengers should decline sharply between now and 2014 under the 25mppa scenario but rise sharply under the 35mppa scenario. Unsurprisingly, BAA's chosen assumptions have the effect of increasing surface access demand under the baseline 25mppa scenario and reducing surface access demand under the 35mppa scenario. By

narrowing the differential in this way, BAA seeks to claim that the effect of approving 35mppa has 'minimal' road and rail implications.

2.8.19 We refer to Vol 1, Chapter 10 of our July response for a more detailed explanation of our fundamental difficulties with the basis of BAA's surface access projections.

2.8.20 Finally, on this point, we would remind the Council that BAA's application is **not** for 35mppa but for unlimited passenger throughput subject only to a limit of 243,500 PATMs. In our July response we provided extensive evidence to demonstrate that, at this level of PATMs, Stansted could be capable of handling 45mppa by 2021 and 50mppa by 2030.

**2.9 UDC Requirement 9: 'Hourly road traffic data around local roads outside the airport for the 24 hour weekday and, separately, for weekends, for the baseline, 25mppa and 35mppa situations.'**

2.9.1 For the reasons set out in paragraphs 2.8.1 to 2.8.20 above, and in our original response, we attach no credibility whatsoever to the Tables (15 - 24) which BAA has now provided. BAA has systematically understated the surface access implications of its proposed development.

2.9.2 We have major concerns in this area, not only in relation to the impact upon traffic congestion and local air quality, but also the wider issue of quality of life and the increasing problem of airport-related 'rat runs' along country lanes and through previously tranquil local villages, by day and by night.

**2.10 UDC Requirement 10: 'Detailed assessment of the odour survey that was reported to have been carried out in 2005 (including provision of a copy of the report).'**

2.10.1 As with the 'Hatfield Forest' study, referred to in para 2.1.1 above, the requirement for this odour study was agreed more than three years ago in the May 2003 Section 106 agreement and the results of the study should have been reported either before or concurrent with the current planning application. Even now, we still only have a draft report.

2.10.2 From time to time, airport-related odour causes serious local annoyance in certain areas although, unlike noise complaints, the problems tend to be sporadic rather than constant. Inevitably, the detection of odours is highly subjective although it may have been possible to obtain better results if all respondents had been interviewed as soon as possible after their complaint was submitted. Evaluating episodes based on memory alone is evidence of poor scientific methods.

2.10.3 It also needs to be recognised that local residents have become sceptical about the value of complaining to the FEU at Stansted (the complaint desk chosen for this study) regarding airport-related nuisance when, for example, many noise complaints are either not even acknowledged or only followed up with a standard letter.

2.10.4 The survey results, although limited, appear to suggest some geographical pattern with Stansted Mountfitchet and Birchanger being the main sources of complaint, perhaps indicating problems on the ground rather than in the air. In addition there appears to be a pattern showing particular peaks in the timing of complaints, perhaps suggesting identifiable incidents. It is surprising that the

survey does not appear to have given any consideration to possible causal events, for example, to search for any potential match between the location/timing of complaints and (say) an aircraft refuelling incident and/or a particular practice.

- 2.10.5 The only mitigation that has been proposed is 'to continue to collect odour reports' but, leaving aside the issue of the current planning application, if this problem is to be satisfactorily addressed, BAA needs to do much more in terms of genuinely encouraging the public to promptly report odour problems and then following up all such reports with an immediate visit to the locality, interviews with complainants and on-site investigation to look for a potential causal event.

## **2.11 UDC Requirement 11: 'Assessment of predicted NO<sub>2</sub> concentrations for the 40mppa case based on 20% primary NO<sub>2</sub> fraction.'**

- 2.11.1 Bureau Veritas suggested that BAA's model could be under-predicting NO<sub>2</sub> values and as a result UDC requested BAA to re-run its model using a 20% conversion factor for the 40mppa case. As expected, BAA reports that the resultant values for NO<sub>2</sub> are higher but not over the statutory limit.
- 2.11.2 We refer to Chapter 6 of our July 2006 response for an explanation of our wider concerns regarding BAA's modelling of NO<sub>2</sub> values and baseline measurements. The input data used by BAA in the model is of key importance and BAA has not provided this. BAA's response still offers no explanation as to why predicted NO<sub>2</sub> levels in 2014 for several sites around the airport show such a significant fall from levels reported in the recent 'Third Round Updating and Screening Assessment of Air Quality' carried out for UDC.<sup>8</sup>

## **2.12 UDC Requirement 12: 'Provide additional information on model verification: • compare predicted airport NO<sub>x</sub> with measured airport NO<sub>x</sub> (rather than simply relying on comparisons of total NO<sub>x</sub>); • include diffusion tube data in the verification exercise (using national bias adjustment factors); • describe model verification for the road traffic model. Include comparisons with other airports.'**

- 2.12.1 BAA's response provides a lengthy discussion on the possible errors in diffusion tube readings and how difficult it is to be sure that any system of verification is worth carrying out because of the likely errors.
- 2.12.2 In para 2.6.10 of its response, BAA acknowledges that 'bias correction' of the diffusion tube data was not even attempted

*... principally because there was no continuous analyser collocated at any of the four diffusion tube sites operating on/close to the Airport during the model test period. Also, the model-test report pointed to the experience of an earlier three-month campaign at Stansted in which the adjustment factor derived from two collocated continuous analysers were in significant disagreement, casting some doubts on the basic process of bias correction.*

BAA goes on to suggest that where the modelling result is near to the measured result then that is a result that can be relied on. However, this crucially depends on how many of these 'near results' were obtained and in this case there were two fundamental difficulties with the verification process, namely: (a) the period of actual measurement was too short; and (b) not enough comparisons were made.

<sup>8</sup> 'Third Round Updating and Screening Assessment for Uttlesford District Council', Kings College, London, May 2006.

These points remain unanswered. The only conclusion that can be drawn is that there is a large margin of error in the modelling process.

- 2.12.3 It is known that diffusion tubes are not very accurate and although they are widely used as the first line of monitoring, when values are high as, for example, in the recent cases of Saffron Walden and at Burton End, a full investigation with more sensitive equipment is needed. This is what UDC is presently doing and BAA should have done the same. In the absence of reliable measurement, it is self-evidently impossible to regard the results as reliable.
- 2.12.4 With regard to verification of the road traffic model, in para 2.6.23 of its response, BAA states quite openly that
- ... none was carried out, so the information cannot be provided.*
- BAA claims that the 'netcen' model has been well verified, notably for the Project for the Sustainable Development of Heathrow ('PSDH'). However BAA admits that the ADMS-Roads dispersion model was not used (because there were no properties exposed). If there had been properties exposed, then the model would have had to be verified for local use. Since there are properties both at Burton End and on Start Hill this observation suggests that the original assessment was not adequate. This is important because UDC monitoring in 2005 showed NO<sub>2</sub> levels in the upper thirties at both sites. In addition, Vol 3 of the BAA ES reported possible exceedances in the PM<sub>10</sub> level predictions for 2014.
- 2.12.5 BAA's response still offers no explanation as to why predicted NO<sub>2</sub> levels in 2014 for several sites around the airport show such a significant fall from levels reported in the recent 'Third Round Updating and Screening Assessment of Air Quality' to which we refer above (para 2.11.2). BAA has previously suggested (ES Vol 3) that lower NO<sub>2</sub> levels can be projected because investigations at Heathrow have found that dispersion from aircraft is less than previously believed and this has been factored into the modelling for Stansted. However, since the results of the PSDH survey have not been published there is no way of verifying this and, in any event, any recommended modelling changes will themselves need to be verified.
- 2.12.6 In the meantime, we are asked to accept output data based on new modelling methodology without even being told the basis for the new modelling and without any discussion or agreement on changes in methodology. We are not even being given the key assumptions used for the input data. This falls far short of the need for a 'robust and credible' evidence base and of the need to use 'sound science'.
- 2.12.7 The importance of ensuring a reliable basis for predicting the air quality impacts of the proposed development cannot be overstated. Quite apart from the need for compliance with statutory air quality standards, BAA's predictions are to be used in making decisions on a development that could have significant health effects for local residents. In this context it is worth reminding the Council that BAA's Health Impact Assessment ('HIA') was based on these same predictions emerging from BAA's non-transparent and highly questionable modelling.
- 2.12.8 UDC asked BAA to include comparisons with other airports. BAA provides no quantitative data in response to this but simply provides us with a commentary (para 2.6.25 of its response), the main theme of which is to assert that previous modelling has generally overstated NO<sub>2</sub> concentrations in locations where the aircraft contribution is appreciable.
- 2.12.9 The BAA response (para 2.6.26) states that the PSDH is the only study where there was sufficient monitoring information to provide an estimate of the aircraft

contribution to the total measured NO<sub>x</sub> concentration derived purely from monitoring data. However, until such time as this survey is published and independently reviewed, BAA's interpretation of the PSDH results does not amount to a proper evidence base and so should not be allowed to influence the current planning application.

**2.13 UDC Requirement 13: 'Take into consideration the recent review of the Air Quality Strategy that sets out Government's aspiration to achieve the NO<sub>x</sub> objective for the protection of vegetation at all SSSI sites, both inside and outside of exclusion zones.'**

2.13.1 BAA's response (para 2.6.29) quotes from para 73 of the DEFRA consultation document on Air Quality Strategy for England, Scotland, Wales and Northern Ireland (April 2006) where it is proposed that NO<sub>x</sub> objectives should be achieved at 99% of SSSIs by 2010 even if they are in existing statutory exclusion areas.

2.13.2 Figure 14 in the BAA response shows that even by BAA's projections, which we believe may significantly understate the position, the critical NO<sub>x</sub> levels (30µg/m<sup>3</sup> annual mean concentration) would be exceeded at the north west corner of Hatfield Forest at 40mppa under the hybrid case in 2014. BAA claims that this result does not 'compromise' the Government's aim and (in para 2.6.31) restates its conclusion from the Nature Conservation section of the ES (Vol 10, para 10.4.7) that there would be 'no significant impact on Hatfield Forest'.

2.13.3 We do not accept this conclusion but, whether or not it is accepted, the fact remains that in accordance with emerging Government policy Hatfield Forest will, by 2010, be entitled to protection from excess NO<sub>x</sub> concentrations and the proposed development, if approved, would run counter to that policy objective.

2.13.4 It is also worth noting that there has been an important recent development with regard to the PM<sub>10</sub> limit value which will apply from 2010. On 23 October 2006, EU Environment Ministers reached agreement on the proposed new Air Quality Directive and in so doing rejected the EU Parliament's proposal for longer time extensions or for any weakening of the PM<sub>10</sub> limit values. This is significant because, even by its own air quality projections, BAA accepts that the proposed Stage 2 limit for PM<sub>10</sub> would be exceeded if its planning application were to be approved. BAA responded to this 'difficulty' (ES Vol 3, para 7.1.3) as follows:

*The Stage 2 limit for PM<sub>10</sub> due to be achieved by 2010 is currently designated as "indicative" and to be reviewed. At the time of preparing this ES this review had not been published and there are suggestions that the value could be dropped. This limit value is not repeated in the most recent draft proposals for ambient air quality in Europe.*

It now seems clear, as a result of the agreement reached by EU Environment Ministers on 23 October 2006, that BAA is no longer in a position to rely upon a relaxation of the PM<sub>10</sub> limit value coming to its rescue in relation to the breaches of that limit shown to occur in the projections relating to its development proposal.

2.13.5 Finally on this point, we reiterate our concerns about the reliability of BAA's air quality predictions. In this area, as in other areas throughout the ES and also in the additional information that BAA has now provided, there appears to be a consistent tendency on the part of BAA to under-project the adverse impacts of its proposed development. This lies at the heart of our argument for far more transparency from BAA including details of the key input data and the underlying assumptions that have been used to arrive at its projections.

### 3 SCHEDULE B – ADDITIONAL SUBSTANTIVE OUTSTANDING MATTERS PREVIOUSLY RAISED IN THE SCOPING OPINION

#### 3.1 UDC Requirement 14: *'Draft final airport master plan'*

- 3.1.1 With BAA still refusing to provide a draft final airport master plan, we have very little to add to the comments we made about this in our July response. It does however seem slightly ironic that BAA relies so heavily upon the ATWP for policy support for its planning application but seems quite happy to disregard the same document's support for airport master plans (ATWP, para 12.9), i.e. that

*Airport operators should begin this process immediately, with a view to the production of new or revised master plans as soon as possible, and preferably within the next twelve months.*

It is now almost three years since the ATWP was published.

- 3.1.2 Master plans were intended (*inter alia*) to enable planning authorities and others to take a more holistic, long term approach towards airport development rather than the piecemeal, incrementalist approach that has applied in the past. Clearly, from an airport developer's point of view a piecemeal, short term approach is often preferable because it can enable awkward (and expensive) longer term issues such as investment in surface access infrastructure to be repeatedly deferred.

- 3.1.3 Nevertheless, we are surprised that BAA is still not prepared to provide even a draft final master plan for Stansted. After all this time, it can only be a case of BAA being unwilling to provide this rather than unable to do so.

- 3.1.4 UDC's request for a draft final master plan is fully justified by the requirement under Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 for the applicant to provide an assessment of the

*... direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects, resulting from the existence of the development.*

#### 3.2 UDC Requirement 15: *'An assessment of the impact of both the development and the resulting increase in air transport movements on the UK contribution to global warming through production of CO<sub>2</sub> and other emissions. Study should include CO<sub>2</sub> emissions from aircraft, vehicular traffic, energy use on airport, energy use in airport related activities off site, energy use in rail access, water supply, sewage disposal, energy use in construction, manufacturing of materials and transport of materials to site.'*

- 3.2.1 BAA's continued refusal to respond to UDC's request for information regarding CO<sub>2</sub> emissions can only be because it does not wish to disclose the scale of emissions from aircraft operations at Stansted and risk triggering a wider debate which it anticipates could cause difficulties for its planning application.

- 3.2.2 However, the reality is that the wider debate has already started and events have gone too far for BAA to continue to stonewall on the issue of CO<sub>2</sub> emissions from operations at Stansted Airport. Climate change arising primarily from CO<sub>2</sub> emissions is now almost universally accepted as the greatest challenge facing mankind and the issue is now at the very top of the political agenda.

- 3.2.3 It should be obvious to BAA that nowadays any airport operator seeking planning permission for major expansion will need to provide full details relating to the climate change impact of the proposed development, including quantification of current CO<sub>2</sub> emissions and the projected CO<sub>2</sub> emissions if the development were to be approved.
- 3.2.4 BAA's position in refusing to provide this information is both untenable and pointless. In the absence of this information, it would be impossible for UDC even to consider granting planning approval for the proposed development. The Council has an obligation to consider all the relevant environmental impacts and it can hardly be argued that CO<sub>2</sub> emissions are irrelevant when aviation is the fastest growing cause of CO<sub>2</sub> emissions and Stansted is the fastest growing major airport in Europe.
- 3.2.5 On the basis of research and analysis carried out by SSE with external specialist support we estimated that Stansted CO<sub>2</sub> emissions in 2005 amounted to the equivalent of 7 million tonnes of CO<sub>2</sub>, a figure which would rise to the equivalent of 12 million tonnes of CO<sub>2</sub> a year if the present planning application were approved. (The word 'equivalent' is used here because our estimates incorporate the effect of radiative forcing, using a factor of 2.7<sup>9</sup>.)
- 3.2.6 The methodology developed by SSE to estimate aircraft CO<sub>2</sub> emissions at Stansted is now used by other airport environmental groups across the UK. It was endorsed by Climate Care earlier this year and was reviewed by Levett-Therivel who concluded that SSE's calculations were 'robust and well founded'.
- 3.2.7 Instead of providing a quantification of Stansted's CO<sub>2</sub> emissions, BAA tries to minimise the issue (para 3.2.7 of its response) by putting these into a global context which is intended to portray them as insignificant. We do not accept that the equivalent of 7 million tonnes a year of CO<sub>2</sub> rising to 12 million tonnes of CO<sub>2</sub> is insignificant. If that **were** to be the case then there would be no point in any local authority or any individual taking any action to combat climate change.
- 3.2.8 An alternative context can be considered based on the following statement by Alistair Darling (the Minister responsible for the ATWP) on 6 June 2006
- Thanks to our ridiculous planning laws, it often takes years to get a decision on an application - at a cost of millions of pounds. It took Scottish Power, for example, five years to get approval for its new windfarm at Whitelee, south of Glasgow. The £300m project will be the largest onshore windfarm in Europe and will save about 650,000 tonnes of carbon dioxide each year.*
- By comparison, if the present planning application were to be approved it would generate the equivalent of 650,000 tonnes of CO<sub>2</sub> **every three weeks**.
- 3.2.9 Notwithstanding any current Government policy considerations or advice, the Council has a statutory duty to
- ... exercise its planning function with the objective of contributing to the achievement of sustainable development.<sup>10</sup>*

<sup>9</sup> Radiative forcing is defined in the HMT/DfT paper, 'Aviation and the Environment: Using Economic Instruments', 2003 as the ratio of total radiative forcing to that from CO<sub>2</sub> emissions alone. Total radiative forcing induced by aircraft is the sum of all forcings, including direct emissions (e.g. CO<sub>2</sub>, soot) and indirect atmospheric responses (e.g. methane, ozone, sulphate, contrails). RFI is a measure of the importance of aircraft-induced climate change caused by all emissions, not just the contribution from the release of fossil carbon alone. According to the 1999 IPCC report 'Aviation and the Global Atmosphere' the RFI for aircraft is between 2 and 4 and the IPCC recommended that a factor of 2.7 should be used. The HMT/DfT paper used a factor of 2.7

<sup>10</sup> Planning and Compulsory Purchase Act 2004, Section 39(2).

This alone provides justification for the issue of climate change to be treated as a material consideration in relation to the current BAA planning application.

- 3.2.10 Finally, on the issue of climate change, we refer the Council to the Levett-Therivel report which we submitted in July, included in Vol 2 of our response. The Levett-Therivel report leaves little doubt as to the materiality of the issue and its direct relevance and admissibility in relation to the current planning application.

**3.3 UDC Requirement 16: 'An appraisal of the effect of the development on the local housing market.'**

- 3.3.1 BAA has declined to provide the appraisal requested above on the grounds that  
*... it would be very difficult to isolate the impact of the airport from other factors.*

We consider this to be an unsatisfactory response. Even if 'very difficult' we do not regard this as a valid reason for making no attempt to comply with this UDC request. Any quantified financial estimates could be accompanied by suitable caveats and/or range estimates could be provided rather than precise figures.

- 3.3.2 In our July response (paras 7.7.1 and 7.7.2) we pointed out that  
*Official Land Registry statistics show that average house prices in Uttlesford have fallen compared to the Essex housing market as a whole, by an average of £34,000 per property since the Government's proposals for Stansted expansion were announced in July 2002.*

and

*Uttlesford has 25,545 owner-occupied or privately rented properties and so the aggregate impact of airport-related property blight is some £870m.*

- 3.3.3 It is not quite as difficult as BAA suggests 'to isolate the impact of the airport from other factors'. The Land Registry publishes quarterly house price statistics by postcode sector for each type of property and the pattern is not difficult to detect. When properties around the airport are either declining in value or rising more slowly than everywhere else – and when the nearer to the airport the worse this becomes – it is reasonable to conclude that the airport has an adverse impact on property values. It is also reasonable to conclude that more intensive use of the airport would make matters worse.
- 3.3.4 It is not difficult to measure the impact on property values. In making the calculations shown in para 3.3.2 above, SSE used the very same basis that BAA uses as a means of compensating people under its Home Value Guarantee Scheme ('HVGS') and the Home Owner Support Scheme ('HOSS'), namely the increase in the Land Registry House Price Index for Essex as a whole since July 2002 compared to the increase (or decrease) in the affected properties.
- 3.3.5 It is accepted that there is always a degree of uncertainty when trying to quantify this type of impact but it is perfectly normal practice in such circumstances to provide a range for the estimated financial loss rather than a precise figure.
- 3.3.6 We can only conclude that BAA has not answered this question because to do so would mean providing a financial estimate (or range) which disclosed the scale of the airport's adverse financial impact upon local homeowners.

- 3.3.7 In addition to the impact on property values, UDC is rightly concerned about the impact on the rented property sector. There is considerable anecdotal evidence pointing to a sharp increase in demand for rented accommodation as a result of the influx of new airport workers from countries which joined the EU in May 2004. If the airport were to expand as proposed by BAA, it is reasonable to assume that the trend towards recruiting employees from Central and Eastern Europe will continue and indeed, will quite possibly accelerate.
- 3.3.8 Higher demand for rented accommodation may well lead to higher rental prices and thereby have a generally adverse impact upon the wider local community, in particular, younger people and people on low incomes who cannot afford to buy.
- 3.3.9 There is also anecdotal evidence that many of the airport employees recruited from Central and Eastern Europe are presently living in overcrowded conditions in privately rented accommodation. Clearly there are potential implications for UDC, not least in relation to the increased need for affordable housing in the short, medium and long term if the airport is permitted to expand as proposed by BAA.
- 3.3.10 To date, BAA has provided no information on the current number of migrant workers employed at the airport and no projections or commentary on how this might change in the future if its expansion proposals were approved. We consider that it is important for planning purposes for this information to be provided.

### **3.4 UDC Requirement 17: 'Calculation of the opportunity costs of aviation development in relation to alternative economic activities foregone or displaced.'**

- 3.4.1 UDC stated (in its letter to BAA of 15 September 2006) that the reasons for asking this question were that
- In 2001, the ES shows that labour demand in the study area exceeded supply and that, under one forecast, it could be in balance in 2014.*
- This has allowed BAA to place a very narrow interpretation on the question but even then BAA's answer is unsatisfactory and unsupported by any evidence.
- 3.4.2 In our July response (Vol 1, Chapter 8) we pointed out that Appendix 2 of BAA's Employment ES (Vol 6) stated
- There are no national forecasts of the future behaviour of rates of economic activity since those produced in 1997 by the Government.*
- BAA's statement here was incorrect because, in January 2006, the ONS published 'Labour Force Projections 2006-2020' which included new forecasts for economic activity, by age group, through to 2020.<sup>11</sup> Importantly, these projections showed far smaller increases in the economically active population in age groups beyond age 54 than shown in the BAA analysis. The BAA analysis used the previous ONS data published in 1997, which, at that time predicted a major increase in the available labour market, particularly from the 54+ age group. However, in its 2006 publication, the ONS substantially revised its thinking in this area in the light of data showing that economic activity amongst older age groups is not increasing on anything like the scale that had previously been predicted.
- 3.4.3 Whether BAA chose to ignore the more recent official projections because they did not suit its arguments or whether it was simply a case of BAA's examination of this issue pre-dating the availability of the newer projections, we do not know.

<sup>11</sup> 'Labour Force Projections 2006-2020', Office of National Statistics, Jan 2006, Annex D.

However, in providing this additional information, BAA must have been aware of the January 2006 data and must recognise that it undermines BAA's central point regarding the STN 'Inner' and 'Outer' labour markets.

3.4.4 Also in our July response we identified (in para 8.6.2) four main displacement impacts affecting the local/regional labour market. All of these also fall into the category of 'opportunity costs of aviation development in relation to alternative economic activities foregone or displaced'. These are:

- the impact upon future employment at Luton Airport
- the impact upon regional tourism jobs
- discouragement of inward investment in the local area
- potential for displacement of other industries

The opportunity and/or displacement costs in each of these areas are fully explained in our July response and will not be repeated here. The trade-offs between development at Luton Airport and development at Stansted Airport are particularly self-evident and easily understood and yet here, as in the case of each of the other three points, BAA has failed to address – far less quantify – the opportunity and/or displacement costs. They are simply disregarded.

3.4.5 We expressed the view in our July response that the quality of BAA's economic and employment sections within its ES was so poor that BAA should be asked to start again and re-submit both sections. Having now reviewed the (negligible) additional information that has been provided by BAA in these areas, there is no reason to change that view.

## 4 SCHEDULE C – MATTERS OF CLARIFICATION, EXPLANATION AND DETAIL

### 4.1 **UDC Information Request 1: 'Supporting information (actual numbers of movements by $LA_{max}$ ) for the graphs shown in Figs 25 to 30 inclusive in section A4.3 of Vol 2.'**

- 4.1.1 We have no difficulty with figures provided by BAA in response to this query. Indeed these figures could be derived from Figs 25-30 in ES Vol 2, Appendix A4.3 although BAA could have made this clearer at the time.

### 4.2 **UDC Information Request 2: 'Clarification of night time movement assumptions. According to the busy summer day data and taking into account the proposed night flights movement limit, there would be around 37,900 movements in the 8-hour night in the 35mppa case. According to the data in Volume 16 for the 35mppa case in 2014, the total 8-hour night time movements are around 30,500.'**

- 4.2.1 Although we cannot find a reference or source of deriving the above figure of 37,900 night movements from BAA's ES, we are not surprised that UDC is seeking clarification in this area. The oblique nature of the night movements data provided in the ES creates a very foggy picture and, for example, does not even enable the 6.5-hour night quota period and the night shoulder periods to be separately considered. However, ES Vol 16, Table 28, shows the predicted annual total for the 8-hour night period as 30,600 movements under the 35mppa scenario.
- 4.2.2 It is interesting to note in BAA's response that, for 2004, the 'busy day' figure for scheduled night flights was 84, 25% higher than the average day.<sup>12</sup> The 'busy day' figure of 84 would produce an annualised total of 30,660 which is remarkably similar to BAA's projection for 35mppa. Thus we now have some sort of context, namely, if BAA's planning application were to be approved, **every** night would (on average) have as many night flights as the **worst** (i.e. busiest) nights in 2004.

### 4.3 **UDC Information Request 3: 'In the DfT's Stage 2 consultation report on Night Restrictions, the DfT floated potential 8-hour restrictions for 2011/12 of 21,120 movements, which were assumed to be the 6.5-hour limit likely to be adopted plus an estimate for shoulder movements. The night quota period 6.5-hour limit was subsequently confirmed as 12,000 movements. The DfT's Stage 1 consultation report stated the 2003 8-hour movements were 21,332, of which 9,046 were in the 6.5 hour night quota period.'**

- 4.3.1 It is assumed that UDC was implicitly questioning the compatibility of BAA's 2014 projections for night movements under the 35mppa scenario (30,660 over the 8-hour period) with the proposal floated by the DfT last year for a cap (in 2011/12) of 21,120 night movements over the 8-hour period. In the event, the DfT shelved the proposed 8-hour restriction. However it is perfectly feasible that it will resurface at the time of the next consultation about four years from now, especially given the Government's commitment in the ATWP to bear down on night noise. If this cap

<sup>12</sup> The first table in para 4.1, page 35 (right hand column) of BAA's response, shows 84 scheduled night movements in a busy day compared to an annual average of 67 – i.e. a busy day is 25% higher than an average day.

were to be applied, BAA would be unable to accommodate night flights on the scale proposed in this planning application.

**4.4 UDC Information Request 4: 'The National Trust's representation letter dated 31 July 2006 suggests that three insect species have probably been incorrectly identified in ES Vol 10 – clarification is sought.'**

- 4.4.1 We note (para 4.2.3 of the BAA response) that BAA acknowledges that this was down to three separate errors on its part. Now that BAA has (presumably) corrected these errors we have no other comments to make on this point.

**4.5 UDC Information Request 5: 'Of the supplementary hourly movement data for an average July Friday in 2005, what % of the 26 movements in the hour beginning 2200 GMT (2300 BST) were scheduled between 2200 and 2230?'**

- 4.5.1 BAA's response (top of page 36, right hand column) is to say that

*Of the 26 movements that typically flew in the hour beginning 2200 GMT on the average July Friday in 2005, an average of 18 flights (69%) flew in the period 2200 - 2229 (i.e. before the onset of the night quota period).*

The wording of this response 'typically flew' and 'average July Friday' does not actually tell us what the underlying position is. In order to understand the underlying position, a breakdown is needed in each of the hourly movement tables for the hour beginning 2300 hours BST (summer) and 2300 hours GMT (winter) to show the first half hour and the second half hour. Only then will it be possible to examine BAA's projections in the context of the DfT's Night Flying Restrictions. It is also important to obtain a clearer understanding of the risk of more intensive usage of the night shoulder period which is an extremely sensitive issue in the local community – as is the morning shoulder period and night flights in general.

**4.6 UDC Information Request 6: 'How many CDA approaches are made on R05 during relevant periods?'**

- 4.6.1 BAA's response to this point is strictly correct in that no formal CDA procedures apply to R05. We understand that there is some informal use of CDA on R05 (or simulated CDA procedures) particularly at night, but BAA has not volunteered any information on this.

**4.7 UDC Information Request 7: 'It is understood that the figure of 180,000 PATMs in the ES Vol para 1.1.1 and para 1.2 of the Planning Statement is incorrect and should be 167,000. Please confirm.'**

- 4.7.1 BAA has provided updated figures (page 36, Box 3) for the 12 months to the end of June 2006 and we now agree with BAA's figures. For 2005, UDC is correct in stating that the figure should be 167,000 PATMs (actually 166,755, according to the CAA).

#### **4.8 UDC Information Request 8: 'Is 264,000 ATMs the effective capacity of the runway, taking into account the forecast 10,000 non ATMs? What are the factors underlying the 10,000 non ATM forecast?'**

- 4.8.1 We are not at all persuaded either by BAA's argument that 87% is the maximum theoretical capacity of the runway or that non-ATMs will decline from the present level of 16,300 to 10,000.
- 4.8.2 Regarding runway capacity, BAA calculates the 'theoretical' capacity by assuming 48 movements an hour for the 'uncontrolled' 17.5 hours<sup>13</sup> per day and then adds the annual number of permitted night flights. This produces an average annual figure of 318,810.<sup>14</sup> The total 274,000 movements projected by BAA equates to 85.4% of this<sup>15</sup> (NB: not 87%). At 87% utilisation, 278,924 movements could be handled and at (say) 90%, 288,129 movements could be handled. We can see no reason why 'theoretical' utilisation should be capped at 87%. Annual efficiency improvements can surely be expected especially if, as BAA suggests, runway capacity in the south east will be at a premium by 2014.
- 4.8.3 We note that Gatwick is planning to handle 282,000 aircraft movements in 2015<sup>16</sup> and whilst this may be partly explained by Gatwick having a higher night flights quota than Stansted (14,450 vs 12,000), even if night flights are excluded from the calculation, Gatwick expects to handle 267,550 movements on its single runway compared to Stansted's 262,000 – a difference of 5,550.
- 4.8.4 At the very least, there would be capacity at Stansted for the present level of non-ATMs (16,300) to be maintained if 264,000 ATMs were approved. Two important implications arise from this: first, BAA is **not** proposing that there should be any limits on non-ATMs; and second; BAA has only allowed for 10,000 non-ATMs in its projections for 2014. A higher figure would have implications for air noise, ground noise, air quality, surface access, health implications etc – none of which has been allowed for. And, importantly, some of the smaller aircraft categorised as non-ATMs (e.g. private jets) can be amongst the noisiest aircraft using Stansted.
- 4.8.5 Finally on this point, the theoretical capacity is based on the runway being able to handle 48 movements per hour. Over the years this figure has steadily increased as a result of technological and procedural improvements which have enabled more intensive runway utilisation without compromising safety. This trend can be expected to continue such that (say) the norm by 2014 may well be 50 movements per hour or more and this is likely to continue to increase beyond 2014.

#### **4.9 UDC Information Request 9: 'Why is there no increase in evening night shoulder period activity as stated in Vol 16 Tables A1.12 to 14?'**

- 4.9.1 We do not follow the answer provided by BAA in its response (page 36 Box 5) where it claims that there is no increase because of a lack of available slots in the evening shoulder period. The hour commencing 2300 BST in all three tables referred to by UDC above has 26 movements for all three scenarios and BAA has told us elsewhere that the runway has a theoretical capacity of 48 movements per hour.<sup>17</sup> Even accepting that the first half hour is busier than the second half hour and at present it 'typically' deals with 18 movements on an 'average July Friday',

<sup>13</sup> The 6.5-hour night quota period is considered separately and assumed to be subject to a 12,000 annual cap.

<sup>14</sup>  $17.5 \times 48 \times 365.25 + 12,000$ .

<sup>15</sup> In calculating % utilisation vs theoretical capacity, night flights quota should be excluded because c.100% is achievable.

<sup>16</sup> Gatwick Airport Interim Master Plan, para 4.15.

<sup>17</sup> Stansted Airport Interim Master Plan, BAA, 2006

that still leaves scope for additional slots. The morning shoulder period (0600 - 0700 BST) goes from 33 movements in 2004 to 45 movements at 35mppa and we do not understand why the evening period is not capable of accommodating a commensurate increase by 2014.

- 4.9.2 As previously stated, a breakdown is needed in each of the hourly movement tables for the hour beginning 2300 hours BST (summer) and 2300 hours GMT (winter) to show the first half hour and the second half hour.

**4.10 UDC Information Request 10: *'Please provide a comparison of scheduled and actual movements for each hour of the 8-hour night time period on a busy day (average July Friday in 2005 and 2006 if available).'***

- 4.10.1 We have reviewed BAA's response to this which is set out in tables at the foot of page 36 and the top of page 37. We suspect that the tables may be wrongly labelled GMT and should be BST – the same suspicion that we had with a number of tables in the BAA ES. It is extremely important to have this clarified so that we can have a proper understanding of what is going on during the evening shoulder period and the subsequent half hour. SSE sought clarification of this point directly with BAA but this clarification was refused (by Nick Barton) who simply referred us to UDC for an answer. We trust this important clarification can be obtained.

**4.11 UDC Information Request 11: *'What airport charges per passenger are assumed for the period to 2014? The master plan refers to £3.30 per passenger. Will any discounts continue to be offered?'***

- 4.11.1 BAA's response (page 37, right hand column, Box 2) is in line with our own understanding and we have no issue with this point.

**4.12 UDC Information Request 12: *'What is the assumed composition of cargo aircraft fleet in 2014 by aircraft type in, respectively, the 25mppa and 35mppa cases?'***

- 4.12.1 In our July response (Vol 1, para 4.2.8) we questioned BAA's assumption that the number of cargo ATM's ('CATMs') would double (from 11,257 to 22,500) between now and 2014, taking Stansted to the maximum CATMs permitted under its current planning consent. Part of the reason for our questioning this was that the number of CATMs handled by Stansted has been virtually static over the past five years. BAA argued that if it were limited to 25mppa, it would use its CATM planning consent to the full. Whatever the plausibility of this, the effect of BAA's assumption was that it enabled BAA to project a much higher 2014 baseline in terms of the environmental impacts arising from its existing planning consent.
- 4.12.2 We also pointed out in our July response (Vol 1, para 4.2.10) that under the assumption that planning permission was granted, BAA's projections removed 2,000 annual CATMs. We could find no logical explanation for this, especially given BAA's emphasis on the economic importance of Stansted's freight activities. We could only conclude that in this area, as in other areas, BAA's tactic was to overstate the impacts for the 25mppa baseline and then understate the impacts for the 35mppa scenario, so as to minimise the difference between the two.
- 4.12.3 Now that we see the table (on page 38 of BAA's response) showing the assumed composition of the cargo aircraft fleet in 2014 for the 25mppa and 35mppa cases, our suspicions are further aroused because there are some very substantial

differences which we find puzzling. We cannot understand the logic for the fleet mix being so markedly different for these two scenarios but we note that noisier aircraft are replaced with quieter aircraft even though both columns relate to 2014. We do of course understand the tactic. Just as explained in the foregoing two paragraphs, this is to overstate the impacts for the 25mppa baseline for 2014 and then understate the impacts for the 35mppa scenario for 2014 so as to minimise the difference between the two.

- 4.12.4 BAA has not provided a sufficiently detailed definition of the assumed model or sub-model variants of the cargo aircraft fleet in 2014 under the two different scenarios to reveal their precise noise performance characteristics. But assumptions have obviously been made by BAA (or its consultants) in this area because such assumptions should have been necessary for the noise modelling work. It would be informative to be able to review the assumptions made for the 25mppa case and the 35mppa case in 2014.

**4.13 UDC Information Request 13: *'Is the cargo forecast of 600,000 tonnes throughput based on an assumption of the proportion of South East demand handled at Stansted, or is it a forecast on a 'stand alone' basis? Is the forecast tonnage constrained by the PATM forecasts for the 35mppa case and availability of runway slots?'***

- 4.13.1 We have no issue with BAA's response to this point.

**4.14 UDC Information Request 14: *'Why is there a reduction of 0.1mppa in the number of foreign business passengers in 2014 when the 25mppa and 35mppa cases are compared?'***

- 4.14.1 We do not consider the reduction of 0.1mppa in the number of foreign business passengers to be material but it is interesting to note that BAA's response explains that, if Stansted is not permitted to expand beyond 25mppa, business passengers will progressively displace leisure passengers thus increasing the proportion of business travel at Stansted. We would argue that this is long overdue.

**4.15 UDC Information Request 15: *'Are split shift patterns expected for any employees?'***

- 4.15.1 We have no issue with BAA's response to this point.

**4.16 UDC Information Request 16: *'Is the reported total annual airport water consumption in 2005/6 of 714,918 cubic metres consistent with the ES baseline data of 1.69 MLD in 2004 and 2.83 MLD in the 35mppa case? It equates to 32.15 litres per passenger, which is in excess of the 29.5 litres per passenger that it is understood reflects a worst case scenario of no further efficiency measures beyond those currently in use and higher than the 29.42 litres in 2004/5.'***

- 4.16.1 BAA's response to this point is unconvincing and at odds with what was stated in ES Vol 14 where BAA said

*The predictive work carried out for this topic assumes that further efficiencies ... are unlikely over the planning period as these would require significant alterations to existing facilities.*<sup>18</sup>

BAA is now saying that there will, after all, be scope for efficiency improvements but if this is indeed the case BAA should quantify and revise its projections.

- 4.16.2 In so doing BAA should take account of the Panel's Report following the Examination in Public of the Draft East of England Plan which states

*It was clear from our seminar presentation by the Environment Agency that increasingly unsustainable water abstraction and constraints on supply are serious issues for the region as a whole but are especially critical in some of the central and southern parts in line for considerable development. We reiterate here the essential point that, by whatever route it is achieved, **all new development in the region must secure water savings of at least 25% over current consumption.***<sup>19</sup> [our emphasis]

- 4.16.3 Para 4.3.1 of BAA's response, acknowledging an increase in water consumption per passenger last year, states

*This shows a small increase in water consumption at 32.15 litres per passenger relative to 2004/05.*

In fact, it is rather more than a 'small increase'. The airport's water consumption increased 14% last year compared to only a 5% increase in passengers handled. Thus the increase per passenger was almost 9%. Stansted's water consumption has doubled since 1999 and now stands at 14 million litres a week. If this planning application were to be approved, as we have said many times, Stansted could be capable of handling 45mppa by 2021 and 50mppa by 2030. The implications for substantially increased water consumption at these levels of throughput cannot be ignored.

- 4.16.4 The issue of Stansted's water consumption needs to be considered in the context of:

- the East of England being the driest region in England and Wales<sup>20</sup>
- the 505,000 planned new homes for the East of England Region
- the anticipated significant reduction in rainfall across the Region as a consequence of climate change

- 4.16.5 The information provided by BAA to date on the subject of the airport's water consumption demonstrates a failure to recognise the fundamental nature of the challenges faced by the East of England Region in relation to water supply in the years ahead. BAA tells us (para 4.3.1 of its response) that the reason for the 9% increase in water consumption per passenger last year is that

*Naturally there are some variations from year-to-year in water consumption which occur for a variety of reasons.*

With regard to water, just as with regard to the need to curb CO<sub>2</sub> emissions, BAA's attitude appears to be there is no need for it to be restricted or constrained. Everyone else is expected to cut back further on their consumption so that BAA can continue on a 'business as usual' basis. Clearly, this is an unsustainable proposition.

<sup>18</sup> BAA ES, Vol 14, para 6.1.1.

<sup>19</sup> 'East of England Plan: Examination in Public, Report of the Panel', Jun 2006, para 2.4, p4.

<sup>20</sup> Evidence submitted by the Environment Agency to the Examination in Public of the Draft East of England Plan.

## 5 SUMMARY AND CONCLUDING POINTS

### 5.1 Summary

- 5.1.1 In Schedule A, the Regulation 19 Notice, UDC requested answers to 13 questions. BAA has provided broadly satisfactory answers to four of the questions (5, 6, 10 and 11), has partially answered three of the questions (9, 12 and 13) and has either not answered or provided an inadequate answer in relation to six of the questions (1, 2, 3, 4, 7 and 8).
- 5.1.2 In Schedule B, 'Additional substantive outstanding matters previously raised in the Scoping Opinion', UDC requested answers to four questions and BAA has chosen not to answer any of these questions.
- 5.1.3 In Schedule C, 'Matters of clarification, explanation and detail', UDC raised 16 points. BAA has provided satisfactory clarification in relation to 12 of the points (1, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14 and 15), has partially answered three points (2, 9 and 12) and has provided an inadequate answer in relation to one point (16).

### 5.2 Concluding points

- 5.2.1 In providing a negative response to so many of the Council's most important questions/requests, for example, the Quality of Life Assessment, CO<sub>2</sub> emissions, the Final Airport Master Plan and the requested appraisal of the effect of the development on the local housing market, it is almost as if BAA has dismissed the option of local determination.
- 5.2.2 There is an additional possible explanation for BAA's generally uncooperative response, which is that it recognises that the more that its analysis, assumptions and projections are probed, the clearer it will become that BAA has significantly understated the environmental and health impacts of its proposed development.
- 5.2.3 In our letter to the Council dated 25 October 2006 we pointed out the importance of the Secretary of State's clarification of Government policy as set down in the ATWP. In the course of the High Court proceedings challenging the ATWP in 2004 he made clear that if a planning authority considered that the environmental impacts of a development proposal were unacceptable, it was fully entitled to refuse development consent 'even if such a refusal would frustrate Government policy'. We also pointed out in that letter that Government planning guidance states that 'if the developer fails to provide enough information to complete the environmental statement, the application can be determined only by refusal'.<sup>21</sup>
- 5.2.4 BAA's generally negative and unhelpful response to UDC's request for additional information needs to be considered in the context of the Council's request being very restrained, for example in relation to its original Scoping Opinion and/or in relation to the many questions arising from Members, SSE and others. In our view it omitted many important items but we nevertheless believe that UDC already has more than enough information to conclude that the environmental impacts of this proposed development are wholly unacceptable. If BAA was, even at this late stage, to provide the information that it has so far failed to provide we believe that it is now beyond doubt that the grounds for refusal could only be reinforced.

<sup>21</sup> See Appendix 2 for the full text of SSE's letter dated 25 October 2006, including the relevant references.

## **6 APPENDICES**

**APPENDIX 1 – SSE letter to UDC dated 25 September 2006**

**APPENDIX 2 – SSE letter to UDC dated 25 October 2006, including:**

- Annex A: Checklist of points set down in the UDC Scoping Opinion**
- Annex B: Checklist of significant unanswered questions raised by Development Control Committee Members**
- Annex C: Checklist of significant questions/issues identified in SSE's response documents**
- Annex D: Relevant national, regional and local policy considerations and legal requirements**





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25 September 2006

Cllr Mrs Christina Cant  
Chair of Development Control Committee  
Uttlesford District Council  
London Road  
Saffron Walden  
Essex CB11 4ER

Dear Cllr Cant

**Stansted Airport Planning Application: UTT/0717/06/FUL**

I am writing on behalf of Stop Stansted Expansion to object in the strongest possible terms to the unbalanced nature of the 'Position Statement' that has been prepared by officers in relation to the above and recently circulated to all members of the Development Control Committee in advance of your meeting scheduled for 27 September.

We are profoundly concerned that such an unbalanced document has been prepared by officers and, mindful of what happened with the last BAA planning application in 2002/03, we are fearful of the risk of history being allowed to repeat itself as a result of members of your Committee not being provided with the full information necessary to reach a decision based on the balance of all the evidence.

This Position Statement sets out BAA's arguments for approval of the application but fails to balance these by setting out the known shortcomings in these arguments. Instead, the counter-arguments as put forward by ourselves and others are simply summarised and set out in an appendix to the Position Statement as if they are not central to the decision-making process. In addition the document selectively quotes planning policies which support BAA's application whilst omitting to mention planning policy statements which would point to refusal of the application.

It is not as if the shortcomings and contradictory planning arguments have not been pointed out to the Council. Detailed information and analysis provided by SSE and many others in response to this BAA planning application has provided the Council with a raft of evidence-based reasons, including fundamental planning reasons, for refusing the application. In addition, a substantial number of important unanswered questions have been identified in relation to the application, stemming partly from BAA's failure to comply with the Council's Scoping Opinion and partly from inconsistencies, inaccuracies and omissions in the BAA Environmental Statement. We consider it astonishing that virtually none of this is reflected in the Position Statement that has been prepared by officers. We have already made clear our disappointment at the Council's decision to defer consideration of this planning application beyond the original timescale of 27 September. What started out as a disciplined and transparent process for dealing with this planning application is now in danger of drifting towards the same unsatisfactory, ill-defined process that characterised the 2002/03 planning application, and especially so if no proper attempt is made to obtain and scrutinise all of the relevant evidence on both sides of the argument.

In our view the Development Control Committee should stand by its original timetable and, if a decision were taken on 27 September, this could only be one of refusal. We are confident that, if based on the balance of evidence presently available, there could be no other decision at this time. Furthermore, the Government Planning Guidelines clearly state that, if the applicant has failed to provide sufficient information, the only course open to the planning authority is to refuse the application.

If however there is to be a postponement of the deliberation on this planning application beyond 27 September then, at the very least, this extended period should be used to ensure that BAA is required to provide all of the outstanding information, analysis and evidence which it has so far failed to provide. However, far from using the extended period to ensure that BAA is called to account in this regard, officers have decided that the information requirements defined in the Council's Scoping Opinion should be substantially scaled back and that BAA should not be pressed to provide answers or explanations in respect of many fundamental questions that have been raised by Members of your Committee as well as by SSE and others in the course of the past four months of consideration of this application.

The scaling back of the Council's Scoping Opinion is set out on pages 30-41 of the Position Statement in the form of a letter from Roger Harborough dated 15 September to Nick Barton at BAA, requesting further information under the Regulation 19 procedure. We cannot understand why this letter was served so late in the day given that the comprehensive shortcomings in the BAA planning application have been known since early July. In addition, given that the applicant is allowed 21 days to respond to a Regulation 19 notice and a further period must follow for publication and comments, it would be impossible to achieve the 27 September 'end-date' on this basis alone. Against this background it is puzzling that the postponement of the end-date has been blamed on delayed responses from the Highways Agency and the rail industry.

Of far greater importance, however, is that the Regulation 19 notice relates only to the 13 information requirements defined in Schedule A of the above letter. This amounts to a substantial scaling down of the information requested in the Council's Scoping Opinion. The Full Council approved this Scoping Opinion in November 2004 and, in December 2005 reaffirmed its wish for BAA to comply in full. The matter was raised again at Full Council in July of this year and our notes of that meeting clearly show that a reassurance was provided that the Scoping Opinion would not be scaled back. The formal minutes of that meeting however do not contain the same level of assurance that was given verbally at the meeting. In any event, the Scoping Opinion has been scaled back on the basis of a judgement by officers as to which points were the most substantive. We strongly object that on a matter of such importance officers – and not our elected representatives – have decided that BAA should not now be required to provide information on numerous aspects of its proposed development which would have significant impacts upon this community.

There are two other major omissions from the Regulation 19 Notice. The first relates to the many questions asked by Members of your Committee (including yourself) over the past four months at meetings of your Committee to consider this planning application. In very many instances, officers were unable to answer such questions immediately but provided an assurance that BAA would be required to provide the relevant information before the Committee was asked to make a final decision. SSE attended all of these meetings of your Committee and took notes of all Members' questions and of the responses given. We had expected that officers were also maintaining a record and that this would eventually be submitted to BAA for response. However, looking at the Regulation 19 notice and its supporting schedules, there is no evidence whatsoever of these Members' points being followed up.

Similarly, there is no evidence of any follow-up in relation to many of the key points made by ourselves in Volume 1 of our July submission, or to many of the points made by the independent consultants whom we commissioned and whose reports are included in Volume 2 of our submission, or to key points made in our response to the BAA Health Impact Assessment. In each of these areas, SSE went through the BAA documentation with a fine tooth comb and we highlighted numerous false assertions, inaccuracies and inconsistencies in the BAA evidence. We identified a wide range of areas where further information was needed from BAA and yet none of this has been acted upon. Officers appear to have decided that SSE's points are of no consequence despite the fact that our approach was thorough and evidence-based.

Throughout the whole process of this planning application BAA has been reluctant to provide information where to do so would be unhelpful to its case. That is why a robust approach by the Council is the only way in which BAA can be held to account and a full understanding obtained of all the relevant evidence in relation to the environmental and other impacts of its expansion proposals. Indeed, the Council promised that it would adopt a robust approach to this BAA planning application – learning from the lessons of the past – but what we are now seeing is substantial compromising of the Council's position, both in relation to the timescale and also in allowing officers to scale down the requirement for BAA to provide all of the relevant information, evidence and analysis.

We view this as an extremely worrying development, which is why I am copying this letter to all Members of the Council as well as to the Council's Chief Executive, Alasdair Bovaird and to Executive Manager (Development Services), John Mitchell.

Yours sincerely

A handwritten signature in cursive script that reads "Peter Sanders".

Peter Sanders  
Chairman, Stop Stansted Expansion





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25 October 2006

Cllr Mrs Christina Cant  
Chair of Development Control Committee  
Uttlesford District Council  
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Dear Cllr Cant

### **Stansted Airport Planning Application: UTT/0717/06/FUL**

In our letter of 25 September 2006, sent to all Councillors, we expressed our concerns about the Position Statement relating to the above planning application, the scaling back of the call for information from BAA to reflect the Council's Scoping Opinion and the fact that very few of the major questions arising from BAA's planning application documents – raised by Members and by those commenting on the application, including SSE – were being pursued with BAA for answers under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

We are now writing to provide the detailed evidence underlying our concerns. This is set out in four documents annexed to this letter, as follows:

- Annex A: Checklist of points set down in the Council's Scoping Opinion
- Annex B: Checklist of significant unanswered questions raised by Development Control Committee Members
- Annex C: Checklist of significant questions/issues identified in SSE's response documents
- Annex D: Relevant national, regional and local policy considerations and legal requirements

As you will see, the evidence set out in these annexes is very detailed and extensive and it would be impracticable to comment upon every point in this covering letter. We therefore confine ourselves to highlighting four fundamental issues which have not been considered in the Position Statement.

#### **1. Air Transport White Paper ('ATWP') policy context**

The Position Statement rightly points out that the ATWP's support for full use of the existing Stansted runway is a material policy consideration. On page 11 it refers briefly to the issue of "whether there are other material considerations to which greater weight should be attached" and, on page 29, it concludes that the proposals "should be determined in accordance with the development plan unless these other considerations indicate otherwise". Nowhere, however, does it refer explicitly to the statement that was provided on behalf of the Secretary of State for Transport during the 2004 judicial review of the ATWP:

*"The Department and the Secretary of State accept that the obligation, in European Law, to consider an Environmental Impact Assessment before granting a development consent necessarily carries with it an obligation to consider whether that development consent should be refused because of alleged adverse environmental impacts, even if such a refusal would frustrate Government policy."*

The significance of this statement to the High Court on behalf of the Secretary of State for Transport cannot be overstated. It makes clear that, despite the Government policy of supporting full use of the existing Stansted runway, Uttlesford District Council is fully entitled to refuse the planning application if it believes that the environmental impacts would be unacceptable.

We consider that this point should have been drawn to the attention of Members in the Position Statement. It is of such fundamental importance that it also has consequences for the required sequence of events in considering the application. It follows from the above statement that it would be inappropriate for the Council even to consider approving the application until and unless it had a full understanding of all the relevant environmental impacts. If the environmental impacts are judged to be unacceptable, the only course of action, in accordance with the Secretary of State's clarification of the Government's policy, as above, would be to refuse the application, regardless of what is set down in the ATWP. Refusal is also the only appropriate course of action if there is insufficient information to make a judgement (see point 4 below).

Thus, the Position Statement should have highlighted the gaps that exist in the information considered to be relevant to the application. We are concerned that BAA has still not been formally asked to provide answers to so many of the important questions that have been raised.

## **2. Planning & Compulsory Purchase Act 2004**

The Council's statutory duties override all policy considerations and yet the Position Statement makes no reference to the Council's statutory duty under Section 39(2) of the Planning & Compulsory Purchase Act 2004, namely:

*"...to exercise its planning function with the objective of contributing to the achievement of sustainable development."*

Whether in relation to the local environmental impacts, the issue of economic sustainability or the wider issue of climate change, there is an important judgement to be made by all Members of the Development Control Committee as to whether their legal duty towards the achievement of sustainable development would best be served by approving this planning application or by refusing it. We consider that the Position Statement should have mentioned this legal duty which applies to all Members relating to the achievement of sustainable development.

## **3. Town and Country Planning (Environmental Impact Assessment) Regulations 1999**

The Position Statement makes no mention of Schedule 4 of the above (implementing Directive 85/337/EEC into UK law) which is clearly relevant to this application. It requires the developer's EIA to include an assessment of the development's

*"...direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects resulting from the existence of the development, the use of natural resources and the emission of pollutants, the creation of nuisances and the elimination of waste."*

and requires the developer to provide:

*"...an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects."*

BAA's environmental statement falls short of compliance with the above in a number of key respects, not least its narrow focus on 35mppa in 2014 without looking at the bigger picture of the potential longer term environmental impacts of **full use** of the existing runway, which is precisely the Government policy objective which BAA relies so heavily upon. There is an abundance of evidence to indicate that the existing runway would be able to handle far more passenger traffic than has been assessed in BAA's environmental statement even with the proposed cap on passenger ATMs.

BAA should be pressed to provide information about the environmental impacts that would arise at higher levels of passenger throughput. Without this information we do not see how Members can properly assess the "direct effects and any indirect, secondary, cumulative, short, medium, and long term impacts" in accordance with the 1999 Town and Country Planning Regulations.

#### **4. Inadequate information provided by the Applicant**

The failure of BAA to provide adequate information on the environmental impacts of its proposed development has been a major issue from the outset of this planning application and, as shown in the attached annexes, fundamental questions and issues continue to go unanswered and – in many instances – do not yet appear to have been asked. There is an urgent need for this to be remedied so that BAA is given every opportunity to provide the Council with all the relevant information necessary to enable a full and proper assessment of the environmental impacts of its proposals.

However, the Position Statement makes no mention of the importance of this issue or of the action that must be taken, in accordance with Government planning guidelines, in circumstances where the Applicant has failed to provide the information necessary to enable a proper evaluation of the environmental impacts arising from the proposed development.

*"48. Where the planning authority considers that the information provided in the developer's environmental statement, together with that available to the authority from other sources, is insufficient to permit a proper evaluation of the project's likely environmental effects, the authority can require further information, or evidence to verify the information that has already been provided. The use of these powers should not normally be necessary, especially if the parties have worked together during the preparation of the environmental statement. Nevertheless, further consultation between the planning authority and the developer may be necessary at this stage, in particular to consider comments made by consultees and, possibly, amendments to the proposal to meet objections that have been raised."*

*"51. The planning authority cannot take the view that a planning application is invalid because it considers that an inadequate environmental statement has been submitted or because the developer has failed to provide any further information required under the powers described in paragraph 48 above. However, if the developer fails to provide enough information to complete the environmental statement, the application can be determined only by refusal."*

[Environmental Impact Assessment: Guide to Procedures, ODPM]

Therefore the key issue, going forward, is the need to make every effort to ensure that the unanswered questions are dealt with before Members are called upon to make a decision. Alternatively, if adequate information is not forthcoming, then, as the above Government planning guidelines make clear, the application can only be determined by refusal.

We note that the supplementary information recently provided by BAA deals with a few of the outstanding points which at least is a step in the right direction.

The task now is to address the remainder of the outstanding points arising from the Council's Scoping Opinion, from questions raised by Members of the Development Control Committee and from questions and issues raised by SSE and others in the course of examining this planning application. We have prepared the first three of the attached annexes as checklists of the outstanding points and we hope the Council finds these helpful in taking forward this task.

As we have stated before, we believe that the Council already has more than enough information to conclude that the environmental impacts arising from the proposed development would be wholly unacceptable. We believe also that the grounds for refusal could only be reinforced if BAA was to provide the information that it has so far failed to provide.

We are aware of the Council's strong preference for local determination of this application and of the pressure now being brought to bear by BAA, following the expiry of the 16-week period for determination. These two factors make us extremely concerned about the risks to the process going forward. We very much hope that the points we have made in this letter and attached annexes will provide Members with reassurance in relation to the threat of referral for non-determination and a clearer understanding of the options now available and the task ahead.

As before, in view of the importance of this matter, I am copying this letter to all Members of the Council as well as to the Council's Chief Executive, Alasdair Bovaird and to the Executive Manager (Development Services), John Mitchell.

Yours sincerely

A handwritten signature in cursive script that reads "Peter Sanders".

Peter Sanders  
Chairman

Encs