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by email and post

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Dear Sirs

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

We refer to your joint letter of 12 March 2008. As stated in our letter of 25 February 2008 to the Secretary of State for Communities, in order to provide you with an informed response to the revised BAA air quality ('AQ') information, we require certain additional information as specified in our letter to BAA of 25 February, copied to the Secretary of State for Communities.

As of today's date, the appellant has not provided any of the additional information requested. We believe this is at least partly because, if the information were to be provided, it would become apparent that the scale and implications of the erroneous AQ information provided by the appellant to the G1 Public Inquiry are far more significant than presented in the letter of 18 February from CMS Cameron McKenna on behalf of the appellant.

For example, it is likely that if NO<sub>x</sub> levels have been understated, so too have NO<sub>2</sub> levels been understated and these are of course subject to statutory limits for the protection of human health. The G1 Inquiry did not consider NO<sub>2</sub> levels in any depth because they were not at that time considered to be a critical issue. It may well be that they are now a critical issue.

A second example is the need to examine the evidence which supports BAA's assertion that the error arose as a result of Defra having understated background NO<sub>x</sub> concentrations and not as a result of understatement caused by BAA's modelling. This is also a critical issue for reasons which will be apparent from a review of the transcripts from the G1 Inquiry.

We could go on and provide explanations for each of the 12 questions we asked of BAA in our letter of 25 February. However, we hope you will accept that all 12 are entirely reasonable and proper questions to ask in the circumstances which now prevail.

*Patron: Terry Waite CBE*

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

If the AQ information which BAA has now provided had been available at the time of the G1 Inquiry, we would have been able to probe these matters in the course of cross examination. It would be entirely wrong if we were to be denied the opportunity to do so now. In effect this would be to reward BAA for submitting understated AQ information to the Inquiry. And even if the understatement stemmed from errors in Defra's background data, this would not have arisen if BAA had followed recommended practice on the required duration and extent of AQ measurement for model verification purposes.

Upon receipt of our letter of 25 February 2008 requesting the additional information, CMS Cameron McKenna wrote to you (29 February) on behalf of the appellant seeking your advice as to whether it was necessary to provide this information. The implication appears to be that BAA will not provide any of this information in the absence of a request by DCLG to do so. We note that your letter of 12 March is silent on this point.

We would reiterate that the additional information we seek is entirely reasonable and proper in the circumstances which now prevail. The absence of this information would result in an unreasonable and prejudicial disadvantage to our case.

We respectfully request that you encourage the appellant to comply with our reasonable requests for additional information and to do so as a matter of urgency.

Yours sincerely



Peter Sanders  
Chairman

cc: BAA via CMK – FAO: Mr Alistair Watson (alistair.watson@cms-cmck.com)  
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