



www.stopstanstedexpansion.com
info@stopstanstedexpansion.com

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

27 March 2007

Simon Osborn Esq
1 Lower Farm Cottages
Yeldham Road
Belchamp Walter
Sudbury
Suffolk C010 7BA

Dear Mr Osborn

Stansted Airport Inquiry: Ref: 2032278

Thank you for providing Stop Stansted Expansion ('SSE') with a copy of the letter dated 20 March 2007 from CMS Cameron McKenna on behalf of Stansted Airport Limited ('STAL')¹.

We strongly object to BAA's suggestion that the scope of the Inquiry should be restricted to consideration of a throughput of 'about 35 million passengers per annum' ('mppa') as a consequence of BAA offering a temporary cap on that level of throughput. The reasons for our objection are as follows:

1. It is disingenuous for BAA to claim, in effect, that it is only following the Pre-Inquiry Meeting and its review of the various Statements of Case that it has realised that the scale of the proposed development is likely to be a contentious issue. This has been a contentious issue since April 2006 when BAA submitted its planning application to Uttlesford District Council ('UDC') seeking permission for unlimited annual passenger throughput at Stansted subject only to a limit on the annual number of air transport movements. BAA's attempt to present this as a request for permission to handle 'about' 35 mppa ('mppa') despite applying for the removal of the condition of a passenger limit has been treated with widespread scepticism from the outset and BAA has been fully aware of this. In addition, from the objections submitted by ourselves and others and from the evidence presented during the period of deliberation by UDC (May – November 2006), it has long been abundantly clear to BAA that it faced a major challenge to its representation of its application as a request for permission to handle 35mppa. In our view, BAA's reasons for seeking to change its position at this late stage reflect its desire to minimise the ability of the Inquiry to properly scrutinise its proposals rather than an altruistic attempt to make more efficient use of the Inquiry's time.

2. BAA relies heavily upon the Air Transport White Paper² ('ATWP') for policy support in relation to this planning application and the ATWP makes a number of references to the expansion of Stansted on the existing runway, for example:

¹ We are not clear why the CMS Cameron McKenna letter has been submitted on behalf of STAL. BAA plc and STAL are joint appellants in this case and we note that the Inspector recommended that, for the purposes of the Inquiry, they should be referred to simply as 'BAA'. We follow that convention in this letter. (We also note that BAA plc changed its name to BAA Ltd on 21 November 2006.)

² 'The Future of Air Transport in the United Kingdom', DfT, Dec 2003

*'The first priority is to make best use of the existing runways, including the remaining capacity at Stansted and Luton.'*³

*'Our starting point is that we should make the best use of existing airports before supporting the provision of additional capacity.'*⁴

*'Because we expect there to be an increasingly severe shortage of runway capacity at the major South East airports over the remainder of this decade, making full use of the available capacity at Stansted will be essential to avoid stifling growth.'*⁵

From the above it is clear that the Government expects there to be full use of the existing runway at Stansted before it will support a second runway at Stansted. We recognise that the latter is outwith the scope of this Inquiry but, in view of BAA's stated intention to submit a planning application for a second Stansted runway in a few months time, we believe that a material planning consideration arises which makes it essential to deal with the matter of what constitutes full use of the existing Stansted runway at this (first) Inquiry.

3. In our view, the sudden change in BAA's position stems from its desire to return to the piecemeal approach which has characterised its approach to the planning process over many decades and has led to the incremental development of Stansted Airport without adequate planning or mitigation. The following extract from the letter is noteworthy:

'To make the position absolutely clear, the offer of this additional passenger Condition relating to 35 MPPA is not an acceptance by STAL that 35 MPPA represents the ultimate limit of Stansted's existing runway capacity, nor does it represent any acceptance by STAL that 35 MPPA is the highest air passenger throughput which could be environmentally acceptable at Stansted.'

In other words, if BAA were able to confine this Inquiry to consideration of 35mppa there is every likelihood that in a few years time we would be facing yet another Inquiry to consider further expansion on the existing runway. This would not be efficient use of the Planning Inspectorate's time. In effect BAA is seeking to cross the river in two (or more) stages. If permitted to do this, BAA would (again) be able to minimise the stated impacts at each stage such that there will never be an opportunity to examine the whole picture; each planning application would be presented as being only a 'small' change from the past.

4. In 2003, when BAA was granted permission by UDC to expand Stansted from 15mppa to 25mppa, BAA projected that 25mppa would not be reached until 2010/11. However, this latest planning application was submitted less than three years after receiving that permission and BAA now projects that 25mppa will be reached in 2008. We would expect this pattern to be repeated if BAA were able to confine the Inquiry to consideration of 'about 35mppa'.

5. One of the principal objectives of the ATWP was to put an end to the old piecemeal approach to airport planning by providing a clear strategic framework and encouraging long term airport master plans so as to reduce uncertainty '*... rather than addressing each separate proposal in a piecemeal and uncoordinated fashion*'.⁶ Whereas there were many policy statements in the ATWP which were not welcomed by the local community, this one at least gave some credibility to the Government's claim that the ATWP was '*measured and balanced*'. BAA would no longer be able to pursue the strategy of 'creeping incrementalism'. However it now appears that BAA seeks to do just as it has done before and provide only part of the picture by limiting the scope of the Inquiry to consideration of yet another interim expansion proposal, this time to 35mppa.

³ Ibid, Executive Summary, p13

⁴ Ibid, para 2.11

⁵ Ibid, para 11.26

⁶ Ibid, para 1.6

6. The policy framework set down in the ATWP – supporting full use of the existing runway at Stansted before any second runway and signalling an end to the piecemeal approach of the past – together with BAA's track record as a serial applicant, are material considerations for insisting that this Inquiry should be able to admit evidence relating to the environmental impacts of full use of the existing runway.

7. In our view, the offer submitted on behalf of BAA stems from the fact that BAA has finally come to realise that the understatement of its passenger projections and its failure to assess the environmental impacts arising from full use of the existing runway, are likely to be exposed at the Inquiry. It would be perverse if BAA were now to be rewarded for this failure by being allowed to avoid the close scrutiny of its development proposal that only a Public Inquiry can provide. The thrust of the letter makes clear that the main objective of the proposed condition is to expedite approval of BAA's planning application by restricting proper consideration of the full picture of its long term plans. This is unacceptable and the local community and others should not be denied the opportunity of questioning BAA's assessment of the environmental impacts and presenting evidence relating to the impacts of full use of the existing runway which is clearly BAA's longer term goal.

8. The practice of a developer pursuing a long term development plan through a series of incremental applications, each typically submitted when he is close to the limits attached to the previous consent, cannot be viewed as good practice from a planning perspective. It undermines one of the key purposes of the planning process for this type of project, for example, the need to ensure the timely provision of the requisite surface access infrastructure taking account of the long lead times for such provision. In addition, it circumvents proper consideration of the full environmental impacts whereas Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations, 1999, requires 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 ... [etc].'*

9. Turning to the question of logistics, timing and costs, Stop Stansted Expansion ('SSE') has been preparing intensively for this Inquiry for a considerable period of time. Contrary to the claims in the letter, a narrow focus on 'about 35mppa' would not be to the advantage in the preparation of evidence of all parties. Much of our evidence has already been prepared and the remainder is at an advanced stage of preparation in order to meet the deadline of 30 April for submissions of Proofs of Evidence. All of our evidence has been prepared on the basis of the BAA appeal letter of 30 November 2006 which re-confirmed (as per the original application) that permission was sought for unlimited annual passenger throughput subject only to a limit on the annual number of air transport movements. Also on the basis of this assumption, we have commissioned a number of reports from external experts (at considerable expense) and these reports are now near to completion. If the scope and nature of the Inquiry were to be changed at this late stage, this would give rise to significant difficulties for us in terms of timing and logistics and costs. Our evidence would require to be re-focused to consider the impacts arising from a (temporary and artificial) cap of 35mppa in much greater detail, a level of throughput to which we have attached very little credibility in the course of our analysis and preparations to date. A great deal of the analysis we have carried out ourselves and commissioned from external experts would become redundant and the work involved in revising our evidence would be a major task for our voluntary Inquiry Team and a major cost burden for our organisation. SSE is a voluntary community organisation and although we have many dedicated individuals in our Inquiry Team and can call upon a wide range of expertise there are limits to the amount of work that we can handle in any given space of time. The issue of passenger throughput has a fundamental bearing upon this case because it affects the scale of environmental impacts in virtually every topic area.

In conclusion, we recognise that it may appear unusual for a local community organisation to resist BAA's offer of a condition of a cap of 'about 35mppa' when the alternative outcome may

be the approval of unlimited passenger throughput on the existing runway. However, we regard BAA's offer as illusory because we have little doubt that BAA would return with another application for the existing runway in a few years time when it neared 35mppa. As we have sought to explain above, the history of Stansted's development is one of piecemeal incrementalism and this has, at least over the past two decades, denied the local community the opportunity to explain the true scale and nature of the cumulative impacts. The ATWP gave us hope that this would not be the case in future and we do not want that hope to be taken away as a result of what we regard as nothing less than a ploy on the part of BAA.

We would be grateful if you would bring this letter to the attention of the Inspector at the earliest opportunity. We have copied this letter as below and would be grateful if you could circulate it to other organisations and individuals with an interest in the Inquiry as you see fit.

Yours sincerely

Carol Barbone

cc Sian Evans, Planning Inspectorate
CMS Cameron McKenna LLP (for BAA)
Michael Perry, Uttlesford District Council
Martin Cooke, Essex County Council
David Humby, Hertfordshire County Council
Michael Chambers, Howrey LLP (for Stansted ACC)
Dr Patricia Elliott, Saffron Walden Friends of the Earth
Martin Dillon, Much Hadham Parish Council
John Popham, Planning & Environmental Consultant (for National Trust)
Helen Wilson, BAA