

**Doc. No. SSE/17/b
Case Ref. 2032278**

Appeal by BAA Ltd and Stansted Airport Ltd following the refusal by Uttlesford District Council of planning application UTT/0717/06/FUL

Summary Proof of Evidence on behalf of Stop Stansted Expansion

Sustainability Appraisal

Peter Sanders
Paul Garland

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www.stopstanstedexpansion.com
info@stopstanstedexpansion.com

PO Box 311
Takeley
Bishop's Stortford
Herts, CM22 6PY
Tel: 01279 870558

1 INTRODUCTION

1.1 Personal details

- 1.1.1 My name is Paul Garland and I appear on behalf of Stop Stansted Expansion ('SSE'). I have an MA in Environmental Policy and Society (2005) and have been Chairman of Uttlesford Local Agenda 21 since 2004. As representative of Uttlesford Futures I attended both workshops held by RPS Planning Consultants (see below).
- 1.1.2 My name is Peter Sanders CBE and I also appear on behalf of SSE. Before my retirement I worked for the Race Relations Board and Commission for Racial Equality, where I was Chief Executive (1988-1993). I was Honorary Treasurer of the United Nations Association (UK) (1993-2003) where I was heavily involved in sustainable development issues, and Chairman of Uttlesford Local Agenda 21 (1997-2004). I have been Chairman of SSE since 2004.

2 SCOPE OF EVIDENCE

- 2.1 Our evidence on sustainability and the inadequacy of the Sustainability Appraisal ('SA') carried out on behalf of BAA by RPS was originally set out in Volume 2, Section 7, of SSE's response to UDC in July 2006.¹ That evidence is now replaced by this submission.
- 2.2 We also draw attention to proof of evidence SSE/2/a on strategic environmental issues.

3 SUMMARY OF SUSTAINABILITY ISSUES

3.1 The principles of sustainability

- 3.1.1 Local authorities have a statutory duty to exercise their planning function 'with the objective of contributing to the achievement of sustainable development'.²
- 3.1.2 The Government's sustainable development strategy is set out in the 2005 White Paper, *Securing the Future*.³ This defines the goal of sustainable development as:
'to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.'
- 3.1.3 This identifies five guiding principles – living within environmental limits, ensuring a strong, healthy and just society, achieving a sustainable economy, promoting good governance, and using sound science responsibly.

¹ CD/202.

² Planning & Compulsory Purchase Act, 2004, [CD/301, Section 39].

³ CD/91.

- 3.1.4 There were four priorities for immediate action, relating to sustainable consumption and production, climate change and energy, natural resource protection and environmental enhancement, and sustainable communities.
- 3.1.5 The policies outlined in Securing the Future underlie PPS1 which ‘sets out the overarching planning policies on the delivery of sustainable development through the planning system’.
- 3.1.6 The Supplement to PPS1 [CD/93] states:
‘The Government believes that climate change is the greatest long-term challenge facing the world today. Addressing climate change is therefore the Government’s principal concern for sustainable development.’
- 3.1.7 The principles of sustainable development apply to aviation in the same way as to other sectors of the economy.
- 3.1.8 In our other proofs of evidence we deal with particular aspects of sustainability. Here, we concentrate on the shortcomings of the SA.

4 THE SUSTAINABILITY APPRAISAL

4.1 The conflicted position

- 4.1.1 In July 2004, when RPS was appointed to carry out work in connection with the proposed second runway, it issued the following statement:
‘RPS has a long track record with BAA in particular at Stansted We believe our key role on this important commission is to ensure that discussion and decisions are targeted on when and how to deliver the planning consent rather than if. The Government has tasked BAA with delivering the second runway at Stansted. RPS will do all in its power to ensure that our client can meet this objective.’⁴
- 4.1.2 This undermined confidence in the objectivity of the current appraisal. Indeed, the SA displays a strong prejudice in favour of this application.

4.2 The flawed conceptual framework

- 4.2.1 There is no statutory requirement for a planning application to be supported by an SA but there is a requirement for an EIA.
- 4.2.2 RPS draws a sharp distinction between SAs which, it says, are objective led, and the EIA approach of identifying significant environmental effects.⁵ The fact that an objective is not met does not mean that there is a significant adverse environmental impact.
- 4.2.3 However, RPS fails to mention that the fact that an objective is met does not mean that there is not a significant adverse environmental impact. Also, the distinction between SA objectives and EIA effects is not as sharp as RPS claims. ODPM

⁴ RPS News Release, 15 July 2004.

⁵ SA, para 1.17.

guidance⁶ repeatedly emphasises the need to assess and, where possible, measure sustainability effects and demonstrates that some objectives can be expressed as targets. It gives examples of objectives expressed in terms of effects. The statement on climate change⁷, is striking:

'Objectives may be expressed so that they are measurable (e.g. an objective to reduce greenhouse gas emissions could be expressed as 'reduce CO2 emissions by 12.5% by 2010.' The achievement of objectives is normally measured by using indicators. Hence the importance of ensuring that the objectives of the appraisal are appropriate and do not conceal adverse environmental impacts.'

- 4.2.4 This guidance fully envisages that objectives should be expressed in terms of effects which should be quantified where appropriate and where possible.
- 4.2.5 The implications of RPS's approach are spelt out⁸. Under Government policy there is bound to be 'increased resource use'. That is not in itself unsustainable and the SA focuses on 'whether the proposed development manages such increases or effects in a sustainable way'.
- 4.2.6 The outcome of this approach makes 'increased resource use' irrelevant to a proposal's sustainability and concentrates exclusively on management issues.
- 4.2.7 RPS summarises its findings⁹ but the headings in this table are tendentious – the possibility that an objective may not be met is not even contemplated.
- 4.2.8 Fourteen objectives are said to be met, ten exceeded, and enhancements are recommended in respect of four.
- 4.2.9 In its eagerness to support the development RPS has been guilty of one final absurdity in this Table, for how can the objectives, e.g. of reducing crime or improving the built environment, be exceeded? This applies particularly to the objective of minimising waste, for it is impossible to achieve more than the minimum possible.

4.3 The role of the workshops and more detailed criticisms of the report

- 4.3.1 Two workshops assisted RPS in preparing the SA. After the second a draft report was drawn up and submitted to participants for comment. The published report was very different from the draft, but the workshop was not reconvened to consider it.
- 4.3.2 The most striking change concerned greenhouse gas emissions. The objective was changed from 'to reduce greenhouse gas emissions' to 'minimise greenhouse gas emissions'. The first subordinate question related to predicted changes in emissions. In the draft the answer was expressed in quantifiable terms which indicated that the objective had not been met and the score awarded was 'very poor'. In the published report it was argued that the increase in emissions was due to the Government's policy of expansion, and since BAA was doing all that it could

⁶ Guidance, Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents (November 2005) [CD/321].

⁷ Ibid, Appendix 9, page 106.

⁸ SA [CD/21.1, para 2.18].

⁹ Ibid, Table 3, page 1.

to minimise them the objective was being met. In this way the huge increase in emissions was obscured. It nullifies the purpose of an SA to obscure unsustainability in the manner described.

- 4.3.3 In this respect it is instructive to compare RPS's SA with that prepared by Levett-Therivel for EERA on its draft RSS. Levett-Therivel defined the objective as 'reduce greenhouse gas emissions,' concluding that the proposed capacity increase was unsustainable.
- 4.3.4 Under noise pollution the objective was also changed and, whereas in the draft report nine questions elicited predominantly poor scores, in the published version the questions were reduced and changed and the objective was said to be achieved.
- 4.3.5 There were significant changes under other objectives as well, such as using natural resources efficiently and reducing reliance on road traffic.
- 4.3.6 Finally the document fails to spell out the indirect consequences of the proposed development, e.g. the water that will be used in the homes of the extra employees, the waste they will generate, the journeys they will make over and above journeys to and from the airport etc.

5 CONCLUSIONS

- 5.1 The main thrust of the SA is that, given the nature of the proposal, BAA is doing what it can to make it sustainable and so the objectives of sustainability are being met. To present the case schematically, if the proposal results in 10 units of damage and BAA reduces this by 1 unit, then, according to RPS, the sustainability objectives have been reached and for the purposes of the SA the remaining 9 units of damage can be ignored. In our contention, while mitigation is to be commended, the 9 units of damage are much more important in terms of sustainability than the 1 unit that is saved.
- 5.2 We submit that in our other proofs of evidence we have demonstrated that the proposed increase in the use of the existing runway is inconsistent with the principles of sustainable development.