

**Doc. No. SSE/17/a
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

Proof of Evidence on behalf of Stop Stansted Expansion

Sustainability Appraisal

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1 INTRODUCTION

1.1 Personal details

- 1.1.1 My name is Paul Garland and I appear at the Public Inquiry on behalf of Stop Stansted Expansion ('SSE').
- 1.1.2 I was the author of the 'BAA Sustainability Appraisal' report contained in Volume 2, Section 7 of the SSE response to Uttlesford District Council ('UDC') [CD/202] dated 14 July 2006 [CD/202] objecting to planning application UTT/0717/06FUL. The preliminary commentary was provided by Peter Sanders, Chairman of SSE.

1.2 Qualifications and experience

Paul Garland

- 1.2.1 I have an MA in Environmental Policy and Society. I have been Chairman of Uttlesford Local Agenda 21 from 2004 to the present.
- 1.2.2 As the representative of Uttlesford Futures I attended both workshops held by RPS, the planning consultants engaged by BAA to conduct the Sustainability Appraisal in connection with this application.

Peter Sanders

- 1.2.3 In 1972, after several years of administration and research in Africa, I joined the Race Relations Board and the Commission for Racial Equality, where I was Chief Executive from 1988 to 1993. From 1993 to 2003 I was Honorary Treasurer of the United Nations Association (UK) and was heavily involved in work on sustainable development there. From 1997 to 2004 I was Chairman of Uttlesford Local Agenda 21. I was Deputy Chairman of SSE from 2002 to 2004 and have been Chairman of SSE from 2004. I am the author of several books on African history and poetry and on English local history.

2 SCOPE OF EVIDENCE

- 2.1 Our evidence on sustainability, and in particular on the inadequacy of the Sustainability Appraisal ('SA') [CD/21.1] carried out on behalf of BAA by its planning consultants, RPS, was originally set out in Volume 2, Section 7, of SSE's response to UDC in July 2006 [CD202]. That evidence is now being replaced by this submission.
- 2.2 We also draw attention to SSE/2/a, a proof of evidence on strategic environmental issues, prepared by Levett-Therivel on behalf of SSE.

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' (Section 39(2), Planning and Compulsory Purchase Act, 2004) [CD/301].
- 3.1.2 The Government's sustainable development strategy is set out in the 2005 DEFRA White Paper, *Securing the Future* [CD/91]. 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 *Securing the Future* identifies five guiding principles:
- Living Within Environmental Limits: Respecting the limits of the Planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations;
 - Ensuring a Strong, Healthy and Just Society: Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all;
 - Achieving a Sustainable Economy: Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised;
 - Promoting Good Governance: Actively promoting effective participative systems of governance in all levels of society – engaging people's creativity, energy and diversity;
 - Using Sound Science Responsibly: Ensuring Policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.
- 3.1.4 Four priorities for immediate action are listed in *Securing the Future*, relating to:
- Sustainable consumption and production – the need 'to break the link between economic growth and environmental degradation';

- Climate change and energy – the Government would 'seek to secure a profound change in the way we generate and use energy, and in other activities that release these [greenhouse] gases';
 - Natural resource protection and environmental enhancement – 'We need a better understanding of environmental limits ... and a more integrated policy framework';
 - Sustainable communities – 'This will involve working to give communities more power and say in the decisions that affect them.'
- 3.1.5 The policy principles outlined in *Securing the Future* underlie PPS1: *Delivering Sustainable Development* [CD/92] which 'sets out the overarching planning policies on the delivery of sustainable development through the planning system'.
- 3.1.6 The Consultation on '*Planning and Climate Change: Supplement to PPS 1*', (December 2006) [CD/93], states:
- '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.'* (p12, para 2)
- It also observes that 'spatial planning has a pivotal and significant role in helping give local communities real opportunities to influence, and take action on climate change.' (p13, para 5)
- 3.1.7 The overarching principles of sustainable development must apply to aviation in the same way as to every other sector of the economy, and addressing climate change lies at the heart of them.
- 3.1.8 In our other proofs of evidence we deal with particular aspects of sustainability in relation to air noise, air quality, economics, employment, housing, ground noise, surface access, water, quality of life, health, community cohesion and climate change. We demonstrate that the cumulative scale of environmental degradation that would result from the increased use of the existing runway at Stansted Airport cannot be justified by the claimed economic gains and that, overall, such gains simply do not exist. Far from achieving a 'profound change' in the activities that release greenhouse gases, this development would intensify them and lead to a huge increase in greenhouse gas emissions and instead of strengthening local communities it would have the effect of destroying them.
- 3.1.9 In this proof of evidence we focus on the shortcomings of the SA [CD/21.1] carried out on behalf of BAA by its planning consultants, RPS. We argue that it gives a misleadingly positive impression of the sustainability of BAA's proposal to increase its use of the existing runway at Stansted, and that in particular it pays insufficient attention to the impact on climate change.

4 THE BAA SUSTAINABILITY APPRAISAL

4.1 The conflicted position of RPS

- 4.1.1 The SA [CD/21.1] was carried out on behalf of BAA by the planning consultants, RPS. In July 2004, when RPS was appointed to carry out some work in connection with the proposed second runway at Stansted, it issued the following statement:

'RPS has a long track record with BAA in particular at Stansted. RPS provided advice upon agricultural matters during the Airports Inquiries (1981-83) and subsequent to the inquiries managed 350 hectares of agricultural land on behalf of BAA prior to disposal of the land to the private sector. 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.' [See Annex 1]

This statement undermined confidence in the objectivity of the appraisal, which was all the more to be deplored because it was in the context of evaluating the effects of a second runway on the local community. It was therefore regrettable that BAA chose to appoint RPS to carry out this SA. On 20 January 2006 SSE's Campaign Director wrote to UDC's Chief Executive to protest about this appointment, and her letter is attached [see Annex 2].

- 4.1.2 In these circumstances we are not surprised that RPS's SA displays a strong bias in favour of the application.

4.2 The flawed conceptual framework of the report

- 4.2.1 There is no statutory requirement for an SA to support a planning application, and the guidance issued by the ODPM (now DCLG) relates solely to the 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents' [CD/321]. The requirement for individual applications is an Environmental Impact Assessment (EIA).

- 4.2.2 In CD/21.1 paragraph 1.17 RPS draws a sharp distinction between SAs and EIAs:

'Sustainability appraisals are objective led, appraising the proposed development against relevant objectives, as opposed to following the EIA approach of identifying the significant environmental effects of the proposed development. Accordingly, in circumstances where environmental objectives are assessed as not being met by the sustainability appraisal, this does not mean that a significant adverse environmental impact arises (unless this is separately identified in the Environmental Statement).'

- 4.2.3 There are two points to note about this. First, it is significant that RPS fails to point out the corollary of its last statement, that where environmental objectives are assessed as being met by the SA this does not mean that a significant adverse environmental impact does not arise. In several instances, as we shall demonstrate, there are significant adverse environmental impacts even although the objectives defined by RPS are met. Hence the importance of ensuring that the objectives of the appraisal are appropriate and do not conceal adverse environmental impacts.

- 4.2.4 Second, the distinction between SA objectives and EIA effects is not as sharp as RPS claims. In para 1.15 it invokes the ODPM Guidance, 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents' (November 2005) [CD/321]. This document lays repeated emphasis on the need to assess and where possible measure sustainability effects. For example: 'The SA framework provides a way in which sustainability effects can be described, analysed and compared. It is central to the SA process.' (para 2.2.15). It demonstrates that some sustainability objectives can be expressed in the form of

targets (para 22.16). It advises that social, environmental and economic effects should be quantified where appropriate and possible (2.3.11 – check), and that SA objectives should be linked with indicators and targets – also where appropriate and possible (p82, figure 14). With regard to climate change, the statement in Appendix 9, p106, is particularly 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’. Other examples of objectives expressed in terms of effects are given on pages 107-114. They include ‘To reduce poverty’, ‘To improve health’, ‘To improve education’, ‘To reduce anti-social activity’, ‘To reduce the effect of traffic on the environment’, ‘To reduce contributions to climate change’.

- 4.2.5 In brief, the guidance invoked by RPS fully envisages that objectives should be expressed in terms of effects, and that these effects should be quantified where appropriate and where possible.
- 4.2.6 The implications of RPS’s approach are spelt out in paragraph 2.18 of the SA:
‘The appraisal recognizes that increased resource use is not in itself unsustainable. The effect of national airports policy is that there is required to be an increase in capacity in the South East. This brings with it the use of increased energy, water etc and also the generation of increased waste where increased capacity is provided. Where practical, this appraisal focuses on whether the proposed development manages such increases or effects in a sustainable way.’
- 4.2.7 The outcome of this approach is to make ‘increased resource use’ irrelevant to a proposal’s sustainability and to concentrate exclusively on management issues.
- 4.2.8 RPS summarises its findings in Table 3, p1, ‘Summary of Sustainability Appraisal Objective Achievements’, a title which combines ambiguity with bias. ‘Objective Achievements’ does not mean achievements that are objective in themselves, but achievements in attaining objectives. And the use of the word ‘achievements’ suggests a record of success, which is reinforced by the three sub-headings used to record these achievements – ‘Enhancements Recommended’, ‘Objective Met’ and ‘Exceeding Objective’. A less biased presentation would have been ‘Objective Met’, ‘Objective Exceeded’, ‘Objective Not Met’ and ‘Enhancements Recommended’. As it is, the possibility that an objective may not be met is not even contemplated.
- 4.2.9 In this table, 14 objectives are said to met, 10 exceeded, and enhancements are recommended in respect of 4. This presents a grotesquely flattering assessment of the proposal.
- 4.2.10 In its efforts to support the development RPS has been led into one final absurdity in Table 3. This relates to those 10 objectives that are said to have been ‘exceeded’. To take just three examples: how can one exceed the objective of reducing crime and creating safe environments? Or the objective of improving the quality of the built environment? Or, the most absurd example of all, how can one exceed the objective of minimizing waste? Is RPS really claiming that BAA will achieve more than the minimum possible? We mention this not to score a cheap point but to demonstrate once again the advocacy inherent in what should be an objective appraisal of the report.

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

- 4.3.1 Two workshops were held to assist RPS in drawing up the SA. A list of those attending the workshops is given at the end of the report. After the second meeting a draft report was drawn up and submitted to the participants for comment. The published report differed from this report in many substantial respects. In spite of a request from at least one of the participants the workshop was not reconvened to consider the report before it was published.
- 4.3.2 The most striking change concerned greenhouse gas emissions. In the draft report the fourth objective was ‘to reduce greenhouse gas emissions’ – the same wording, it will be noted, as that recommended in the ODPM guidance. In the published report this became ‘to minimise greenhouse gas emissions’. In the draft report the first subordinate question was: ‘What is the overall predicted change in CO₂ emissions from aircraft movements?’ The answer was expressed in quantifiable terms which indicated clearly that the objective had not been met, and the score awarded was ‘very poor’. The fifth subordinate question related to other greenhouse gases, and a similar answer was given and the same score awarded. In the published report these two questions were combined (with which we have no argument): ‘What is the overall predicted change of greenhouse gas emissions from aircraft movements?’ and the answer was entirely different. The increase in emissions of greenhouse gases, it was argued, was a function of the Government’s policy of expansion, and because BAA did not have direct control over aircraft emissions, and since it was doing its best to influence and contribute to the solutions to manage these emissions, BAA was doing all that it could to minimize emissions, and the objective was therefore being met. In this way, by disregarding the effects of the expansion for which BAA (not the Government) was applying, the fact that the equivalent of an extra two million tonnes of carbon dioxide would be pumped into the atmosphere each year is completely lost. Mitigation is important, and could have been addressed in another question, but it must be subordinate to overall impact. It is the purpose of a sustainability appraisal to highlight the significant sustainability effects of the course of action under examination and where appropriate and possible to offer appropriate mitigation measures. It nullifies the purpose of the appraisal to obscure its unsustainability in the manner described.
- 4.3.3 In this respect it is instructive to compare RHS’s SA with that prepared by Levett-Therivel for the East of England Regional Assembly in respect of its draft Regional Spatial Strategy. On p17 of their ‘Non-Technical Summary of the Sustainability Appraisal Report’ [CD/310] Levett-Therivel defined the objective as ‘Reduce greenhouse gas emissions’. And in their conclusions they found that the proposed increase in the use of the existing runway at Stansted was unsustainable (Report of the Sustainability Appraisal, November 2004, p283) [CD/311].
- 4.3.4 Another area in which there were striking changes was noise pollution. Here the eleventh objective was changed from ‘reduce detrimental effect of noise pollution’ to ‘minimise detrimental effect of noise pollution’. The nine questions in the draft report elicited two scores of very poor, four scores of poor, two of good and one of very good. In the published version, however, the questions were reduced to three in number and the objective was said to be achieved.
- 4.3.5 There was another significant change under the first objective, ‘use natural resources efficiently’. In the draft report the first question under this objective was: ‘What is the predicted change in potable water consumption?’ The answer predicted a specified quantity, and the score awarded was ‘very poor’. In the

published report a completely different answer is given, not mentioning the overall increase in water consumption, but claiming that the current water utilization of 28 litres per passenger per day is not predicted to change and so the objective, of using natural resources efficiently, is met. Once again the effect of the proposed development, as demonstrated in the draft report, completely disappears in the published report.

- 4.3.6 Another example of this is the ninth objective, 'reduce reliance on road traffic' (where the increase in road traffic disappears).
- 4.3.7 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 and their families, the waste they will generate, the demands that will be made on the road and rail infrastructure over and above the journeys to and from the airport, etc. We have argued throughout that these impacts must be taken into account.
- 4.3.8 On cumulative impacts more generally, we draw your attention to the proof of evidence of Riki Therivel [SSE/2/a].

5 CONCLUSION

- 5.1 The purpose of a sustainability appraisal in the context of a planning application must surely be to appraise the sustainability of the proposal under consideration. The main thrust of RPS's SA is that, given the nature of the proposal, BAA is doing all that it can to make it sustainable and so the objectives of sustainability are being met. To present the issue schematically, if the proposal results in 10 units of damage, if BAA reduces this by 1 unit and if this is the most that can be done, then, according to RPS, the sustainability objectives have been reached and for the purposes of the SA the 9 remaining units of damage can be ignored. In our contention, while efforts to reduce the damage are 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 beyond any reasonable doubt that the proposed increase in the use of the existing runway, misleadingly described as the better use of that runway, is wholly inconsistent with the principles of sustainable development.

ANNEX 1: RPS News Release relating to appointment by BAA Stansted, July 2004



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Alasdair Bovaird Esq
Chief Executive
Uttlesford District Council
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20 January 2006

Dear Alasdair

Stansted Sustainability Appraisal - RPS

I am writing to seek the intervention of Uttlesford District Council in relation to BAA's intention to use environmental consultants, RPS, to carry out the sustainability appraisal in relation to the proposed planning application to expand use of the existing runway beyond 25 mppa. The attached statement from RPS makes patently clear its intention to do **"all in its power to support"** BAA in delivering its Stansted expansion plans and to focus upon **"when and how to deliver the planning consent rather than if"**. This is nothing short of prejudgement with the result that any sustainability appraisal produced by RPS in support of BAA's expansion plans for Stansted would lack objectivity and could not possibly carry any weight with the District Council or indeed the wider public.

Stop Stansted Expansion urges the District Council to formally notify BAA that, in the event of the airport developer submitting a sustainability appraisal produced by RPS for the 25 mppa application, the District Council will attach no weight to this as a result of a lack of confidence in the objectivity of RPS. In addition, we urge the District Council to commission an independent sustainability appraisal for the proposed development so that there can be public confidence that all the relevant issues have been properly examined and objectively assessed.

This RPS case follows on from a similar case last year where there was evidence of BAA consultants being more intent upon doing their client's bidding than upon producing reliable, objective analysis. I refer, of course, to the Arup document sent to SSE last July by an anonymous 'whistleblower' and which we forwarded to you at that time. This clearly showed that BAA's consultants were intent upon underplaying the environmental impacts in the preparation of the Environmental Impact Assessment.

It comes as no great surprise to discover that consultants employed by a developer are keen to do their clients bidding and, for this reason, all such consultants' reports are naturally read with a large pinch of salt. The issue is the degree to which generally accepted standards of objectivity are compromised in the enthusiasm of consultants to deliver the result that the client wants. In the case of RPS, we believe that it has lost all claim to credibility by committing itself to an outcome favourable to BAA before even commencing the sustainability appraisal.

I very much hope you will take the action that is called for in relation to the above.

Yours sincerely

Carol Barbone,
Campaign Director

Enc

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

ANNEX 2: Letter from SSE to Chief Executive of UDC concerning RPS, January 2006



RPS Group Plc
THE ENVIRONMENTAL CONSULTANCY



RPS TO PROVIDE PLANNING AND POLICY ADVICE ON STANSTED DEVELOPMENT

As Europe's fastest growing major airport, Stansted's place as a leading player in European air transport was confirmed in the recent Government White Paper 'The Future of Air Transport'. The airport was identified as the right place to build the first new runway in the south-east of England for over half a century, and it is expected to be operational within a decade.

The 'Stansted Generation 2' project was launched in December 2003 immediately after publication of the White Paper, and the design for the new Terminal will be part of a formal planning application that will be submitted late in 2005.

RPS has been commissioned by BAA to provide strategic land use planning and policy advice, assess the impact of G2 upon agricultural interests and evaluate the effects of the proposals upon the community. RPS recognises the importance of this project to BAA and will build upon the successful relationships which RPS established with BAA during the Heathrow Terminal 5 Inquiry where RPS provided advice to BAA upon countryside issues.

John Rhodes, Chairman of the RPS Planning, Transport and Environment division, said:

"RPS has a long track record with BAA in particular at Stansted. RPS provided advice upon agricultural matters during the Airports Inquiries (1981-83) and subsequent to the inquiries managed 350 hectares of agricultural land on behalf of BAA prior to disposal of the land to the private sector. 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."

Notes

1. RPS is the acknowledged market leader in planning development, through the provision of town and country planning; transport planning and highways design; environmental impact assessment; building and urban design; infrastructure design, landscape design and masterplanning. RPS offers proactive, practical advice across the full range of services in its markets offering additional specialist services in acoustics, air quality, ecology, engineering, historic environments and regeneration.
2. For the past seven consecutive years, RPS has been named by Planning magazine as the leading consultancy in the provision of planning and environmental consultancy services within the public sector, commercial, residential and retail planning sectors.

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Page 1 of 1