

**NOTE PREPARED BY BAA IN RESPONSE TO INSPECTOR'S QUESTIONS
(EMAIL DATED 7 JANUARY 2009) FOR THE G2 PROGRAMMING MEETING ON
19 JANUARY 2009**

Introduction

This note has been prepared by BAA in relation to the Stansted G2 Second Runway Inquiry Programme Meeting being held on 19th January 2009. The note responds to the list of 7 questions identified by the Inspector (by email dated 7 January), and in the light of material provided by the Inspector, specifically:

- the Inspector's preliminary schedule of topics to be considered at the inquiry; and,
- the Inspector's note on pending announcements.

BAA agree that the primary purpose of the meeting should be to allow the main parties at the inquiry and the Inspector to jointly consider and debate the inquiry programme. In preparing for the meeting, BAA has met with both the local authorities and SSE (14th January 2009) to discuss the Inspector's questions.

Question 1: Consider the enclosed list of topics (Agenda Item 2) and advise me in advance of the meeting if:

- **there are other topics that you consider should be added to the list; and/or**
- **if there are any material errors or omissions in the lists of witnesses expected to give evidence on each topic.**

Topics

BAA is not suggesting that further topics should be added. However, BAA would like to clarify that evidence in relation to employment effects (i.e. the issues covered in volume 7 of the Airport Project ES) is to be dealt with in the 'Economics' topic.

In terms of the Ground Contamination topic, BAA suggests that, as no party proposes calling a witness, the matter be dealt with through the Statement of Common Ground and as part of the conditions discussions.

Witnesses

There are no material errors in the list of BAA witnesses expected to give evidence on each topic. However, BAA would like to make the following points:

Having reviewed other parties Statements' of Case, BAA sees the potential need to call a witness or witnesses to deal with CPO and CRO issues, where appropriate. BAA is likely to call up to two witnesses either responding to specific grounds of objection or reporting on correspondence, meetings, and negotiations. BAA suggests that in terms of timing, evidence should be provided in relation to specific CPO / CRO objections, 6 weeks prior to the start of the topic. BAA expects to continue negotiations with objectors during the course of the inquiry and the later provision of CPO evidence will reflect this approach.

BAA intends to call a witness in relation to 'Local Roads and Rights of Way'. The witness will be Geoff Copley of Faber Maunsell. However, BAA suggests that the 'Surface Access' and 'Local Roads and Rights of Way' topics be conjoined in order to save time and to avoid parties witnesses having to prepare and plan for giving evidence twice. (see question 2 below).

BAA suggests that the evidence of Bernard Berry should be listed under the 'Noise' topic rather than the 'Health and Community' topic as this evidence relates more closely to the 'noise' topic and will provide the Inspector with a better understanding of the issues.

In terms of climate change and as matters stand, BAA's intention is to deal with policy on climate change within the 'planning policy' topic; the calculation of greenhouse gas emissions within the 'Air Quality' topic; and the calculation of the monetary value of those greenhouse gas emissions within the 'Economics' topic.

BAA also wishes to raise at the Programme Meeting the principle of technical 'supporters' for some witnesses. This practice has been successfully deployed at a number of other major infrastructure inquiries and BAA would like to explore its application in the context of the G2 inquiry.

Question 2:

Consider the order in which the topics should be heard (Agenda Item 3) and in particular whether an order different from that on the Inspector’s preliminary schedule of topics would be beneficial.

BAA broadly agrees with the order suggested by the Inspector although proposes the following two amendments to the order in which topics would be heard:

- Move ‘Planning Policy’ to the start of the Inquiry as planning policy provides the broad context for the setting for the whole of the inquiry; and
- Move the topics from ‘Nature Conservation’ to ‘Energy and Waste’ (note – ‘Ground Contamination’ excluded, as above) to between ‘Economics’ and ‘Air Safety and Airspace’.

The schedule below shows BAA’s proposed revised order

Topic
Planning Policy
The Proposals
Economics (including employment)
Nature conservation
Landscape and Visual Impact
Historic Environment
Agriculture
Water Supply and Drainage
Energy and Waste
Air Safety and Airspace
Noise
Air Quality
Surface access (including Local Roads and Rights of Way)

Health and Community
Sustainability
CPOs and CROs
Conditions and obligations

BAA considers there to be a number of advantages from the proposed change to the order of topics in terms of the efficient running of the inquiry and specifically:

- Planning Policy embraces all topics and the policy position provides the context within which the proposals have been formulated and developed for submission;
- topics most closely related to physical ‘existence’ of development (e.g. nature conservation, historic environment) are moved further up the programme and closer to the ‘Proposals’ topic;
- topics most closely related to the ‘operation’ of the airport are moved further down the programme, which ties in well with ‘Health and Community’ and ‘Sustainability’ which come later in the inquiry; and,
- the change has the benefit of moving topics with modelling aspects (e.g. noise, air quality, surface access) towards the end of the programme, which allows time for ‘sensitivity’ tests to be produced and considered by all parties.

Question 3:

Consider how much inquiry time needs to be allowed for each of the topic areas identified to cover all evidence in chief, cross-examination and re-examination – Agenda Item 4 (In this regard the Inspector urges BAA and the main parties opposing the applications to consider the matter jointly).

BAA and the other parties are making progress in agreeing areas of common ground and expect to make further progress at the various Topic Working Groups, prior to the start of the inquiry. Whilst it is clearly difficult to assess the length of inquiry topics at this stage in the procedure, in the light of information provided in the Statements of Case BAA maintains its position that an Inquiry lasting approximately 120 days is achievable.

The table below provides an estimate of the likely number of days per topic.

Topic	Estimated inquiry time per topic (days)
Planning Policy	5
The Proposals	19
Economics (including employment)	6
Nature conservation	6
Landscape and Visual Impact	6
Historic Environment	7
Agriculture	1.5
Water Supply and Drainage	1.5
Energy and Waste	2
Air Safety and Airspace	2
Noise	7
Air Quality	5
Surface access (including Local Roads and Rights of Way)	20
Health and Community	4
Sustainability	4
CPOs and CROs	2
Conditions and obligations	2

The 120 days would include:

- openings
- public sessions / Part 2 parties
- topic sitting days (100 days as set out above)
- final closings

The inquiry could be reduced in length, or could be maintained to be completed in the 120 days, through the use of concurrent sessions.

Question 4:

Consider (again jointly if possible) whether there is any scope for any of the inquiry sessions to be held concurrently – Agenda Item 5 (e.g. sessions considering surface Access, Historic Environment and CPOs).

As a generality, there may be some scope for concurrent sessions of topics that deal with the ‘physical’ impacts of the built development together with those that deal with the ‘operational’ impacts of the development.

As examples, ‘Noise’ might be held concurrently with ‘Historic Environment’, and ‘Surface Access’ (i.e. the impacts of the proposals on transport networks) might be held concurrently with ‘Nature Conservation’.

Some CPO and CRO objections, which did not raise more general issues, might be held concurrently with other topics.

Question 5:

Consider (again jointly if possible) what risk factors the Inspector and Secretary of State should take into account in drawing up the inquiry programme and timetable – Agenda Item 6 (e.g. the potential need to present evidence on alternative positions if some of the pending announcements are not made in advance of the inquiry start date (see note attached)).

BAA believe that Items 1 and 2 go to issues of air traffic forecasting, but only have the potential to affect the timing at which given levels of ‘air transport movement’ and ‘passenger’ throughput are reached, rather than the effect of that throughput when it has been reached. For example, these announcements could have an effect on when 35/68 mppa is reached, but no material effect on the impact of a 35/68 mppa throughput when it is reached. Objectors’ Statements of Case indicate that the inquiry is likely to be presented with a range of air traffic forecasts in any event. There is no reason why these ‘pending announcements’ should pose a significant risk to the programme.

Items 3 and 4 in the Inspector's list of 'pending announcements' go to the issue of wider surface access capacity enhancements. Clearly these could have some effect on surface access modelling and that is a reason for having the 'Surface Access' topic late in the inquiry. It may also be appropriate to consider some 'sensitivity testing' of different announcement outcomes. This need not pose a risk to the programme however.

Item 5 in the Inspector's list of 'pending announcements' goes to the ownership of STAL. If BAA had to divest itself of STAL that would not change the planning merits of the G2 Project applications, although STAL (or a divestiture trustee) might need to give some additional evidence to explain the changed status of the company. That need not pose a risk to the programme.

Question 6:

Consider what time allowance needs to be made in the overall programme for the preparation and presentation of closing submissions (and any other matters not covered by the schedule of topics).

BAA is not aware of any other matters that are not covered by the schedule of topics proposed by the Inspector

BAA agrees with the Inspector's position that there should be interim closings at the end of each topic. This will help to reduce the overall length of time required to prepare and present final closings. There may need to be a short break between evidence in the last topic and final closings but we anticipate final closings could be accommodated in the overall programme of 120 days as suggested in question 3. BAA suggests allocating a set time and slot for each of the main parties to present final closings

Question 7;

Advise me if there are specific matters which they would wish to raise under Agenda Item 7.

Agenda item 7 relates to "Other matters?"

The Inspector's Preliminary schedule of topics to be considered at the Inquiry contains a number of foot notes. In relation to note 1, BAA agree with the Inspector's suggestion that the evidence from Peter Sanders on historical background should be dealt with in a statement of common ground. In relation to the short visual presentation by Mr McDonald, BAA suggest that if such a presentation is required, it should be provided in the community topic and properly incorporated within a proof of evidence.

BAA is willing to participate in a discussion on the availability of transcripts throughout the Inquiry. BAA considers transcripts necessary in order to achieve the efficient and smooth running of the Inquiry and will be of benefit to all parties.