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STANSTED AIRPORT
G1 PUBLIC INQUIRY

held at
Endeavour House
Stansted Airport

on Wednesday, 3rd October 2007
commencing at 10.00 am

APPEARANCES

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MR ALAN BOYLAND, Inspector
MR TERRY PHILLIMORE, Inspector
MR MICHAEL HUMPHRIES, QC, BAA
MR THOMAS HILL and MS LISA BUSCH, Uttlesford District
Council, Essex County Council and Hertfordshire County
Council
MR PAUL STINCHCOMBE and MR McDONALD, Stop Stansted Expansion
DR PAT ELLIOTT and MR PAUL GARLAND, Saffron Walden District
Friends of the Earth

Wednesday, 3rd October 2007

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(10.00 am)

DISCUSSION OF ADMINISTRATIVE MATTERS:

MR PHILLIMORE: Good morning, everybody. The Inquiry is now resumed. Just the usual reminders about mobile phones. Can everybody make sure they are set to silent or turned off, please. Also the attendance list, can everybody make sure they sign that, please.

Day 42 of the Inquiry on our count. It is the last day on which we are scheduled to hear evidence. Today we are scheduled to hear from Friends of the Earth and Stop Stansted Expansion with respect to surface access matters.

I pull out a number of matters to raise. One is in relation to the Uttlesford local plan and the implications of the Planning Compulsory Purchase Act 2004 with respect to the disabled policies. That plan was adopted in January 2005. Our understanding is that the policies will be saved for three years after that date until January 2008. Since the Secretary of State's decision will be after that date, I think it would be helpful to us to have an indication at some stage as to what the Council is doing to deal with that in terms of whether there will be other policies in the plan that will be saved.

1 We have had a note, two notes actually CD/67 and
2 CD/72. I think they were letters from the Government
3 office with respect to the structure plan but we have
4 not had anything on the local plan. I don't know,
5 Mr Hill, whether you want to react to that immediately
6 or bear it in mind and come back to us later on.

7 MR HILL: Sir, I have just seen that there is a letter that
8 has gone into the Inquiry from Go East of 26th
9 September. That deals with the structure plan. I was
10 advised about that yesterday. I didn't take a note of
11 the two CD references you gave a moment ago.

12 MR PHILLIMORE: The ones I have is CD/67 and CD/72.

13 MR HILL: We will come back to you. Plainly, if it would
14 assist you to have a note, we will prepare one.
15 I believe you are absolutely right in your analysis of
16 what happens in statutory terms to the Uttlesford plan
17 and I think we have already taken our evidence. We
18 expect it will continue until January next year.

19 What I think I do need to check on is whether the
20 letter of 26th September changes the position as
21 respects policy BRW/9, that which you have been advised
22 about previously. I think it does. My recollection is
23 that you were told that the airport local policy would
24 not be saved, whereas it would appear from the most
25 recent communications it will be saved.

1 MR PHILLIMORE: That document is not one we have received
2 I don't think.

3 MR HILL: I am sorry. I don't know the answer to that
4 question.

5 MR PHILLIMORE: If we can put that up at a later stage.

6 MR HILL: If I can return to you on the issue of the local
7 plan.

8 MR PHILLIMORE: Obviously, from the point of view of the
9 local plan, it is the situation after January that we
10 need to be able to be up to speed on.

11 MR HILL: I understand.

12 MR PHILLIMORE: We received BAA/3/P which deals with group
13 size, which is a matter which arose last week. Is there
14 any comment at this stage on that? Mr Humphries, do you
15 want to say anything about that at this stage?

16 MR HUMPHRIES: No, sir. I hope it is self-explanatory and
17 I hope it answers the question. I think one of the
18 central points that Mr Stinchcombe was I think asking
19 about was, I think the way he put it from recollection
20 was in relation to BAA 3K, how did we get from table 1
21 to table 2? What we have done, we have tried to do
22 that, to explain it on the different approaches by way
23 of an example. You will see in those two tables, in the
24 first of them you have a response to the questionnaire,
25 and on the basis that each response represents a group,

1 you then multiply the number of people in each group by
2 the number of responses in that group size, which gives
3 us the number of passengers.

4 So, for example, travelling with one other, that's
5 two people, 32 responses indicates 64 passengers. What
6 BAA has done then is take the number of passengers in
7 total, in this example, 190, divided that by the number
8 of responses to the questionnaire, 100, and you get 1.9.

9 Then, using that same data, but interpreting it on
10 the basis that each response represents a random sample,
11 and this is the way that SEC will have done their
12 calculations, again travelling with one other, you get
13 32 responses. This time you don't multiply by 2, you
14 divide by 2, which gives you not the number of
15 passengers in time but the number of groups.

16 Then again, you divide the number of responses, 100,
17 by the number of groups, 70.6, which gives you 1.42.
18 Now, sir, the 1.42 is not exactly the same as the
19 figures we had looked at, but that, sir, is just because
20 this is an example, a worked example. So don't put any
21 great reliance on the precise number that comes out
22 there.

23 The rest of it I hope is self-explanatory. It just
24 deals with the point about whether there is any CAA
25 correspondence. There is not.

1 Also, the translation of air passenger demand by
2 hour to LASAM outputs by mode and by hour. Sir, that
3 relates to appendix D of the TA. That appendix deals
4 with lead and lag times. I hope it explains what is
5 been done.

6 MR PHILLIMORE: Mr Stinchcombe, those are matters you may
7 want to take up with your own witnesses. Is there
8 anything more you are looking for? Does that answer the
9 points you were looking for?

10 MR STINCHCOMBE: I will take up the issue of methodology
11 with my own witness. We do say this. We did not want
12 a hypothetical example by reference to imaginary
13 figures. We wanted to see by reference to the CAA data,
14 which BAA said they relied upon, what they actually did.
15 We asked for that some time ago. On the very last day
16 of this Inquiry we are given a document that gives an
17 illustrative calculation without any reference at all to
18 the data upon which they said they relied.

19 In so far as we have now got the indications as to
20 how they translate air passenger demand by hour to the
21 LASAM output by mode and by hour, that information,
22 again, on the last day of the Inquiry, begs more
23 questions than it answers. I am not in a position to
24 answer those questions now. I will have to deal with it
25 by way of submission.

1 MR SILBER: The other thing I want to receive to is CD/568,
2 which is a letter from the Department of Transport of
3 1st October. I see it is one of the documents,
4 Mr Humphries, you are going to be taking up in
5 cross-examination. Just a note at this stage, we have
6 received that letter. At first read, it does not seem
7 to me there is anything raised there that we have been
8 previously made aware of, but I give indication that it
9 may be brought out later.

10 MR HUMPHRIES: Yes, sir. To be honest, I may not need to
11 ask questions. The document is there. I just noted it
12 had come in and in case it was needed with the two
13 witnesses that touch on rail matters I put it on the
14 list.

15 MR HILL: Just on that point, sir, we saw this yesterday as
16 well. Perhaps we can call it a "Dear Simon" letter
17 addressed to Mr Osborne at his home address and
18 remarking that he is currently considering surface
19 access proposals at the moment for G1.

20 We have obviously read it and would tend to agree
21 with your general assessment that it doesn't, in fact,
22 tell us very much we didn't know, with one particular
23 matter of emphasis that perhaps we will come back to in
24 another context.

25 What I am most interested in is, bearing mind we are

1 still awaiting response to a letter we wrote to Mr Baker
2 over two months ago, how it came to be that Mr Osborne
3 received this direct communication from Mr Baker, and if
4 anyone can shed any light on how it came to be that this
5 letter was written.

6 MR PHILLIMORE: We recall there was an e-mail last week we
7 saw promising this letter was going to be sent, but I am
8 not sure -- it is not something we requested. So we
9 can't help on that I am afraid.

10 MR HILL: That's helpful, sir. It was certainly not
11 a request of your own via Mr Osborne that Mr Baker
12 provide this material. Maybe BAA can shed any light on
13 how this suddenly drops into the Inquiry on the
14 penultimate day of evidence.

15 MR HUMPHRIES: Well, I can't. I saw an e-mail to Mr Osborne
16 that was circulated at the end of week. I mean, I don't
17 know more generally whether anyone can shed light, but
18 that's what I know.

19 MR HILL: Perhaps Mr Humphries could take instructions as to
20 whether any member of his team has been seeking to exert
21 any pressure on the Department to write in these terms.
22 I can think of no other possible justification or reason
23 for this letter having come at this time. It begs the
24 question why we can't have a reply to our letter which
25 we wrote on 26th July. There we are. I put that down

1 simply as a marker, sir.

2 MR PHILLIMORE: We will leave that there for the time being.

3 Is there anything else of a procedural nature before we
4 hear from Friends of the Earth.

5 Mr Garland, are you going to introduce yourself?

6 MR PAUL GARLAND'S EVIDENCE

7 MR GARLAND: Yes, sir. Good morning. My name is Paul
8 Garland. I represent Saffron Walden & District Friends
9 of the Earth. I have already given evidence to the
10 Inquiry on matters of employment and economics and on
11 behalf of SSE on sustainable development issues. I am
12 going to concentrate in my evidence today on the
13 appendix to my original proof of evidence. That's
14 SWFOE/6/C.

15 This appendix was prepared to take account of the
16 various updates of the original transport assessment
17 carried out by BAA and also of the facilitation meeting
18 held on 3rd September under the chairmanship of Richard
19 Hollocks. Now for FoE the following issues remain of
20 concern.

21 First of all, the effect of the updates on key
22 objective 1 of the original transport assessment. This
23 objective required measures to improve access by public
24 transport and to reduce car travel. That's transport
25 assessment paragraph 11 .6.

1 The updated surface access projections point to
2 a reduction of between 1.6 and 1.9% of public transport
3 mode share compared with the original transport
4 assessment. BAA refer to a number of changed
5 assumptions regarding rail, coach and car travel costs
6 to explain this -- that's volume 11 of the TA addendum
7 update -- but they have not offered any compensatory
8 measures which would reverse the trend.

9 As a consequence, there would be an even greater
10 increase in car travel than originally predicted, were
11 the expansion to go ahead. This is contrary to
12 objective 1 of the transport assessment, which includes
13 measures to reduce car travel.

14 Key objective 4 of the transport assessment was
15 measures to mitigate adverse transport impacts. FoE
16 believes that this objective remains unmet, because the
17 adverse impacts are too narrowly defined, dealing, as
18 they do, with the effects of traffic flow and safety.
19 No measures are proposed to deal with the impact of
20 increased road traffic on quality of life, noise and air
21 pollution in the populated areas on local roads.

22 Key objective 5: the impact on the local road and
23 trunk road network. The transport assessment claims
24 that the local roads are mainly used by airport
25 employees and that the increase in this traffic is not

1 material. However, even if it were the case that the
2 number of air passengers using local roads was
3 insignificant, and this is an unquantified assumption,
4 that still equates to an additional 1,140 extra vehicles
5 a day on local roads in the 35 MPPA enhanced case above
6 the 25 MPPA case, or, in the ordinary 35 MPPA case,
7 1,292 additional vehicles per day on local roads.

8 One of the impacts that hasn't been addressed is the
9 effect that that would have on cycling, and again the
10 transport assessment key objectives in cycling and
11 walking is one of the areas that BAA said they were
12 going to address.

13 The level of predicted single occupancy vehicle
14 (SOV) used by employees in Uttlesford, which is the home
15 district of the airport, is 81.3% in the 35 MPPA case,
16 falling to 80.7% in the 35 MPPA enhanced case. This is
17 unacceptably high, given the proximity of these
18 employees to the airport, and indicates in our view the
19 poverty of ambition to reduce this mode share by
20 providing appropriate bus and rail alternatives.

21 As an example, employees living in Great
22 Chesterford, Newport and Elsenham cannot board the
23 central train service and therefore cannot get to work
24 by train, although there is a station in each of these
25 villages.

1 I would like to refer now just briefly to section 3
2 of my original proof of evidence on the subject of
3 capacity constraints. The data on rail access failed to
4 consider the effects of the expansion on congestion on
5 the commuter line as a direct result of the increasing
6 STEX services. BAA is satisfied that 12 car trains will
7 prevent overcrowding on the STEX service but says
8 nothing about the effects of congestion and overcrowding
9 on the commuter lines, which share the track and are
10 destined, as a result of housing expansion in the East
11 of England plan, to have to accommodate approximately
12 30% of the new residents as commuters to London.

13 BAA is not prepared to contribute to the expense of
14 increasing capacity on the line, because its own needs
15 are catered for. This is a clear case of displacing the
16 external costs of its proposed development, which
17 violates the polluter pays principle, which is integral
18 to the Government's sustainability strategy.

19 That's by way of an introduction to section 4 of the
20 appendix proof of evidence, to which I return.

21 The impact of the Stansted Express rail link on
22 other rail users. The TA addendum update projects
23 a reduction in rail mode share, which enables it to
24 claim that there will be no capacity pressures in the
25 2014 35 MPPA case using 8 car trains.

1 In this scenario the PIXC percentage is 3%, which is
2 exactly the acceptable limit set by DFT.

3 However, given the discrepancy between the 2006
4 terminal census figures and the 2014 BAA projections,
5 and the uncertainty over the margin of error in all
6 these projections, there must be considerable
7 uncertainty over the capacity of STEX to avoid
8 unacceptable overcrowding at peak hours before the
9 introduction of 12 car trains.

10 As to the introduction of capacity enhancements, it
11 is worth pointing out that the letter which has been
12 discussed this morning from Stuart Baker of DFT, CD/568,
13 specifically states:

14 "Whilst we are not able to provide absolute
15 commitments to scope and timescales for capacity
16 enhancements on this or any route at this stage, I would
17 hope that the industry process outlined here, combined
18 with our actions to date, provides assurance to you of
19 the steps proposed to progress this."

20 I will just repeat the clause:

21 "We are not able to provide absolute commitments to
22 scope and timescales for capacity enhancements on this
23 or any route at this stage ..."

24 Therefore, we, FoE, find it difficult to rely on
25 an assurance that because capacity enhancement is

1 Government policy, that it will, in fact, occur. The
2 Government may propose, but it is clearly up to the
3 privatised rail industry to dispose.

4 The evidence in the update on paragraph 4.6 points
5 clearly to the integrated nature of the services on the
6 West Anglia mainline. Thus, the significant capacity
7 constraints experienced on the Cambridge to Liverpool
8 Street service at peak hours cannot be treated in
9 isolation from the STEX service, which continues to take
10 precedence in timetabling decisions.

11 The table below gives a snapshot of the overcrowding
12 on a peak service to Liverpool Street as observed over
13 the week ending 14th September of this year. This was
14 observed in the middle carriage of an 8 car train over
15 one week.

16 I point out that the journey time from Broxbourne to
17 Liverpool Street is 28 minutes, which means the people
18 standing between Broxbourne and Liverpool Street are
19 standing in excess of the 20 minutes which the PIXC
20 policy requires.

21 As you can see from the table there, on Monday, 50%
22 of passengers were standing as a percentage of available
23 seats. On Tuesday, 75%. It drops to 25% on Wednesday
24 and 31.25 on Thursday but is back up again at 50% on
25 Friday. This is clearly excessive overcrowding, well

1 above the PIXC standard.

2 It might be worth just referring to the fact that in
3 March the Times published UK's worst train journeys and
4 the Cambridge to Liverpool Street line, 7.18 train was
5 found to be number 2 out of the worst 10 with 46% of
6 passengers having to stand for the journey.

7 With projections for household growth in the area
8 served by the West Anglian mainline, the rejection by
9 BAA of any responsibility for the overall effect of STEX
10 services on the West Anglia mainline becomes a serious
11 surface access issue.

12 I just refer briefly to some of BAA's modelling
13 assumptions which have been discussed earlier. Some of
14 the projections arising from these assumptions produce
15 some surprising results. For example, the increase in
16 percentage of transfer passengers from 10.2% for the 25
17 MPPA case to 16.7% for the 35 MPPA case.

18 Secondly, the increase of 63% demand from passengers
19 originating in East Anglia and 34% from the rest of the
20 UK, compared with only 20% in the London area, and this
21 in the context of an overall increase of 30% in
22 non-transfer traffic.

23 Thirdly, significant increases in public transport,
24 bus and coach, uptake from Essex and Herts, 7% and East
25 Anglia 10%, for the enhanced 35 MPPA case, against the

1 25 MPPA case.

2 All these projections taken together allow BAA to
3 claim a lessening of key surface access pressures, such
4 as STEX capacity, M11 capacity and east/west trunk and
5 local road capacity, but all remain questionable.

6 In conclusion, the impacts on the road and rail
7 infrastructure of 35 MPPA using Stansted Airport has not
8 been adequately assessed and has been distorted by some
9 unrealistic assumptions.

10 Furthermore, the measures proposed by BAA to
11 increase public transport mode share are both inadequate
12 and over-optimistic as to the extent of their impact.

13 Most importantly, they will not lead to a reduction
14 in car travel, which is both Government policy and the
15 stated intention of objective 1 of the transport
16 assessment.

17 Consequently, the outcome of lifting the 25 MPPA cap
18 would, in our view, be unsustainable.

19 Thank you, sir.

20 MR PHILLIMORE: Thank you very much. Mr Humphries, you
21 indicated there would not be any questions. Is that
22 still the case?

23 MR HUMPHRIES: Yes, sir. Clearly, as Mr Garland will
24 appreciate, we do not agree with his assessment but I
25 think our position is clear, his position is very clear.

1 I have no questions.

2 MR BOYLAND: Just one point on your main proof, if I may,
3 Mr Garland, in relation to paragraph 1.3 on the first
4 page. At the very bottom of the page there, you refer to
5 the lack of major improvements to road or rail
6 infrastructure envisaged by Highways Agency and DFT.
7 Just looking at the Highways Agency position for
8 a moment, you are aware I think that the Highways Agency
9 has suggested some additions to secure some fairly minor
10 improvements to some of the junctions. That's all
11 that's sought in relation to this proposal.

12 A. Yes, sir.

13 MR BOYLAND: The inference is that it is satisfied that
14 those measures are sufficient to accommodate the
15 additional traffic arising from G1. Can you comment on
16 that, bearing in mind the Highways Agency is the body
17 tasked with the management and upkeep of the trunk road
18 system?

19 A. Yes, indeed, sir. First of all, I point out that this
20 was prepared before I was aware of the Highways Agency's
21 commitment in this respect. I would again draw
22 attention to the fact that the Highways Agency and the
23 other agencies connected with road transport are
24 primarily concerned with traffic flow and ensuring that
25 that is adequate. Our concerns stretch beyond that,

1 MR STINCHCOMBE: Yes, sir. I am happy to call my first
2 witness of today, Mr Ken McDonald, who is taking his
3 place now.

4 MR KEN MCDONALD (called)

5 Examination by MR STINCHCOMBE:

6 MR STINCHCOMBE: Sir, Mr McDonald is, of course, already
7 known to the Inquiry so I can introduce him briefly by
8 reference to his main proof of evidence. You are Ken
9 McDonald. You are a chartered accountant and you are
10 giving evidence on surface access issues on behalf of
11 SSE.

12 A. That's correct.

13 Q. Can you identify for us which documents we should have
14 before us for your evidence? I presume SS13.1A and
15 13.1B?

16 A. Yes. I shall also be referring to 13.1C and D and also
17 to a number of BAA documents, specifically 3/K, 3/P and
18 I shall also refer at some point to, if I can find it,
19 CD/237.

20 MR STINCHCOMBE: Right. Mr McDonald, I think you explain in
21 your proof that you are part of a team that considers
22 surface access matters. I wonder if you could just
23 outline how that is worked.

24 A. Yes. There is quite a wide team in SSE. You will hear
25 later today from John~Rhodes, who is our rail man,

1 despite his name, and I have worked with John in surface
2 access for the two or three years that I have been
3 involved in surface access for SSE. I also enjoy the
4 benefit of discussions with a fellow chartered
5 accountant, Mike Young, and also Brian Ross, who is our
6 economist.

7 You will also hear from Reg Harman later today. He
8 was engaged as an independent consultant earlier this
9 year for more technical matters.

10 Q. I am obliged. Before we turn to your evidence, I was
11 wondering if I can ask you about your professional
12 qualifications. You have told us you are and have also
13 worked with a fellow chartered accountant in the
14 preparation of your evidence. What relevance does that
15 professional qualification have to the manner in which
16 you have conducted your work?

17 A. There are two particular aspects that I feel I should
18 refer to. One is approach and the other is integrity.
19 Dealing with the first, approach, my expertise and
20 experience has been in figures and business planning
21 rather than spatial planning.

22 In my earlier years as an accountant I was
23 an auditor for several years, and later in my career I
24 was involved in a number of business takeovers and
25 acquisitions, both of which I feel prepared me to tackle

1 something like the documents that come from BAA, because
2 a constant challenge with documents from BAA is finding
3 and analysing what is not declared. It is all very easy
4 looking at things that are declared, but finding things
5 that are not declared, that requires the tenacity and
6 skills of someone who has been an auditor or involved in
7 investigating potential acquisition targets.

8 So I am a numbers man rather than a planner.
9 Because of that I probably have brought a different
10 approach to reviewing the transport assessment,
11 a different approach that has probably allowed me to
12 find things and analyse things that may have passed by
13 the traditional planners of Uttlesford, Essex and Herts.
14 I don't claim at all to be a planner but I may have
15 picked up some things that they perhaps have not honed
16 in on enough. That's a thought about my approach to
17 assessing the transport assessment and subsequent
18 documents.

19 The other aspect of my qualification which I feel is
20 relevant is that throughout my career as an accountant,
21 and subsequently, my focus has always been on presenting
22 a true and fair view. Sadly, the transport assessment
23 fails pathetically in both those counts. It neither
24 presents a true nor a fair view in my opinion.

25 In fact, if the transport assessment had been

1 subjected to audit, as would statutory accounts, I feel
2 that no auditor would have given it an unqualified audit
3 report.

4 Section 5 of my proof lists any number of misleading
5 or selective presentations and unjustified assumptions.
6 There is a general lack of transparency in the transport
7 assessment, and we have struggled to find what some of
8 those are.

9 I was quite surprised the other day to hear the
10 witness for Essex County Council, Mr Wang, use the word
11 "bamboozle" when referring to the documents that have
12 come flooding in from BAA. That's not a word that I
13 have traditionally used in the accounting profession.
14 So I looked it up in the dictionary, and I quote the
15 meaning in my dictionary was "bamboozle" means to
16 deceive or cheat by trickery. Sadly, I don't think
17 that's actually going beyond a reasonable description of
18 the process.

19 One particular example of this problem came to light
20 last Friday with the presentation of BAA/3/K. Until
21 that document on vehicle occupancy turned up, I and the
22 other members of our team were really scratching our
23 heads. We thought we had found something significantly
24 wrong. It was a big difference and in a crucial area,
25 and it felt so big that we were unsure of ourselves. We

1 wondered what we had missed or what error we had made in
2 our calculations.

3 However, the arrival on Friday of BAA/3/K with what
4 I can only describe as a pathetic list of flimsy,
5 unquantified points, and still no calculation of their
6 figures, revealed that we had found BAA out.

7 Furthermore, the fact that BAA chose to mount that
8 defence, albeit a hopeless defence, and today have
9 chosen to dig themselves further into the hole by
10 mounting a further defence of BAA/3/P, suggests to me
11 that integrity had too high a price.

12 To admit that they were wrong would have led without
13 doubt to a major reassessment of the highway mitigation
14 requirements with all the delay and potential cost
15 implications that that would entail.

16 The fact that BAA chose to defend the indefensible
17 raises not only the question of integrity but also the
18 question of judgment.

19 I think I have probably said enough on this subject.
20 You, sir, no doubt, will make up your own mind about
21 that episode and the more fundamental questions it
22 raises about BAA's data and assertions.

23 Q. Thank you. I wonder if I can ask you to turn up your
24 summary proof. Mr McDonald, I will not ask you to read
25 all of that summary, since many points have already been

1 touched upon during my cross-examination of Mr Forshew.
2 I am happy, of course, for the inspectors to read the
3 detail in your main proof, but I wonder if you could
4 read the first three paragraphs from section 3 of your
5 summary.

6 A. For those who want to follow that, it is at the bottom
7 of page 1 of my summary of proof.

8 "ES volume 11 (CD/14) and subsequent updates and
9 tests failed to adequately test the impacts of the
10 proposal, mainly because they are founded on unreliable
11 forecasts, which significantly understate the potential
12 cumulative impact on surface access, especially along
13 the Stansted to London corridor.

14 "There are several questionable, basic assumptions
15 and a number of misleading or incomplete statements, all
16 of which are addressed in detail in SSE13.1A, my main
17 proof.

18 "In particular, the combined effects of limiting
19 impacts to 35 MPPA and forecasting a dramatic shift in
20 the origins of new passengers leads to understatement of
21 those requiring access to London. This is illustrated
22 in table 1 of my proof."

23 Q. Pausing there, I wonder if you could expand a little on
24 that last point?

25 A. Yes. There are two particular assumptions that are both

1 counter-intuitive. The first one, and we have heard
2 several witnesses refer to this, is this assumption on
3 transfer passengers. The percentage of transfer
4 passengers out of whole passengers has been declining
5 steadily over recent times. Last year it was 10.2%.
6 The forecast for the 25 MPPA, which is nearly where we
7 are at was actually 10.2%, and that seems to be a fairly
8 reasonable number. However, the forecast for 35 MPPA is
9 nearly 17%, which is an enormous difference for the
10 number of passengers who are not transfer passengers and
11 therefore requiring surface access, road and rail access
12 to the airport.

13 Not only is that assumption against the trend of
14 recent years, but in our view has been supported by the
15 airline's consultative committee. The evidence of
16 Louise Condon also suggested that the evidence was, if
17 anything, optimistic as a level in years to come as the
18 airport grew.

19 The second point of fairly major difference was the
20 mix of passenger origins and destinations. Again it has
21 been referred to already, but BAA assumed a very
22 dramatic change from what has been happening for some
23 years and assumed a much lower rate of growth of
24 passengers from and to London than is assumed for the
25 rest of the country.

1 Again it was a counter-intuitive assumption. It
2 just doesn't seem to make sense. Mr Maiden failed to
3 justify that assumption when he gave evidence. It goes
4 against the trend. It also goes against the general
5 theory that BAA have applied that Stansted will benefit
6 from spillover from the other London airports, from
7 Heathrow and Gatwick as they fill up.

8 So both of those assumptions on transfer passengers
9 and passenger origins and destinations are implausible,
10 and both conveniently reduce the impact on surface
11 access.

12 Q. I am obliged. I think in the light of that we can take
13 as read 3.1.4, can we?

14 A. Yes.

15 Q. 3.1.5, that deals with vehicle occupancy. Rather than
16 read your proof on this, in light of the information we
17 now have, I wonder if you could briefly explain, first
18 of all, annex 1 of your main proof?

19 A. Yes, I would welcome an opportunity to talk to my own
20 evidence. Other people have talked to it, but I would
21 like to try to explain in relatively brief terms what
22 this seeks to achieve. I also plan in talking about it
23 to refer to a couple of BAA documents that have been
24 produced.

25 I am looking at my main proof of evidence, annex 1,

1 which is on page 23. Firstly, let me says that it is
2 disappointing that SSE had to embark on this. We sought
3 explanation from BAA -- firstly the Council sought
4 explanation from BAA as to how they calculate the
5 assumptions of numbers of people in an average car.
6 That was not forthcoming. We then spotted that that was
7 a potential error. We then asked and have still not
8 been advised how BAA come to the figures.

9 We set about calculating them from the sources that
10 BAA said they had used. The sources that were used were
11 very reliable data, and in subsequent discussions with
12 CAA I am fairly convinced that they know what they are
13 doing in terms of doing passenger surveys. They have
14 done them for years and they do them for a large sample
15 of passengers at all or most of the airports.

16 So the figures that I took are well-established and
17 have been used by BAA in lots of their other documents.

18 I started with the CAA figures for 2002, 2003 and
19 2004. There were three columns to the left of this
20 chart and another column on the right where I tried it
21 also for the year 2005, but I understood that BAA had
22 used 2002, 2003 and 2004.

23 The CAA figures showed the proportion of passengers,
24 and I underline that, proportion of passengers that were
25 travelling alone, proportion of passengers that were

1 travelling with one other and the proportion that were
2 travelling with two others, etc.

3 In the first column, for example, 48.7% of
4 passengers interviewed at Stansted in 2002 were
5 travelling alone. 34.7% of passengers were travelling
6 with one other person. That was in section A of that
7 annex.

8 In section B, I took the figure from section A,
9 48.7, and said how many groups does that represent? So
10 48.7 people travelling alone is 48.7 groups, in other
11 words 48.7 cars required.

12 The next group of people, 34.7% of passengers
13 travelling with one other person, meant that I needed to
14 halve that. In other words, 34 people would need 17
15 cars, whether they were taxis or hire cars or their own
16 cars, and so on down the list.

17 The bottom one, we have fairly few people travelling
18 in large groups, but 1.9% of people travelled in groups
19 of five or more. I assumed that an average group there
20 was 8, for want of putting something in there. So 1.9
21 people would require 0.2 cars.

22 I then added up the number of passengers in A, which
23 came correctly to 100, because it was a percentage of
24 the percentages. Then in section B I added up the
25 number of groups or the number of cars that would be

1 required, which came to 70. Then dividing 100
2 passengers by 70 groups shows that the average occupancy
3 of a car would be 1.42.

4 I have done that for three years and then tried to
5 average the three years and I came out with the figure
6 in row F, which is 1.37, as being the average group
7 size, average vehicle occupancy over that three year
8 period.

9 I did it for 2005 and it came out to 1.34. I did it
10 for 2006 as well and it came out to 1.35. So always
11 around that figure, 1.3 something.

12 If I can turn to BAA/3/K, which was the document
13 they produced on Friday. On the second page of that
14 document at the bottom there is table 1. At the
15 right-hand side of that table, the bottom row is average
16 2002-03, average 2003-04. The bottom figure is 1.37.
17 So BAA have basically done the same calculation and come
18 to the same answer that I have. 1.37 is the average
19 vehicle occupancy of people passing through the airport,
20 leaving by car or taxi. So far so good.

21 If we just return back to my annex 1, below the 1.37
22 I have listed the key figures that BAA have used in
23 their modelling. They have used different figures for
24 park and fly, kiss and fly and taxi. I am not quite
25 sure where they got those from but they used different

1 figures, 1.8, 1.7 and 2.1 in the original transport
2 assessment and in the addendum they were increased.

3 It was only in the addendum that these appeared for
4 the first time. It was only looking at that and seeing
5 that they had increased and because they had increased
6 that had magically reduced the number of cars on the
7 road that set bells ringing and set us looking at what
8 the origins were of these figures.

9 So whichever figure we start with, whether it's the
10 transport assessment or the addendum, we have figures
11 around about 1.8-ish. The biggest group of people is
12 park and fly. My understanding is that about 60% of
13 passengers are park and fly. A smaller number are kiss
14 and fly or taxi.

15 So BAA figures, I have used 1.8 as being the sort of
16 indicator that they have been using. It is a very big
17 difference to the 1.3-ish that I have calculated as
18 overall.

19 My conclusion is that if BAA, instead of using the
20 figures that they have used in their models, had used
21 1.37, their forecast of road traffic in the transport
22 assessment would have been 31 to 34%, or needed to be
23 increased by 31 to 34% to be true, or if you use their
24 addendum forecast, those figures for road traffic need
25 to be increased by 40 to 43%. Major, major differences.

1 I have not presented it here but I did look at taxi
2 movements, because they are fairly clear from CAA data,
3 and the taxi assumptions that BAA use need to be
4 increased by 15%. It is a relatively small number, but
5 it still adds to vehicles on the road.

6 I think that's my first part but I think I would
7 also like to go on and talk a little bit about the other
8 documents that I added to my proofs to do with vehicle
9 occupancy. I didn't add them to the proof. I submitted
10 them later, having looked at information that BAA
11 produced in September, last month.

12 Q. That's 13.1C and D, is it?

13 A. That's right. 13.1C and 13.1D. Again we have heard
14 some discussion about those but I would like to talk
15 about them. Perhaps if I could first turn to 13.1D,
16 just to explain what that was.

17 Because we were scratching our heads and not really
18 sure that we had done the right thing and what was
19 wrong, we did wonder whether more detailed analysis of
20 CAA passenger data would produce something different.
21 We couldn't afford to buy the statistics from CAA for
22 three years but we did cough up enough for one year, so
23 we have only done this for 2004.

24 On this piece of paper the box of figures that's in
25 white or against a white background is exactly how this

1 information came across to us from CAA. This is the
2 summary from their database of all their surveys at
3 Stansted in 2004, and it shows, as a result of their
4 questionnaires, the type of vehicle, the number in the
5 group and what the total population was; in other words,
6 the number of passengers travelling was in that size
7 group.

8 There are one or two noughts and there were
9 discussions about zeros. In the group column there are
10 some noughts. I think we have already debated that to
11 some extent, but we understand from CAA that if there is
12 a nought in that column, it means they don't have the
13 information to be able to complete this particular part
14 of their analysis. For some reason or other the
15 interviewer was unable to complete that question,
16 perhaps because the passenger rushed off to catch
17 a plane or whatever. It is relatively late down the set
18 of questions I think.

19 So the noughts are ignored by both CAA and ourselves
20 and BAA in calculating what averages are.

21 We used this data from CAA, which is just surface
22 access people basically, it is all those who left or
23 arrive in the country -- which is it -- all those who
24 arrived or left the airport by road, ignoring all those
25 who came by public transport, and we came out with

1 a figure of about 1.39 for average vehicle occupancy,
2 about 1.39. We did that not adjusting for large groups
3 and we did it adjusting for large groups. There are
4 very few large groups, so it made a pennyworth of
5 difference. It was just over 1.39 or just under 1.39.

6 So that said to us that the average group size of
7 people travelling by car was not significantly
8 different, about 1.39, to the overall average of people
9 travelling, whether they were travelling by car or
10 public transport. Intuitively, that makes sense to me.

11 So that was one way that we wanted to test whether
12 our overall calculation was reasonable.

13 MR BOYLAND: Before we leave that, just for clarification,
14 can you just explain what the "pop" column is.

15 A. It means population.

16 MR BOYLAND: How is it to so many decimal places?

17 A. Yes, it is very odd. I don't understand that. I have
18 not asked CAA about that. It is how it arrived from
19 CAA. It is their number from their number of
20 questionnaires multiplying it up by the total passengers
21 I guess, they comes to an odd number of percentages.
22 They are percentages.

23 If I could just move on to the other document that
24 we produced, which was 13.1C. Again, when we were not
25 too sure of whether we had found out BAA or not, we

1 tested in a different way. With this small calculation
2 we started with a standard 100 passengers. We were
3 starting by looking at the total population of
4 passengers. So 100 passengers, divided by the average
5 group size of all passengers, which we had calculated
6 and BAA confirmed as 1.37, then that says that the
7 average size of a group is 1.37, so the number of groups
8 out of 100 passengers is 73. So there are 73 groups,
9 whether they be travelling by car, public transport or
10 what.

11 We then took the approximate number of passengers
12 travelling by car or taxi, and it is about 60% of all
13 passengers travel by car or taxi. We used the figure
14 that BAA had used for the largest group of people
15 travelling by car and taxi, and that's the park and fly
16 group. That's 1.8. So we divided the number of
17 passengers by the 1.8 to arrive at the number of groups
18 of people who would be travelling by car or taxi, which
19 comes out at 33, using the 1.8. I accept that 1.8 might
20 be slightly high or slightly low, but it is around about
21 that number.

22 Having worked out that there are 33 groups of people
23 travelling by car, and we started with 73 groups
24 altogether, that left 40 groups to be travelling on
25 public transport, or just under 40 groups, but we have

1 actually got 40 passengers travelling by public
2 transport, because we have used 60 travelling by car.
3 We started with 100, so there were 40 travelling by
4 public transport.

5 So if we start with an assumption that 1.8 is the
6 average number travelling by car, then the average
7 number group size of people travelling by public
8 transport is 1. In other words, people who travel on
9 public transport never travel with anybody. Nonsense.
10 So it's quite counter-intuitive to suggest that people
11 travelling on public transport would behave any
12 differently to people travelling in a car in terms of
13 the group size that's flying.

14 I would like to turn to the other document that BAA
15 produced on Friday, which was BAA/3/I. BAA/3/I was
16 produced at the same time as BAA/3/K. Here BAA sought
17 to disprove the last schedule that I have been talking
18 about. They started the same as me, they took 100
19 passengers, and they assumed how many were going to
20 travel by car and how many were travelling by public
21 transport.

22 They divided the 100 by 1.74. I submit that there
23 is absolutely no rationale whatsoever for dividing by
24 1.74 because we are both agreed that the overall average
25 is 1.37. So the rest of the calculation is just

1 nonsense. I say no more about it.

2 If I can go back to BAA/3/K, we were looking at
3 table 1 on BAA/3/K. I had referred to the bottom
4 right-hand figure of 1.37. I referred to the bottom
5 figure of 1.37.

6 If we turn the page, we have BAA's table 2 and the
7 bottom right-hand figure is 1.74. That's the 1.74 that
8 was in the bit of rubbish that I have just talked about
9 on BAA/3/I. What we don't know is what magic was used,
10 and I can only use the word "magic", to get from 1.37 in
11 table 1 to 1.7 in table 2. We have been asking and we
12 asked for it on Friday, and we asked BAA to provide the
13 calculations, but they still have not, despite the
14 document which I will come on to in a minute that was
15 presented this morning.

16 So we have some magic that goes from 1.37 to 1.74.
17 Just looking further at table 2, the columns to the left
18 of 1.74 show the figures that BAA have used in their
19 transport assessment, in their modelling. They show
20 1.73 for kiss and fly, 1.92 for park and fly and 2.07
21 for taxi and minicab. Those are the figures that they
22 used in their addendum.

23 Now I submit that those figures are for the people
24 using cars and taxis and that those figures are much
25 higher than the 1.74 overall. This goes back to my

1 point where I had -- my simple calculation to try to
2 test how many people in the car group and how many
3 people in the public transport group. So this is
4 just -- it is really the figure I used, the 1.8, to
5 demonstrate that it is nonsense, that you can't have
6 1.37 as an overall total and then have these much higher
7 figures for individual types of car or taxi, because all
8 you are left with is public transport passengers
9 travelling solo.

10 So we have asked BAA for the calculations. We have
11 had none that demonstrate how they get to the total
12 1.74. We have had none to demonstrate how they get to
13 their individuals figures that are fed into the model
14 for hire car, for taxi, for kiss and fly, for park and
15 fly.

16 What we did have this morning was BAA/3/P. Perhaps
17 we could turn to that and I could just comment on it.
18 The first little table in that is BAA occupancy
19 calculation. As Mr Stinchcombe has already said, this
20 is an example, and it is an example, as it says at the
21 top of the central column, on the basis that each
22 response represents a group, in other words, that when
23 CAA were taking passenger survey data, they were asking
24 one person representing each group.

25 I can assure you, and hopefully we will get even

1 firmer assurance from CAA, that that's not the way they
2 take their sample counts. We had a letter from CAA we
3 presented to the Inquiry on Friday, an e-mail. It is
4 very well documented that they don't take
5 representatives from each group. They take every third
6 passenger, no matter whether in a large or small group,
7 in the queue and interview them. The CAA basis is
8 clearly on random sample. It is not by counting groups.

9 This document this morning still contains no detail
10 of how BAA arrives at the assumptions, the number of
11 people in an average car, number of people in kiss and
12 fly, etc, despite constant requests. Still no
13 calculations of how they arrived at those numbers and
14 still no justification for the basis of getting to those
15 numbers. Just another piece of nonsense, I am afraid.

16 I repeat the point I made earlier, the fact that BAA
17 are continuing to try to defend this indefensible
18 position they are in continues to throw doubt on
19 integrity and judgment.

20 I think I have probably said enough on vehicle
21 occupancy.

22 Q. Just one final question of clarification on BAA/3/P,
23 however. You see the two assumptions that are set out
24 in the first two paragraphs of that document, the
25 assumption that BAA have made and the assumption that

1 SSE have made?

2 A. Yes.

3 Q. In the light of what we know to be CAA's survey
4 methodology, which is the right assumption to make?

5 A. There's absolutely no doubt that the SSE have used the
6 correct route, and indeed BAA have basically supported
7 that with their table 1 in BAA/3/K. BAA have gone down
8 a very strange route to try to prove the indefensible.

9 Q. So whose occupancy calculation is correct?

10 A. SSE's and CAA's.

11 Q. Right. I wonder if we can go back to your summary. We
12 have looked at paragraph 3.1.5. Are you satisfied now
13 that you have identified and reviewed all of the key
14 assumptions that have been made in the transport
15 assessment?

16 A. I am afraid the answer to that must be no. The more we
17 have looked, the more we have found. It was only last
18 week that I ever dreamed of the fact that the
19 assumptions for the phasing of the lights at Little
20 Hadham crossroads would have such a large impact on
21 local traffic forecasts. It was only last week when
22 Mr Humby raised the issue that you realised that the
23 assumptions for the proportion of employees who would
24 travel in the peak hour was quite questionable and
25 a significant factor in determining road traffic.

1 Something I said earlier, that it is easy to analyse
2 something that's presented to you, but it is quite
3 difficult to identify and analyse something that is not
4 declared. The transport assessment is just full of --
5 it is not full of -- it is devoid of explanations.
6 There is a great lack of transparency as to how things
7 have been derived.

8 So I cannot be sure at all that we have either found
9 or reviewed all the critical assumptions.

10 There was some discussion last week as to whether
11 any errors that might be in forecasting might be
12 cumulative or compensating. I have to say that all
13 those that we have found have been in one direction.
14 They understated the impact on surface access.

15 I am left with the concern that there is a distinct
16 possibility that this has not been by accident. The
17 consistency of underestimate reinforces the need for
18 caution, the need for meaningful, not just token,
19 sensitivity testing.

20 Q. Paragraph 3.1.8 of your summary.

21 A. I guess that's sort of what I have just said, that the
22 so-called sensitivity tests go part of the way towards
23 generating realistic baseline forecasts, but do not test
24 the consequences if that new baseline is exceeded.

25 I ought to say that that was written when we were

1 still somewhat unsure of ourselves on vehicle occupancy.
2 Vehicle occupancy is particularly significant because of
3 its effect on road traffic. There is no balancing
4 saving elsewhere. It is just wrong.

5 There are some knock-on consequences as well,
6 unrelated directly to surface access. If we have
7 understated the number of cars being created on the
8 road, we have also understated their emissions. We have
9 probably understated the impact on air quality and we
10 have probably understated the quality of life issues.

11 Q. I am obliged. Just one final question before we come to
12 your conclusions, because I think we can take the rest
13 of your summary as read. You will recall that during
14 the re-examination by my learned friend of Mr Forshew he
15 did the calculation of adding all of the various
16 millions of potential additional movements together and
17 then seeing whether they fell within the envelope of the
18 15% sensitivity?

19 A. I do.

20 Q. I was wondering if you could comment upon that approach?

21 A. With pleasure. With pleasure. Mr Humphries led
22 Mr Forshew through some calculations and Mr Forshew
23 agreed that the error, if it was an error, the error on
24 transfer passengers would increase the number of
25 passengers by 2 million. If the place of origin was

1 wrong, it would change forecasts by 1 million
2 passengers.

3 Finally, if the vehicle occupancy was wrong, it
4 would increase by 1 million cars.

5 MR HUMPHRIES: Sir, I think in relation to the latter two,
6 I simply took the figure that Mr Stinchcombe had used.
7 It was only in relation to the first that I got him
8 to --

9 A. I was not trying to criticise what you picked up there.
10 I was just restating it. Perhaps I have slightly tinged
11 what you said. You referred to 2.3 million passengers,
12 1 million passengers and 1 million cars. The conclusion
13 was that 4 million was just lower than the 15% of the
14 non transfer passengers at 35 MPPA.

15 However, perhaps Mr Humphries had seen me sitting
16 over there in Mr Stinchcombe's seat for a couple of days
17 last week, playing barristers, so perhaps Mr Humphries
18 thought to try to play accountants for a change.
19 Without trying to be too cruel, I can only suggest that
20 we both stick to our day jobs, because adding passengers
21 and passengers to cars is adding apples and oranges
22 together. What do we get when we add apples and oranges
23 together? In my day we used to call it a pig's
24 breakfast.

25 MR HUMPHRIES: Then it was Mr Stinchcombe's pig's breakfast,

1 sir. They were his figures. He added them together.

2 A. I don't think we were trying to add them together. We
3 were using them as illustrative of how significant each
4 of these problems was.

5 If I can return to the more serious matter of
6 forecasting and testing, I do believe it is worthy of
7 something more than a late Friday afternoon, back of
8 envelope approach. Probably I am repeating myself.

9 The discrepancies have arisen in the first place
10 because BAA has chosen to use assumptions that are
11 counter-intuitive and run counter to established trends
12 and reliable data sources.

13 Furthermore, BAA failed to draw attention to the
14 fact they had used these assumptions that were
15 counter-intuitive. They failed to demonstrate how the
16 new assumptions had been derived. It shouldn't be left
17 to SSE to prise them out or to try to explain them or
18 estimate the scale of impacts, a task made particularly
19 difficult by the lack of transparency.

20 Nevertheless, we have sought to show that some of
21 these assumptions are quite unrealistic, and there are
22 a number of understatements of impact on surface access.

23 If these errors, and I can only call them errors, if
24 these errors were corrected, we might arrive at a fair
25 starting point from which to start testing, but we

1 haven't got to a fair starting point, and in particular
2 no testing has been carried out using the CAA data for
3 vehicle occupancy.

4 I have one further point on testing. These various
5 flawed assumptions do not translate into something as
6 simple as adding, say, 15% to the answers for surface
7 access, because they are complex.

8 Each of these errors has diverse impacts even to the
9 point of air quality and carbon emissions. Vehicle
10 occupancy alone adds 30% to airport related road
11 traffic. We need transport planning models which we
12 have used throughout to test reality or, firstly, to
13 look at reality and then to test it.

14 Q. Your conclusions?

15 A. If I can read my conclusions on my summary proof.
16 That's on page 4. Given the limited value of the
17 projections and findings of BAA's transport assessment,
18 it is not possible to reach firm or complete conclusions
19 on long-term impacts on strategic, regional or local
20 roads, even after such mitigation as is proposed by the
21 Highway Authorities.

22 It seems likely that the impacts will be worse,
23 possibly far worse, than BAA has projected.

24 Given the long lead times for implementing road and
25 rail upgrades, the full potential for increases in

1 passenger numbers up to 2030 should be considered.

2 BAA's offer of a 35 MPPA cap is clearly seen by BAA as
3 only a temporary constraint.

4 BAA should make positive commitments to achieving a
5 significant modal shift in the balance of surface access
6 away from private car and towards rail, and should
7 commit to securing that appropriate infrastructure is in
8 place before it is required, not afterwards.

9 The increase in surface access movements, especially
10 without a fundamental shift in transport mode, is likely
11 to increase carbon emissions, contrary to Government
12 climate change policy.

13 Q. Just one final matter, Mr McDonald. You indicated at
14 the outset that you wanted to refer to CD/237. People
15 scrabbled to get CD/237. So perhaps you ought to refer
16 to it?

17 A. I will. Just one short section. CD/237 is the
18 environmental impact assessment, a guide to procedures
19 issued by the Office of the Deputy Prime Minister in the
20 year 2000. I would like to refer to paragraph 51. This
21 concludes by saying -- I will let you turn it up, sir --
22 the paragraph concludes by saying:

23 "If the developer fails to provide enough
24 information to complete the environmental statement, the
25 application can be determined only by refusal."

1 CD/569 which is the letter from Go East dealing with the
2 structure plan which was mentioned earlier on this
3 morning.

4 The other is CD/570, which is an e-mail attaching
5 two letters, one from the Council and then a reply from
6 the Department of Transport dated 3rd October.

7 Mr Humphries?

8 Cross-examination by MR HUMPHRIES:

9 MR HUMPHRIES: Sirs, can I just start by addressing
10 a comment to you both. There are obviously a number of
11 intemperate comments made during Mr McDonald 's
12 evidence-in-chief about cheating and deception and the
13 integrity of BAA's consultants. I am sure I do not need
14 to say to you but I will, obviously we totally reject
15 that. The integrity of the consultants BAA employs is
16 as good as one would expect from an accountant I am
17 sure.

18 Sir, I am not, however, going to ask Mr McDonald
19 questions about that. It seems to me that I am better
20 just focusing on the issues that are actually before
21 you, but I would just like that rejection noted.

22 Mr McDonald, good morning?

23 A. Good morning, Mr Humphries.

24 Q. Mr McDonald, as I suggested to you or to the Inquiry the
25 other day, I am going to ask you fewer questions than

1 I might otherwise have done. The reason for that is the
2 context of BAA having agreed surface access issues and
3 mitigation with the authorities, save in relation to the
4 two points that you know about and were discussed
5 yesterday. So just accept, please, that explanation.

6 Can we start, Mr McDonald, by looking at your
7 section 5? That's the section where you deal with some
8 points on the unreliability of forecasts. There are
9 a number of points there and I am going to take up some
10 of --

11 MR BOYLAND: This is in the proof 13.1A.

12 MR HUMPHRIES: It is.

13 MR BOYLAND: Thank you.

14 MR HUMPHRIES: Can we start by looking at the point you make
15 in paragraph 5.1.4? That deals with the SSE sensitivity
16 test, which we have separately. You might want to have
17 it to hand, in SSE 15.1D. Do you remember that is one
18 of Mr Harman's appendices. Do you have that?

19 A. I do.

20 Q. We know, don't we, that at your request BAA carried out
21 a sensitivity test, which has been called the SSE
22 sensitivity test, and that tested two things: transfer
23 passengers at 10% in the 35 MPPA case rather than 17%,
24 and it tested the air passenger origins and
25 destinations, on a pattern I think consistent with the

1 2004 base rather than the forecast for 2014/15.

2 Can you just confirm to me, first of all, in broad
3 terms that's what the SSE test was about?

4 A. Yes. I think it was about that, but I haven't brought
5 my notes with me on that I don't think, but I do recall
6 that it didn't quite test one of those, but it did refer
7 to it in the explanation why we haven't gone the whole
8 hog. I think it was that it started with the 25 MPPA
9 assumptions for origins and destinations, I think,
10 rather than actual, and then tweaked it from there. It
11 wasn't a major difference, but it didn't actually go all
12 the way and, of course, it didn't cover vehicle
13 occupancy.

14 Q. We can see, if we look, for example, at table 4 .1,
15 which is the mode shares, and we compare the SSE
16 sensitivity test with TAAU figures, that one consequence
17 of the origins and destinations in the sensitivity test
18 you wanted which has I think more people, doesn't it, in
19 London -- is that right?

20 A. Yes.

21 Q. One consequence is, because of the public transport
22 network between Stansted and London that, in fact, the
23 car and taxi mode share actually goes down as against
24 the BAA forecast?

25 A. Yes. I expected that and some of it has gone to

1 Stansted Express and some of it has -- no, it has not
2 gone to public transport. It has gone on to Stansted
3 Express, hasn't it.

4 Q. So that in that sensitivity test which we undertook, in
5 fact, the public transport mode share goes up, doesn't
6 it?

7 A. Okay. I will not take issue with that.

8 Q. We can see, of course, by contrast, if we look at the
9 next table, the loadings on the Stansted Express, that
10 again reflecting that pattern, the loadings on the
11 Stansted Express are slightly higher in the SSE
12 sensitivity test than in the 35 MPPA plus 15 test for
13 some hours?

14 A. Yes.

15 Q. Again that's what you would expect. Yes?

16 A. Yes.

17 Q. But the increase, in fact, is typically fairly small,
18 isn't it, over those three-hour periods?

19 A. Yes.

20 Q. Could I just move on then from paragraph 5.1.4 in your
21 evidence to paragraph 5.1.6? This is a slightly
22 different point now, but it relates to something that we
23 will come on to later. It is said there that there are
24 simple arithmetic errors when one compares the ES
25 volume 11 against other data, including the ES

1 volume 16. So I just want to get those out, first of
2 all. ES volume 11 is CD/14. ES volume 16 is, as you
3 have pointed out there, CD/19.

4 Perhaps you could just turn up in CD/14 table 8.2
5 and in CD/19 turn up table 17. I think it is this
6 comparison that you are making, isn't it, between these
7 tables .

8 MR PHILLIMORE: Mr Humphries, do you have a page number for
9 table 17 -- 19. I have got it. It is page 111?

10 MR HUMPHRIES: Table 17 is page 13.

11 MR BOYLAND: 17 you said?

12 MR HUMPHRIES: Table 17.

13 MR BOYLAND: I thought you said 19.

14 MR HUMPHRIES: Sir, you know my track record on this. I
15 could well have said 19. What I meant was 17.

16 A. Sorry. Could you just repeat which table number we are
17 looking at.

18 MR HUMPHRIES: Yes. In CD/14 on page 111 there is
19 table 8.2.

20 A. Yes.

21 Q. You see in your paragraph, line 2, you refers to tables
22 8.2 to 8.5. I have just taken you to 8.2 for
23 convenience, but we can look at others if you want. In
24 about line 5 of your paragraph you say that the sum of
25 the categories falls short of the daily totals in

1 table 17, CD/19. I just wanted to see that I can
2 understand the point there.

3 If we take table 8.2 and look at cars and taxis,
4 arrivals and departures, we get to 37.602 at the bottom.
5 Do you see that on table 8.2?

6 A. Yes.

7 Q. This is for an average September weekday, 2014, in the
8 25 MPPA case. If we look then at table 17 again for the
9 average September weekday, come down to the line 25 MPPA
10 case, again we look at non-transfers, because we are
11 interested in those people that might be in cars and
12 taxis, we get to 73,120. Is that the discrepancy you
13 are identifying or an example of the discrepancy?

14 A. Yes, yes.

15 Q. I think, Mr McDonald, the discrepancy may be because in
16 table 8.2, as we can see in paragraph 8.2.6, the data
17 there is current taxi trips, and the data in table 17 is
18 passengers. So if we multiply the 37,602 by BAA's
19 vehicle occupancy figures and you take about 1.9,
20 although you have been using 1.8, we can see from
21 BAA/3/K that there is a range of figures, you get to
22 that 73,000 figure. Let us see if we can agree this. I
23 am not asking you to agree the vehicle occupancy, but
24 I think that's the discrepancy, is it not? It is simply
25 two different things that are being counted?

1 A. It is a long while ago that I wrote that, a year
2 I should think. I have not been asked about it until
3 today. So I have not had a chance to think about your
4 answer really, but on the hoof I think all you have done
5 is demonstrate the lack of transparency, because it
6 isn't clear where one goes to the other at all. The
7 73,120 appears to be total passengers, not just car and
8 taxi passengers, whereas you are taking me to just car
9 and taxi only, doubling it up more or less.

10 Yes, I support what I have just said in that
11 table 17, just to support what I have just said, says 25
12 MPPA case, total busy day passengers 81,000, non
13 transfers 90 per cent comes to 73,000.

14 That suggests that it is all passengers we are
15 talking about, not just cars and taxis.

16 Q. Mr McDonald, don't worry about my maths. Can we just
17 agree, as you rightly point out, I am not
18 a mathematician or accountant, but can we just agree
19 that the tables are actually showing two different
20 things? One is showing numbers of cars and taxis, as
21 paragraph 8.2.6 tells us, and the other is showing
22 number of passengers, so you wouldn't expect them to be
23 the same.

24 A. Perhaps you are right. It would be interesting to
25 complete that calculation to see what it should come to.

1 Q. Okay. All right. So in 5.1.6 the point you make, that
2 simple arithmetical errors cast doubt on the general
3 reliability of the forecast, and then that series of
4 examples, the point you actually make in that
5 paragraph is a false point, isn't it?

6 A. Well, if I have been confused by the representation of
7 figures, it supports a different point, that there is
8 a lack of transparency.

9 Q. All right. Let us put transparency aside.

10 A. I don't agree with you that I have got it wrong, but
11 I can't tell basically whether I have got it wrong or
12 not, because it is not very clear.

13 MR STINCHCOMBE: Sir, I hesitate to intervene. I simply do
14 so that I can understand matters. My learned friend has
15 just said that the table in 8.2 is dealing not with
16 passengers but dealing with taxis and movements. Is
17 that as I understand it?

18 MR HUMPHRIES: For the columns headed "car and taxis" my
19 understanding is, as paragraph 8.2.6 says, that that is
20 hourly demand profiles of car and taxi trips. Then for
21 rail, obviously, you don't have individual trips. It is
22 rail demand. That would be people. For the others it
23 is on a public transport demand, scheduled bus and
24 coaches, but for the first two columns, under the
25 heading "cars and taxis", my understanding is that that

1 is trips.

2 MR STINCHCOMBE: So the relevant multiplier has to be
3 attached to both the first two columns in order to get
4 the total number of passengers beneath?

5 MR HUMPHRIES: You are going beyond now what I can tell you.
6 I am not the witness. All I am trying to establish with
7 the witness is the particular point that he has made
8 that there is an arithmetical error because the two
9 numbers are not the same is simply because he is not
10 comparing like with like. I think, Mr McDonald, on that
11 point we are agreed, aren't we?

12 A. Probably, but just pursuing what you have suggested, if
13 the cars and taxis column relates to cars and taxis, and
14 we add together -- and we need to uplift that to get to
15 passengers, if we uplift it by 1.3 only, say, we come to
16 a much bigger number, but if we then add it to the
17 number of Stansted Express passengers and other public
18 transport passengers, by adding those three figures at
19 the bottom across the page it will actually come to more
20 than the 73,000 on table 17, even if you multiply it by
21 only a small factor to get from cars and taxis to
22 passengers.

23 I think all you have done is illustrate the point
24 that it is a lack of transparency, where one figure
25 leads to another.

1 MR BOYLAND: Could I interject again for clarification? Do
2 I understand you to be suggesting that the figures in
3 the cars and taxis columns are vehicles rather than
4 passengers?
5 MR HUMPHRIES: Sir, that's my understanding.
6 MR BOYLAND: Would it then be reasonable to assume that the
7 figures under the Stansted Express are also trains
8 rather than passengers?
9 MR HUMPHRIES: No, sir. That's the point I just made
10 a moment ago when I read out paragraph 8.2.6. It is
11 hourly demand profiles of car and taxi trips, rail
12 demand on Stansted Express services and other public
13 transport demand.
14 MR BOYLAND: You read trips when it comes to cars and
15 passengers as passenger trips, as vehicle trips rather,
16 and rail demand as referring to passengers rather than
17 train journeys?
18 MR HUMPHRIES: Yes, sir.
19 MR BOYLAND: Thank you.
20 MR STINCHCOMBE: Sir, I do apologise. I am still terribly
21 confused.
22 MR HUMPHRIES: I am not sure I can help with that.
23 MR STINCHCOMBE: Save that you are the source of my
24 confusion, Mr Humphries. We have a figure at the bottom
25 of the cars and taxis column that says 37,602. I am now

1 told that's the number of trips, as I understand it, not
2 the number of passengers. Do I take it then that we
3 have to multiply that number by the vehicle occupancy
4 rate in order to get the total number of passengers,
5 because, if we do that, then it seems to me that there
6 is a bigger discrepancy than before.

7 A. Yes, I have actually done that sum. I reckon we have to
8 multiply the number of cars and taxis by about 1.2 to
9 get the sum of those figures across the bottom to agree
10 with table 17. So you are actually arguing in the
11 opposite direction to what you started I think.

12 MR HUMPHRIES: Mr McDonald, obviously Mr Maiden could have
13 been asked about these things. He wasn't.

14 A. Could I just say that my --

15 Q. Let me just ask a question first. I think we are agreed
16 that your comparison is wrong. You may want to say
17 there is another point. Indeed you are. But the point
18 you have put in paragraph 1.5.6 is a false point, isn't
19 it?

20 A. No, it's not a false point at all, and it has been
21 around a long while. That comment was in SSE's response
22 to Uttlesford in July last year. It has not changed.
23 So there has been a year or so for somebody to pick it
24 up and try to explain to us.

25 Q. Well, the transcript will show your previous answers.

1 Paragraph 5.1.12. You make the point there about not
2 being able to comment on the suite of computer models,
3 and I am not going to ask you about those, but you then
4 go on to say wide variation in results were published in
5 the environmental statement and later in the addendum
6 and the addendum update without clear explanation as to
7 why most of those changes occurred.

8 First of all, the explanation in each case for the
9 changes, what has changed, is contained, isn't it, in
10 the TAA and the TAAU. The text does set out what has
11 changed in the models, doesn't it?

12 A. Well, I personally have not been involved at all in
13 review of models, but that isn't my understanding of
14 what witnesses from Essex and Hertfordshire have been
15 saying. I thought they were saying -- they were people
16 whose staff had been looking at that. They were still
17 confused as to what particular changes had caused what
18 particular effects.

19 Q. If that's simply a reference to the evidence of others,
20 so be it. I move on to the next question. What we do
21 know, though, from all of those changes is that the
22 strategies for surface access mitigation to deal with
23 the effects has not actually changed. The same strategy
24 which was put forward by BAA in its ES and in its proofs
25 of evidence is exactly the same strategy as has now been

1 agreed with the Highway Authorities, subject to what
2 about mechanism on delivering rail strategy and the
3 precise contribution to the Little Hadham bypass.

4 So, for all the changes that you are making, the
5 strategy of what it is necessary to do to accommodate
6 the increased surface access usage is exactly the same,
7 isn't it?

8 A. Perhaps in principle, but you have given me
9 an opportunity to go back to the opening remark you made
10 about we don't need to talk about things that have been
11 agreed with the local authorities on mitigation. The
12 point I make on that is one of those authorities used
13 the word "bamboozle". I think whatever has been agreed
14 with the authorities has been on incomplete data,
15 particularly to do with vehicle occupancy and lack of
16 test. Having said all that, I have forgotten what your
17 original question was.

18 Q. Moving on to paragraph 5.1.3, that talks about there
19 being no airport master plan. We can agree, can't we,
20 that there is a single runway airport master plan that
21 is before the Inquiry?

22 A. If you are referring to CD/20 -- is that what you are
23 referring to, the interim master plan? It is a single
24 runway master plan. I am not an expert in this, but
25 I think there was an expectation that there would be

1 a master plan in the Air Transport White Paper, which
2 would look somewhat further into the future than the
3 first step only.

4 Q. Mr McDonald, we are straying off the question. The
5 simple point at the moment is there is a single runway
6 master plan, CD/20?

7 A. Okay. An interim master plan, yes.

8 Q. And as part of the G1 application, BAA has included and
9 addressed, including in surface access terms, the
10 impacts of the development that would be likely to come
11 forward in a 35 MPPA airport case in 2014. So, for
12 example, additional hotels and so on have all been
13 assessed, even though there is no application for all of
14 those consistently with the master plan?

15 A. I think that's correct, but there is some inconsistency.
16 That's not part of the application, but yes, I think
17 I can accept that has been assessed up to 35 MPPA.

18 Q. Of course. 5.1.20 is a slightly different point. Here
19 you are making the point about sensitivities for the day
20 of the week. You say that most assessments relate to
21 September mid-week. No evidence of findings relating to
22 other times of the year or week.

23 Can we in relation to that point just go back to
24 CD/19, table 17 again, which is page 13?

25 A. Sorry. Could you quote the table number again, please?

1 Q. 17. It is on page 13.

2 A. Okay.

3 Q. We can see that the table, if we look at it now for
4 a different purpose, contains three data sets. One is
5 for the average September weekday, one is for the
6 average annual weekday, and one is for the average
7 annual week-end, 24 hours.

8 If we look for the 35 MPPA case at the non-transfer
9 passengers, we can see that in the 35 MPPA for the
10 average September weekday we get 89,540. For the
11 average annual weekday the figure is lower, at 80,810,
12 and for the annual average week-end for 24 hours the
13 figure is lower again at 77,778.

14 So what the inspectors can take away from that,
15 can't they, is that by looking at the average September
16 weekday, in fact, the flows that have been modelled on
17 the highway network are higher than those which would
18 apply at other times of the year?

19 A. I think you are reading slightly more into that than the
20 table says. The table actually says average annual
21 weekday. So you are comparing an average September
22 weekday with an average annual weekday.

23 Q. Correct.

24 A. Whereas, back to my 5.1.20, BAA promised to look at
25 sensitivities for the day of the week, and I suspect

1 that means individual days of the week. We have no
2 idea, presumably, whether Mondays are particularly busy
3 or Fridays are particularly busy and how they impact on
4 the rush hours on those days.

5 Q. But in so far as your point goes on to talk about other
6 times of the year, we can see, can't we, that we have
7 assessed in the September weekday, on which all the
8 forecasts are based, a busy time of the year?

9 A. Well, I can't accept that it's the busy time of the
10 year. I don't have that data.

11 Q. I didn't say busiest. You accept a busy time of the
12 year?

13 A. A fairly busy time of the year, yes. I will accept
14 that.

15 Q. Certainly, we can see as an annual average that during
16 the rest of the year the average would be below what has
17 actually been assessed in all the forecast models?

18 A. Yes, but I do happen to know, as I looked at the data,
19 that far fewer passengers come through the airport
20 during the periods November, December, January, February
21 than the busy times of the year, because it is a leisure
22 airport basically. So people don't go on holiday for
23 much of the year, and that brings the average down.

24 Q. So the inspectors should not go away, should they, with
25 the idea when they look at the flows, the a.m peak hours

1 in the various modelling exercises, that that is a flow
2 which is going to be applied throughout the year? That
3 is a busy September flow, isn't it?

4 A. It's a busy September flow, yes.

5 Q. If we now go on to 5.1.26, which is the much vexed
6 question of average vehicle occupancy and average group
7 size, are we able to agree, first of all, just
8 factually, that the data you set out in annex 1 of SSE
9 13.1A relates to all modes?

10 A. Yes. It is untouched by modes. It is total passengers.

11 Q. We know and can see it from the relevant BAA notes and
12 you have explained in your evidence-in-chief that there
13 is a difference between us on the approach to analysing
14 the CAA data. The inspector will have seen that and can
15 draw what conclusions he likes, but it is fair, isn't
16 it, to record that using the data and the figures that
17 BAA has derived, as set out in table 2 of BAA/3/K, using
18 that data from the models, the model flows for 2003 do
19 validate, do replicate the actual flows in 2003. There
20 has been extensive auditing, hasn't there, of that
21 validation?

22 A. I suspect you are pushing that a little bit far.

23 Q. Well, can we just agree on the various consultancies
24 that looked at and in some cases audited the BAA flows?
25 WS Atkins and Parsons Bickerdyke, for the HA, carried

1 out auditing exercises, didn't they?

2 A. I don't know what you are talking about I am afraid.

3 Q. Okay. Mouchel Parkman for Essex also scrutinised very
4 closely the BAA modelling. They have not suggested --
5 indeed Mr Wang confirmed to me in terms, that the models
6 did validate well against the 2003 actual counts. Do
7 you recall that?

8 A. I don't recall it, actually, no, but I am not disputing
9 it.

10 Q. What that tells you is that whatever one thinks about
11 the CAA data and whether it is a random sample or
12 whether it is not truly a random sample, the figures
13 actually used in the models work. They do represent
14 actual flows on the network, and therefore the inspector
15 can have confidence, can't he, in those figures?

16 A. I think we are talking about two different things.
17 I think we are talking about validating the model
18 against a past year, 2003, and the assumptions used to
19 look at future years.

20 Q. Yes, but the data we are validating against, the 2003
21 data, is over the same period as the CAA passenger
22 occupancy data, the 2004, 2003, 2002 data. What that is
23 telling us is that the way that BAA has derived the
24 figures is then validating against actual counts on the
25 roads. The models are correctly predicted?

1 A. I am afraid I can't comment on that. I really don't
2 know. I have no knowledge at all of what you are
3 talking about.

4 Q. Let me just take up SSE 13.1C. You said in relation to
5 this exercise where you started by dividing the group
6 size by the figure you have derived of 1.37, you then
7 apply at a later stage a BAA group size of 1.8, that
8 that showed that BAA's figures were wrong, except you
9 used slightly more colourful language.

10 Of course, what you have done there, though, is to
11 mix figures derived from the two different approaches.
12 The 1.37 is a figure derived in the methodology
13 identified in table 1 of BAA/3/K, and the 1.8 is a broad
14 approximation to the figures derived from table 2 of
15 BAA/3/K. In other words, of course the result comes out
16 as one would not expect, because you have mixed two
17 different approaches, haven't you?

18 A. I think you are digging yourself deeper into the hole
19 actually, Mr Humphries.

20 Q. Mr McDonald, if you are able to answer the question
21 rather than bless us with these little witticisms,
22 I would be very grateful.

23 A. Fair enough. I am not mixing two approaches. I am
24 testing the BAA assumption of 1.8 against established,
25 and I think agreed, data for total passengers. 1.37 in

1 the first part of that calculation is I think fairly
2 firmly established as the average for all passengers,
3 and the 1.8 is approximately what BAA have used in their
4 figures, and taking one from t'other produces an answer
5 that shows something is wrong in one of the first two.

6 Q. If you look at BAA/3/I, you can see there what was done
7 to try to assist was to use consistent data. So the
8 overall all modes group size of 1.74 was used and then
9 for cars and taxis 1.85 which, if you have to hand
10 BAA/3/K, you will see that the figures come consistently
11 from table 2 in that document, which found the overall
12 all modes group size at 1.74, if done on the approach
13 that BAA has adopted.

14 Now BAA/3/I is, therefore, internally consistent,
15 isn't it?

16 A. It may be internally consistent, but it starts with
17 a very false premise. The 1.74 is meaningless.

18 Q. Mr McDonald, there I know we can't go further. We have
19 adopted different approaches and, you know, I am not
20 going to try to persuade you that you are wrong.
21 I won't do that. You won't persuade us we are wrong.
22 We just have different approaches.

23 Let us move on then to paragraph 5.2.1. There the
24 point is made that in its Regulation 19 response BAA did
25 not answer the question in relation to Requirement 8,

1 total increase in growth vehicle mileage resulting from
2 the development by mode. Can we agree in relation to
3 that -- we can go and look at it in CD/22 at page 18 if
4 you like -- but I think we can agree, can't we, that BAA
5 did provide the information for a busy day in 2014?

6 A. Yes, we can agree that. It's actually what I say in the
7 last sentence, in fact.

8 Q. Precisely. It didn't then provide that for a total
9 increase. It didn't estimate a total increase, but UDC
10 did not come back, having received the information that
11 was given, and ask for any further data for
12 clarification, did it?

13 A. I am not really in a position to comment on the way UDC
14 tackled your failure to answer that question.

15 Q. Moving on to paragraph 5.2.9, again this is another
16 point where you say we are mathematically in error.
17 Have to hand, please, CD/14.2. In the errata there,
18 there were in fact some errata to the table that you
19 refer to. I don't know whether you have had the chance
20 to look at those. They apply to some paragraphs in
21 CD/22.

22 Mr McDonald, what I want to know is have you put the
23 errata into that part of CD/22 on which you are making
24 this comment, because we think (a) you may not have the
25 errata and (b) you may have compared the wrong columns.

1 Do you happen to know, first of all, where you have --

2 A. Well, I am searching on the errata to see something

3 that's relevant, and the very the very last page of the

4 errata refers to points 2.5.6 and 2.5.7, but my comment

5 refers to 2.5.8.

6 Q. If you look at the correction in the third column, the

7 very last one, 2.5.6 and 2.5.8 refer to changes in

8 overall vehicle kilometres shown in column 2 of

9 table 14?

10 A. It seems as if I haven't spotted that correction and

11 therefore I have not followed through whether my comment

12 is still valid or whether all of the comment is still

13 valid.

14 Q. Mr McDonald, rather than trying to take this up with you

15 in cross-examination, the 31% -- just take a note of

16 this -- should apply to column 2 in table 14 of CD/22.

17 We think what you may have done is looked at the

18 difference in column 3. Let us not take time in the

19 Inquiry with it. Could you just have a look at that and

20 then perhaps have a word with us outside the Inquiry,

21 just see if we can agree that?

22 A. Okay.

23 Q. Thank you. Then section 6 in your evidence, 6.1.2, you

24 are dealing with policy. You say:

25 "Government policy is not represented by focusing on

1 public transport mode share. In fact, Government policy
2 is to reduce the need to travel especially by road and
3 even more especially by car."

4 Just above that you say, in relation to public
5 transport:

6 "We note that no reference source has been cited for
7 this assertion that reducing the proportion of trips to
8 the airport by car is part of the Government's agenda."

9 Reducing travel, especially by car, is one of the
10 overriding objectives, isn't it, as identified in
11 EBG/13?

12 A. I have no comment on -- yes, I agree totally with what
13 you are saying there, but there isn't a suggestion about
14 reducing the proportion of trips to the airport by car.
15 It is about reducing, not proportion.

16 Q. But the Stansted surface access strategy does seek,
17 doesn't it, to reduce the need to travel by car, albeit
18 within a context that recognises that by expanding the
19 airport there will be more trips to the airport, but it
20 does seek, doesn't it, to reduce the proportion by car?

21 A. I think it does, but it doesn't try very hard, and the
22 end point in my paragraph 6.1.2 is that creating
23 increased capacity to fly and consequently increasing
24 the need to travel to the airport has a far greater
25 impact on car use than minor adjustments to the mode

1 share of that increased activity.

2 Q. Isn't it also relevant to just bear in mind that, of
3 course, if passengers had not driven to the airport and
4 parked their car for a week or two weeks or however long
5 their trip is, there is no guarantee, is there, if they
6 didn't do that, that they won't actually be using their
7 cars on other trips, going to the shops, going to work,
8 going to drop children off at school or other things.
9 It is not as though if people don't drive to the airport
10 and park their car, where they are not using it, if they
11 don't do that, the car is just sort of impounded
12 somewhere and isn't used. It will be used, or there is
13 a strong likelihood it will be used on other trips?

14 A. That's a pretty good point actually, but substituting
15 car travel and instead going by air is hardly
16 environmentally friendly.

17 Q. I am glad I finally got one that you think is quite
18 good. Paragraph 6.1.8, forecourt charging, 6.1.8.
19 Obviously, forecourt charging is going to be dependent,
20 isn't it, in part, on the availability of powers to
21 allow BAA to charge people on the forecourts?

22 A. Yes, I guess so, although there is already a fund that's
23 generated from charging from part of the parking fee.

24 Q. The parking. Indeed. That's slightly different from
25 the point you are making in 6.1.8, isn't it, which is

1 forecourt charging.

2 A. It is a separate point, sorry, yes.

3 Q. Again, can we agree, obviously, you know, that's
4 an option in the context, as you point out, of G2, that
5 may be considered, but there are obviously some fairly
6 careful balances that have to be drawn, aren't there,
7 that if charging cars to drive on to the forecourt
8 simply displaces them so that they drop people elsewhere
9 or they fly park or do something else, that would
10 obviously be an undesirable consequence?

11 A. Indeed, yes. I am trying to think of a similar story in
12 a different way. If it encourages some other illegal
13 activity potentially or slightly illegal activity, or if
14 some people resort to illegal activity, that's hardly
15 justification for not doing the thing right in the first
16 place.

17 Q. Mr McDonald, the simple point I make is that obviously
18 one has to approach this fairly carefully to make sure
19 one does not have an undesired consequence?

20 A. I agree. There needs to be a joined up thinking
21 approach to it.

22 Q. Doesn't the same point apply to your second point there
23 in the middle of that paragraph, which relates to
24 doubling of parking charges? If doubling of parking
25 charges simply causes people to kiss and fly or take

1 taxi, that would actually double the number of
2 movements?

3 A. Yes, but, as I said, it needs to be joined up thinking,
4 and a sort of total package. You can't force people out
5 of their cars without giving them alternatives. There
6 needs to be rail and bus and coach available. I have
7 forgotten what else I was going to say. There needs to
8 be that available, and you need to put in place things
9 to stop people doing things illegally.

10 Q. Put aside illegal. One wouldn't want to turn, would we,
11 people parking and flying, which is one movement to the
12 airport, a trip --

13 A. Sorry. I missed that point -- into kiss and fly.

14 Q. -- going to the aircraft and then one movement out, so
15 two movements, to kiss and fly, where you get one
16 movement in, dropping off, one movement out, and then
17 two weeks later another movement in and another movement
18 out?

19 A. Absolutely agree. We wouldn't want to get rid of park
20 and fly in favour of kiss and fly because that is even
21 worse. It doubles the number of trips. I agree totally.
22 But then the airport access charter of some sort ought
23 to prevent or discourage kiss and fly with a cohesive
24 package of measures. Hopefully you push people out of
25 cars altogether and put them on to public transport.

1 Q. When powers exist, that will have to be examined. We
2 can agree, can't we, there is no objection from the
3 Highways Authorities on this particular issues?
4 A. Sorry. No objection to our suggestion or to ...
5 Q. No, that BAA hasn't doubled parking charges or
6 introduced forecourt charging as part of the G1
7 development?
8 A. As far as I know, they haven't, but I can't really
9 answer for other witnesses, other authorities.
10 Q. Section 7 then, potential consequences. Just one point
11 on that. I don't understand SSE to be putting forward
12 or seeking to justify any highway improvements, other
13 than those which BAA has agreed with the responsible
14 authorities. You are not pointing to some other
15 junction that would be over-capacity and needs
16 improvement, for example.
17 A. I think we are pointing to a number of places that there
18 are likely to be problems supporting BAA's findings,
19 that there are roads that are already under pressure
20 that will become under more pressure. I don't think we
21 have identified anywhere specific. We are not
22 particularly competent to do that. I come back to
23 a point I made earlier, in that the authorities that
24 have made judgments in that respect have been using data
25 that is unreliable.

1 Q. Let us not go back over that. Final point. Right at
2 the close you raised a point about adequacy of the ES.
3 Again, in relation to that, there has not been any
4 suggestion from the local planning authority or indeed
5 any other of the responsible authorities that there is
6 insufficient data in the environmental statement for it
7 to be a proper environmental statement?

8 A. Again, I think you are pushing that a little bit,
9 because my recollection of the County's evidence was
10 that they weren't convinced by the results of the
11 modelling, but given that it had been tested at plus
12 15%, it was probably all right. So I don't think they
13 were wholeheartedly supporting whatever was proposed,
14 but --

15 Q. But no suggestion -- planning inquiry objectors I will
16 not say invariably but frequently come along and say
17 there is insufficient data in the environmental
18 statement, that they would like to see this, that and
19 the other additional things. That's not the same as
20 an environmental statement being inadequate. There is
21 no suggestion, is there, from any of the responsible
22 authorities, including in particular UDC, that this is
23 an inadequate environmental statement?

24 A. I am not perhaps competent to answer for the other
25 objectors.

1 Q. Mr Macdonald, thank you.

2 MR PHILLIMORE: Thank you, Mr Humphries. Mr Stinchcombe?

3 Re-examination by MR STINCHCOMBE:

4 MR STINCHCOMBE: Thank you very much indeed. Just a couple
5 of matters of detail first, Mr McDonald, and then on to
6 a couple more substantive matters. Firstly, you recall
7 the questions you were asked I think about
8 paragraph 5.1.13 of your proof and in respect of the
9 master plan.

10 MR BOYLAND: Before you go on, Mr Humphries, is your
11 microphone still switched on? Do you mind switching it
12 off? We are getting some feedback.

13 A. 5.1.13. Right.

14 MR STINCHCOMBE: I think you were asked some questions about
15 the assertion that there had been no airport master plan
16 and you were taken to a core document, CD/20, and it was
17 put to you that there had indeed been a master plan for
18 G1.

19 A. Yes. I did point out that it was an interim master
20 plan.

21 Q. And what is the difference between an interim master
22 plan and master plan that would conform with the White
23 Paper?

24 A. Well, it doesn't seem to cover the whole picture. I am
25 certainly not an expert on master plans, but it does

1 appear to cover the whole plan for the airport and
2 clearly there is a wider plan including a second runway.

3 Q. If you turn on in CD/20 to page 3, the executive
4 summary, go to paragraph S6, that tells us what the
5 White Paper asks of the airport operator. Has this
6 airport operator complied through this interim master
7 plan.

8 A. I am not really an expert in master plans. Just looking
9 at the contents page on page 1, I see there are drawings
10 for 2006 and 2015, which suggest at first look that it
11 doesn't go beyond 2015.

12 Q. I am obliged. Now to another matter of detail, this
13 time covered towards the end of your cross-examination
14 when certain questions were put to you about the low car
15 strategy which had been advocated by SSE. Firstly, in
16 respect of forecourt charges, which was covered in your
17 paragraph 6.1.8 I think?

18 A. Yes, 6.1.8.

19 Q. What do BAA advocate in respect of forecourt charges for
20 G2?

21 A. That they should be introduced. I think I have got that
22 right. BAA advocates exactly such a charge for G2 is
23 what I have said in my evidence. The footnote there
24 says that's in the G2 surface access consultation in
25 February 2007. So they have been listening but not for

1 G1.

2 Q. It was put to you that there had to be a careful
3 balancing exercise undertaken because of the fear of
4 displacement and unlawful parking. If it is proposed
5 for G2, what view do you take of its acceptability in
6 terms of that balanced exercise for G1?

7 A. I see no reason at all for not introducing it in G1.
8 Okay, the timing has to be right and all the other
9 aspects need to be right to make it a balanced package,
10 including getting public transport in place, but there
11 is no fundamental reason why it shouldn't be introduced
12 for G1. After all, G1, as somebody said earlier, is
13 proposing effectively putting another Birmingham airport
14 here. So it is hardly small beer.

15 Q. You were then asked on the same matter as to whether
16 there had been objection from the local authorities and
17 the Highways Authorities to the BAA proposals. I think
18 you misunderstood the question at first and you wondered
19 whether you were being asked as to whether there had
20 been any objection to the SSE proposals?

21 A. Right.

22 Q. I want to ask that question. Has there been any view
23 taken by the relevant authorities of the SSE low car
24 strategy?

25 A. No. Indeed the opposite, if that's right. We touted

1 them round to the local authorities, and it met a lot of
2 positive response actually. We list at the bottom of my
3 evidence, bottom of page 17, the dates when we met with
4 and got support from Uttlesford District Council, East
5 Herts District Council, Essex County Council, Herts
6 County Council, East of England Regional Assembly, and
7 even the Department of Transport Aviation Minister was
8 fairly supportive of what we were proposing.

9 Q. I am obliged. Vehicle occupancy. You will recall that
10 you were asked some questions but not many about vehicle
11 occupancy when you were taken to paragraph 5.1.26. It
12 was put to you in particular that it had been validated,
13 amongst other things, by comparison to the real world
14 survey data?

15 A. Yes, I remember that question, but I wasn't able to help
16 with an answer.

17 Q. Right. I wonder if I could ask you to look at BAA/3/K?

18 MR HUMPHRIES: The reference was to the models being
19 validated against real world data for 2003.

20 Q. Do you have 3/K in front of you have?

21 A. I have.

22 Q. Turn to page 3, table 4. I think that's the only
23 validation by reference to real world data that we have
24 been provided. Are you aware of any other evidence?

25 A. No. I am not particularly aware of how the modelling

1 was validated, but if I can just do a little story on
2 modelling. I have got a calculator here. If I put in 1
3 plus 1, the answer is 2, and that's the answer that I
4 expected. So I validated it; the model works. If I put
5 in 1 plus 2, it comes up with 3. The model has worked.
6 It is correct. But it is all to do with the numbers
7 I put in, not whether the model itself works. So back
8 to your question, sorry, Mr Stinchcombe. No, this is
9 the only information that I have seen trying to support,
10 and it's a pretty weak bit of support. It does say:
11 "The model data were arrived by interpolation between
12 the 2003 base matrices and a 2005 forecast. Counts were
13 taken from ..." Then the table lists some times of day.
14 Q. Can I ask you questions about those times of days? Does
15 this table give us any information at all as to traffic
16 flow at the peak morning rush hour between 7.00 and 9.00
17 in the morning?
18 A. No. Whatever the flow was, it is lost within a 12 hour
19 period that covers the whole of the day. So we can't
20 really tell how well it balances.
21 Q. Does it give us any information at all about peak flow
22 at the rush hour in the evening between 4.00 and 7.00?
23 A. No, again because it is lost in that 12-hour period.
24 Q. Does it give supportive evidence of a strong validation
25 in respect of any of the hours at which there will be

1 peak demand on surface access?

2 A. No.

3 Q. Right. We now know what the extent of this survey data
4 on which the comparison was made is, from BAA/3/P. Can
5 you tell us how extensive that survey data is?

6 A. I've lost my 3/P. I haven't had too long to study it
7 because it turned up this morning and then the
8 correction turned up just afterwards. Now I have lost
9 it. Could somebody pass me 3/P, please?

10 Q. Page 2.

11 A. Yes, I think it is probably the fourth paragraph down:
12 "BAA undertook a check of the derived occupancy data
13 as set out in BAA/3/K. The count data used for this
14 check was the full BAA passenger data for the month of
15 September 2004, and the full count of vehicles accessing
16 the airport car parks and forecourt in the same month."

17 Q. How does that compare against the CAA data that you have
18 been using?

19 A. Well, the little paragraph this morning is fully
20 unsupported by any evidence, for a start. The CAA data
21 of course, is very thorough. It is a well-established
22 process over a whole year and over the whole day. So
23 I would suggest that 3/P is offering fairly flimsy
24 support for a very flimsy calculation that it starts
25 with.

1 Q. Is there anything in the evidence you have now seen that
2 demonstrates that the vehicle occupancy is not as you
3 calculated it by reference to that CAA data?

4 A. None at all. To use a phrase that I used earlier and I
5 was pulled up on, I think BAA are simply digging
6 themselves deeper into the hole.

7 Q. Right. Back then towards the beginning of your
8 cross-examination you were asked questions against the
9 context of the local authorities having already entered
10 into various agreements with the applicant in respect of
11 the mitigation measures that were required to deal with
12 the traffic flows that would be generated.

13 A. Yes.

14 Q. I am obliged. What vehicle occupancy rate underpins the
15 agreement as to those mitigation measures?

16 A. Well, it's probably 1.74 as an overall number compared
17 with the 1.37 that it should start from, but 1.74 is
18 also pretty suspect, because it's lower than all the
19 individual items that are assessed. The assumptions for
20 park and fly is 1.92. The assumption for taxis, 2.07.
21 Only kiss and fly is slightly below the 1.74.

22 Q. What confidence do you have that the vehicle occupancy
23 rate which underpins the mitigation agreement is
24 accurate and correct?

25 A. On a scale from 1 to 10 about 0.

1 Q. If that input is inaccurate, what confidence levels do
2 you attribute to the other inputs, for example, on
3 origins and destinations and transport passengers?

4 A. Well, I have already made a fairly serious comment this
5 morning that all of these seem to point in one
6 direction, and I can't but help think it is by design
7 rather than by chance. So I think some of the others
8 are perhaps smaller, but we don't know quite what else
9 we haven't found yet. So I do have a general lack of
10 confidence in the forecasts.

11 Q. And what confidence do you have, therefore, as to
12 whether the mitigation measures which have apparently
13 been agreed are sufficient?

14 A. Well, these errors, if I can call them errors, move in
15 different directions. So it is not too easy to say what
16 the consequences are without a proper modelling exercise
17 and a proper testing of the modelling exercise. Some
18 will push in one direction and pull in another and
19 others will push firmly in one direction only.

20 In terms of roads the big push is on vehicle
21 occupancy and the road numbers are understated. So in
22 any way that the transport assessment is being used as
23 a basis for establishing the need for mitigation
24 understates that need. So for roads I think it is
25 a pretty poor basis for agreement. For rail I am not so

1 make any comment in terms of the robustness that you
2 feel that that test, the 15% test, applies in that
3 context?

4 A. It is probably the best test we have got, but it doesn't
5 address at all vehicle occupancy, and I think it is
6 wrong to run a model, whether it is deemed to be the
7 basic model or whether it's deemed to be the test, and
8 then start using sticking plaster to patch it up and
9 think what the effects might be on individual outcomes
10 from that model. So it has a little bit of value, but
11 it certainly doesn't establish a base case, let alone
12 testing the weak points, the pressure points on the road
13 and rail access system.

14 MR PHILLIMORE: Okay. Thanks very much, Mr McDonald. Thank
15 you.

16 A. Thank you.

17 (Witness withdrew)

18 DISCUSSION OF ADMINISTRATIVE MATTERS:

19 MR PHILLIMORE: Just before we adjourn there is just one
20 point.

21 MR BOYLAND: Two actually. First of all, Mr Humphries, it
22 was mentioned last week that there was likely to be
23 a section 106 I think unilateral obligation offered to
24 Hertfordshire County Council with regard to the Little
25 Hadham bypass. Are we going to see a draft of that in

1 time for the conditions and obligations sessions in the
2 next couple of days?

3 MR HUMPHRIES: Yes, I believe so, sir. I understand, and
4 I will be corrected by those who are doing the drafting,
5 that you should get it on the same timescale as the
6 latest versions of the other documents.

7 MR BOYLAND: Right. Thank you. I take it there are no
8 other obligations to be offered other than the one that
9 we have seen already?

10 MR HUMPHRIES: No, sir. Do you mean in terms of the
11 document itself? When you say obligation --

12 MR BOYLAND: We have seen a draft of the obligation with ECC
13 and the Highways Agency. Now we are discussing the HCC
14 one, but there are no others apart from those?

15 MR HUMPHRIES: No.

16 MR BOYLAND: Just one other matter with regard to site
17 visits. I can't remember if I mentioned this. No,
18 I won't have mentioned it I think. We have been asked
19 by I think it was -- yes, it was BAA to visit the LEU --
20 FEU, the Flight Evaluation Centre, which is where noise
21 complaints are received and the aircraft are tracked, as
22 I understand. Anyway we have been asked to visit that.
23 We have agreed to do that next Tuesday. I believe that
24 UDC will also be represented on that. I am not sure if
25 other parties were aware of that. Clearly just as a

1 matter of practicality it will be I think helpful to
2 keep numbers to a minimum. I just wonder whether other
3 parties are content that their interests will be
4 represented in this case by UDC. I don't expect
5 an immediate response, but if they would like to give
6 consideration to that, I would be grateful.

7 A related point is, as you are aware, Mr Phillimore
8 and I made accompanied visits to the airport itself
9 prior to the start of the Inquiry late one evening and
10 very early the following morning, with a more extended
11 tour of the airport later the same day. ACC have
12 expressed some concern about that. They seem not to
13 have been aware of it, although I did announce at the
14 pre-Inquiry meeting our intention to make such a visit
15 and I did announce at the opening of the Inquiry that we
16 had done so, but they have now raised this question.
17 They are pressing us to repeat the visits to the
18 airport, having heard their evidence in relation to the
19 proposed developments on various sites within the
20 airport itself. The view that we have taken so far is
21 that we don't think that's necessary. We feel that we
22 have seen all we need to see and are able to consider
23 that in the light of the evidence that we have heard
24 since. We had, of course, read ACC's evidence before we
25 made those visits. I just wondered whether other

1 parties have any views on that again either immediately
2 or later after due consideration.

3 MR HUMPHRIES: Sir, this is the first I personally was aware
4 of it, so I don't have any immediate reaction. I can
5 see if we have a reaction.

6 MR BOYLAND: It would be helpful if we could perhaps have
7 a reaction at the end of today, if at all possible.
8 That would be helpful. Thank you.

9 MR PHILLIMORE: Can I just confirm, Mr Stinchcombe, your
10 next witness, who that will be, please?

11 MR STINCHCOMBE: Sir, we will be shorter with both of the
12 remaining two witnesses than we were this morning.
13 I would hope to be around 20, 25 minutes at most with
14 both of them.

15 MR PHILLIMORE: The first one you will be calling?

16 MR STINCHCOMBE: The first one I will be calling is
17 Mr John~Rhodes.

18 MR PHILLIMORE: Thank you. If there is nothing else, we are
19 now adjourned until just before 2 o'clock. Thank you.

20 (1.00 pm)

21 (Luncheon adjournment)

22 (2.00 pm)

23 MR PHILLIMORE: Good afternoon. The Inquiry is now resumed.
24 Mr Stinchcombe, if you are ready to call Mr Rhodes,
25 please.

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MR JOHN ANDREW RHODES

Examination by MR STINCHCOMBE

MR STINCHCOMBE: I am happy to do so. Sir, I can indicate that the documents to which we will be referring in chief are effectively the documents that have been referred to in cross-examination, so they should already be to hand. Sir, if I can also indicate that at this late stage with your leave I propose to take large parts of the even summary proof as read, since it has been with people for some time and we have gone through many of the issues in various cross-examinations and examinations in chief already.

With that caveat, if you can turn to the series SSE/14 documents and to Mr Rhodes' summary proof, and if I can introduce Mr Rhodes to the Inquiry.

You are John Andrew Rhodes as opposed to John Stuart Rhodes?

A. I am.

Q. And you appear at the public inquiry on behalf of SSE, of which you are a member?

A. That's right.

Q. I am obliged. You give us in section 1.2 your qualifications. We see there that you have been an independent public transport consultant since 1999?

A. That's correct.

1 Q. You tell us in 1.2.3 your earlier working life as
2 a career civil servant, working mainly in the
3 Departments of Environment and Transport, where your
4 responsibilities included financial oversight of the
5 British Railways' Board?

6 A. That is correct.

7 Q. We know what the scope of your evidence is. You set out
8 in section 3 a summary of your evidence on BAA's
9 planning assumptions. Can we take 3.1 as read?

10 A. Yes.

11 Q. It is largely a factual summary, isn't it?

12 A. It is a factual summary. There is just one point there
13 that I would like to raise in connection with 3.1.5.

14 Q. 3.1.5?

15 A. Where you will see that the first sentence says that the
16 airport tunnel already operates at full capacity.
17 I don't think there is any disagreement about that, but
18 I recall, sir, that you asked a question of Mr Wang
19 about evidence given by Sir Alan Hazelhurst about the
20 capacity of the tunnel, and I think I might be able to
21 help elucidate what I think he meant, although I was not
22 present when he gave evidence.

23 MR BOYLAND: Yes, that would be helpful.

24 A. Right.

25 MR BOYLAND: That would be helpful, I am sure. I would just

1 say that, as I recall it, and I haven't looked back at
2 it since, Sir Alan referred to there being 2 trains per
3 hour, 4 trips per hour, although I think it seems to be
4 fairly well agreed it is 4 returning journeys by trains
5 per hour.

6 A. The full capacity of the tunnel is 12 trains per hour or
7 6 return journeys per hour. Up to five of those are
8 taken up by trains going to London. Five of those six
9 that is, which leaves two paths left, one in and one
10 out, for services which go northwards to Cambridge and
11 the Midlands. I think what Sir Alan must have been
12 referring to is this northbound service. If the current
13 service frequencies to London are maintained, then Sir
14 Alan would be quite right in saying we could not
15 increase the frequency of the northbound service within
16 a single track tunnel. You would need to add to the
17 capacity by building a second tunnel bore. Although
18 I did not hear the evidence, I believe that would be
19 point he was trying to make.

20 MR HUMPHRIES: Sir, I can confirm Mr Rhodes is right on
21 that. Perhaps he could confirm to you of the five
22 trains to London, four currently are Liverpool Street
23 and one to Stratford.

24 A. That is correct. There are four fast trains to
25 Liverpool street and one stopping service to Stratford.

1 Q. That was very helpful. Section 3.2. Now I understand
2 that you wish to withdraw the first bullet point in
3 3.2.1 of your summary. So perhaps we can delete that.
4 You can explain why we should delete it.

5 A. Yes. I think I may have saved Mr Humphries a few
6 pages of cross-examination here.

7 MR BOYLAND: I hope so anyway.

8 A. I believe so.

9 MR BOYLAND: While I have the microphone on, does this
10 affect the main proof as well?

11 A. Yes. It is the same point in the main proof set out at
12 rather greater length. I would ask you to have the two
13 documents to hand and these are the --

14 MR BOYLAND: Just bear with us a moment, if you would.

15 A. Yes, of course.

16 MR BOYLAND: Thank you.

17 A. The two documents are CD/14.2, which is the transport
18 addendum update, and the RUS, which is CD/312. If we go
19 first to table 4.10 --

20 MR PHILLIMORE: Sorry. We are not quite in yet. We have
21 mislaid our 14.2. Okay. We have it. Thank you.

22 MR BOYLAND: Could you give us the reference again within
23 the documents?

24 A. Yes, indeed. Page 29 of CD/14.2 and that is table 5.10
25 we are looking at, and page 81 and table 5.5 of the

1 CD/312.

2 MR PHILLIMORE: Sorry. Was that 212 or 312?

3 A. 312, the route utilisation strategy.

4 MR PHILLIMORE: We have had a particularly enjoyable lunch,
5 as you see. You had better give us the reference again.
6 312?

7 A. 312, page 81, table 5.5. Are we all there? Now you
8 will have seen in my proof and summary proof that I had
9 contrasted the 2014 PIXC forecasts in table 4.10 where
10 the highest figure you see is for the morning peak and
11 it is only 5.3%, with the predicted PIXC figures in the
12 RUS, which for 2016 showed 15%. That seemed to be
13 a rather large increase over two years. I am confident
14 that the point that Mr Humphries would have made to me
15 in cross-examination is that table 4.10 applies to
16 Stansted Express services only, whereas table 5.5
17 applies to all West Anglia outer services, including
18 Stansted Express.

19 As BAA's forecasts in the various versions of the
20 transport assessment show, with 8 coach trains serving
21 both Stansted and Cambridge, the Cambridge services are
22 very heavily overcrowded.

23 I imagine that the explanation for the much higher
24 PIXC figure in the route utilisation strategy reflects
25 the fact that this includes the Cambridge services as

1 well as the Stansted Express services.

2 Q. Mr Rhodes, does that dispose of your concerns about the
3 issue entirely?

4 A. Well, unfortunately not, because we heard some more
5 information relevant to this subject in Mr Wang's
6 evidence and in Mr ForsheW's cross-examination. If
7 I can ask you to keep those two documents before you but
8 with the route utilisation strategy move over to page 82
9 and have a look at table 5 .6.

10 You will recall I am sure that the Government's
11 standards for passengers in excess of capacity are that
12 they would each have to stand for 20 minutes or more.
13 If you look at table 5.6, you will see that the
14 projected journey time -- this will be from Harlow to
15 Tottenham Hale -- is over 20 minutes. So on that basis
16 everybody on all West Anglia outer services, including
17 the Stansted Express, should get a seat. If you read
18 the supporting text at this point, you will see that
19 that is how Network Rail have approached their
20 calculations of overcrowding.

21 Now, I think it is pretty safe to say that in 2014
22 the journey times will still be the same, but when
23 Mr ForsheW was being cross-examined and was asked how he
24 had made the calculations in table 4.10, he said that he
25 had used the existing timetable. For most Stansted

1 Express services the existing timetable allows for
2 17 minutes to do the journey from Harlow to Tottenham
3 Hale. So, therefore, under the current arrangements for
4 the Government's way of calculating overcrowding, it is
5 perfectly legitimate to assume for today's Stansted
6 Express service that people boarding the train at Harlow
7 in morning peak can be expected to stand. But, of
8 course, what BAA have been purporting to do is not tell
9 us what today's standards are to compare the future
10 with. They have projected forward what they believe the
11 position will be in 2014. So I believe that they should
12 actually have been using the assumed journey times that
13 will apply in 2014, as indicated in the RUS and as used
14 by Network Rail, and not assumed that PIXC would, in
15 fact, apply to any of the scenarios presented in 4.10.
16 Every passenger should get a seat.

17 I think you find this is confirmed by the first of
18 the two letters from Mr Stuart Baker of the department
19 which has been put before the enquiry. The letter
20 I want to refer to is appendix A to ECC/1/E. It has
21 been picked up several times in the last few days. If
22 you look at the passage which says "Loading
23 specification", it says:

24 "The G1 and G2 airport rail strategies have been
25 based on the principle of one passenger per seat for the

1 peak hour."

2 So that I believe confirms what I have just said
3 about the strategy for rail which BAA ought to have been
4 putting forward, but it doesn't appear to me from 4.10
5 that that's the strategy that BAA are actually putting
6 forward.

7 Q. That deals with the first bullet point then in 3.2.1.

8 A. Yes.

9 Q. You have withdrawn that but made your supplementary
10 comments. What do we do in respect of the remainder of
11 the reservations set out in paragraph 3.2.1 of your
12 proof? Do you maintain those or are they to be amended
13 in any way?

14 A. No, I think all the remaining points remain perfectly
15 valid, although -- this is three bullet points up from
16 the bottom -- again my impression is that under
17 cross-examination Mr Forsheew did rather modify his
18 position and did agree that actually expanding the
19 capacity on Stansted Express services would provide some
20 benefit to commuters in terms of overcrowding. That has
21 been evident from the way in which the extra stops have
22 been put in to relieve overcrowding on commuter
23 services. So I think there is probably more of
24 an agreement than there would have been at the time that
25 I wrote this proof.

1 Q. I am obliged. Section 4 deals with the draft route
2 utilisation strategy. Rather than read the paragraph in
3 your summary or take you back to your main proof,
4 I wonder if you could simply highlight for me the points
5 that you would wish to make to the inspector?

6 A. Well, I think I would like to start by making a slightly
7 more general point about the rail part of the surface
8 access strategy. BAA have produced evidence in terms of
9 correspondence with the Department of Transport which
10 acknowledges that the proposition of lengthening
11 Stansted Express trains is technically, theoretically
12 feasible, but I think that for a strategy to carry
13 conviction and help you come to your decision on this
14 appeal, you really need to know rather more than that.
15 I think you need to know how and when the additional
16 rolling stock will become available, what sort of
17 infrastructure changes would be required in addition to
18 longer platforms, and what the nature of the
19 Government's commitment is.

20 So if we look at the draft route utilisation
21 strategy, that deals with the infrastructure part of the
22 overall feasibility and practicability of what we're
23 looking at. What I'd like to ask you to do, please, is
24 to -- this is CD/312 again -- have before you -- I know
25 it is difficult, because they are sequential -- have

1 a look at pages 109 and 110 and then you also need to go
2 on to pages 113 and 114. If you just bookmark the
3 second of the two, because we will be looking at both.

4 Now the Inquiry has already heard quite a lot of
5 discussion about option 8, lengthening of peak services
6 between Cambridge and Stansted to 12 cars.

7 It sets out what it would achieve and what it would
8 cost and what the benefit to cost ratio is going to be.
9 It also has a list of the platforms that would need to
10 be extended to enable this strategy to be delivered. To
11 be quite honest, this is a very short-term solution.
12 All it does is maintain average morning peak load
13 factors until 2016. These are the current load factors.
14 They are not actually the ones that ought to be applied
15 in 2016 when we don't have them, as you see, from Harlow
16 northwards. So it doesn't really achieve what it ought
17 to be aiming to achieve there.

18 It provides too much capacity north of Stansted
19 Mountfitchet and not enough further south. It has
20 a capital cost of 100 million, yes, but a benefit to
21 cost ratio of only 1.4, which is not very good. So
22 although it is a bit more expensive, I think this is the
23 sort of rail equivalent of the rephasing of the Little
24 Hadham traffic lights. It is just a temporary sticking
25 plaster solution.

1 If we now move to option 12, there are actually two
2 versions of this option, with different expenses. What
3 I would ask you to look at is near the bottom of the
4 concept, about two or three lines up from the bottom, it
5 says:

6 "To provide adequate capacity from Stansted Airport
7 for airport passengers, lengthening Stansted Express
8 trains to 12 cars as being included, as well as
9 lengthening semi parts of trains from Cambridge, but
10 removing the call at Broxbourne to avoid the expense of
11 extending the platforms."

12 So I think the problem we have been facing is that
13 by focusing on option 8, the assumption, implicit
14 assumption has been that option 12 just follows on
15 afterwards. In fact, that's not the case, because if
16 option 12 by the way has much higher cost, but also much
17 better benefit cost ratios, if any version of option 12
18 was pursued, then you would have to dig up the platforms
19 you have just lengthened at Cheshunt, so that you could
20 realign the tracks and put extra tracks through the
21 station. If you had lengthened the platforms at
22 Broxbourne under option 8, you have foregone the
23 opportunity to avoid that cost under option 12.

24 My only point about this is I think the two options
25 both ought to be viewed as part of the strategy of

1 lengthening Stansted Express trains. This is still
2 a consultation document. We don't know what conclusions
3 Network Rail will come to, but the conclusions they do
4 come to will obviously have to come to some preliminary
5 view about what version of option 12 they are going to
6 progress before they come to a final decision on option
7 8, if that indeed comes first.

8 Q. Just one final question on section 4. In the light of
9 your past professional experience, do you have any
10 comment to make as to the approach to planning by
11 Network Rail and how it compares with the evidence on
12 rail presented at this Inquiry?

13 A. I think the route utilisation strategy is a very good
14 example of how it ought to be done. It looks a long way
15 into the future. The best projects on the railway have
16 a long lead time from the first concept to actual
17 delivery. The West Coast mainline I think has taken ten
18 years from concept to delivery and it is still not
19 finished. So we are talking about things which have
20 a lot of lead time and an even longer asset life once
21 they have been delivered. So it is quite right that
22 Network Rail should be looking not just to 2016 but
23 I think 2021 is the end date here, and look at options
24 which don't just deal with the problem for the next five
25 years but which have the potential to deal with the

1 continuing problems, because life doesn't stop still,
2 which are going to emerge in the longer term.

3 In comparison with that, the evidence on rail which
4 BAA has presented to this Inquiry is simply a single
5 snapshot of one year in the future. There is no sort of
6 critical path analysis to explain how we get to here in
7 that single year in the future and no assessment at all
8 as to what happens afterwards.

9 Q. Section 5, delivering a sustainable railway. Here you
10 look first at the latest White Paper and the HLOS
11 document, CD/433. We have since received additional
12 correspondence from the DFT. I just wondered if you
13 could update us as to where matters lie?

14 A. I think I need only mention CD/568 briefly, because
15 I don't think it adds anything to our previous
16 understanding of the extent of the Government's
17 commitment in respect of the lengthening of the Stansted
18 Express services. Indeed, it concludes by saying:

19 "Whilst we are not able to provide absolute
20 commitments to scope and timescales for capacity
21 enhancements on this or any routes at this stage ..."

22 Now that's a decision for the department and I can
23 understand why they have taken it. Can I ask you to
24 look now at CD/433? This is the White Paper together
25 with high level output specification.

1 MR BOYLAND: Do you mean 433.1?

2 A. I mean both the White Paper and the high level output
3 specification. I am not sure whether they are one
4 document or two. It is this thing.

5 MR HUMPHRIES: Sir, it is 433.1.

6 MR BOYLAND: Was 433.1, which has the Railways Act statement
7 as appendix A --

8 A. Sorry about that. We work in a funny industry, or at
9 least I do. We have PIXC and we also have SOFAs. The
10 SOFA is the statement of funds available. The process of
11 planning the railway up to the end of 1914 relies on the
12 Government expressing certain wishes -- they call them
13 commitments or requirements.

14 MR HUMPHRIES: 2014.

15 A. I beg your pardon. What did I say?

16 MR HUMPHRIES: 1914.

17 A. We might have had rather more railway if I go back that
18 far.

19 MR BOYLAND: And faster trains.

20 A. The process which is described in the White Paper and
21 has been redescribed by Mr Baker in his letter, involves
22 the department specifying what it wants to see in terms
23 of lots of outputs actually. It is not just capacity
24 and load factors. It also covers safety. It also
25 covers reliability. The White Paper has said that it

1 wants to see a 5% improvement in what's known as the
2 public performance measure. That's a combination of
3 cancellations and punctuality up to the period 2014. It
4 also identifies the amount of taxpayers' money that the
5 Government is going to be willing to provide over that
6 period to support the achievement of these outputs.
7 That, I suspect, the amount of taxpayers' money, is the
8 only true commitment in the sense that the man in the
9 street would understand that has been presented in this
10 White Paper.

11 So, for example, if you turn first to page 128, if
12 you are there, you can see this is the SOFA, the source
13 and application of funds. If you look at the top, you
14 can see SOFA. Well, that's the amount of money that the
15 Government is going to put in, and that stays roughly
16 constant at 3 billion per annum.

17 Then you see passenger revenue going up from
18 6.7 billion per annum in 2009/10 to 9 billion per annum
19 in 2013/14.

20 Roughly speaking, because this is looking a bit
21 further forward into the future, the taxpayer meets half
22 of the cost of supporting the passenger railway today
23 and by 2014 it is anticipating that it is only going to
24 meet a quarter of the cost of supporting the passenger
25 railway today.

1 So it is not surprising really that the Government
2 feels unable to make firm commitments about exactly what
3 its contribution is going to buy over this period,
4 because that's a huge increase in passenger revenue. If
5 it comes from commuter services, well, that's a function
6 of economic growth, because commuter service fares are
7 regulated. If most of this has to come from unregulated
8 fares, that's discounted fares and off peak fares, then
9 there's probably quite a big question mark about whether
10 the market will actually support growth on that scale.

11 In any case again, as we have seen, the process
12 leading to the determination -- actually the
13 determination of Network Rail's income, will not be
14 concluded until October of next year by the Office of
15 Rail Regulation. So that adds another uncertainty to
16 the extent to which we can be confident that lengthening
17 of trains will happen in a timely manner.

18 So I am not surprised that Mr Baker at his second
19 attempt was not really able to tell us any more than he
20 did the first time round.

21 It would have been open to the department I suppose
22 to have singled this out, as it has done with one or two
23 other investments, like the improvements to Reading
24 station and said: "Well, you know, whatever happens, we
25 are going to do this", but they have chosen not to do

1 so.

2 Q. Paragraph 5.2 of your summary deals with the
3 availability of trains. Any comments to make in respect
4 of that issue?

5 A. Well, yes, I have. I think for this discussion I would
6 like to refer you to SSE 15.D, the part at the front,
7 not the sensitivity test, which deals with questions we
8 have asked and the answers we have received from BAA.

9 If you look, first of all, at the bottom of page 4
10 and page 5, we ask the question as to whether if new
11 trains were ordered, they would actually be able to
12 operate on the West Anglia route. The answer started
13 off:

14 "I am not in a position to provide a precise answer
15 without meaning to sound flippant".

16 I am afraid it was a flippant answer that we
17 received, on the lines that you wouldn't order new
18 trains that couldn't operate on the route which, as I
19 have said in my proof, is a tautology.

20 If you then move to page 8, I have another go and
21 set out an extensive number of reasons as to why, in my
22 view, if new trains are ordered, and I think everybody
23 agrees that unless new trains are ordered there won't be
24 any train length along West Anglia mainline, because
25 there simply are no trains available to do that at the

1 moment, so new trains have to be ordered. They either
2 run on this line or on another part of One's network,
3 which would then enable a target train which is
4 compatible with the infrastructure to operate on this
5 line.

6 So I set out here the reasons why I think new trains
7 will actually require quite extensive infrastructure
8 modifications, the most obvious being that the standard
9 coach length is now 3 metres longer than it used to be
10 when the current fleet that's in service was built. So,
11 as a matter of simple arithmetic, every platform on the
12 route, if it is going to take 12 car new trains will
13 have to be 36 metres longer than it is at the moment.
14 Only Liverpool Street and Cambridge have platforms long
15 enough to take that length of train at present.

16 So I have suggested that the most likely outcome
17 would be that new trains will go on to the Great Eastern
18 mainline, which already has plenty of them operating,
19 and we get the 20-year old class 321s, which have worked
20 on this route before and could do so again.

21 Now I had expected BAA to agree with that. It
22 appeared that they didn't agree with that in their
23 secondary reply, but then when Mr Forshew was being
24 cross-examined, I think he rather said that rather than
25 disagreeing with what we suggested here, he simply

1 didn't feel qualified to provide an informed response.

2 I am sure Mr Humphries will correct me if I have

3 misunderstood that.

4 So we now have a position where we acknowledge that
5 new trains might be ordered. The notice that One has
6 published in the official journal of the European Union
7 has invited expressions of interest. We don't know
8 whether they are going to place an order. We don't know
9 how quickly they are going to place an order.

10 One other thing I ought to mention in this context
11 is that at the behest of the Department of Transport,
12 the Competition Commission has just started
13 an investigation into the rolling stock leasing
14 companies, which is expected to take two years. So
15 I think funding of new rolling stock while that inquiry
16 is continuing, whether by them or anybody else, is going
17 to be quite uncertain, because they will not know until
18 the end of it what rents they can charge for these long
19 lived assets.

20 So I think we have got to a position where, if you
21 accept my arguments, that PIXC does not apply. We have
22 heard evidence, largely anecdotal, because that's the
23 way that passenger counts occur, that the services are
24 already overcrowded, and really no certainty at all
25 about quite when new trains might be delivered, either

1 to service on this route or to release trains for
2 service on this route. I then question whether you have
3 a strategy which is capable of delivering what BAA say
4 it will in the year 2014.

5 MR STINCHCOMBE: Just one final question on that before we
6 come to your conclusions. When in your view is the
7 earliest date at which 12 coach STEX trains might begin
8 to operate?

9 A. Perhaps I could comment, first of all, in sending this
10 correspondence, having these exchanges of correspondence
11 with Halcrow, I had hoped to have a debate with
12 a professional who would be able to respond properly to
13 the questions that we have raised, and it would have
14 been perfectly possible for BAA to have done so, because
15 they are a trade operator. They run the Heathrow
16 Express. They know all about how long it takes to order
17 new trains and bring a new fleet of trains into service,
18 but they have chosen not to do so.

19 Since I know that you will be considering proposals
20 for a Grampian condition, I thought that my estimate
21 might be better than none at all as to when such
22 an extended service might be likely to be delivered.

23 If we take the most optimistic forecast and that I
24 think is the one where the train company orders new
25 trains, they get delivered, as envisaged in the OJEU

1 notice between 2009 and 2011, and those deliveries
2 enable 20 year old class 321 trains to be released on to
3 this line, then there are one or two things which mean
4 you can't say "ah, it will be 2009 ".

5 Firstly, unless these trains are identical to the
6 design that's already in service, the drivers will need
7 training on how to drive them and do fault finding and
8 things like that, and the maintenance staff will need
9 training on how to maintain them.

10 As we have seen in the past, new trains often have
11 teething problems. When the Eurostar service was
12 introduced, the electronics on those trains were so
13 complicated that every time there was an arc,
14 a flashover on the conventional railway, the Eurostar
15 trains ground to a halt because the computer diagnostics
16 had not been programmed to handle it.

17 So those problems have to be sorted out before new
18 trains can enter into service on the routes they are
19 going on. It will not be until they have entered into
20 service that the train operator will be able to release
21 the class 321s, if that's their plan, on to the West
22 Anglia route.

23 Given the delivery schedule is between 2009 and
24 2011, the driver training and some of the running in
25 will no doubt happen during that delivery period, but

1 the railway now, and it is the case all the way across
2 Europe, has one major timetable change a year, and
3 that's in December. So in my view the earliest at which
4 we could expect a longer Stansted Express service to be
5 running would be December 2011.

6 I think that's also borne out by Mr Forsheo in his
7 evidence, when he said that it would take two years from
8 the authorisation to extend the platforms at
9 Stansted Airport, given the complexities I have referred
10 to earlier, and the fact that the ORR is not going to
11 take a decision on Network Rail's finances until
12 October 2008. I think you can assume for other platform
13 extensions to take place will certainly take two years
14 and probably longer. That too points towards a December
15 2011 introduction date.

16 Q. Your conclusions?

17 A. I don't actually want to read through the whole of part
18 6, because quite a lot of it is to do with the
19 section 106 agreement. We have had plenty of discussion
20 about that, though I am happy to answer questions on it.
21 I would simply like to read out the last paragraph which
22 says:

23 "This appeals seeks to evade the commitments already
24 made".

25 That's a reference back to the section 106 agreement

1 and the fact that it is triggered by airside investments
2 at the airport, which Mr Forshew said BAA would not
3 intend to make.

4 This appeal seeks to evade those commitments and
5 anticipates that rail's contribution to meeting the
6 surface access needs of the airport should be allowed to
7 continue to decline as the proposed airport expansion
8 increases the requirement. As such, the strategy is
9 wholly inadequate and will fail to contribute even to
10 BAA's own stated objectives for surface access."

11 I have referred here to the first clear objective in
12 the transport assessment being to propose measures to
13 improve access by public transport, walking and cycling,
14 to reduce travel, especially by car.

15 I think a strategy which foresees and forecasts
16 continuing decline in rail's market share is wholly
17 inadequate and the appeal should, therefore, be
18 dismissed.

19 Q. Thank you very much indeed. If you stay there, my
20 learned friend will have some questions for you.

21 MR PHILLIMORE: Thank you. Mr Humphries?

22 Cross-examination by MR HUMPHRIES:

23 MR HUMPHRIES: Mr Rhodes, good afternoon.

24 A. Good afternoon.

25 Q. Mr Rhodes, can I just start by picking up on two smaller

1 points and then we will sort of try and get to the heart
2 of the differences between us?

3 A. Yes.

4 Q. 3.1.1.

5 A. I beg your pardon. Are you looking at the full proof or
6 the supplement?

7 Q. That's a good question. The full proof.

8 A. The full proof. Okay.

9

10 Q. You raise a point there. It is just a matter of detail
11 to see if you and I can agree it and you touch on it
12 later?

13 A. Which paragraph, please?

14 Q. 3.1.1.

15 A. 3.1.1. Yes.

16 Q. You touch on it later. It is just about the
17 introduction of the latest timetable in December 2005?

18 A. Yes.

19 Q. I think you made the point that initially there were
20 some problems and the operator couldn't operate the
21 timetable reliability?

22 A. Yes.

23 Q. My understanding, and I don't know if you know about
24 this, is that that was, in fact, due to crew shortages
25 at that time. It wasn't a problem with the timetable as

1 such. Do you happen to know about that?

2 A. It was the main reason. This was soon after the
3 responsibility for the franchise and the new timetable
4 had been taken over by this new entity called One.
5 There were a number of staffing disputes, because they
6 had amalgamated staff from three previous employers, who
7 were all on different pay and conditions. So there were
8 some disagreements associated with that which led to the
9 staff not being willing to work on rest days on
10 a voluntary basis and matters like that.

11 As a result of that, the train operator actually
12 deleted from the timetable I think it was 41 weekday
13 services, mostly suburban services, for the better part
14 of 2006.

15 Q. Mr Rhodes, it is a short point. It was just simply was
16 it to do with staff/crew shortages?

17 A. It was to do with staff, not entirely to do with
18 staffing. We have seen in the -- I make a reference to
19 it in the proof, the route utilisation strategy. The
20 route itself is under severe pressure for most of the
21 day and the stretches between, the two route sections
22 between Liverpool Street and Cambridge are two of the
23 five worst performers in terms of delay on the whole of
24 the greater Anglia network. The reasons are those I
25 have explained. The infrastructure itself means that

1 any slight perturbation in the timetable causes massive
2 disruption.

3 Yes, the initial problem was crew shortages but it
4 was certainly not the only problem.

5 Q. No criticism, but as a generality if you can try to keep
6 the answer focused on the question, that will help.
7 There can always be re-examination. If you wouldn't
8 mind.

9 A. Uh-huh.

10 Q. 3.1.6, you have said there that BAA does not volunteer
11 any funding for extending Stansted Mountfitchet and
12 explicitly assumes that DFT will fund the rolling stock
13 to 12 car trains?

14 A. Yes.

15 Q. The discussions between BAA and DFT on this have
16 concluded that BAA will fund the on-site infrastructure
17 work. That's what's going to be in the section 106
18 agreement. One of the people that will decide this
19 application is obviously the Secretary of State for
20 Transport?

21 A. Yes.

22 Q. If BAA had misrepresented that arrangement or got it
23 wrong in some way, the Secretary of State for Transport
24 would be able to make that abundantly clear, wouldn't
25 she?

1 A. I haven't suggested that --

2 Q. I am not suggesting you have said anything. Just focus
3 on the question. If we had got that wrong, the
4 Secretary of State for Transport, who is one of those
5 persons who will decide the application, could make that
6 very clear through their decision?

7 A. I was about to agree with you that the Secretary of
8 State for Transport could do, but perhaps I could refer
9 again to ECC/1/E, appendix A, which referred on the
10 second page in Mr Baker's letter -- it includes the
11 categorical statement that a funding agreement with BAA
12 is in place. When Mr ForsheW was being cross-examined
13 on the subject, I think by Mr Hill, he conceded that
14 actually a funding agreement wasn't in place.
15 A gentleman's agreement might have been but it wasn't
16 a funding agreement.

17 Q. Are you putting some technical expression on the term
18 "funding agreement"? You are not party, are you, to the
19 arrangement between BAA and DFT on the funding
20 agreement, are you?

21 A. No.

22 Q. My instructions are that the arrangement -- I haven't
23 said agreement -- the arrangement is that we will fund
24 the on-site works. The simple point I am putting to you
25 for, hopefully, your agreement is that if we are wrong

1 about that, it is the Secretary of State for Transport
2 who is determining, along with the Secretary of State
3 for Communities and Local Government, this application?

4 A. Yes.

5 Q. Therefore, if we have misrepresented that, the Secretary
6 of State clearly can take that into account in any
7 decision?

8 A. Yes, I would agree with that.

9 Q. All right. Now if we assume that that is the correct
10 position, that is what we have been asked to do, in
11 those circumstances, there is no need, no requirement
12 for BAA to fund other station improvements, is there?

13 A. No, but may I qualify that?

14 Q. Of course.

15 A. Good. The Government is always seeking third party
16 contributions to assist in the improvement of the rail
17 network. They range from sort of local communities
18 improving minor stations to open access operators coming
19 in and running competitive services. If BAA wanted to
20 provide additional certainty that its preferred rail
21 strategy was actually going to be delivered in a timely
22 manner, there would be nothing to stop BAA offering, as
23 it did under the previous section 106 agreement, to make
24 on a voluntary basis third party contributions which
25 would fall outside the understanding that it has already

1 reached with the department.

2 Q. I mean, obviously, that is right. BAA, like any other
3 company, can make voluntary contributions. If we look
4 for a moment at CD/433.1 and at that table.

5 A. Which table?

6 Q. I am just going to tell you, Mr Rhodes. Do wait for the
7 question. The table at page 128.

8 A. Yes.

9 Q. I tend to speak fairly slowly, because I have some
10 consideration for the transcript writer. So table 12.1.
11 As you pointed out to us, one of the principal revenues,
12 indeed the largest revenue stream for rail funding, is,
13 in fact, passenger revenue, isn't it?

14 A. Yes.

15 Q. Of course, one of the things that the expansion of the
16 airport delivers to the train operating company is more
17 passengers, more revenue?

18 A. Yes, but surprisingly little on BAA's forecasts.
19 I agree it does deliver more, but rather less than one
20 might have expected.

21 Q. And, of course, the rail operating companies that own
22 the franchises and who make the money from the railway
23 themselves expect to and they do invest in their own
24 rolling stock and their infrastructure, as indeed does
25 Network Rail in relation to the stations. That's the

1 way the industry works?

2 A. No, I'd like to pick you up on that actually. Passenger
3 train operators have short life franchises. The
4 franchise that provides the service here is a 7 year
5 franchise, capable of being extended up to ten years,
6 which will take the total just up to 2014. Passenger
7 train operators, whatever the announcements might say,
8 do not make major investments. Rolling stock leasing
9 companies invest in trains and rent them out to the
10 passenger train operators.

11 The sorts of investments that franchisees, the
12 people who are going to generate this income make, are
13 much more limited, short-term types of investment in the
14 trains or infrastructure.

15 Q. Mr Rhodes, thank you. The point is the rail industry,
16 because BAA would be producing, generating, if you like,
17 more customers on the rail service, can be expected to
18 and is expected to contribute towards the rolling stock
19 and infrastructure improvements that will be needed to
20 carry that additional patronage?

21 A. Yes, it will do.

22 Q. Now, 3.1.7, you deal there with the maximum capacity of
23 the single track tunnel.

24 A. Yes.

25 Q. The rest of the Lee Valley is operating at full

1 capacity. Then, over the page, only Liverpool Street,
2 Tottenham Hale, Harlow Town, Bishops Stortford, Audley
3 End and Cambridge have platforms long enough for 12 car
4 trains. Clearly both Network Rail through the RUS and
5 DFT is aware of that, isn't it?

6 A. Yes.

7 Q. Clearly both Network Rail and DFT envisage the potential
8 for some platform lengthening and/or selective door
9 opening coming forward as part of the package of train
10 lengthening?

11 A. Yes, they do. I think I should make the point on
12 selective door opening that the railway inspectorate
13 regard that as very much an exceptional circumstance and
14 one that would not be used on heavily used stations like
15 Cheshunt and Broxbourne. They simply wouldn't permit
16 it. But I acknowledge it is there.

17 Q. And that it is one of the options being considered by
18 Network Rail in the RUS for these services?

19 A. Yes.

20 Q. Clearly, quite what package of infrastructure
21 improvements comes forward, with or without selective
22 door opening, is a matter for the rail industry. It is
23 not a matter for BAA, is it?

24 A. No, except the point I made before, a third party
25 contribution may bring forward in the order of priority

1 something that may otherwise be delayed in terms of
2 investment priorities for the industry.

3 Q. Moving on a little, in your paragraph 3.2.1, you made
4 a correction there. That's helpful. We can also record
5 I think, can we not, fairly that the PIXC figures which
6 are given in the RUS in table 5.5 are for 2016?

7 A. Yes.

8 Q. Of course, on that timescale, BAA anticipates that the
9 second runway will have come forward and so the
10 passenger numbers we are looking at there are obviously
11 higher than a single runway set of passenger numbers?

12 A. I don't think that that necessarily follows. BAA
13 anticipate that demand will have reached 35 MPPA on a
14 single runway by 2014, and BAA have also argued, I think
15 in Mr Maiden's evidence, that even by 2023 or 2030 they
16 didn't really expect that airport usage would increase
17 on a single runway beyond 40 million passengers per
18 annum.

19 Q. That's precisely my point.

20 A. So I think the difference between passenger growth up to
21 2014 and passenger growth from 2014 to 2016 is slight
22 under any scenario, whether there is one runway or two.

23 Q. Do you know what the throughput at the airport would be
24 in that year in a two runway scenario?

25 A. No, I don't, because no evidence has been presented to

1 this enquiry about it.

2 Q. So how do you say it is slight?

3 A. Because demand is not necessarily a function of

4 capacity. The mere fact that more capacity is in place

5 doesn't automatically lead to a step change in demand.

6 Demand tends to rise rapidly.

7 Q. Right. Now let's move on. You made various points

8 again in relation to this paragraph on PIXC?

9 A. Yes.

10 Q. Obviously, again we can have a long debate about whether

11 PIXC does or does not apply and if it applies how it

12 applies, but at the end of the day, Mr Rhodes, BAA is

13 not the rail operator or the rail regulator. The

14 Government will apply and National Rail will apply the

15 relevant standards at the relevant time in order to make

16 assessments and bring forward capacity when appropriate.

17 It is not a matter for BAA, is it?

18 A. I don't believe I was suggesting that it was. What I

19 was suggesting is that BAA should anticipate the

20 standard that would apply in 2014 in preparing the rail

21 part of its access strategy. The Government has said

22 quite clearly, in Mr Baker's letter of 23rd April that

23 for Stansted Express services it is one seat per

24 passenger, one passenger per seat.

25 Q. When making those points in chief you said that shows --

1 your assessment of the PIXC -- that that assessment was
2 inconsistent with BAA's strategy. BAA's strategy is to
3 provide the on airport facilities and to safeguard the
4 land in order to allow the rail industry to bring
5 forward rail in the appropriate timescale. That's BAA's
6 strategy.

7 A. I think that in the transport addendum update the
8 impression that was trying to be created by that table
9 4.10 that I drew attention to was that we couldn't be --
10 because BAA were not a party to when the Government were
11 going to bring forward investment, and we couldn't be
12 certain about it, we should look at what the forecasts
13 of demand would be if, in fact, train lengthening had
14 not taken place by 2014, and the suggestion was that on
15 almost any scenario, the PIXC limit would not be
16 breached. I am suggesting that's a misleading piece of
17 information to present, because it wrongly suggests that
18 the PIXC will apply, when neither the RUS nor Mr Baker
19 appear to think that it will.

20 Q. Now the other points in paragraph 3.2.1 for the most
21 part, but not entirely, go to issues dealing with the
22 problems and issues that will face the rail industries
23 in bringing forward a 12 car train strategy?

24 A. Yes.

25 Q. But again we know, don't we, from the approach that now

1 follows from the Railways Act 2005 and the approach in
2 the high level output specification that what the
3 Government does is specify the outputs it wants to see,
4 the growth in capacity it wants to see and then it is
5 left to the industries to bring that forward. That,
6 first of all, is the approach, isn't it now?

7 A. No. There's a step in the middle that you've left out,
8 which is for the Office of the Rail Regulator to
9 determine whether the outputs that the Government has
10 said it wants delivered are mutually compatible and also
11 compatible is the funding that the Government has said
12 will be available.

13 Q. We know that. That's in paragraph 3 of CD/441, which is
14 the guidance on HLOS. The inspector has been taken to
15 that. Subject to that point, the approach is one of high
16 level outputs set by Government, is it not, and the
17 industry to deliver?

18 A. That's right, yes.

19 Q. Right. The role of the ORR -- we can look at that
20 paragraph if you would like in CD/441, but it is also
21 set out for us in CD/568, which is the DFT letter -- is
22 in effect to ensure that the funding and the aspirations
23 and intentions set out in the HLOS are consistent?

24 A. Yes, and it is for the ORR in the last resort to decide
25 which outputs will not be capable of being deliverable

1 and the funding available if there is no agreement after
2 discussion with Government.

3 Q. Yes, or alternatively to --

4 A. -- or for the Government to provide more money.

5 Q. -- suggest to the Government to provide more money?

6 A. Yes.

7 Q. What we do know from CD/568 is that the Government does
8 regard the West Anglia mainline, including the Cambridge
9 service and the Stansted service, as one attracting high
10 priority. Do we need to look at that? It is page 3
11 under the heading "West Anglia mainline". It says:

12 "We recognise that some services on the West Anglia
13 mainline are already congested. The WAML is one of the
14 routes that we have identified as a priority for
15 capacity enhancement."

16 A. Yes, I accept that.

17 Q. So we know, don't we, that when it comes to examination
18 by the ORR, that the clear steer from Government is that
19 the West Anglia mainline is to be regarded as
20 a priority?

21 A. Yes.

22 Q. Now within that we also know, don't we, that the
23 Government has made clear in the White Paper that it is
24 satisfied that the improvements it wants to buy are
25 affordable within the funds available, CD/433.1, page 8?

1 A. Sorry. Which page?

2 Q. Page 8. It is towards the bottom?

3 A. Yes. Well, that is indeed what the White Paper says,
4 and I would not have expected the Government to have put
5 this forward if they had not so satisfied themselves,
6 but I am also reminded of Mandy Rice-Davies famous
7 remark: "They would say that, wouldn't they?"

8 Q. How many times have I heard that said by a witness.

9 Of course, the task that faces you at this Inquiry
10 or faces, more accurately, SSE is to persuade the
11 Secretary of State for Transport, one of the people who
12 will decide this appeal, that planning permission should
13 be refused for G1, because the Secretary of State for
14 Transport's own White Paper, in which she expresses
15 confidence in the funding for the expansion, is not to
16 be believed?

17 A. I think it is all a matter of the degree of certainty
18 which you can attach to a White Paper which expects the
19 funding contribution from passengers to increase from
20 half to three-quarters of the total cost of the railway,
21 while the Government's contribution remains pegged at
22 its current level.

23 Q. Again we know, don't we, that the rail demand forecasts
24 that BAA has produced include forecasts of passenger
25 demand arising both from the growth in regional

1 population, as set out in the draft East of England
2 plan, as well as growth at Stansted Airport?

3 A. Yes.

4 Q. As I understand it, you expect the inspector to take
5 into account that regional growth in population when
6 looking at future forecasts.

7 A. Yes.

8 Q. And, of course, we know that it is in large part that
9 regional growth, of course, together with the planned
10 growth at Stansted, that leads to the levels of
11 overcrowding seen in BAA's forecasts?

12 A. Yes.

13 Q. There is, therefore, an inconsistency, isn't there, in
14 the approach you adopt whereby you urge the inspector to
15 take into account planned regional population growth but
16 not to take into account the planned rail response to
17 that regional population growth?

18 A. I am sorry, where have I suggested the inspector should
19 not take into account the planned rail response?

20 Q. If that's not your case I apologise, and I am absolutely
21 delighted. So the inspector should take into account,
22 shouldn't he, the Government's planned rail response --

23 A. Oh, I beg your pardon. I thought you said the rail
24 industry's planned response. You are talking about the
25 Government's planned response?

1 Q. Do you want me to put the question again?

2 A. Yes, please.

3 Q. You urge the inspector to take into account the
4 Government's planned growth in regional population, as
5 set out in the draft East of England plan, we are
6 supposed to take that into account in our forecast, but
7 not, as I understand, the Government's planned expansion
8 of rail capacity as set out in the rail White Paper and
9 the HLOS?

10 A. Ah, I see. Again I think it comes back to the question
11 of certainty. The enquiry is looking at a specific
12 development proposal here and the impact of that
13 development proposal on rail infrastructure in the
14 context of the Government's other plans for expansion in
15 the region. I therefore think it is perfectly
16 reasonable for the Inquiry to take account of the
17 likelihood, ease of deliverability and timescales of the
18 growth in rail facilities that the Government has said
19 it wishes to see happen, and I have tried to draw
20 attention to some of those considerations both in my
21 proof and in my evidence-in-chief today.

22 Q. Obviously, that highlights to some extent the difference
23 between us, but your approach or SSE's approach on this
24 would, of course, apply to every substantial development
25 in the East of England. Any housing estate, office

1 building, employment site, which might result in someone
2 using the rail, would have to be on that basis refused
3 because there is currently overcrowding and because that
4 person or persons who would use the rail would add to
5 that overcrowding without, as you say, and we don't
6 accept, there being certainty about the delivery of rail
7 improvements?

8 A. I think the scale of development at Stansted is possibly
9 of a different order of magnitude from the average new
10 employment generated --

11 Q. Address the principle --

12 A. The principle, I believe you are the planning expert,
13 not me, but, as I understand it, at every planning
14 Inquiry, you are looking at the circumstances of the
15 case, set in the context of wider plans for regional and
16 local development. I am trying to give some context
17 which has so far been missing from BAA's evidence.

18 Q. Mr Rhodes, thank you.

19 A. Thank you.

20 MR PHILLIMORE: Thank you. Mr Stinchcombe?

21 Re-examination by MR STINCHCOMBE:

22 MR STINCHCOMBE: Thank you very much indeed, sir. Just
23 three points I'd like to cover with you, Mr Rhodes. I
24 will do them in the order in which they were covered in
25 cross-examination. So going back to the beginning, near

1 the beginning, can you recall that you were asked
2 questions about the table -- I think it was within the
3 RUS document -- in respect of which it was put to you
4 that because passengers were going up, revenue was going
5 up.

6 A. I do.

7 Q. Right. You commented that passengers were going up
8 rather less than you expected?

9 A. Passenger numbers at Stansted Airport.

10 Q. I wonder if you could elaborate on that. What is the
11 source of that concern or that comment?

12 A. I think it actually goes back to Mr Forshew's
13 cross-examination last week. I may have to pause for
14 a minute to find the relevant table.

15 Q. Is this in Mr Forshew's evidence?

16 A. It is either in Mr Forshew's evidence or CD/14.2.
17 I think it may be in Mr Forshew's evidence. I do
18 apologise. I am not sure whether I need to draw
19 attention to the specific table again, because it has
20 been discussed in evidence. It was the point that there
21 is a 10 million increase in passenger numbers. It is
22 Mr Forshew's evidence, table 12.4.

23 Q. Page 49?

24 A. Page 49. That is the one. It shows two different
25 scenarios of 25 million passengers per annum and

1 35 million passengers per annum and I think it was an
2 increase of 27 passengers between the two. Now
3 admittedly it is only the a.m three hour peak, not the
4 whole day, but the more general trend is that BAA is
5 forecasting a continuing decline in rail's mode share on
6 the corridor where it ought to be overwhelmingly
7 dominant. So to see a continuing decline, I think that
8 is certainly a reflection of BAA's strategy, even if how
9 rail operators respond to market circumstances is
10 clearly not within their control.

11 Q. I am obliged. Second matter. You recall those
12 questions put to you at I think two stages of the
13 cross-examination whereby it was suggested that off-site
14 improvements for rail were not matters for BAA but were
15 for the regulator, for the operators or for Government?

16 A. I do.

17 Q. What view did BAA take of that matter when they signed
18 the section 106 in respect of the 2003 planning
19 permission?

20 A. Well, that's interesting, isn't it, because in 2003 the
21 institutional arrangements for the railway were a bit
22 different from those that prevail today. In 2003 the
23 section 106 agreement I believe was the outcome of the
24 negotiations with the Strategic Rail Authority, the body
25 specifically charged by Government with managing the

1 franchise passenger railway, and the Strategic Rail
2 Authority in 2003 clearly thought that in addition to
3 the on-site rail investment, which is not a matter of
4 dispute, as I understand it, BAA should make
5 a significant contribution to both station lengthening
6 and the procurement and, if necessary, subsidising the
7 operating costs of extra trains which were going to be
8 procured specifically to make increased demand generated
9 by the airport.

10 Q. Right. Final matters. Document CD/568 and the
11 questions towards the very end of your
12 cross-examination.

13 A. Sorry. I just lost it.

14 MR BOYLAND: That's the recent --

15 A. I have found it. Thank you. Yes.

16 MR STINCHCOMBE: You recall that it was put to you that this
17 was a clear steer from Government as to how it would
18 secure its planned expansion of rail capacity.

19 A. My attention was drawn specifically to the second
20 sentence under the "West Anglia mainline", which is
21 perfectly clear, that the department regards this as
22 a priority for capacity enhancement.

23 Q. Is it the only priority?

24 A. Well, of course not. The most important priorities have
25 been identified and costed and referred to specifically

1 in HLOS enhancements like improvements in capacity at
2 Birmingham New Street station and at Reading station.
3 So yes, this is a priority for investment, but as the
4 HLOS says, there are 23 routes, many of which I am sure
5 could attract the same comment from the department.

6 Q. I am obliged. Turn over to page 4 of this letter.

7 A. Yes.

8 Q. In terms of the clear steer of Government is it
9 Government who are going to deliver this capacity?

10 A. No. Government will, as we discussed several times
11 before, set out its priorities and the amount of
12 financial contribution it is prepared to make to them,
13 but it will not deliver them.

14 Q. Can Government give any absolute commitments?

15 A. Well, it says in terms that they are not able to do so,
16 and that must surely be correct.

17 Q. I am obliged. No further questions. Thank you very
18 much indeed, Mr Rhodes. Sir, do you have any questions?

19 MR PHILLIMORE: Thank you very much.

20 Questions from THE INSPECTORS:

21 MR BOYLAND: Just a very broad question, Mr Rhodes. If
22 notwithstanding all your fears about delivery of the
23 improvements necessary to provide 12 car trains on
24 Stansted Express, notwithstanding all those, the
25 movements were actually delivered on the timescale that

1 you suggested, which was by December 2011 I think.

2 A. Yes.

3 Q. In your view, would that or would that not meet the
4 additional demand on the line arising from G1?

5 A. We have no way of working that out, because we have
6 a one year projection in 2014 as to what the demand will
7 be then. We do not know over what period of time,
8 journey times between Harlow and Tottenham Hale will
9 deteriorate. I may say, in my experience yesterday,
10 when it took me an hour to get from Harlow to Liverpool
11 Street that has already happened, even if the timetable
12 doesn't recognise it yet, and we don't know either what
13 the expected build-up of passengers will be through the
14 airports from the period from today to 2014.

15 I think that there will be a significant gap between
16 acceptable levels of crowding on the West Anglia
17 line and the earliest date at which you could expect
18 longer trains to start operating, but we have not been
19 provided with more information to make an informed
20 judgment.

21 Q. When you say you think there would be a gap, do you mean
22 that the level of overcrowding will increase prior to
23 2011?

24 A. Oh, undoubtedly.

25 Q. Do you mean it will be satisfactory thereafter on that

1 scenario? I appreciate all the caveats that you have
2 put forward. Just in your judgment?

3 A. In my judgment, no, because if you look at option 8 of
4 the RUS, by 2016, and this is the simply sticking
5 plaster longer trains solution, longer trains will
6 provide too much capacity north of Stansted and not
7 enough between Stansted and London. The option 8 only
8 maintains current levels of overcrowding, which includes
9 standing on Stansted Express services, which by 2016
10 should not happen, so it does not look as though it is
11 really keeping pace with demand anyway.

12 Q. Thank you.

13 MR PHILLIMORE: Okay. Thank you very much then, Mr Rhodes.
14 Thank you.

15 A. Thank you.

16

17 (Witness withdrew)

18 MR PHILLIMORE: We will now take a break. It is 3.25. We
19 will come back at 3.40 and hear from the last witness.
20 Thank you.

21 (3.25 pm)

22 (Short break)

23 (3.40 pm)

24 MR PHILLIMORE: We are now resumed. Mr Stinchcombe, would
25 you like to call Mr Harman.

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MR REG HARMAN

Examination by MR STINCHCOMBE:

MR STINCHCOMBE: Yes, sir. You should have to hand his main proof and summary proof from the SSE/15 series.

If I can introduce Mr Harman by reference to his summary proof. You are Reg Harman. You appear at this Inquiry on behalf of Stop Stansted Expansion, by whom you have been commissioned to review the demand for surface access and its implications. In the remainder of section 1 you tell us your qualifications and experience.

A. That's correct, yes.

Q. In Section 2 you describe the scope of your evidence. I wonder in the summary, could you turn to paragraph 3.1 and read paragraph 3.1.

A. Certainly.

"The BAA forecast for future growth in surface access demand focused mostly on the target year 2014. They incorporate comparisons between scenarios with a throughput of 35 MPPA, the interim cap offer by BAA, and 25 MPPA, the current planning limit, but these are not on the same basis. The forecasts are not compared to base year figures.

"BAA's surface access case rests heavily on the case that expansion to 35 MPPA would result in a manageable

1 impact on roads and public transport in the catchment
2 areas."

3 Q. Pausing there, if we can turn quickly to section 3 of
4 your main proof, on page 3.

5 A. Yes.

6 Q. Could you read paragraph 3.1.2 for me?

7 A. Certainly. Thank you:

8 "The tight focus on the year 2014 does not allow for
9 assessment of the airport's impact on surface access in
10 the catchment area in the context of the continuous
11 growth trend that is likely in surface transport demand
12 in the sub-region and beyond.

13 "This might in principle be addressed through
14 addressing major changes in how people travel, but the
15 BAA forecast do not consider such changes or assess the
16 effects of such changes were they to be achieved.

17 "This principle of forecasting is very significant.
18 It effectively glosses over the gradual but continuous
19 development of the airport and its surface access demand
20 within the developing catchment sub-region."

21 Q. I am obliged. Back to your summary proof then. I would
22 like to take, if I could, paragraphs 3.2 to 3.6 as read,
23 but so long as you can outline for the inspectors what
24 those paragraphs cover.

25 A. Right. Well, they simply touch on the main aspects of

1 surface access forecasts, the uncertainties resulting
2 from some factors which the Inquiry has already
3 considered. I think, in particular, what I picked out
4 is that the modal shares will not change much. The
5 level of car traffic will, therefore, rise. This is all
6 set out in some detail in my main proof.

7 Q. I am obliged. Can you then read paragraph 3.7 of your
8 summary?

9 A. Thank you.

10 "The airport's travel impact falls heavily on the
11 north/south corridor, that's the M11 motorway and the
12 West Anglia railway line, and especially towards London.
13 Draft regional guidance envisages major growth in
14 population and employment for the Stansted M11
15 sub-region. London and Cambridge are major employment
16 centres. Commuting is already high. Increased quality
17 of travel along the corridor is crucial for sustainable,
18 advanced economic growth."

19 Q. Just pausing there, Mr Harman, you have referred to the
20 issue of quality of travel. You have said that that
21 issues is crucial in terms of sustainable, advanced
22 economic development. I wonder if you could say why you
23 think it's so important?

24 A. Right. Thank you. Well, most of the attention of this
25 Inquiry has focused on the scale of changes for surface

1 access, the extent to which we agree and disagree how
2 they -- in particular how they have been derived.

3 This is obviously extremely important, but on its
4 own it is perhaps too narrow a focus on what we now term
5 as passenger logistics in some parts of the profession.
6 That rather tends to look at movement of people on the
7 same basis as the movement of tins of baked beans or
8 equipment spares, although it could even be argued that
9 baked beans get a comfortable space and equipment spares
10 are mollycoddled en route.

11 Now, as I point out on paragraph 8.2.2 of my proof,
12 Cambridge and London are focal points for high tech,
13 knowledge based employments. Indeed, the West Anglia
14 railway line ends up in the centre of London with good
15 connections to the rest of it.

16 This sub-region where we sit is seen as having
17 higher than average skills. They are, as identified in
18 my proof, sort of drawn from the regional planning
19 guidance or the draft East of England plan. This
20 suggests the corridor will experience demand for
21 increasingly high standards in the provision of services
22 of all kinds, including transport.

23 The current quality of the rail service in
24 particular is poor in many respects. We have discussed
25 the crowding issue, quite rightly, major focus but there

1 is also things such as bleak stations, quarter century
2 old trains, very poorly manned stations, a degree of
3 scruffiness. In a way travel by car certainly on other
4 sustainable modes runs into the same problem in this
5 area.

6 So adding to crowding particularly on the rail may
7 reduce the willingness of people. As Mr Rhodes has
8 explained, PIXC will not apply to STEX services, and if
9 there is overcrowding on the journey to work people may
10 well want more salaries perhaps for working in central
11 London or won't be so effective when they actually reach
12 their desk.

13 So the potential effect is that additional road and
14 rail traffic from the proposed G1 extension has
15 a negative effect on major economic centres and of
16 course London in particular, and Cambridge as a science
17 city are very much at the heart of our national
18 economies.

19 Q. That concern about quality of travel and its economic
20 consequences, is that something that affects peak
21 periods, outside of peak periods? Is it restricted or
22 is it constrained in any way?

23 A. It is primarily peak periods. Perhaps the worst horror
24 stories one reads in a sense are peak periods. The
25 focus here again on numbers is correctly on peak

1 periods, which by their definition is when the problem
2 is at its most extreme. But if one picks up the quality
3 issue especially, this is a corridor based relating
4 major centres that service employment, and major part of
5 the national economy, and is already generating a demand
6 for all day travel and quality travel all day. Business
7 goes on all day. That I think needs to be provided in
8 quality as well as quantity terms. So investment in the
9 corridor and especially I suggest on the railway
10 line will need to go over and beyond just reducing
11 forecast levels of peak crowding.

12 Q. Thank you very much. Turn to section 4 of your summary,
13 BAA forecast for road traffic and public transport. If
14 you could read I think from paragraph 4.1 to 4.5 for me.

15 A. Thank you very much.

16 "The forecast road traffic flows for 2014 and 2023
17 are significantly higher than for the base year, about
18 1.5 to 2 times at peak periods. Airport traffic reaches
19 its target level in 2014 and remains static. Further
20 growth is of general traffic, reflecting the growth of
21 drivers in the East of England. Airport traffic forms
22 a dominant part of traffic on the adjacent centre of the
23 A120, up to half of all traffic. It accounts for
24 a quarter of all traffic on the M11 south of junction 8
25 in the peak direction.

1 "On the other main roads in the catchment area it
2 accounts for around 1/10th of all traffic. There is
3 already serious pressure and some congestion on the M11
4 southbound, parts of the A120 and some minor local
5 roads.

6 "The forecast traffic growth will exacerbate this.
7 Traffic growth above BAA forecasts would substantially
8 worsen conditions.

9 "Traffic with the enhanced public transport scenario
10 differs by about 5% from the basic 35 MPPA forecast,
11 barely a year's growth in general traffic. In addition,
12 it is not clear why BAA has not adopted an enhanced
13 public transport strategy for the 25 MPPA case.

14 "London bound rail travel by air passengers is
15 forecast to increased by one-third to 25 MPPA and
16 two-thirds for 35 MPPA. BAA's 2006 forecasts and the
17 sensitivity tests, Halcrow document FL/1148, which is in
18 document SSE/14.1D shows significantly higher growth.
19 BAA forecasts in the Network Rail RUS are even higher
20 and DFT figures even higher than that."

21 Q. Just pausing there, if you turn to your main proof,
22 page 26 and 27, you have set out the various peak
23 forecasts in tables, have you not?

24 A. I have, particularly table 11 on the top of page 27.

25 Q. 27, table 11. I wonder if you can explain for us the

1 implications of these figures?

2 A. Yes. The implications are discussed in paragraph 6.2.4
3 and 6.2.5 on page 96 which precede those, but I think
4 the sort of point I would particularly like to bring out
5 is there are here very large variations for 35 MPPA
6 throughput. That's for the three hour up peak period in
7 the forecast year of 2014. They range between 1,586
8 passengers and 1,996 passengers. 1,996 passengers is
9 25% higher than 1,586 and this is a pretty huge range.

10 The SSE sensitivity test, as it has been termed,
11 which is appended in SSE/15.1D has, if I may refer to
12 it, please, has the Halcrow technical note at the back,
13 table 4.2. It shows the 35 MPPA enhanced in the CAA
14 update as the up peak period passengers 1,587.

15 It then gives a 15% test, which is 1,825. The SSE
16 sensitivity test is 1,806, a point I know has been made
17 by BAA that well, the sensitivity test actually shows
18 the SSE test is not much different to the 15% test.
19 There is still a very wide variation.

20 In fact, that is adopting the figures which are
21 quite clearly set out in this technical note as a basis.
22 But if one turns over a page in that note and looks at
23 paragraph 4.6 of the technical note on the sensitivity
24 test, it says:

25 "If the 2004 distribution had been adopted the peak

1 demand would be 1,850."

2 So there is yet another figure thrown in the mix.
3 This is towards the higher end.

4 At the end of the day, for example, this one figure,
5 which is actually a fairly key figure in an area which
6 is important in policy terms in many respects, seems to
7 be almost yoyoing up and down like the FTSE index in
8 a bad week.

9 The Inquiry has heard evidence that the Government's
10 standard for STEX service is one seat per passenger, or
11 at least the matter has been discussed in the last
12 period of evidence, and the substantial discussion about
13 likelihood or otherwise of extra rail capacity being
14 provided, but in this light and the importance of
15 decisions in due time driven by evidence, as Government
16 likes, the uncertainty of evidence all from the same
17 source is not perhaps very helpful.

18 I think they are also complicated by the two sets of
19 forecasts in the consultative RUS.

20 I know the figures there for 2016 are actually on
21 a slightly different basis. Again, I think it was
22 discussed in the last evidence session, but nonetheless
23 you find that the BAA forecast in the RUS, which
24 compares, say, to these other figures I have set out in
25 table 11 in my main proof, are actually much higher.

1 The 2016 figure is 37% above the highest 2014 figure,
2 but the DFT figure is another 14% higher than that.

3 Q. Just to see if I can make a note of those figures,
4 because you went through quite quickly. The 37% figure,
5 what's that?

6 A. Sorry. That's the figure BAA forecast in the
7 consultative RUS, table 5.9.

8 Q. Table 5.9 of the RUS?

9 A. The figure for that is actually 37% higher than the
10 figure for the BAA figure in table 3.2 of the TAA
11 update.

12 Q. CD/14.2?

13 A. CD/14.2.

14 Q. And the 14% figure you refer to, what is that again?

15 A. That's the DFT figure, also given in table 5.9 of the
16 consultative RUS, and that's produced by DFT.

17 Q. And that's 14% higher than --

18 A. That's 14% higher than the BAA figure in the RUS.

19 Q. Right. Any comment to make in the light of those
20 variations?

21 A. No. I think it's just a further illustration of the
22 sort of uncertainty of forecasts. The fact that they
23 are actually again published figures and one comes from
24 BAA, although one understand the basis, indicates that
25 there is almost a massive uncertainty still about it,

1 because it has also in a sense other implications.
2 There has been considerable discussion of the extent to
3 which the Secretary of State for Transport with the
4 support of the Department will ensure that appropriate
5 infrastructure is brought forward, appropriate service
6 development takes place in the light of growing figures,
7 but when there are, in fact, such uncertainties, and the
8 DFT contributes an even higher figure to those same
9 uncertainties, it becomes questionable how far there is
10 a tight relationship between the rail planning going on
11 through the RUS and BAA's development proposal.

12 Q. Back to your summary. If you could read paragraphs 4.6
13 and 4.7 for me.

14 A. Certainly.

15 "BAA considers that the growth could be accommodated
16 by extending Stansted Express trains to 12 coaches.
17 Even this limited investment would require extension to
18 stations. However, the recent rail White Paper rules
19 outline capacity increases before 2014 while the West
20 Anglia line uses already available capacity to its
21 limit". Points we have heard evidence on.

22 "Regional planning proposals will bring greater
23 demand for commuting in the corridor as will
24 regeneration of the Lower Lee Valley. Providing
25 adequate capacity to meet all future demands on the

1 congested system, including provision for much higher
2 quality services, requires major investment. Virtually
3 nothing is committed.

4 "Air passenger travel by coach is forecast to double
5 for 35 MPPA throughput. This reflects a highly
6 uncertain assumption of London coach fares remaining
7 very low. Commercial decision-making, lack of adequate
8 secure funding and rising road congestion pose doubts
9 over a significantly increased coach network. Forecasts
10 of much increased bus and coach travel are, therefore,
11 very questionable."

12 Q. Just pausing there, a couple of questions for
13 clarification, please. Firstly, in respect of the
14 projected change in modal split between rail and coach,
15 and bearing in mind, for example, the rail services
16 improvements or capacity improvements are to be
17 delivered by the industry, I just want to know, who is,
18 firstly, the major or who owns the railway, the One
19 railway which operates services to London?

20 A. Well, that's part of the National Express Group, one of
21 our major passenger corporations. I think most people
22 will be aware.

23 Q. I am obliged. Who owns Central Train, which operates
24 services to Cambridge and the Midlands.

25 A. That's currently owned by National Express Group as

1 well.

2 Q. I am obliged. Who is the major coach operator at
3 Stansted?

4 A. Well, certainly in terms of sheer numbers and so on,
5 I think it's the National Express Group, as we can sort
6 of see going past this window on occasions.

7 Q. So what percentage of Stansted's public transport
8 operations are operated by that one group?

9 A. I don't have it to hand, but bearing in mind that rail
10 is rather bigger than coach and that National Express is
11 big in the London and East Anglian coach network,
12 I presume they have a fairly high, possibly very high
13 percentage figure.

14 Q. Right. Moving on slightly, do you have any doubts about
15 the suggested change in modal split in enhanced scenario
16 and, if so, what are those doubts?

17 A. Well, the enhanced scenarios place a lot of importance
18 particularly on the provision of coach services from
19 a range of destinations that is set out in the transport
20 TAA and TAAU, and they indicate a number of destinations
21 and particularly increased use of coach.

22 One of the issues that I have indicated in my main
23 proof is that, in fact, with the enhanced scenario
24 compared to the unenhanced 35 MPPA scenario, there is
25 actually more coach and a bit less rail. But the

1 provision of coach, in particular, I have looked at this
2 in paragraphs 7.2.4 and 7.2.5 of my main proof, actually
3 faces a couple of serious problems. One is uncertainty
4 created by the deregulated structure of the British bus
5 and coach regime. That is sort of widely discussed in
6 the industry. There are certain minor changes about to
7 occur with a proposed local transport bill, but they are
8 not substantial.

9 The other thing is the forecasts that are part of
10 the TA and indeed the TAU show increased road traffic,
11 and increased road traffic, unless one does something
12 fairly dramatic, means it is more difficult to operate
13 buses and indeed coaches.

14 There are actually two coach markets for Stansted.
15 One is London and one is the rest of Britain. The
16 London one is actually dominant. In 2004 it accounted
17 for about 5,200 passengers per day out of a total of
18 7,300 per day. This is in paragraph 7.1.1 of my main
19 proof. The actual source, if I may refer to it to
20 establish it, is table 7.5.8 of document CD/14, the TA,
21 which is, in fact, page 61. I apologise. It is
22 page 58.

23 If one looks at all the figures for the various
24 routes, the total comes to about, as I said, 7,300 total
25 passengers, 5,200 of those are to and from London.

1 This means that the rest of the network carries
2 about 2,100 passengers per day.

3 In table 5.7 of the TA, which is on the previous
4 page, page 57, gives the total number of coach journeys
5 operating to and from various places, services per day.
6 The overall total is about 290. About 170 of those are
7 London, leaving about 120 services going to and from
8 other destinations, mostly East Anglia.

9 If we divide 2,100 by 120, we get a figure of about
10 17. So the average number of people per coach is about
11 17. The typical standard coach is about 50 at the
12 moment. So basically the current coach links with
13 destinations other than London are carrying about one
14 third capacity. One might say this leaves plenty of
15 room. We have no figures incidentally for numbers per
16 time of day by coach, but it leaves plenty of capacity.
17 That's one side of it. Not a problem. But the flip
18 side of that is actually that it is not dramatically
19 successful in business terms and provision of coach
20 services is particularly business terms oriented or
21 needs significant financial support.

22 Actually, BAA's forecasts at the moment, their
23 preferred ones, still see a far higher growth in airport
24 traffic from East Anglia rather than from London, but it
25 is these public transport services to circuit of east

1 round all the other angles from this airport, other than
2 London, which is seen as growing mostly, and it is coach
3 services which face, I think, severe difficulty in
4 expansion to cope with that.

5 Q. I am obliged. Section 5, if I could read that for me.

6 A. Thank you.

7 "Stansted has developed into a major airport within
8 a very short time scale, its throughput rising rapidly
9 through successive permitted limits. It now has
10 a strong influence on the physical economic and social
11 structures of the surrounding areas, especially through
12 its impact on transport, both highways and rail.

13 "Stansted Express services dominate West Anglia rail
14 capacity and constrain the scope for providing other
15 services. BAA's forecast for surface access demand
16 points at continuing significant growth, so that airport
17 traffic will dominate key transport corridors even more.
18 If permission is granted for the removal of the 25 MPPA
19 limit, growth in airport transport will have a serious
20 impact on key road and rail services. The resultant
21 damage to transport quality as well as capacity will
22 harm regional plans for growth in population and
23 activities.

24 "The forecast prepared by BAA underestimate the
25 growth in surface travel for three main reasons.

1 Firstly, they are mostly limited to the year 2014 and do
2 not seek to illustrate demand trends for further years,
3 even though population and employment and hence travel
4 demand will continue to grows. Second, they assume
5 a higher level of air transfer passengers than for today
6 of 25 MPPA, so generating a lower surface access demand.
7 Thirdly, they adopt a set figure of 35 MPPA, yet one
8 runway could handle 45 MPPA or higher.

9 "For these reasons the BAA forecasts of surface
10 access demand are partial and misleading."

11 Of course, I have not commented there on other
12 matters which we have raised in evidence about some
13 aspects of the forecasting.

14 Q. Just two final questions for you, Mr Harman. Firstly,
15 in section 3.5 of your main proof you deal with certain
16 institutional aspects of providing surface transport
17 services and infrastructure. Just briefly, if you could
18 explain the relevance of those institutional matters to
19 your evidence?

20 A. Thank you. Really, I am trying to sort of look slightly
21 more broadly at some issues which have come up in some
22 cases in depth. If the appeal were to be successful,
23 additional transport and infrastructure and services
24 would be required to meet the levels of additional
25 traffic forecast by BAA. If the forecasts are

1 understated in any respect and this seems decidedly
2 possible in view of the evidence put before the Inquiry,
3 then quite a lot of investment will be needed. To make
4 sure new services and infrastructure are provided in
5 good time and in coordination with each other, it is
6 essential they are planned and programmed in a cohesive
7 fashion.

8 In most of our European neighbours, and I mention
9 this because this is another area I work in from time to
10 time, and I think it occasionally illuminates some of
11 what we are doing, in most of our European neighbours
12 much of this work would fall to regional district
13 authorities who have direct responsibilities, work in
14 this way as a matter of course and have the necessary
15 cash too.

16 Q. I failed to take a note I am afraid. Could you just go
17 a tiny bit slower. I know it is late in the day.

18 A. In most of our European neighbours much of this work
19 would fall to regional district authorities, who have
20 direct responsibilities, who work in this way as
21 a matter of course, and have the necessary cash as well.

22 In Great Britain, decisions for the various modes
23 and levels of provision are fragmented among a range of
24 bodies, but ultimately they are all controlled
25 especially through the allocation of funds by the

1 Department for Transport.

2 The Department of Transport are not always well
3 integrated within their own departments.

4 Furthermore, they don't always operate closely with
5 the Department for Communities and Local government, who
6 are responsible for planning. There are a number of
7 processes and principles identified particularly in the
8 planning policy statements, but how effectively these
9 work is a matter that is open to wide debate.

10 Again, our European neighbours' transport provision
11 is much better linked to spatial planning through the
12 control of both by regional or district authorities.

13 In Britain we are more fragmented in this. We now
14 have the emerging regional funding allocation. We have
15 the local transport plan system, although the allocation
16 figures are very tightly controlled on a year by year
17 basis by DFT. The planning system is changing to the
18 local development documents.

19 Overall, there is no certainty that new services or
20 infrastructure will, in fact, be provided in time or at
21 all in some cases. This I think has also been
22 illustrated by the discussions over rail and also over
23 investment in highways, whether it will be sufficient,
24 who will fund it. That we have seen from earlier
25 evidence last week.

1 Q. Thank you very much indeed. One final question. It
2 relates to section 8.6 of your main proof on page 36,
3 where you refer to timescales. That's part of what you
4 have just been giving evidence upon, but you also refer
5 to graduality. I just wonder if you could explain
6 graduality and how that is relevant to today's
7 deliberations?

8 A. Yes, I will. I apologise to the Inquiry if I have
9 caused any confusion by adding a new word to the English
10 language. Actually I have not been off to my dictionary
11 to see if it doesn't exist as a word and if it doesn't
12 perhaps I ought to try to introduce it as a neologism.
13 It really goes back to paragraph 3.1.2 of my text as
14 I read out a few moments ago.

15 All BAA's forecasts are fixed at one date of 2014
16 and they are set out as one figure or one set of
17 figures, although, as I illustrated in relation to the
18 up morning peak rail services, they have in some cases
19 produced several different versions, differing quite
20 widely.

21 However, the aim of BAA is to have the 25 MPPA
22 throughput limit removed so that growth could go up to
23 the maximum permitted by the single runway, which could
24 be well above 35 MPPA.

25 BAA have forecast that the expected limit is 35 MPPA

1 and this will be reached in 2014, 2015. This is set out
2 in CD/14, paragraph 1.1.7, as the basic pointers. But
3 this is, in the light of current BAA policy, merely one
4 step along a route that has been followed since 1990,
5 when the terminal we can see from the window was being
6 completed.

7 So the 2014 forecasts merely illustrate the
8 position, perhaps nominal, at that step point. Planning
9 for the development of travel in the region by road and
10 rail needs to look before this point and beyond it to
11 take stock of what the airport's contribution is to
12 trends.

13 The implications are partly indicated by the 40 MPPA
14 forecast in the TA and the plus 15% ones in the TAAU.
15 I think they are more sharply focused as a particular
16 example by those forecasts in the RUS, looking at the
17 2016 and 2021 forecasts of a.m peak rail traffic.

18 In fact, a feature of both forecasts from there was
19 that 2021 is significantly above 2016 for both BAA's
20 forecasts and for the higher DFT ones.

21 I think, in fact, this approach should have been
22 applied to the approach of longer term forecasts, with
23 perhaps a number of pointers in it, should have been
24 applied to all forecasts prepared for surface access.

25 Q. Thank you very much indeed, Mr Harman. If you stay

1 there, my learned friend will have some questions for
2 you.

3 MR PHILLIMORE: Thank you very much. Mr Humphries?

4 Cross-examination by MR HUMPHRIES:

5 MR HUMPHRIES: Mr Harman, good afternoon.

6 A. Good afternoon to you, sir.

7 Q. Mr Rhodes had the dubious honour of being the
8 penultimate witness but it falls to you, Mr Harman, to
9 be the ultimate witness at this Inquiry.

10 A. Thank you, sir, but I won't write it down in my diary as
11 a big event.

12 Q. I don't think I will either. A few points in relation
13 to your area of expertise. You don't have, as
14 I understand it, any expertise on air traffic
15 forecasting or airport operations, things of that sort?

16 A. I don't. That's correct, although I did act, among
17 other things, when I was Director of Policies for the
18 Chartered Institute of Transport, I did myself act
19 rather than putting it out to any one of my colleagues
20 in my team as the Secretary to our Air Policy Working
21 Party made up of a number of leading airport and
22 aviation figures. So no, I don't have any expertise.
23 I do understand the field I think.

24 Q. And you don't yourselves have any expertise on the
25 appropriate transfer percentage for a 35 MPPA airport in

1 2014?

2 A. That is not a figure I have looked at myself, sir, no.

3 Q. You don't yourselves have any expertise on the air

4 passenger arrival and departure profiles for a 35 MPPA

5 airport in 2014?

6 A. It's not a figure I have -- I have not actually -- I am

7 not familiar with that field. I have not actually

8 looked at the figures in question, no.

9 Q. Again, by way of example, you don't have any expertise

10 in forecasting employee productivity growth at Stansted

11 for a 35 MPPA airport in 2014?

12 A. No, I don't.

13 Q. Okay. We may need to come back to those points. Your

14 proof in section 3 deals with some points by way of

15 context for surface access and forecasts, and because it

16 is context I don't need to ask you very much, but there

17 is a point you have emphasised in paragraph 3.1.2 that

18 I just want to take up. You say there has been a tight

19 focus on the year 2014, but it would be correct to

20 record, wouldn't it, that the highway forecasts do also

21 include 2023?

22 A. That is perfectly correct, sir. I think we have heard

23 Mr Forshew's evidence that, and indeed it is spelt out

24 in the TA CD/14 that this is a requirement of the

25 Highways Agency anyway.

1 Q. Thank you. In relation to rail, clearly in the context
2 of where there was a 35 MPPA passenger condition in
3 place on the airport, one would not expect the number of
4 air passengers travelling by rail to increase
5 significantly after 2014?

6 A. If that were the case, sir, that is certainly correct,
7 but that is merely one scenario.

8 Q. Your point I think on 2014 goes to the wider SSE case
9 that one should be looking at impacts beyond a 35 MPPA
10 airport, I think?

11 A. Yes, that is correct. I will also go on to add, and
12 this is something I have raised in one or two other
13 similar tasks I have been engaged in in the recent-ish
14 past, that, in fact, the purpose of modelling is very
15 much to illustrate clearly the options. One might
16 always say the "what if". Just to draw one figure for
17 one date for one aspect, however well it might be done,
18 and in complex modelling it becomes difficult, is not
19 entirely helpful. One actually needs to look at various
20 options to illustrate what the impact might then be over
21 a range of possible scenarios connected with a proposal
22 coming forward.

23 Q. Indeed, and, as you know, we do have a very wide range
24 of sensitivity tests in this case, don't we, a complete
25 mix sensitivity, there was a 40 MPPA% sensitivity, a 35

1 plus 15% sensitivity, an SH&E sensitivity, an SSE
2 sensitivity, and various other ones relating to details
3 of particular impacts. So there have been a range of
4 sensitivities undertaken, haven't there?

5 A. Well, sir, I couldn't agree with you at all in a range
6 of sensitivities. Yes, there is the 40, yes, there is
7 the 15%, both of which I have quoted in my proof. Yes,
8 we appreciate the SSE sensitivity test. I think we would
9 have appreciated it rather more if it had arrived some
10 months ago when it was first requested. Forgive me,
11 I can't remember the exact date of that. But these are
12 a very limited number of sensitivity tests, and they are
13 adjustments, for the most part adjustments to the final
14 figure.

15 For a project of this scale and this impact, and
16 allowing for the fact that removal of the 25 MPPA cap
17 could give rise to 35 or 40 or perhaps more with one
18 airport, and that the impact will roll longer than
19 merely, say, 2014, it strikes me as, in fact, the amount
20 of testing of options has been very, very small.

21 Q. Mr Harman, I think once again, from the way you
22 described that, your point therefore goes to this wider
23 SSE point that one should be looking at an airport above
24 35 MPPA?

25 A. I think, given the proposal to remove the limit, yes,

1 the implications --

2 Q. Mr Harman, I am not asking whether we should be looking
3 beyond it or shouldn't. I just want to understand in
4 what respect you say we haven't looked at appropriate
5 sensitivities. I understand it to be related to your
6 point and SSE's general point that one should be looking
7 at an airport that had grown beyond 35 MPPA. I think we
8 have agreement on that?

9 A. I think, sir, we probably do.

10 Q. That's very fair. If I can just turn on then to
11 a completely different aspect and just pick up a point
12 on page 12, which is the section of the evidence where
13 you are looking at demand for travel to and from the
14 airport. You look in section 4.1 at present forecast
15 origins of air passengers, so dealing with origins at
16 the moment in relation to air passengers. You, SSE who
17 you represent, have asked for a sensitivity on the
18 origins and destinations of air passengers, but you, as
19 I understand it, don't have any expert evidence or
20 indeed any expertise on whether the origins and
21 destinations that you asked to be tested are, in fact,
22 correct for a 35 MPPA airport in 2014?

23 A. I think you are referring to the test which is, in fact,
24 reported in the technical note Halcrow FL/1148, which is
25 in my evidence 15.1.3.

1 Q. Mr Harman, you will answer my question?

2 A. Sorry. I do apologise.

3 Q. You asked us to carry out a test on a certain origin and
4 destination basis, but you in particular and SSE in
5 general produces no evidence to suggest that that O/D,
6 origin and destination pattern is correct for a 35 MPPA
7 airport in 2014?

8 A. The forecast -- your own forecasts, in fact, relate to
9 a substantial --

10 Q. Mr Harman --

11 A. You are quite right, sir. I am not directly answering
12 your case.

13 Q. Just don't worry about the case. Just perhaps the first
14 question would be enough. We have carried out
15 a sensitivity test.

16 A. Right.

17 Q. The simple point is SSE and you in particular produce no
18 evidence to the inspectors that that origin and
19 destination pattern is, in fact, appropriate or likely
20 for a 35 MPPA airport in 2014?

21 A. The evidence we produced was that London has remained
22 important. I think evidence was given by Mr McDonald in
23 fact if anything happens, any tendency within the three
24 airports would actually produce -- Stansted will be
25 seen, with due respect to its operation, as an overflow

1 from the other two, which would actually tend to
2 emphasise the importance of London traffic coming to
3 Stansted, whereas your own forecast for 35 MPPA actually
4 seemed to assume a much greater growth in the region.

5 Another point --

6 Q. Mr Harman, I do want a clear answer to this. We know
7 why BAA had greater growth elsewhere. It is to do with
8 things such as the East of England plan and the growth
9 corridor, and our understanding that there would be
10 greater growth in those areas in population, and then
11 our view that a bigger airport would have a slightly
12 bigger catchment area. So we know what our basis is.
13 What I am asking is whether there is any evidence, and
14 I haven't seen any, including in Mr McDonald's evidence,
15 as to why the particular O/D pattern you asked us to
16 sensitivity test would be likely at a 35 MPPA airport in
17 2014, and I don't think there is any evidence, is there?

18 A. We considered it a feasible option, sir, as indeed did
19 BAA take the view that, in fact, the regional
20 implications of the airport would be more feasible. One
21 might say that perhaps --

22 Q. Is there any evidence?

23 A. No, sir, but is there any evidence -- one might ask what
24 the evidence is in a way for the figure that BAA has
25 adopted? Perhaps I should admit that this is one field

1 where more details of what have gone into it might have
2 left all of us feeling happier with each others'
3 results.

4 Q. In relation to origins and destinations, BAA did have at
5 a technical level a discussion with UDC's consultants,
6 SH&E. That, in fact, was the basis of the SH&E
7 sensitivity test which we did carry out, but, as we have
8 just agreed, there is no evidential basis for the SSE
9 sensitivity in relation to origins and destinations, is
10 there? Absolutely none?

11 A. There is no evidential basis but they are forecasts
12 based on other planned documents, one's interpretation
13 of it.

14 Q. As far as transfers are concerned, and the transfer
15 percentage, again you have argued in your evidence and
16 you have referred in the sensitivity test you asked us
17 to carry out to a 10% transfer percentage. You know
18 what the transfer percentage is now, most recently, in
19 2006. It is about 10.2%. But SSE does not produce any
20 evidence, still less any expert evidence, to justify
21 a 10% transfer percentage for a 35 MPPA airport in 2014,
22 does it?

23 A. I am not sure, sir, that BAA has produced any in-depth
24 analysis that we have had the opportunity to discuss
25 earlier.

1 Q. You heard Mr Maiden's evidence. He was cross-examined
2 at length about it?

3 A. Yes, I stand corrected on that one. Nonetheless, it is
4 the possible future pattern of the airport, the attempt
5 is if it is more influenced by London and more
6 influenced as a leisure airport, and I accept fully
7 there are a number of assumptions in this, could
8 nonetheless have a lower transfer percentage.

9 If I may, sir, come back to a point I was making
10 a few moments ago, essentially, in relation to your
11 point about sensitivity tests, in fact, the scenarios
12 generated, it is as well to examine all those scenarios.
13 I am only looking at the surface access side, but the
14 implications are that it may be better to be planned for
15 a number of -- to understand the full potential impact.
16 Clearly, the 10% transfer rate, were it to happen, would
17 give more significant implications than the 16% rate.

18 I should add, if I may, sir, one very final brief
19 comment on your question, that I haven't actually -- we
20 have certainly asked for it in the 10%, the SSE test.
21 I appreciate that. I haven't specifically followed it
22 through in most of my evidence where I have concentrated
23 on the implications of your own forecasts.

24 Q. Sure. In so far as SSE did give evidence which would
25 bear on the question of the transfer percentage, the

1 evidence was that there would be more long haul than BAA
2 forecasts, which, as Mr Maiden pointed out, is one of
3 the factors that drives up a transfer rate. Now, that
4 is not reflected in your evidence either, is it?

5 A. I can't address that area, that particular area of
6 evidence, sir, although my limited knowledge of air
7 would suggest that there are different ways that it
8 might work out, but I admit I have not picked that one
9 up.

10 Q. Let us just touch on one aspect I think of those
11 sensitivity tests. I have covered them with others, so
12 there is no need to look at a number of points, but you
13 did make an additional point, if we look at SSE/15.1D
14 and at the Halcrow technical note, paragraph 4.6.

15 You drew attention to the point that if the 2004
16 distribution had been adopted, the peak demand in the
17 morning peak would be potentially 1,850 trips rather
18 than 1,806. We can see if we look back in table 4.2, we
19 can see where the 1,806 is and the point has been made
20 if the O/D distribution was used, that would go up to
21 1,850, but that is still, is it not, Mr Harman,
22 an additional 25 passengers over a three hour period?

23 A. It is.

24 Q. Which is some, what, 16 trains?

25 A. Probably. So it is about under two passengers per

1 train.

2 Q. So the point that I put to other witnesses -- perhaps
3 you can agree -- that's not a material change, is it, in
4 train loadings?

5 A. No, the difference between 1,806 and 1,850 most
6 certainly isn't, but the difference, say, between 1,806
7 or 1,850 and 1,587 is, particularly on a line and
8 a direction which has been particularly the subject of
9 detailed examination in other evidence, because it is
10 crucial impact on the railway line and indeed potential
11 investment.

12 Indeed, if we take, say, the factor that has been
13 discussed, that DFT will set framework in rail planning,
14 that Network Rail and the others will bring it forward
15 at the appropriate time, then these possible variations,
16 how they might make a difference in what the appropriate
17 time will be or in what priority Network Rail might now
18 give to a decision in the short-term future.

19 Q. Yes. Mr Harman, you point to the difference between the
20 1,587 and 1,825. Of course, BAA's evidence is that the
21 50 MPPA enhanced basis of its models is correct. What
22 we have looked at is a plus 15% sensitivity, and in
23 terms of contributions to highways we have negotiated
24 contributions on the basis of that higher flow. But
25 what this shows is that the models are, firstly,

1 performing correctly and, secondly, that the 15 plus
2 sensitivity is, as you point out, a very tough
3 sensitivity. It does show higher loadings than those
4 that have been tested.

5 A. I don't think I said it was a very tough sensitivity.
6 I think I was saying these are higher figures than say
7 the 35 MPPA, which is not quite the same. As for your
8 point, sir, about models working well, we have seen some
9 more useful results, but we have not seen inside the
10 models in depth, and therefore I am not able to comment
11 in depth on working well or otherwise.

12 Q. Mr Harman, with respect, SSE has not been involved in
13 detailed discussions on the models or the validation of
14 models which run into large number of detailed reports,
15 because, as Mr McDonald has pointed out, SSE does not
16 profess that expertise, but that has been gone into with
17 the Highways Agency, Essex County Council and Herts
18 County Council, at length?

19 A. Yes, sir, I appreciate that, but I also recall that
20 evidence given earlier by the two County Councils was
21 that they were not happy with a lot and had taken
22 a great deal of time to come to terms with what was
23 within them.

24 Q. Yes. I am not going to go over that ground. It is on
25 the transcript. We have the answers from the County

1 Council witnesses.

2 Just to take up another point that you made in your
3 evidence as we were going through it. CD/312. Still on
4 rail?

5 A. Is that the RUS?

6 Q. It is.

7 A. Right.

8 Q. A dilemma. Some people find it easier if I give the
9 number and some the name. I apologise.

10 A. I just didn't have the number on this.

11 Q. Turn to page 85. This is one that Mr Stinchcombe took
12 you to, table 5.9. He asked you about the figures
13 there. It was part of the context of growth of the
14 airport beyond 2014?

15 A. Yes.

16 Q. What we need to note there, and you made the comparison
17 that the figures were higher than some of those shown in
18 CD/14.2, and you gave various percentages, but, of
19 course, the reason for that is that the figures in table
20 5.9 for 2016 include the Stansted Airport passengers
21 from a second runway airport?

22 A. Yes.

23 Q. Of course they will be higher than those in the CD/14.2.

24 A. Yes, but my understanding is that actually for the 2016
25 at least it is a 40 MPPA airport. That is also

1 a feasible one with a single runway. It is also of
2 interest that, in fact, these -- two points interested
3 me there. One, that it is a higher forecast, indeed
4 quite a lot, 37% above your preferred figure for 2014,
5 and that seems an awful lot of growth in two years,
6 which implies that if there was a trend line it would go
7 through the year 2014 and higher, and then DFT have
8 chosen to provide a figure which is actually 15% higher
9 than that.

10 Q. We can see that exact same point then continuing five
11 years later to 2021, where because these figures assume
12 a second runway we get again significant growth in the
13 number of Stansted passengers?

14 A. Yes, but of course the implication, sir, and I think it
15 is significant that it is actually appearing in the
16 consultative RUS, is that these are all potential
17 scenarios which need planning decisions. Planning
18 decisions on rail need a long time lead, as I think
19 Mr Rhodes has illustrated. Therefore, having these
20 forecasts in here indicates I think the importance of
21 longer figures, longer forecasts and scenarios to enable
22 decisions to be taken or the impact to be judged or
23 decisions taken rationally in the medium term, when
24 there is long-term investment involved.

25 Q. The next section in the evidence, 4.2, which starts on

1 page 14, deals with the origins of airport employees.
2 You have two bullet points there in paragraph 4.2.1.
3 The first bullet point talks about the numbers of
4 numbers of employees and productivity gains and ends up,
5 four lines from the bottom, saying that if the ratio
6 were not to increase, then employee numbers would be
7 significantly higher, about 19,950 at 35 MPPA, 19% more,
8 and the ratio you are talking about there relates to
9 productivity gains, does it not?
10 A. It does.
11 Q. That's a matter, as you have already told me, on which
12 you have no expertise?
13 A. I understand -- that is correct. I have not worked in
14 this field and I am not aware of the precise -- I have
15 not followed the entire background to this, but I think
16 I would make the point, as I have made in my evidence,
17 that there is a lot of the work on surface access in TA
18 14 -- in the TA and indeed the update, reflects the
19 difference between a 25 MPPA airport and a 35 MPPA
20 airport. The 25 MPPA airport is, forgive me, sir,
21 I can't remember the exact reference, actually seen as
22 a slightly different animal. If appeal is not granted
23 and the limit remained at 25 MPPA, I understand it will
24 be a different animal in operating purposes to a 35
25 MPPA. Therefore perhaps the staff ratios and the

1 productivity would actually be different.

2 That's an understandable position for a commercial
3 operator to take. It doesn't help us in this issue that
4 I have raised, that one is actually here comparing 35
5 MPPA not with today but with the 25 MPPA situation which
6 is on a very different basis, which makes it less easy.
7 What I have chosen to do here is simply indicate the
8 implications, if they were on the same basis.

9 Q. Yes. Mr Harman, very fair. That's exactly what you
10 have done, but you can't assist the inspectors with
11 whether the indication you have given is a plausible
12 basis?

13 A. That is correct, sir, but I think I would make the
14 strong point that the implications of whether or not the
15 employee numbers would be that are perhaps another
16 element in scenario that needs to be taken into account.

17 Q. Again, in relation to the second of the bullet points,
18 which is the proportion of employees from Greater
19 London, of course, BAA has access to its employee staff
20 surveys, and is able to understand, use those numbers to
21 build up its forecasts?

22 A. Yes.

23 Q. For example, London-based employees in 1997 was less
24 than 2% of BAA's Stansted staff whereas in 2005 it was
25 8.3%?

1 A. Yes.

2 Q. Clearly a very rapid growth in the proportion of staff
3 who are London-based?

4 A. Yes.

5 Q. In that context, BAA's forecasts that about 10% of staff
6 would be resident in London in 2014 is perfectly robust,
7 is it not, with an airport that has continued to mature?

8 A. Sorry. 40?

9 Q. 10%?

10 A. Forgive me, sir. The future employment figures in 2014
11 I think are taken as being 40% of employees in London.

12 Q. No, I think your own table here shows Greater London is
13 10.1%. The whole area comes out at 75%. 10.1% for
14 London, 14.9% for other makes 100%?

15 A. That is correct.

16 Q. So the assertion there that the number has increased in
17 your second bullet point because BAA forecasts adopt
18 a fixed ratio of 40% employees in London versus other
19 catchments is just simply wrong?

20 A. In this case I think I must admit that. Yes, sir.
21 I will accept that particular point.

22 Q. All right. Thank you. Now your section 4.3, modal
23 split for air passengers travelling to and from the
24 airport, can you just look at paragraph 4.3 .7? Here
25 you are making the point that while the enhanced

1 scenarios in particular do show increased use of public
2 transport, the overall forecast trends have to be placed
3 in the context of major continuing growth in travel to
4 and from the airport. Well, in a sense, Mr Harman,
5 I think we can agree that it is obvious that if BAA is
6 going to expand the airport in accordance with the Air
7 Transport White Paper, there will be increased surface
8 access movements to and from the airport?

9 A. If it is to do so, there will be. That's correct.

10 Q. Clearly, though, what the enhanced scenarios do is show
11 the increased public transport mode share if those
12 measures are put in place?

13 A. That is correct.

14 Q. And those are all measures, as I understand it, that SSE
15 would enforce. Indeed, I think you would probably want
16 to see more measures?

17 A. I think you are dead right, sir. I agree with you. We
18 would want to see significantly more I think.

19 Q. In so far as the quantum of measures, of course, is
20 concerned, and the package of surface access mitigation
21 is concerned, however, that is something, subject to two
22 points, that we have agreed with the relevant Highway
23 Authorities?

24 A. I understand that, sir, yes.

25 Q. Paragraph 4.4.3 is in the section headed 4.4, mode of

1 travel and shift patterns for airport employees. Again,
2 4.4.4 is just a sort of culmination of 4.4.3, a sort of
3 culmination of the point you are making, relates to
4 BAA's forecast of employee numbers and origins. That's
5 the first two lines of 4.4.3, both of which are points
6 on which you don't call any evidence or have any
7 expertise?

8 A. That is so.

9 Q. I mean, to be fair, this section, as with many sections
10 in the evidence as we have gone through them, simply
11 says, "Look, if instead of this assumption and this set
12 of data, we had another set of data, then you would get
13 another result"?

14 A. That is indeed at the heart I think of using modelling
15 to illustrate a number of options and a number of
16 scenarios on an area on which I have indeed, sir, been
17 critical of you.

18 Q. Yes, but whereas BAA has called evidence in support of
19 the inputs and the assumptions, you don't. You simply
20 point to other figures. There is no expert analysis
21 from you saying why, for example, the number of
22 employees would be higher than has been suggested or
23 their origins would be different than has been
24 suggested. It is simply a "what if"?

25 A. I think that is in this instance perfectly correct and

1 perfectly clear. It is nonetheless I think a "what if"
2 that actually does need to be asked.

3 Q. In section 5 of your evidence you deal with demand for
4 travel by car, implications for road use and provision.
5 Again I have gone through this. There isn't anywhere
6 I can see any analysis by which you suggest or SSE
7 suggest that a certain improvement is needed at
8 a particular junction in order for that junction to work
9 properly with the G1 flows. That's just not something
10 that has been done?

11 A. That is quite correct, and I certainly pointed out some
12 of the implications, and those implications themselves
13 I think are quite serious. We were aware that the two
14 County Councils, as the Highway Authorities for the
15 area, and with very considerable resources in hand were,
16 in fact, able to do this anyway. I would not, however,
17 minimise the point that I have tried to spread out some
18 of the issues and implications that do affect road
19 traffic, because given my comments on quality and on
20 graduality, the impact of increased car traffic I think
21 spread quite a lot further than merely -- perhaps
22 I shouldn't say "merely" -- than addressing the direct
23 effect on certain junctions, Little Hadham, Highways
24 Agency affected roads, etc.

25 Q. Just a few more points. Section 6 deals with demand for

1 travel by train, implications now for rail use and
2 provision. You get to the heart of this at
3 section 6.3.2. That's on page 28.

4 A. Thank you.

5 Q. You say there that in simple terms the major growth in
6 passenger numbers forecast by BAA can be addressed by
7 extending all Stansted Express trains to 12 coaches.
8 This has been proposed by BAA and DFT, but you then draw
9 attention to again factors which I will characterise as
10 being related to delivery.

11 A. That is correct.

12 Q. We have already made our position clear on that, that
13 delivery is clearly a matter for the rail industry under
14 the present arrangements. I can't deal with that.

15 A. That is correct, sir, but obviously there are
16 implications for travel on the railway line which
17 result.

18 Q. Yes. It is implications that are exactly what I do want
19 to come to, because BAA did undertake a sensitivity in
20 CD/14.2 that we might just look at, please, which is in
21 section 4.3, and looks at the effect of not increasing
22 capacity on the Stansted Express. It is on page 21.

23 A. Yes.

24 Q. I want to ask you actually about the road implications,
25 but just to give you the context, in table 4.4 we ran

1 a test looking at unconstrained crowding levels on the
2 Stansted Express, and at 160% you can see a certain
3 number of Stansted Express passengers will shift mode
4 away from rail so that the Stansted Express percentage
5 falls from 30.3 in the no crowding case to 23.1% in the
6 unrestrained 160% crowding case, but that has
7 an implication, doesn't it, for surface access car and
8 taxi? Some people will shift to car and taxi in that
9 case?

10 A. So the model shows, yes.

11 Q. Over the page, the analysis was done to understand the
12 planned level of modal shift, how many of those people
13 would add to vehicle trips from London in the p.m peak
14 period. You can see that even with the higher levels of
15 unconstrained crowding, the number of additional
16 vehicles from London is actually very small?

17 A. You mean the proportion of change, do you, sir?

18 Q. Well, we can see in table 4.6, that's not proportion of
19 change, it is number of vehicles?

20 A. Oh, yes. Sorry. I had not got down to there. Yes.

21 Q. So SSE's case at its highest is that if there was not to
22 be a train lengthening or train lengthening by 2014,
23 there would be additional overcrowding on the Stansted
24 Express, firstly. You can agree that?

25 A. Yes, yes.

1 Q. That overcrowding would lead to some mode shift away
2 from rail. You would expect that. Yes?

3 A. Yes.

4 Q. And that there would be some additional trips on the
5 highway network as a consequence?

6 A. Yes.

7 Q. But those additional numbers of trips are not
8 significant or material, are they, in terms of the
9 overall flows on the highway network?

10 A. The numbers quoted here are certainly of that nature.
11 I do find these analyses very surprising in a sense that
12 if one reached these extremely high levels of crowding,
13 would one in reality, without seeing the working through
14 of the models, frankly, I would be very dubious. At the
15 higher levels I would have thought that it depends on
16 factors put in the generalised cost figures and so on,
17 and I just wonder whether the models really deliver
18 results like that. So frankly --

19 Q. I will stop you for a moment. I just want to make
20 sure from that answer that I have not -- I don't want to
21 have misled you. The increase in taxi trips are per
22 train, if you look at the footnote, average per train?

23 A. Yes.

24 Q. So you do need to multiply that number of vehicles by
25 the number of trains?

1 A. I beg your pardon, sir. I think I had appreciated that
2 being so, so one is talking of 12 trains in the peak
3 hour, and 12 sixes are 72, so that is 72 cars. I had
4 picked that up, thank you very much, sir. What I was
5 saying and I suppose in crude terms I don't believe it,
6 not for higher levels, at least not without having seen
7 the evidence and the working through of the models in
8 detail.

9 I think if one were actually talking in terms of
10 these very high levels of crowding -- of course, in
11 reality other things would give. People's quality of
12 travel, choice to even come to the airport, people's
13 quality of travel into London and the implications for
14 the effectiveness of a little part of the workforce
15 going into central London and a number of other issues.

16 So I wonder about the results and I have grave
17 doubts as to whether this transfer level generated by
18 the model would not, in fact, be much, much higher, but
19 without seeing the working through I can't comment one
20 way or the other.

21 Q. Again, Mr Harman, I just want to see if we can agree
22 this. We need to note, of course, that when as a result
23 of overcrowding there is modal shift away from rail, of
24 course, that modal shift very largely goes to other
25 public transport, doesn't it? Coach?

1 A. Stansted Express --

2 Q. Just look at table 4.4, if you have it in front of you.

3 A. Yes.

4 Q. You can see that other public transport, standard rail,
5 scheduled bus, coach, charter coach and demand
6 responsive minibus goes up from 24.3 to 28.8, which is
7 about --

8 A. 4.5 percentage points, sir.

9 Q. 4.5 percentage points, but what is that in percentage
10 terms? Is that 15, 20%?

11 A. I will calculate it, if I may, sir.

12 Q. Thank you.

13 A. 19%, sir. You are dead on. Even so one is talking
14 of --

15 Q. My old mental arithmetic is not as bad as I think
16 sometimes.

17 A. I wouldn't dare comment on that particular one, sir. In
18 this particular instance --

19 Q. Mr McDonald has already told me off for numbers.

20 A. I am not a mathematician by background, sir. In this
21 particular instance I have to agree you got it right.
22 However, I would point out that this is 4.5 percentage
23 points increase in other public transport, but you will
24 also get 3.5 percentage points increase in car and taxi.
25 So it would go both ways.

1 Q. That's about 7%, isn't it?

2 A. 8 percentage points move.

3 Q. For car and taxi?

4 A. Oh, sorry. Oh, I see what you mean. 6% to be precise,
5 if we wish.

6 Q. It was in my head. All right. Let us move on --

7 MR PHILLIMORE: Mr Humphries, we are past 5 o'clock. I am
8 wondering how long --

9 MR HUMPHRIES: I have one short area. I am very conscious
10 of the time. I do apologise as well. I have failed
11 again. Mr Harman, are you happy to --

12 MR BOYLAND: At least it is not Friday, Mr Humphries.

13 MR HUMPHRIES: Indeed, sir. Mr Harman, are you happy to go
14 on for a few minutes?

15 A. I am in the Inquiry's hands, sir. I am only too happy
16 to assist.

17 MR HUMPHRIES: Finally, your section 7 is again demand for
18 travel by coach and bus, implications for service
19 provision. Here one of the main themes that you take up
20 and you mentioned earlier as well, and we can see it in
21 paragraph 7.1.3, is the viability of coach operations
22 and whether they can operate commercially. In relation
23 to that have you actually spoken to the Stansted coach
24 operators about commercial viability issues on these
25 services?

1 A. I have not. I have spoken -- I have actually sort of
2 discussed this with one or two contacts in the
3 profession about the sort of levels, and the broad
4 feedback I get is what I have specifically worked on.
5 At the same time, any experience is certainly in
6 discussing things with operators where I have been
7 responsible in the past for specifically bus network
8 development matters for other agencies. The interesting
9 thing is that operators are not always precisely clear
10 themselves, because they are taking sensible, commercial
11 judgments and they may move over time.

12 Q. Yes. What we do know, despite what you said about
13 average numbers of passengers on coaches, that, in fact,
14 taking the example you have used of National Express, we
15 had a document earlier in the Inquiry that told us that
16 they have actually very recently provided an additional
17 2000 seats, extra seats, every day on -- it's
18 an upgrading of their existing coaches to larger coaches
19 with a higher seating capacity, which they are
20 undertaking at the moment.

21 That doesn't indicate to the inspectors, does it,
22 that these coaches are operating with very low load
23 factors and in commercially perilous position. It tells
24 you that coach operators are very confident, aren't
25 they?

1 A. I have to obviously raise the question. I specifically
2 addressed the bulk of the East Anglian network. I am
3 not sure whether that relates to London or East Anglia
4 or both. If it relates to London, then indeed I can
5 very well understand why, with extra other operators
6 starting to compete, and reasonably full loads and the
7 need to be able to cater for more, why they should so
8 do. I was looking particularly to a certain measure the
9 enhanced case does, to a certain measure at the rest of
10 East Anglia. It is the rest of East Anglia which is
11 getting the low average numbers and has the thin coach
12 services.

13 Q. If we look at recent trends in bus and coach -- I have
14 to hand Mr Forshe's evidence, BAA/3/A1.

15 A. Yes, I have that.

16 Q. Turn to page 23.

17 A. Yes.

18 Q. We can see there, in table 7.1, that bus and coach has
19 actually, as a percentage, and bearing in mind this is
20 a percentage of a growing airport, moved up from 6.9% in
21 2000 to 16.5% in 2006. One is seeing a very strong
22 growth in bus and coach as a mode of travel. There is
23 no evidence, is there, to suggest that that is going to
24 falter?

25 A. That is mostly London, as I understand it. A certain

1 amount of -- one or two services elsewhere have done
2 well, but they are operating on extremely thin, small
3 numbers, and indeed that figure runs in parallel with
4 a decline in rail, particularly I think this is Stansted
5 Express. So it is mostly, taking bus and coach,
6 capturing some car movement, but also some rail
7 movement, mostly coming up from or going to London.
8 It's the other network going to where the forecast
9 greater growth in origins is going to be that remains
10 thin and looks like potentially remaining. It is open
11 to question.

12 Q. BAA also, of course, pumps the public transport levy
13 into public transport projects every year. That's from
14 recollection well over £100,000 per annum from that
15 source, and has also committed to a £2 million public
16 transport obligation, which will again be administered
17 through the bus and coach working party of the
18 Stansted Airport Transport Forum. Again, that's a very
19 substantial commitment, is it not, to bus and coach as
20 a mode of travel?

21 A. I would be interested to see how it would spread across.

22 Q. Is it a very substantial contribution?

23 A. In relation, sir, to the scale of the airport, the scale
24 of growth in potential O and D round, particularly other
25 than London, I think it's actually quite a small --

1 a valuable contribution I am sure, but actually a small
2 one.

3 Q. A small contribution. That is, of course, the
4 contribution that the Highway Authorities asked for?

5 A. I am not in a position to question precisely what the
6 Highway Authorities asked for or indeed I don't think
7 there is any documentation as to precisely where it will
8 go and what its impact will do. I am sure the potential
9 options have been considered in the modelling, but it
10 still strikes me as, though desirable and worthwhile,
11 relatively small beer in terms of substantial modal
12 shift.

13 Q. Mr Harman, thank you very much. Thank you for bearing
14 with me timewise.

15 A. Thank you, sir.

16 MR PHILLIMORE: Thank you. We will keep going. How much do
17 you have in re-examination?

18 MR STINCHCOMBE: I have three points, sir. Five minutes
19 I would think.

20 MR PHILLIMORE: Thank you.

21 Re-examination by MR STINCHCOMBE:

22 MR STINCHCOMBE: First of all, just dealing with the coach
23 point that has just been put to you, I wonder if you
24 could have handed to you CD/440.

25 A. I don't think I have it to hand.

1 Q. You don't have it yet, no. CD/440?

2 A. Thank you very much.

3 Q. Would you wait for the inspectors to see if they can
4 find their copy?

5 MR BOYLAND: Remind us what that is, please.

6 MR STINCHCOMBE: It is a press release announcing various
7 improvements to coach services, the one that
8 Mr Humphries has just referred to.

9 MR BOYLAND: Yes, we have it. Thank you.

10 MR STINCHCOMBE: I think your concern in respect of this was
11 whether that referred to or touched upon London services
12 or services more broadly.

13 A. That was indeed the point, yes.

14 Q. Looking at the second paragraph of that press release,
15 what does it imply?

16 A. London, indeed, it makes a very interesting point that
17 talking of high frequency -- which I think we are aware
18 of anyway, that London is a high frequency and getting
19 higher frequency, that, in fact, that's actually where
20 the bulk of it is going. Possibly all of it.

21 Q. I am obliged. Since I have started at the end of your
22 cross-examination, I will work backwards. You recall
23 the questions you were asked about overcrowding?

24 A. Indeed.

25 Q. By reference to --

1 A. By rail, sorry?

2 Q. By rail, reference to table 4.4 of CD/14.2. Do you
3 remember those questions.

4 A. I do.

5 Q. Right. I wonder if I could in the light of those
6 questions invite you to take up CD/312, the rail
7 utilisation strategy document?

8 A. Yes. I have it.

9 Q. And ask you to turn to page 79 and then wait again to
10 make sure the document gets in front of the inspectors.
11 Page 79.

12 A. Yes, I have page 79.

13 Q. Table 5.3?

14 A. Yes. At the bottom.

15 Q. Title "Estimated crowding off of passengers, a.m peak up
16 direction and due minimum."

17 A. Yes.

18 Q. What does that table tell us?

19 A. That, in fact, the predicted crowding or overcrowding of
20 trains is actually going to be crowded off the network
21 in the assumption, the due minimum. Ie the assumption
22 is if the capacity wasn't there, those people would not
23 be travelling, which is a serious implication. That
24 fitting with table 4 .4 suggests level of overcrowding
25 models and its impact could be far worse. It also has

1 one other point, namely my slightly more general but
2 I think still very relevant point that serious problems
3 on the rail then may affect the potential travel to
4 particularly London for work.

5 Q. I am obliged. Going back towards the very beginning of
6 your cross-examination, the last matter which I need to
7 or wish to touch on with you, you recall the questions
8 about the evidence, your bases for the various modelling
9 in terms of transfer passengers and origins and
10 destinations?

11 A. I do, sir.

12 Q. Right. Now so far as the BAA modelling inputs are
13 concerned, their exercise, in terms of origins and
14 destinations and in terms of transfer passengers, do
15 their inputs for 35 MPPA reflect past trends or are they
16 a departure from past trends?

17 A. They are a departure from past trends.

18 Q. The sensitivity tests which SSE asked of them in respect
19 of origins and destinations and transfers, was that to
20 reflect past trends or to be a departure from past
21 trends?

22 A. One might almost say it was a departure in terms that it
23 was taking a current situation in terms, say, of
24 transfer passengers, the trend is actually downwards.

25 Q. I am obliged. Have you seen any evidential basis from

1 BAA to explain their departures from past trends in
2 respect of either origins and destinations or transfer
3 passengers?

4 A. No, I haven't seen such evidence, sir --

5 MR HUMPHRIES: Sir, we have called witnesses on this.

6 I mean, if Mr Harman has not seen it, that's a matter
7 for Mr Harman, but we have a lot of evidence on this.
8 It has never been questioned before.

9 MR STINCHCOMBE: Thank you very much indeed, Mr Harman.

10 A. Thank you.

11 Questions from THE INSPECTORS:

12 MR PHILLIMORE: Can I just take up one point? The reference
13 is paragraph 4 .6 of your summary.

14 A. Yes.

15 Q. Towards the end there you are talking about the demand
16 arising from regional planning proposals and you say at
17 the end:

18 "Providing adequate capacity to meet all future
19 demands on the system, including provision of much
20 higher quality services requires major investment."

21 I wonder if you could just be a little more precise,
22 please, in terms of what you feel is necessary in
23 relation to making the current G1 proposal acceptable?

24 A. If the service, as I said, is already constrained, and
25 indeed I think evidence was also brought strongly by

1 Mr Rhodes on this one, but some evidence is certainly
2 laid out in my evidence, if G1 will add to that as part
3 of the additional pressure on a line already under
4 pressure, the exact amount depending on which forecast
5 one takes, particularly at morning and evening peak,
6 adequate capacity, to my mind, features in terms of the
7 approach indicated in the Greater Anglia RUS.

8 I would particularly go to proposal 12, which is
9 actually significant widening of the track as well as
10 I think 12 coach trains, the two related together. Of
11 course, there are other implications, storage of trains,
12 etc. That to my mind is a very necessary situation.

13 Q. Right. Thank you very much.

14 A. Thank you, sir.

15 (Witness withdrew)

16 DISCUSSION OF ADMINISTRATIVE MATTERS

17 MR PHILLIMORE: That now completes the evidence to the
18 Inquiry.

19 MR BOYLAND: As Mr Phillimore says, that completes the main
20 evidence. Of course, in discussing additional, then
21 there may be elements involved there. Tomorrow and, if
22 necessary, Friday, we will be considering conditions and
23 obligations. For the benefit of the public as much as
24 anything else, because I am sure the others around the
25 table know this already, we discuss conditions at

1 inquiries on the basis it does not mean we are minded to
2 recommend the granting of planning permission. Of
3 course, we don't know what decision the Secretaries of
4 State will make. This is something we do in every
5 Inquiry. In fact, we are required when reporting to the
6 Secretaries of State to indicate what conditions should
7 be attached to a planning permission, even if we are
8 recommending that permission should be refused and the
9 appeal should be dismissed.

10 That is so clearly to cover the eventuality that the
11 Secretary of State disagrees with our recommendations in
12 the case. So people must not take the fact that we are
13 discussing conditions as any indication of the way in
14 which our recommendations may go.

15 As far as the procedure is concerned tomorrow, we
16 will operate this amongst the main parties on a fairly
17 informal round table session, although the number of
18 people involved I think will indicate a certain degree
19 of formality, simply so that things don't get out of
20 hand. Just one point did occur to me. Does anyone know
21 if there is going to be a transcript taken tomorrow.

22 MR HUMPHRIES: You are looking at me. I don't know.

23 MR BOYLAND: It is not up to me. I don't know who is
24 funding it.

25 MR HUMPHRIES: I am told we have not arranged it for

1 tomorrow. If you would like it --

2 MR BOYLAND: I have not views either way on that. I just
3 raised it, because clearly if there is to be
4 a transcript, then that I think is going to have some
5 bearing on how we actually conduct the proceedings, but
6 if there is not, then that doesn't apply.

7 MR HUMPHRIES: I don't think so.

8 MR BOYLAND: As I say, it will be fairly informal. I am
9 perfectly content for either advocates or for other
10 witnesses to speak for the parties. Clearly we need to
11 keep the number of people speaking to a minimum.
12 I would suggest at the most two people per party at the
13 table speaking and we will just have to take it as it
14 goes. I have referred there to the main parties.
15 I know there are some other parties that have expressed
16 an interest in coming to the session and possibly
17 participating. I will allow other parties who have
18 already appeared at the Inquiry to participate tomorrow,
19 but not new parties.

20 The only other point I would raise in this respect
21 is that tomorrow will I hope not be an occasion to draw
22 out of a hat a condition that has not been flagged up
23 already. I do hope that every condition that is going
24 to be suggested has already been put forward in written
25 form. The main parties I think for the most part have

1 done that.

2 Some of the other parties have indicated at least
3 areas on which they would like to see conditions without
4 going into specific wording, but hopefully we can take
5 those on board as we go.

6 Anything else on procedure for tomorrow?

7 MR HILL: Sir, can I just say you may have seen I have not
8 been in the Inquiry room much today. I have spent
9 a good deal of time working with my team and the BAA
10 team to produce jointly a version of the conditions.
11 One of the obligations that is annotated is to give you
12 an indication of where the remaining areas of dispute
13 lie. I hope that is being copied and should be
14 available for you to take away this evening. That is
15 hot off the press.

16 MR BOYLAND: Thank you. I am sure that will be helpful. Of
17 course, we are getting quite a number of annotated
18 versions now. I spent most of yesterday doing my own
19 annotated version. I suspect that has been overtaken by
20 events.

21 MR HILL: I suspect that's very much the nature of the
22 beast, sir.

23 MR BOYLAND: It is par for the course. Don't worry.

24 MR HILL: The only document I don't think you will have
25 available in that form this afternoon is the unilateral

1 proposal in respect of the contributions to
2 Hertfordshire County Council. That's being worked on
3 overnight and hopefully will be available first thing in
4 the morning. The annotated version is being worked on
5 overnight.

6 MR BOYLAND: I propose to start with conditions first
7 anyway. We will come to that. Mr Stinchcombe, did you
8 wish to raise something.

9 MR STINCHCOMBE: I suspect Mr Hill has dealt with my
10 concern. We have handed in, under cover of our letter
11 of 10 September, our earliest suggested draft
12 conditions. We have handed in our revised draft today,
13 in the light of the discussions we have now had on
14 surface access.

15 MR BOYLAND: Which we have seen, but not yet studied.

16 MR STINCHCOMBE: However, we have not seen anything from BAA
17 since June. We were seeking some updated version. It
18 looks very much like we will be able to have
19 an annotated updated version overnight.

20 MR BOYLAND: There are so many versions. The version, as
21 I understand it, SSE had worked from is the latest
22 revised joint proposal by BAA and the Councils.

23 MR STINCHCOMBE: Yes, sir. We were working from
24 documents --

25 MR BOYLAND: The latest prior to today --

1 MR STINCHCOMBE: Yes, sir. We have been working from
2 documents sent to us on 18th and 21st June. We have not
3 seen documents since then, as I understand it. So
4 clearly we do need to be appraised of the differences
5 that have been made since then.

6 MR BOYLAND: I am working from memory. My documents are
7 upstairs. Certainly CD/35 is the report that went to
8 Uttlesford's Committee on I think it was 10th September,
9 which does contain, as I understand it, the most recent
10 combined suggestion prior to the one that Mr Hill has
11 just referred to.

12 MR STINCHCOMBE: Yes, sir. Those are the ones of 18th and
13 21st June. So we await the ones that Mr Hill has just
14 referred to.

15 MR BOYLAND: They are later than that. They have tracked
16 changes on them, don't they? CD/35 has a document with
17 tracked changed incorporated in it.

18 MR STINCHCOMBE: Sir, we have taken them to be documents
19 that identify the differences rather than track change
20 documents, but in any event I simply flag up it would be
21 of enormous assistance to us if we can have that track
22 change document, and understand where the other main
23 parties now stand, because we have been working from
24 documents of a greater history or historic origin than
25 perhaps others have.

1 MR BOYLAND: I understand from Mr Hill that the latest
2 version will be available before we leave. Anything
3 else?

4 MR STINCHCOMBE: Sir, one further housekeeping matter from
5 us. You asked this morning whether any other party
6 would wish to attend the site view in respect of the
7 Flight Evaluation Unit. I understand from SSE that
8 Mr Martin Peachey, who gave evidence on noise, would
9 like to attend that. He is on the Working Committee of
10 the Noise and Track Keeping Working Group and therefore
11 has some locus. Therefore if he could be accommodated,
12 that would be of some reassurance to us.

13 MR BOYLAND: I am looking to BAA. I think Mr Watson was
14 making the arrangements. Can you enlighten us as to
15 whether it would be possible to accommodate Mr Peachey
16 next Tuesday on the visit to the FEU? If you would like
17 to contact Mr Watson, I think he will make the
18 arrangements.

19 MR STINCHCOMBE: I am very grateful. Thank you, sir.

20 MR HUMPHRIES: Sir, there are two things you mentioned
21 earlier. One related to some representations you had
22 had from the ACC on site visits. I think our position
23 on that -- and you did invite us to say -- is simply
24 that --

25 MR BOYLAND: Can I stop you, Mr Humphries? Can I suggest

1 that we deal with this tomorrow, when hopefully the ACC
2 will be represented? I am not quite sure they will. At
3 one stage they were intending to be represented tomorrow
4 anyway. Bearing in mind the time, can we deal with it
5 in the morning?

6 MR HUMPHRIES: Of course.

7 MR BOYLAND: Was there another point?

8 MR HUMPHRIES: Yes. I was also asked by Mr Hill if I knew
9 the reason that the DFT letter was sent. The answer is
10 no, but at a meeting that we had, a programming meeting,
11 here round your table on 11th August you may remember
12 Mr Ross expressed disappointment that DFT Rail was not
13 to give evidence, and I think you said you noted that.
14 We have been able to work out that people here conveyed
15 that, Mr Ross' comment, to people elsewhere in BAA in
16 the wider sort of Stansted team. We think that at a G2
17 meeting with the Department that was mentioned. Now
18 I don't know if that's what has led to it obviously, but
19 at the moment that's the best I can do.

20 MR BOYLAND: Thank you. I am not sure anything greatly
21 turns on how it came about.

22 MR HUMPHRIES: I was simply asked and I have ...

23 MR BOYLAND: I think I should say in his defence that
24 Mr Osborne emphatically denies having instigated it,
25 although it was addressed to him. All right. Thank

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